



ANNO DECIMO

# GEORGII IV. REGIS.

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## *Cap. xlix.*

An Act for making and maintaining a Pier at or near *Southend* in the Parish of *Prittlewell* in the County of *Essex*, and for making convenient Approaches to and from the same.

[14th *May* 1829.]

**W**HEREAS it would greatly conduce to the Convenience, Comfort, and Advantage of the Inhabitants of *Southend* in the Hamlet of *Milton* otherwise *Middleton* in the Parish of *Prittlewell* in the County of *Essex*, and of all other Persons resorting thereto or communicating therewith, if a Pier or Piers, Jetty or Jetties, Causeway or Causeways, were made and maintained, which should extend into the Sea on the South Side of *Southend* aforesaid; and if convenient Quays, Buildings, Baths, and Bathing Places were erected and made upon or in the Vicinity of such Pier or Piers, Jetty or Jetties, and Causeway or Causeways; and if convenient Roads, Avenues, and Approaches were made to the said Pier or Piers, Jetty or Jetties, and Causeway or Causeways, from the Roads and Highways fronting the Sea; and if certain Parts of the Road or Way leading to *Upper Southend*, out of the High Road from *Hadleigh* to *Southchurch*, and continuing along the Side of the Sea Beach, in front of *Lower Southend*, to or near a House there called the *Castle Tavern*, were amended, widened, and improved, and the whole of the said Road or Way were properly maintained and kept in repair; and if a Road were made and maintained and kept in

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repair,



Company  
incorporated.

Name of  
Company.

repair, which should extend from the said *Castle Tavern*, along the Side of the Sea Beach as far as and into the Road now existing which leads from *Shoebury Common* to a Place called *South Shoebury* in the County aforesaid; and if a Road were made, maintained, and kept in repair, which should branch out of the said Road between *Hadleigh* and *Upper Southend*, at a Street called *York Street*, and should continue down that Street, and proceed from the End thereof as far as and into the Lane leading from *Lower Southend* to *Southchurch*; and if the said Lane were amended, widened, improved, and kept in repair, from the Spot where the same would be joined by the said last-mentioned intended Road, to the Spot where the same is met by the said Road, in front of *Lower Southend*, near the *Castle Tavern*; and if Two Roads were made, maintained, and kept in repair, which should branch out of the said intended Road extending from the End of *York Street*, the one passing on the East Side and the other on the West Side of a Place called *Pleasant Row*, into the said Road in front of *Lower Southend*; and if a Carriage Road or Footpath were made, maintained, and kept in repair, which should lead out of the said Road between *Hadleigh* and *Southchurch* into the main Street of *Prittlewell* aforesaid: And whereas the several Persons herein-after mentioned are willing and desirous to undertake at their own Expence to effect the Purposes aforesaid; but the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *Thomas Maryon Wilson* Baronet, Sir *Claudius Stephen Hunter* Baronet, *Elizabeth Babington*, *Anthony Bessant Barns*, *James Bayley*, *William Butlin*, *Thomas Bell*, *William Cotton*, *William Taylor Copeland*, *William Davis*, *William Drake*, *John Finlay*, *Robert Greenwood*, *Thomas Frost Gepp*, — *Gepp*, *James Gibson*, *James Heygate*, *James Heygate the younger*, *Elizabeth Anne Heygate*, *Mathias Prime Lucas*, *Edward Longden Macmurdo*, *John Paynter*, *James Philpott*, Major General *William Goodday Strutt*, *Robert Sutton*, *Robert Sutton the younger*, *James Sutton*, and *Andrew White* Clerk, and their respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Share or Shares in the Undertaking hereby authorized to be made and carried on, and also all such other Person or Persons as shall from Time to Time be possessed of any Share or Shares therein by the Means herein-after provided, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for the carrying on, making, completing, and maintaining the said intended Pier or Piers, Jetty or Jetties, Causeway and Causeways, Roads, Footpaths, Baths, Bathing Places, and other Conveniences hereby authorized to be made, according to the Powers and Authorities, Rules, Orders, and Directions, herein-after set forth and expressed for that Purpose, and shall be One Body Politic and Corporate by the Name of "The *Southend Pier Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have full Power and Authority to purchase and hold Lands, Tenements, and

Here.



Hereditaments to them, their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Forfeitures and Penalties of the Statutes of Mortmain.

II. And whereas the probable Expences of carrying the Purposes of this Act into execution will, according to an Estimate thereof made, amount to the Sum of Twelve thousand Pounds or thereabouts, and the Sum of Nine thousand six hundred Pounds (being Four Fifths of such Expences) has already been subscribed for defraying such Expences by several Persons, under a Contract binding them, their Heirs, Executors, and Administrators, for the Payment of the several Sums so subscribed by them respectively; be it therefore further enacted, That the whole of the Sum of Twelve thousand Pounds shall be subscribed in like Manner before any of the Powers and Provisions given by this Act shall be put in force.

The whole of the Estimate to be subscribed before proceeding with the Act.

III. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, such Sum or Sums of Money as they shall think necessary for the making, carrying on, and completing the said Undertaking hereby authorized to be made, not exceeding in the whole the Sum of Twelve thousand Pounds (except as herein-after is mentioned), and the same shall be divided into such Number of Parts or Shares as herein-after directed; and the Money so to be raised as aforesaid, or a sufficient Part thereof, shall be laid out or applied, in the first place, in Payment, Satisfaction, and Discharge of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and for the making of the proper Surveys, Plans, and Estimates, and the doing and providing of all other the Matters and Things preparatory and previous thereto; and all the Residue of such Money, or so much thereof as shall be necessary, shall be applied and disposed of for or towards the carrying the Intents and Purposes of this Act into full and complete Execution.

Company empowered to raise Twelve thousand Pounds among themselves.

Application thereof.

IV. And be it further enacted, That the said Sum of Twelve thousand Pounds shall be divided into Two hundred and forty equal Shares of Fifty Pounds each; and no Person shall take or subscribe for less than One Share in the said Undertaking; and such Share shall be numbered in regular numerical Progression, and every Share shall for ever afterwards be distinguished by the Number to be appointed for the same; and the said Two hundred and forty Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, subscribing for and undertaking to raise and contribute the same, and their respective Executors, Administrators, Successors, and Assigns, to and for their own respective Use and Benefit, according and proportionably to the Number of Shares which they shall respectively subscribe for and undertake to raise and contribute; and all Persons, Bodies Politic and Corporate, and their respective Executors, Administrators, Successors, and Assigns, who shall subscribe for any Share or Shares in the said Undertaking, and pay such Sum or Sums of Money as shall be demanded on account thereof, not exceeding in the whole their proportionable Part of the said Sum of Twelve thousand Pounds, towards the carrying on and completing the

The Money raised to be divided into Two hundred and forty Shares, which shall be Numbered in progression.

the said Undertaking hereby authorized to be made, shall be entitled to and receive, after the said Undertaking shall be completed, a due and just Proportion, according to their respective Number of Shares, of the clear Profits and Advantages which shall or may arise or accrue by or from the Rates, Tolls, Duties, and other Monies to be raised, recovered, or received by virtue of this Act, according to the true Intent and Meaning of this Act, and shall also from Time to Time bear and pay a like due and just Proportion of the Money wanted for carrying on this Undertaking in the Manner herein-after directed.

Names of Proprietors and the Numbers of their Shares to be entered in a Book.

V. And for the better securing to the several Subscribers towards the said Undertaking their respective Shares therein, be it further enacted, That the said Company or their Committee shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Undertaking, and the Number of Shares to which they shall be respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be entered in a Register Book to be kept by the Clerk of the said Company, and after such Entry made to cause the Common Seal of the said Company to be affixed thereto; which said Book shall from Time to Time be altered and corrected, and new Books shall from Time to Time be sealed with the said Common Seal, as the Change of Proprietors and Transfer of Shares shall render necessary or expedient.

For raising Money by Debentures.

VI. Provided always, and be it further enacted, That in case the said Company of Proprietors shall be desirous of raising, by Debentures upon the Credit of the said Undertaking, a further Sum, not exceeding the Sum of Six thousand Pounds, and shall make an Order or Orders, or enter into a Resolution or Resolutions to that Effect, at any General or Special Meeting or Meetings of the said Company to be called for that Purpose, then and in such Case it shall be lawful for the said Company, pursuant to such Order or Resolution, to borrow or take up at Interest any Sum or Sums of Money, not exceeding in the whole such Sum of Six thousand Pounds, or any Part or Parts thereof, upon the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company are hereby accordingly fully authorized and empowered to assign over to any Person or Persons lending any such Money the several Tolls, Rates, and Duties to be raised under or by virtue of this Act, or any Part thereof, (the Costs and Charges of which Assignment shall be paid out of the said Tolls, Rates, and Duties,) as a Security for the Sum or Sums of Money so to be borrowed, together with Interest for the same, unto the Person or Persons who shall lend and advance any such Sum or Sums of Money for the Use of the said Company, or unto his, her, or their Trustee or Trustees; all which Assignments and Mortgages shall be made by Deed in Writing, under the Common Seal of the said Company, in the Form or to the Effect following; (that is to say,)

Form of Debenture.

‘ BY virtue of an Act passed in the Tenth Year of His Majesty  
 ‘ King George the Fourth, intituled *An Act, &c.* [*insert the Title*  
 ‘ *of this Act*], We, the *Southend Pier Company* incorporated by virtue  
 ‘ of



of the said Act, in consideration of the Sum of  
of lawful Money of *Great Britain* to us paid by  
do hereby assign unto the said his [or her]  
Executors, Administrators, and Assigns, the said Undertaking, and  
all and singular the Tolls, Rates, and Duties granted or arising  
and payable to us by virtue of the said Act, and all the Estate,  
Right, Title, and Interest of us the said Company of, in, to, or out  
of the same respectively, to hold unto the said  
his [or her] Executors, Administrators, and Assigns, until the said  
Sum of together with Interest for the same after  
the Rate of *per Centum per Annum*, shall be fully paid and  
satisfied to him [or her]. Given under our Common Seal this  
Day of

or in any other Form, or to any other Effect, which may be better adapted to the Circumstances under which any such Loan of Money shall be borrowed; and all Persons to whom such Assignments or Debentures shall be made shall be equally entitled (one with the other) to the said Tolls, Rates, Duties, and Premises thereby assigned, according and in proportion to the Sums by them respectively lent and advanced on the Credit thereof as aforesaid, without any Preference by reason of the Priority of Date of any such Assignment or Mortgage, or upon any other Account whatsoever, and with or without a Power to the Holder of such Debentures to have an Option of being admitted to hold a Share of Fifty Pounds in lieu of the Principal Money to be thereby secured, or so much or such Part or Parts thereof as the said Company or their Committee, and the Person or Persons advancing such Money on the Security of the said Debentures, shall jointly agree upon, so nevertheless that no Person be admitted in any Case to hold a Share of Fifty Pounds in lieu of a less Principal Sum of Money than Fifty Pounds secured by such Debentures; and the Money so to be borrowed as aforesaid shall be applied and disposed of for or towards the carrying the Intents and Purposes of this Act into execution.

VII. And be it further enacted, That all and every Person or Persons to whom such Assignment or Debenture shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer, and set over his, her, or their Right, Title, or Interest therein unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed in Writing in the Form or to the Effect following; (that is to say,)

Debentures may be transferred.

I in consideration of the Sum of  
to me paid by of do  
hereby transfer the within Debenture [or a certain Debenture  
made to me by the *Southend Pier Company*, bearing Date the  
Day of ] and the Principal Sum of  
thereby secured, and the Interest now due and  
hereafter to grow due for the same, and all my Right and Property  
therein, unto the said his [or her] Executors,  
Administrators, and Assigns. Dated this Day  
of

Form of Transfer.

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or



Memorials of Transfers to be made before the Assignees shall be entitled.

or in any other Form which may be approved of by the Person or Persons for the Time being transferring any such Assignment or Debenture as aforesaid; but that all and every such Transfer so made or intended to be made shall, within Twenty-eight Days from the making thereof, be produced and notified to the Clerk of the said Company for the Time being, or any other Person whom the Committee may appoint, who shall enter the same or cause the same to be entered in a Book or Books to be kept for that Purpose; and after such Entry made, but not till then, every such Transfer shall entitle all and every such Assignee or Assignees, his, her, or their Executors, Administrators, Successors, and Assigns, to the Benefit of the Debenture or Assignment so transferred and Payment thereon, and such Assignees respectively may transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Persons who shall have made any such Transfer to make void, release, or discharge the same, or any Monies thereby due or to become due, or any Part thereof.

Company empowered to dispose of Debentures.

VIII. And be it further enacted, That it shall be lawful for the said Company or their Committee from Time to Time and at all Times hereafter, and they are hereby authorized and empowered, from Time to Time to grant unto the Treasurer or Clerk of the said Company for the Time being, or any other Person appointed by the said Committee, any Debentures or Assignments as aforesaid, under the Common Seal of the said Company, (but not exceeding the Amount authorized to be raised by a General Meeting or Special General Meeting of the said Company as aforesaid,) each being for a Sum of Fifty Pounds or upwards, and bearing Interest not exceeding the Rate of Five Pounds *per Centum per Annum*; and it shall be lawful for the said Treasurer or Clerk for the Time being, or other Person so appointed by and under the Order of the said Committee of the said Company for the Time being, from Time to Time to make sale and dispose at public Auction, or in such other Manner as any General Meeting or Special General Meeting of the said Company shall direct, of all and every or any Debentures or Assignments so granted to him, unto any Persons or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, for the best Price or Prices in Money that in the Judgment of the said Committee can be reasonably had or obtained for the same; and all Monies which shall be from Time to Time received by any such Treasurer or Clerk for the Time being, or other Persons so appointed as aforesaid from such Sale or Sales as aforesaid, after deducting thereout all Costs, Charges, and Expences attendant thereon, or by the Issue of Debentures as aforesaid, shall be applied by the said Company, or the Committee thereof for the Time being, to and for the Purposes of this Act, and pursuant to the Provisions in that Behalf herein contained.

Interest on Monies borrowed to be paid half-yearly.

IX. And be it further enacted, That the Interest of the Money which shall be borrowed or obtained on such Debentures or Assignments as aforesaid, from the Time that the Money therein respectively mentioned shall be advanced on the said Debentures, shall be sold and disposed of as aforesaid, shall be paid half-yearly by the said Company, or their Committee, or the Treasurer or Treasurers of the said

Company,



Company, or one of them, or by some Person or Persons appointed for that Purpose. from Time to Time by the said Committee, and without Abatement or Delay.

X. Provided nevertheless, and be it further enacted, That the said Company or Committee may at all Times pay off and discharge all such Debentures and Assignments, or any of them, or any Part or Parts thereof, when and as they shall think proper, upon giving Three Calendar Months Notice under the Hand of the Clerk of the Company for the Time being, or of such other Person as the Committee from Time to Time may appoint, to the Person then respectively entitled to the same, such Notice to be left at his, her, or their last known Dwelling House or Place of Abode, or upon giving Three Calendar Months public Notice in the *London Gazette* and One or more public Newspaper or Newspapers published or usually circulated in the County of *Essex*; and at the Expiration of Three Calendar Months after such Notice given, and if the Principal Monies thereby secured, and all Interest then due thereon, shall not be claimed at the Office of the said Company for the Time being, pursuant to such Notice, then and in every such Case all Interest shall cease to be payable on the said Principal Monies to be secured by such Debentures or Assignments under this Act.

Monies borrowed on Debentures may be repaid on giving Notice.

XI. Provided always, and be it further enacted, That in case the said Company or their Committee shall call in or pay off any Debentures or Assignments issued as herein-before mentioned, it shall be lawful for the said Company or their Committee (by and with the Consent of a General Meeting or Special General Meeting of the said Company) to raise or take up at Interest, on similar Debentures or Assignments, or by the Sale or Grant of similar Debentures, other Sum or Sums of Money for the Purposes of this Act, so that the whole Amount of Money to be due and owing by the said Company on Debentures or Assignments shall not at any One Time exceed the Sum of Six thousand Pounds, as herein limited.

If Debentures be paid off, other Debentures may be issued.

XII. Provided always, and be it further enacted, That the further Sum of Money to be raised by virtue of this Act, and all the Profits and Advantages thereof, and all Monies advanced and paid, and all Shares created, and also all Debentures and Assignments issued, given, and granted under and by virtue of this Act, shall be and be deemed Personal Estate and Effects, and not of the Nature of Real Property, and be accordingly transmissible.

Debentures to be Personal Estate.

XIII. And be it further enacted, That the Interest which shall from Time to Time become due on and by virtue of any Debentures or Assignments to be issued and sold from Time to Time by the said Company or their Committee by virtue of this Act, shall be from Time to Time duly paid to the Persons respectively entitled thereto, or Monies or Funds for the Payment thereof shall be provided and set apart by the said Committee out of the Estates and Effects or Rents and Profits of the said Company, before Dividends of the Tolls, Duties, and Profits of the said Company shall from Time to Time be paid to the Proprietors in the said Undertaking.

Interest on Debentures to be paid or provided for in preference to Dividends.

XIV. And

Securities  
and Trans-  
fers to be  
entered.

XIV. And be it further enacted, That the Clerk for the Time being of the said Company, or such other Person as the Committee thereof for the Time being shall appoint, shall enter or cause to be entered, in a Book to be for that Purpose kept at the Office of the said Company, a Copy or Copies, or Extract or Extracts, of or from all Debentures or Assignments from Time to Time issued by virtue of this Act, and also of all Transfers thereof respectively notified to the Clerk of the said Company for the Time being, or other Persons duly appointed pursuant to the Directions herein-before contained, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and Descriptions of all such Persons who shall from Time to Time be entitled to such Debentures or Assignments, or to whom the same or any of them shall from Time to Time be transferred, and the Days on which the Interest of the said Debentures shall be respectively payable, pursuant to the Directions of this Act.

Proprietors  
entitled to  
vote in re-  
spect of  
Shares.

XV. And be it further enacted, That every Person, Body Politic, Corporate, or Collegiate, who shall for the Time being be entitled to and be in the actual Possession of any Share or Shares of and in the said Undertaking, shall have in respect of each such Share of which he, she, or they shall so be in Possession a Vote at all Meetings of the said Company to be held in pursuance of this Act; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at any Meeting of the said Company to be held in pursuance of this Act shall be determined by the Majority of Votes then present.

Proprietors  
may vote by  
Proxy.

XVI. Provided always, and be it further enacted, That it shall be lawful for every such Body Politic, Corporate, or Collegiate entitled to vote at Meetings of the said Company to be held in pursuance of this Act, by Writing under their Common or Corporate Seal, and also for all and every other Person and Persons entitled to vote as aforesaid, by Writing under his, her, or their Hand or Hands, to constitute and appoint any other Person or Persons, being a Proprietor or Proprietors of a Share or Shares in the said Undertaking, as his or her Proxy or Proxies to vote at any such Meetings of the said Company; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if the Principal or Principals had voted in Person.

Lunatics and  
Minors may  
vote by  
Committee  
or Guardian.

XVII. And be it further enacted, That in case any Proprietor entitled to vote at any General Meeting of the said Company shall be a Lunatic or Minor, such Lunatic shall or may vote at such Meeting or Meetings by his or her Committee, or by any One of such Committee, and such Minor shall or may vote by his or her Guardian, or any One of such Guardians; and such Committee or Guardian may, if a Proprietor, also vote in right of his or her own Share or Shares, as well in the Character of a Committee for any Lunatic or of a Guardian of any Minor, on the same Occasion.

Form of Ap-  
pointment of  
Proxy.

XVIII. And be it further enacted, That the Appointment of every Proxy to vote under and by virtue of this Act shall and may be made in the Form or to the Effect following; (that is to say,)



‘ I                                  Proprietor [*or* Guardian of  
‘ [*or* Proprietor] of                                  Shares in the *Southend Pier*  
‘ Company, do hereby nominate, constitute, and appoint  
‘ to be my Proxy [*or* Proxy of the said                                  ], in my  
‘ [*or* his, *or* her,] Name and in my [*or* his, *or* her,] Absence to vote  
‘ and give my [*or* his, *or* her,] Assent or Dissent to any Business,  
‘ Matter, or Thing relating to the said Undertaking, which shall be  
‘ mentioned or proposed at any Meeting of the said Company, or any  
‘ Adjournment thereof, until I [*or* the said                                  ] shall  
‘ revoke this Appointment by Notice in Writing to the Clerk or  
‘ Clerks of the said Company. In witness whereof I have hereunto  
‘ set my Hand this                                  Day of                                  .’

XIX. Provided always, and be it further enacted, That no Proprietor of any Shares in the said Undertaking, either in Person or Proxy, shall be entitled to vote at any Meeting of the said Company of Proprietors in respect of such Shares unless the same shall be standing in the Name of such Proprietor in the Register Book herein-before directed to be made and kept at and immediately before such Meeting, nor unless the Sums of Money from Time to Time to be called for by the Committee of Management for the Time being, to be appointed as herein-after directed, and due and payable at or before every such Meeting, in respect of all and every the Shares of such Proprietor and all Arrears thereof, shall have been duly paid to the Treasurer or Treasurers of the said Company.

Proprietors not entitled to vote in respect of Shares, unless they are standing in their Names, nor until Calls are paid.

XX. And be it further enacted, That the First General Meeting of the said Company for putting this Act in execution shall be held in the City of *London*, or within the Hamlet, Precinct, or Place of *Southend* aforesaid, upon the *Thursday* Fortnight next after the passing of this Act; of which Meeting not less than Seven Days Notice shall be given by public Advertisement in some One or more Newspaper or Newspapers published or usually circulated within the said County of *Essex*, which Notice Two or more of the said Proprietors are hereby authorized to give; and there shall be held in each and every Year, after the passing of this Act, One General Meeting of the Proprietors, to be convened upon the first *Thursday* in *May* in every Year, at such Place or Places as the said Company at the preceding General Meeting shall from Time to Time direct and appoint, of which future General Meeting not less than Fourteen Days Notice (both Days inclusive) shall be given by public Advertisement in such public Newspaper or Newspapers as herein-before mentioned, or in such other Manner as the said Company at their respective General Meetings shall direct; and at such First General Meeting the Proprietors then present shall proceed to elect, by the Majority of Votes, out of such Proprietors, Nine Persons, being possessed of One or more Share or Shares in the said Undertaking, to constitute a Committee of Management to manage and conduct the Affairs of the said Company as herein-after directed, and to fix and appoint such annual or other Payment or Remuneration for the Pains, Care, and Attendance of such Committee, whether prospectively or retrospectively, collectively or individually, and in such Manner and upon such Conditions as they shall think fit; and such Committee

First and other General Meetings of Company.

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shall



shall continue in Office until the General Meeting of the Company to be holden on the first *Thursday* in the Month of *May* One thousand eight hundred and thirty, and until others shall be chosen in their Stead, unless in the Events in this Behalf herein-after provided for.

Penalty on  
Officers tak-  
ing Fees, &c.

XXI. And be it further enacted, That if any Clerk, Treasurer, Surveyor, or Collector, or other Officer or Person employed by the said Company or their Committee for the Purposes of this Act shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, (other than such Salary or Allowance as shall be appointed and allowed by the said Company or their Committee for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Company or their Committee, or on any other Account whatsoever relative to his Employment or Duty,) or shall be concerned or interested in any Bargain or Contract made by the said Company or Committee for the Purposes of this Act (unless with the Consent and Approbation of the said Company or Committee), every such Person so offending shall be incapable afterwards of serving or being employed under the said Company or Committee, and shall forfeit and pay the Sum of Fifty Pounds for every such Offence to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months next after the Offence committed, with full Costs of Suit, in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

No Person  
concerned in  
any Contract  
to vote.

XXII. And be it further enacted, That no Person or Persons who shall hold any Contract, or be in any Manner concerned or interested directly or indirectly, in supplying any Materials or Articles for the Use of the said Company, shall have any Voice or be entitled to vote at any Meeting or Meetings of the said Company or their Committee; and in case any Person or Persons holding any Contract, or being in any Manner concerned or interested, directly or indirectly, in supplying any Materials or Articles for the Use of the said Company, shall vote at any such Meeting or Meetings, then and in every such Case every such Person or Persons shall forfeit and pay any Sum not exceeding Fifty Pounds, to be recovered by Action at Law in any of His Majesty's Courts of Record at *Westminster*, and such Person or Persons shall be incapable of holding any Office or Place of Profit under this Act.

Treasurer and  
Clerk to be  
be appointed.

XXIII. And be it further enacted, That the said Company shall at the First General Meeting, and afterwards, from Time to Time when necessary, at any future General Meeting, elect, choose, and, under their Common Seal, appoint a Treasurer, and also a Clerk or Clerks to the said Company, taking good and sufficient Security from him or them for the faithful Discharge of the Trust reposed in him or them respectively; and the said Clerk or Clerks shall, in a proper Book or Books to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking and of the several Persons who shall from Time to Time become Owners  
and

Duty of  
Clerk.



and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Orders, Proceedings, and Transactions of every Meeting, as well as of the General and Special Meetings of the said Company as of their Committee and Committees to be appointed as herein directed; the Entry of which Acts, Orders, Proceedings, and Transactions shall be signed by the Chairman of each respective Meeting; and the same, when so entered and signed, shall be deemed and taken to be original Acts, Orders, and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others; and each of the said Proprietors in the said Undertaking shall and may, at all convenient Times, have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof, paying for every One hundred Words so to be copied the Sum of Sixpence, and so in proportion for any greater or less Number of Words; and if any such Clerk of the said Company shall refuse to permit or shall not permit any Proprietor or Person so interested as aforesaid to inspect or peruse such Book or Books of Proceedings, or refuse, or neglect to make any such Copy or Copies at the Rate and Price aforesaid, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds; and whenever any such Treasurer or Clerk or Clerks shall die, or be removed, or quit the Service of the said Company, it shall be lawful for the Committee of Management of the said Company from Time to Time to appoint some other Person in the Place of the Treasurer or Clerk or Clerks so dying, being removed, or quitting, until the next General Meeting of the said Company, when the Clerk or Clerks or Treasurer so appointed, or some other Clerk or Clerks or Treasurer, shall be nominated and appointed for the Purpose aforesaid.

In case of Death, &c. of either, Committee to appoint another until the General Meeting.

XXIV. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or of the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Company; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer, or the Clerk or other Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit,

Treasurer and Clerk not to be the same Person.

or



or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Books of  
Account to  
be kept.

XXV. And be it further enacted, That the said Company shall enter or cause to be entered in a Book or Books to be provided for that Purpose a full and true Account of all Monies disbursed and Payments made, and of all and every Sum and Sums of Money which shall be received on behalf or in respect of the said Undertaking, by or from any Person or Persons whomsoever employed in the said Undertaking, or having any Concerns, Dealings, or Transactions with the said Company relating to the same, and shall cause to be regularly entered in a Book or Books, to be provided at the Expence of the said Company, Notes, Minutes, or Copies, (as the Case shall require,) of their Orders and Proceedings, which Book or Books shall be deposited with and kept by the Clerk of the said Company; and every such Book, and all other Books, Papers, and Writings belonging to the said Company, shall at all seasonable Times be open to the Inspection of any of the Proprietors in the said Undertaking, who may take Copies thereof or Extracts therefrom without Fee or Reward, having first obtained from the said Committee an Order in Writing for that Purpose.

Other Gene-  
ral Meetings  
may be ap-  
pointed.

XXVI. And be it further enacted, That the said First General Meeting, or any other General Meeting of Proprietors, may fix and appoint any other half-yearly or other General Meeting of Proprietors to be held periodically or otherwise, such General Meeting to be fixed and appointed and convened in such Manner as the said Company shall direct.

Special  
Meetings of  
Proprietors  
how to be  
called.

XXVII. And be it further enacted, That if it shall at any Time appear to the said Committee, or to Five or more Proprietors of Five Shares each at the least in the said Undertaking, to be necessary or expedient to call a Special Meeting of the Proprietors at large for the more effectually putting this Act into execution, or in order to take their Opinion respecting any Matters or Things to be done in or about the said Undertaking, or respecting any Matter or Thing in which the Interest of the said Undertaking, the Extent of its Trade, or the Interests of the Proprietors, is or are in any respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose to be made at any Meeting of the said Committee, or for any Five or more of the Proprietors possessed of Five Shares or more each in the said Undertaking, to call a Special Meeting of the Proprietors at large by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said County of *Essex* or otherwise as the Committee shall direct, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held, the Time not being less than Fourteen Days after such Notice shall be given, and such Place being where the next General Meeting of the said Company would be held, and not elsewhere; and the said Company are hereby authorized and required to meet according to such Notice, and to take into consideration the



Matters expressed in such Requisition and specified in such Notice ; and the Decision and Determination on and respecting such Matters only, of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a Right to give, either as Principals or Proxies, shall be binding and conclusive upon the rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

XXVIII. And be it further enacted, That at every such General or Special Meeting as aforesaid One of the Proprietors present shall be appointed Chairman, who shall not only have a Vote or Votes as a Proprietor or Proxy, but shall also, in case of an equal Division, have the decisive or casting Vote ; and at every such Meeting as aforesaid the Proprietors present shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Meeting be thought meet and convenient, and as shall be agreed upon.

Chairman to be appointed at Meetings.

XXIX. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Proprietors present, either as Principals or Proxies, who shall together be possessed of Fifty Shares at the least in the said Undertaking, no Nomination, Appointment, or Removal of any Member or Members of the said Committee shall be made or directed at that Time, but in such Case there shall be another Meeting of the said Company held at the same Place within the Space of Fourteen Days then next following, and so from Time to Time until there shall be Proprietors present at such Meeting having together such Number of Shares as aforesaid, and such Nomination, Appointment, or Removal shall then take place ; and Seven Days Notice of every such adjourned Meeting shall be given by Advertisement in some One or more public Newspaper or Newspapers published or usually circulated within the said County of *Essex*, or otherwise as the Committee shall direct ; and the Person or Persons appointed to be a Member or Members of the said Committee at any such adjourned Meeting shall have the same Powers which he or they would have had, and shall continue in Office until such Time as he or they would have done, had he or they been chosen by the Proprietors in the said Undertaking assembled at the said First Meeting herein-before appointed.

General Meetings for Appointment of Committee to consist of Fifty Shares.

XXX. And be it further enacted, That the said Nine Persons so nominated and appointed, or the Person or Persons appointed in their Room or Stead respectively, by virtue of this Act, shall continue in Office until the General Yearly Meeting of the said Company which shall be held in the Month of *May* in the Year One thousand eight hundred and thirty, or until others shall be appointed in their or any of their Stead as herein-after mentioned.

Duration of Committee herein nominated.

XXXI. And be it further enacted, That at the General Meeting of the said Company which shall be held in the Month of *May* in the Year One thousand eight hundred and thirty, and also at every succeeding General Meeting to be held in the Month of *May* in each Year, or at some Adjournment thereof respectively, a new Committee shall be elected and appointed out of the Proprietors of Shares in the

Committee to be elected annually.



said Undertaking, to be the Committee of Management for managing the Affairs of the said Company, who shall continue in their Offices for the Space of Twelve Calendar Months, to be computed from the Day of Election, or until others or another shall be duly elected in their or any of their Places; provided that nothing herein contained shall render any One of the Committee whose Office shall have expired ineligible to be elected a Member of the Committee for the ensuing Year.

For supply-  
ing Vacancies  
in the Com-  
mittee.

XXXII. And be it further enacted, That in case any Person nominated and appointed to be a Member of the said Committee of Management in manner aforesaid shall die, or refuse or neglect to act, or shall cease to be possessed of a Share in the said Undertaking, or be otherwise disqualified from acting, then and in any such Cases it shall be lawful for the said Committee to nominate and appoint some other Proprietor to be a Member or Members of the said Committee in the Room of the Member or Members so dying, refusing or neglecting to act, or ceasing to be qualified; and every Person so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Orders, Regulations, and Restrictions, as the Person in whose Room he shall be so nominated and appointed.

Committee  
and Officers  
to account.

XXXIII. And be it further enacted, That at every Annual General Meeting of the said Company an Account of all the Monies received, paid, laid out, and disbursed respecting the Works hereby authorized to be made by the Committee, or by the Clerk, Treasurer, Collector of Rates, and other Persons whomsoever employed about the said Undertaking, brought up to the Twenty-fifth Day of *March* before such Annual Meeting, shall be laid before the said Proprietors to be audited and settled.

Regulations  
for Meetings  
of Commit-  
tee.

XXXIV. And be it further enacted, That the said Committee of Management shall, at their first and every other Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present to preside at such Meeting, and that any Three or more Members of the said Committee of Management shall be a sufficient Number to constitute a Meeting for the Purpose of doing all Acts, Matters, and Things, and exercising all the Powers and Authorities hereby directed to be done by and vested in such Committee; and all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee at their said Meetings shall be decided and determined by the Majority of Members then present, but no Member shall have more than One Vote at such Meetings, (save and except that in case of an equal Division the Chairman shall, besides his own Vote, always have the casting Vote); and the said Committee shall meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Time and Place, as they shall think fit: Provided always, that if at any Meeting of the said Committee there shall not attend so many Members as are hereby required to constitute a Meeting for exercising the Powers hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall  
be



be adjourned by the Member or Members then present, or if no Member be present, by the Clerk to the said Company, or such other Person as the said Company shall appoint to attend in his Place, to such other Time and Place as he or they shall respectively think fit.

XXXV. And be it further enacted, That it shall be lawful for the said Committee, and they are hereby authorized, empowered, and required, from Time to Time to nominate and appoint a Superintendant or Superintendants of the Works of the said Company whenever they shall think expedient and necessary so to do, and such Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, or other Officers, except such as are directed to be appointed only by General Meetings of the said Company, as they the said Committee shall think proper and expedient; and also from Time to Time to remove, discharge, and dismiss any such Officers or Persons, and appoint others in their Stead, as there shall be Occasion; and all such Officers of the said Company who shall at any Time quit or be dismissed from the Service of the said Company, and their Executors and Administrators, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver up to the said Company or their Committee, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever which shall be in the Custody or Power of such Officers, Executors, or Administrators respectively in anywise relating to the said Undertaking; and the said Committee, or any Sub-Committee to be appointed in manner after mentioned, or any Three or more of them, shall also have full Power and Authority, annually or oftener, if they shall think fit, to call for, audit, and settle all Accounts of Monies received, paid, laid out, and disbursed for or on account of the said Company or the said Undertaking, by the Treasurer or Treasurers, Collectors, and other Officers so to be appointed as aforesaid, or by any other Person or Persons to be employed on behalf of the said Company in or about the said Undertaking; and every such Officer shall be paid by the said Company such Salary or Allowance as the said Committee shall appoint.

Officers to be appointed and dismissed by Committee.

XXXVI. And be it further enacted, That all and every Officer and Person so to be appointed as aforesaid shall, under their Hands, at such Time and Times and in such Manner as the said Company or their Committee shall appoint or direct, deliver to the said Company, or to the said Committee, or to such Person or Persons as they shall respectively name or appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers, and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid, laid out, and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay over all such Balances or Sums of Money as shall remain in their respective Hands to the said Company or to the said Committee, or to such Person or Persons as they shall respectively appoint; and if any such Officer or Person shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payments as aforesaid, or shall not deliver

Officers to account.



deliver to the said Company or to the said Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after their being thereunto required by the said Company or by the said Committee, all Books, Papers, and Writings in his or their Custody or Power relating to the said Undertaking, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Company, or to the said Committee, or as they respectively shall direct, order, or appoint, then and in any of the Cases aforesaid the said Company may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions at Law, or Suit or Suits in Equity, against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company or by the said Committee, or by any such Person or Persons as they shall respectively appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County, City, Liberty, or Place within which the said Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice or Justices may, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand or Hands, to cause such Officer or Officers, Person or Persons, so neglecting or refusing, to appear before him or them, and upon his or their appearing, or having been summoned and not appearing, without giving some reasonable Excuse for such Non-appearance, to the Satisfaction of such Justice or Justices, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath, or, being of the Society of Quakers, upon solemn Affirmation, which Oath or Affirmation such Justice or Justices is and are hereby empowered to administer, it shall appear to such Justice or Justices that any of the Monies which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, against whom such Warrant shall be granted, can be found sufficient to answer and satisfy the said Money and the Charges of making and levying such Distress and Sale, or if such Officer or Officers, Person or Persons, shall persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company or to the said Committee, or as they respectively shall appoint, then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County, City, or Place where such Offender shall be or reside, at the Discretion of such Justice or Justices, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and make Payment as aforesaid, or till he shall



shall compound with the said Company or with the said Committee, and shall have paid such Composition in such Manner as they the said Company or their Committee shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors or to the said Committee: Provided always, that no such Officer or Person who shall be committed to any such Common Gaol or House of Correction as aforesaid for Want of sufficient Distress shall be confined or detained therein by virtue of this Act for any longer Space of Time than Three Calendar Months.

XXXVII. And be it further enacted, That all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody of any such Officer and Person so to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said intended Undertaking, shall be and the same are hereby declared to be, and shall be construed, deemed, and taken to be, the Right and Property of the said Company.

Books, Accounts, &c. declared to be the Property of the Company.

XXXVIII. And be it further enacted, That if any Agent, Toll Collector, or other Servant of the said Company of Proprietors occupying any House, Offices, or Buildings belonging to the said Company, shall be discharged from his Office by or by Order of the said Company or their Committee, and shall not deliver up the Possession of such House, Offices, or Buildings, with the Appurtenances, together with all Books, Accounts, Writings, and Papers, and other Matters and Things in his Custody, Power, or Possession, within Twenty-one Days next after Notice of such Discharge shall be given to him, or left at such House, Offices, or Buildings; or if the Wife or Family of any such Agent, Toll Collector, or other Servant who shall happen to die while in the Service of the said Company shall refuse or neglect to deliver up the Possession of such House, Offices, and Buildings, with the Appurtenances as aforesaid, together with the said Books, Accounts, Writings, Papers, and other Matters and Things belonging to the said Company, in his, her, or their Custody, Power, or Possession, within Seven Days after another Person shall have been appointed in the Place and Stead of the Person so dying; then and in either of the said Cases it shall be lawful for any Justice of the Peace for the said County of *Essex*, and he is hereby required, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House, Offices, and Buildings in the Day-time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such House, Offices, and Buildings, and to take Possession of all the Books, Accounts, Writings, Papers, and other Matters and Things belonging to the said Company which shall be found therein, and to deliver the Possession of such House, Offices, and Buildings, together with the Books, Accounts, Writings, Papers, and other Matters and Things found therein and belonging to the said Company, to the new appointed Agent, Toll Collector, or other Servant, or other such Person or Persons as the said Company or their Committee shall appoint to receive the same.

Agents, Collectors, &c. to give Possession of Houses, &c. when removed.



Committee  
may contract  
for Purchase  
of Lands, &c.

XXXIX. And be it further enacted, That the said Committee shall have full Power and Authority to contract for and purchase or rent all such Lands, Tenements, or Hereditaments, and all such Matters or other Things as shall and may be wanted for the said Works hereby authorized to be made, and to sell and convey or demise such Part or Parts of any Lands, Tenements, or Hereditaments which may have been so purchased or rented, and which shall not be wanted, or which it shall not be thought by the Committee necessary to keep for the Purposes of this Act; and to treat, contract, and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in the Exercise of the Powers hereby given; and to enter into and make such Contracts or Agreements with any Agents or other Persons in and about or for carrying on the said Works hereby authorized to be made, or any of them, or any Part thereof, as shall be thought expedient; and to enter into and make all such Contracts, Bargains, and Agreements whatsoever touching or in anywise concerning the said Undertaking as they shall think proper; and to order and direct how the several Works shall from Time to Time be carried on; and also from Time to Time to use the Common Seal of the said Company in such Manner and for such Purposes as they shall think fit, by the Use whereof the said Company shall be bound; and generally to direct and manage all and singular the Affairs and Business of the said Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do; save and except such only as are hereby expressly directed to be done by the Proprietors at large, at any Meeting or Meetings of such Proprietors to be held as herein-before mentioned.

Committee  
may appoint  
Sub-Com-  
mittees.

XL. And be it further enacted, That it shall be lawful for the said Committee from Time to Time to nominate and appoint out of their own Body One or more Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Three or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company of Proprietors, and to hire and employ any Agents, Workmen, and Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Undertaking which the said Committee of Management are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to intrust to the Care and Management of any such Sub-Committee or Sub-Committees, (save and except nevertheless the making Calls for Money upon the Proprietors of the said Undertaking, which shall be done by the said Committee of Management only as herein directed); and it shall be lawful for the said Committee, by an Order or Resolution for that Purpose, at any Time to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove or displace any Member or Members thereof, and to appoint some other or others in his or their Place or Stead, when and so often as such Committee shall think proper and expedient; and every such Sub-Committee shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the  
Purposes



Purposes aforesaid ; and all the Powers and Authorities hereby vested or which shall by the said Committee be vested in any such Sub-Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number of Members present not being less than Three ; and at all the Meetings of such Sub-Committees respectively One of the Members present shall be appointed Chairman ; and all Questions shall be decided by the Majority of Votes, and the Chairman shall, besides his own Vote, have the casting Vote in case of an equal Division, but no other Member shall have more than One Vote : Provided always, that every such Sub-Committee shall from Time to Time make Reports of their Proceedings to the Committee of Management, and shall at all Times be subject to the Examination and Control, and pay due Obedience to the Orders and Directions of the said Committee in and about the Affairs and Business of the said Company.

XLI. And be it further enacted, That the said Committee shall also have full Power and Authority from Time to Time, at any Meeting of the said Committee to be held in pursuance of the Powers and Provisions of this Act, to make such Call or Calls for Money from the several Proprietors of the said Undertaking, in order to defray the Expences of carrying on the same, as they shall from Time to Time find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Twelve Pounds Ten Shillings for or in respect of every Share in the said Undertaking, and so that no such Calls shall be made except at a Distance of One Calendar Month at least from each other, and so that Fourteen Days at least shall be given of every such Call in some Newspaper or Newspapers published or usually circulated in the said County of *Essex*, or otherwise as the said Committee of Management shall from Time to Time order and direct ; all which Money so to be called for as aforesaid shall be paid into the Hands of the Treasurer of the said Company, to be issued, paid, laid out, and applied for carrying on the said Undertaking in such Manner as the said Committee shall from Time to Time order and direct.

Committee  
empowered  
to make  
Calls.

XLII. And be it further enacted, That the respective Persons who have subscribed or who shall or may hereafter subscribe any Money for and towards the said Undertaking, or shall be the Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall and they are hereby respectively required to pay the Sum or Sums by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the Committee of the said Company for the Time being, by virtue of the Powers and Directions of this Act, to such Person or Persons, at such Times and Places, and in such Manner as shall be directed by the said Committee ; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same, with Interest after the Rate of Five Pounds *per Centum per Annum* from the Time appointed for Payment thereof, in any Court of Law or Equity.

Subscribers  
to pay the  
Calls upon  
their Sub-  
scriptions.

XLIII. And



For enforcing  
Payment of  
Calls.

XLIII. And for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall or may hereafter be made, under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of Thirty Days next ensuing any such Call, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Twenty Shillings for every Share he, she, or they shall have in the said Undertaking; and if such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised as aforesaid, for the Space of Two Calendar Months next after such Call or Calls shall have been appointed to be paid as aforesaid, then and in such Case it shall be lawful for the said Company, at some General or Special General Meeting to be held after such Neglect or Refusal, to declare all and every or any Share or Shares of such Person or Persons so neglecting or refusing as aforesaid to be forfeited; and from thenceforth the said Share or Shares so declared to be forfeited as aforesaid, and also the Profits and Benefits thereof, and all Money advanced or paid in respect of such Share or Shares, shall lapse to and become vested in the said Company, their Successors and Assigns; and all such Share or Shares so forfeited shall be sold at a public Sale by the said Company for the most Money that can be got for the same, and the Monies arising from such Sale shall be applied in manner by this Act directed: Provided always, that no Share or Shares of and in the said Undertaking shall be forfeited to, vested in, or shall accrue in the said Company until Notice in Writing thereof shall be given by the Clerk of the said Company to the Person or Persons, or to the Clerk or Clerks or other Head Officer or Officers of the Body or Bodies Politic, Corporate, or Collegiate, in whose Name or Names such Share or Shares shall at the Time of giving such Notice stand registered in the Books of the said Company, or left at his, her, or their Dwelling House or usual or last known Place of Abode, Ten Days at the least previous to such Share or Shares vesting in or accruing to the said Company, provided that such Place or Places of Abode shall be known to the Clerk of the said Company; and in case the same shall not be known to the Clerk of the said Company, such Notice shall be published in the *London Gazette*, and such other public Newspaper or Newspapers as the said Committee shall order and direct, in which Notices respectively shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for his, her, or their Share or Shares in the said Undertaking; and no such Share or Shares shall be forfeited to or vested in the said Company if the Owner or Owners of such Share or Shares shall pay what shall appear by such Statement to be due, together with legal Interest on the same, and the aforesaid Penalties for Nonpayment, and all Expences attending the Application for the same, within the Time specified in such Notice; anything contained in this Act to the contrary thereof in anywise notwithstanding: Provided also, that such Forfeiture, after the same shall be taken advantage of by the rest of the said Company as aforesaid,

Forfeiture of  
Shares to be



said, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or Agreement between such Proprietor or Proprietors so forfeiting and the rest of the said Company, with regard to the future carrying on and Management of the said Undertaking.

an Indemnity  
to Persons  
forfeiting.

XLIV. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged, but the said Company shall not sell or transfer or direct to be sold or transferred any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, or his, her, or their Executors or Administrators, to whom such Share or Shares shall have belonged immediately before any such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

If Purchase  
Money of  
Shares for-  
feited shall  
be more than  
sufficient to  
pay the Ar-  
rears, Surplus  
to be paid to  
the Owner.

XLV. And be it further enacted, That in all Actions brought by the said Company against any Person or Persons who hath or have subscribed or who shall hereafter subscribe or advance any Money for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls, of such and so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the Defendant or Defendants, (as the Case may happen to be,) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall be only necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors of such Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice was given thereof as is directed by this Act, without proving the Appointment of such Committee, or any other Matter or Thing whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due; and no Wager of Law shall be allowed in any such Action.

Proceedings  
in Actions  
for Calls.

[*Local.*]

15 D

XLVI. And



Shares may  
be sold.

XLVI. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Transfer of which Shares shall be in the Form or to the Effect following; (that is to say,)

Form of  
Transfer.

' I                                  of                                  in consideration of  
' I                                  paid to me by                                  of                                  do hereby bargain,  
' sell, assign, and transfer to the said                                  , his Executors,  
' Administrators, and Assigns,                                  Share [or Shares] of and  
' in the Joint Stock or Capital of the *Southend* Pier Company, being  
' Number                                  of the Shares in the said Undertaking;  
' to hold to the said                                  , his Executors, Administrators,  
' and Assigns, subject to the same Rules, Orders, and Restrictions,  
' and on the same Conditions, that I held the same immediately before  
' the Execution hereof; and I the said                                  do hereby  
' agree to accept and take the said Share [or Shares] subject to the  
' same Rules, Orders, Restrictions, and Conditions. As witness our  
' Hands and Seals the                                  Day of                                  .'

Conveyances  
of Shares to  
be registered.

And on every such Sale the said Transfer, being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk to the said Company shall have registered in a proper Book or Books, to be provided by the said Company and kept for that Purpose, a Memorial of such Transfer and Sale for the Use of the said Company, and shall have testified or indorsed the Registry of such Memorial on the said Transfer, for which Two Shillings and Sixpence, and no more, shall be paid, and the said Clerk is hereby required to register the same accordingly; and until the same shall have been registered, as herein-before directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Dividend on such Share or Shares, paid to him, her, or them, or any Vote or Votes in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

No Shares to  
be sold after  
a Call made  
until the  
same is paid.

XLVII. And be it further enacted, That after any Call of Money shall have been made as aforesaid no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for upon each Share so sold and transferred; such Forfeiture nevertheless to be declared at a General Meeting in the Manner herein-before directed.

Regulations  
as to Acqui-  
sitions of  
Shares.

XLVIII. And whereas much Inconvenience may arise by the frequent Transfer of the Shares of and in the said Undertaking by the Marriage or Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due  
i  
upon



upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Undertaking in right of Marriage shall be entitled to receive or to vote in respect of any Share, an Affidavit containing the Copy of the Register of such Marriage shall be made and sworn to by some credible Person before a Master or a Master Extraordinary in Chancery or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part of the Profits of the said Undertaking, by virtue of any Bequest or Will or in the Course of Administration, shall be entitled to receive the same, or to vote in respect of any Shares, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator shall be made and sworn to by the Executor or Executors of such Will before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner herein-before mentioned; and in all Cases other than as herein-before mentioned where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietors thereof to any Person or Persons by any other legal Means than by a Transfer and Assignment thereof as herein directed, on an Affidavit being made and sworn to by Two credible Persons before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking.

XLIX. And be it further enacted, That the Bodies Politic and Corporate, and all and every Person and Persons whose Name or Names shall at any Time hereafter stand in the said Register Book or List of the Proprietors of the said Undertaking as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, shall be deemed and taken to be Proprietor or Proprietors of the several Shares standing in the said Book in his, her, or their respective Name or Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which such Proprietors of Shares in the said Undertaking are hereby made subject and liable; and all Notices by this Act required to be given previous to the Forfeiture of Shares to the Proprietors thereof shall, if given to the Person or Persons appearing by the Register Book of the said Company to be such Proprietor or Proprietors or their Representatives, be in all respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares shall

The Persons whose Names appear in the Register Book to be deemed the Proprietors of the Shares standing in their Names, and answerable for Calls.



shall be made to such Persons as by the said Book of the said Company shall so appear to be Proprietors thereof; and no Assignment or Transfer of any Share or Shares, or other Instrument giving Title thereto, which shall not have been brought to the said Clerk to be enrolled or registered as directed by this Act, shall be admitted or given in Evidence, either to defeat any Action or Suit brought or to be brought by the said Company of Proprietors to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company of Proprietors, or to make the said Company liable to the Payment of any Interest or Dividends to any other Person or Persons than such as appear upon the said Book to be the Proprietors of such Shares; but that in all such Cases, unless where it shall be expressly proved that the said Book is defective by reason of some Neglect or Default of the said Clerk, the said Book shall be considered as sufficient and conclusive Evidence of the Right and Title in and to the said Shares.

The Com-  
pany may buy  
up Shares.

L. And be it further enacted, That if the said Company or their Committee for the Time being shall deem it expedient, out of any Surplus of Monies or otherwise, to buy up any Share or Shares in the said Undertaking which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Company either to direct that any such Share or Shares so brought shall merge in the said Undertaking, or that the same shall be transferred to the Clerk of the said Company in Trust for the said Company; and such Share or Shares may in such last-mentioned Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting, making, maintaining, or repairing of any Building or Works belonging to the said Undertaking, or any other Purpose necessary for carrying on the same.

Plan and  
Book of Re-  
ference to  
remain with  
Clerk of the  
Peace.

LI. And whereas a Map or Plan, describing the Line of the Roads and Footpaths intended to be made by virtue of this Act, with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Estates, Lands, and Grounds through which the same are intended to be made, have been deposited in the Office of the Clerk of the Peace for the said County of *Essex*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace for the said County; and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof at seasonable Times, on Payment to the said Clerk of the Peace of One Shilling for each Time of Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

LII. Pro-



LII. Provided always, and be it further enacted, That the said Company shall not, in making the said Roads and Footpaths hereby authorized to be made, deviate more than One hundred Yards from the respective Lines or Courses described thereof respectively in the said Map or Plan and Book of Reference respectively aforesaid.

Not to deviate from the Plan.

LIII. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company, or any Interruption be given to the making of the said Roads or Footpaths, or any other Works hereby authorized to be made, or any of them, on account of any Error or Omission in the said Book of Reference, or either of them, in case it shall appear to any Two or more Justices of the Peace acting for the said County of *Essex*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

No Advantage to be taken of any Error or Omission in the Book of Reference.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Company, or any other Person or Persons, to take, use, injure, or damage any House or Building, or any Ground, which upon the First Day of *January* One thousand eight hundred and twenty-nine was the Site of any House or other Building, or any Park, Avenue, planted Walk, Lawn, or Pleasure Ground, nor any Yard, Garden, or Orchard without the Consent in Writing of the said respective Owners and Occupiers thereof, other than and except such as are specified and contained in the Second Schedule to this Act annexed.

Houses, &c. not to be taken.

LV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to accept and take a Conveyance of any Lands, Tenements, or Hereditaments, Fisheries, and other Rights, for the Purposes of this Act; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, Executors, Administrators, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Successors, but also for and on behalf of all Persons interested in Reversion or Remainder expectant on an Estate for Life, or by way of executory Devise, or otherwise, in case such Person or Persons shall be incapacitated or decline to treat, and on behalf of their respective Wives and Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Females Covert, or others, and for all other Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, Fisheries and other Rights, which shall be thought necessary to be purchased, injured, or affected for the Purposes of this Act, to treat, contract, and agree with the said Company for the Sale thereof, or for Satisfaction for any Damage which may be done thereto, and to sell and convey all or any Part thereof, and all Right, Title, and Interest whatsoever in and to the same, to the said Company for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made

Power to purchase Lands and Buildings.



by virtue and in pursuance of this Act shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances and Assurances in the Law whatsoever, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower or Dowers of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy whatsoever.

Form of  
Conveyance-

LVI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, Fisheries and other Rights, to be made to the said Company, shall be made in the Form or to the Effect following, or as near, *mutatis mutandis*, as the Circumstances of the Case will admit; (that is to say,)

‘ I in consideration of  
 ‘ of the Sum of to me paid by the  
 ‘ *Southend* Pier Company, do hereby, in pursuance and by virtue of  
 ‘ the Power in that Behalf contained in an Act passed in the Tenth  
 ‘ Year of the Reign of His Majesty King *George* the Fourth, intituled  
 ‘ *An Act* [*here insert the Title of this Act*], grant, release, assign, and  
 ‘ confirm unto the said Company and their Successors all [*here*  
 ‘ *insert the proper Description of the Lands, Premises, or Heredita-*  
 ‘ *ments intended to be conveyed*], and all my Estate, Right, Title, and  
 ‘ Interest to and in the same and every Part thereof, to hold unto  
 ‘ and to the Use of the said Company and their Successors for ever,  
 ‘ according to the true Intent and Meaning of the said Act. In  
 ‘ witness whereof I have hereunto set my Hand and Seal the  
 ‘ Day of in the Year of our  
 ‘ Lord .’

And all such Conveyances and Assurances shall be kept by the Clerk of the said Company, who shall from Time to Time, when required, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive for every One hundred Words of every such attested Copy the Sum of Sixpence, and no more, and so in proportion for any less Number of Words.

Proceedings  
where Waste  
Lands are to  
be taken.

LVII. And be it further enacted, That in all Cases where there shall be Occasion to take or use Part of any Common or Waste Grounds for the Purposes of this Act, a Conveyance thereof by the Lord or Lady or Lords or Ladies of the Manor wherein the same shall be situate shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Person having Right of Common upon such Commons or Waste Grounds had joined in and executed such Conveyance; and Two Third Parts of the Compensation Money to be paid for any such Commons or Waste Grounds shall be paid by the said Company to the said Lord or Lady,



Lady, Lords or Ladies of the said Manor or Manors, and the Remainder thereof to the Churchwardens of the Parish wherein such Commons or Waste Lands shall respectively be situate, to be by such Churchwardens received and applied for such general or public Purposes within such respective Parish as a Vestry of such Parish to be convened by such Churchwardens for that Purpose shall direct; any thing herein contained to the contrary notwithstanding

LVIII. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons so interested, entitled, or empowered or capacitated to sell as aforesaid, for and on behalf of himself, herself, or themselves, or for or on behalf of his, her, or their Cestuique Trusts, or of the Person or Persons entitled in Remainder or Reversion after them as aforesaid, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money, Recompence, or other Compensation as shall be offered them by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party or Parties giving such Notice shall therein request that the Matter or Matters in dispute may be submitted to the Determination of a Jury; or if any Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested, entitled, or empowered to sell as aforesaid, shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or Hereditaments required for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company, for the Sale and Conveyance of their respective Estates and Interests therein, or shall by reason of Absence be prevented from treating, or shall by reason of Nonage, or any other Impediment or Disability not provided for by this Act, be incapable of treating, or making such Agreement as shall be expedient for enabling the said Company to proceed in making any of the Works hereby authorized to be made, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Company; then and in every such Case the said Company of Proprietors shall and they are hereby empowered and required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the said County of *Essex*, or in case such Sheriff, or their or his Under Sheriff, shall be one of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in anywise interested in the Matters in question, then to any one of the Coroners of the said County not interested as aforesaid, or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the said County; not interested as aforesaid, commanding such Sheriff or Coroner or other Person to impanel, summon, and return a Jury, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon and return a Jury of at least Twenty-four

Differences  
respecting  
Land to be  
settled by a  
Jury.



four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons so to be impannelled, summoned, and returned are hereby required to come and appear before such Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be directed or appointed, and out of such Persons so to be impannelled, summoned, and returned the said Sheriff, Coroner, or other Person is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed aforesaid, the said Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Coroner, or other Person is hereby empowered and required to summon and call before him all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question or dispute, and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury shall upon their Oaths, or, being of the Society called *Quakers*, upon their solemn Affirmations, (which Oaths or solemn Affirmations, as well as the Oaths and solemn Affirmations to such Person or Persons as shall be called upon to give Evidence, the said Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of, assess, and ascertain and give a Verdict for the Sum or Sums of Money to be paid for the Purchase of such Lands, Grounds, Messuages, Buildings, Tenements, and Hereditaments, Fisheries, or other Rights, and also the separate and distinct Sum or Sums of Money to be paid by way of Recompence or Compensation, either for the Damages which shall or may before that Time have been occasioned and sustained as aforesaid, or for the future temporary or perpetual Continuance of any recurring Damages which shall have so occurred as aforesaid, and the Cause or Occasion of which shall have been in part only removed by the said Company, and which can or will be no further obviated, remedied, or repaired by them; and the said Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever: Provided always, that no less than Fourteen Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party or Parties with whom any such Controversy shall arise by leaving such Notice at the Dwelling House of such Person or Persons, or of the Clerk or Agent or Head Officer of such Body Politic, Corporate, or Collegiate, or with some other Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise.



LIX. Provided also, and be it further enacted, That in ascertaining the Sum or Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments, Fisheries or other Rights, to be taken or made use of for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be paid by the said Company for any Damages which shall or may be sustained by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owner or Owners or Occupier or Occupiers of or interested in such Lands, Tenements, or other Hereditaments, Fisheries or other Rights, for or by reason of the severing or dividing of the same from other Lands, Tenements, or Hereditaments, Fisheries or other Rights, belonging to such Body or Bodies Politic, Corporate, or Collegiate, or to any such Person or Persons as aforesaid, and for or on account of the Detriment, Loss, Injury, Damage, or Prejudice which shall or may accrue to or be sustained by such Body or Bodies Politic, Corporate, or Collegiate, Owner or Owners, Occupier or Occupiers, or other Person or Persons interested in such Lands, Tenements, or other Hereditaments, Fisheries or other Rights, or any of them, by reason of the making and maintaining of any Works hereby authorized to be made, or by reason or means of the Execution of any of the Powers hereby given to the said Company, such Damages and Compensation to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments, Fisheries or other Rights, so to be taken and used as aforesaid.

Value of Land and Damages to be ascertained separately.

LX. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be agreed for, determined, and adjusted, or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Compensation Money to be apportioned.

LXI. And be it further enacted, That all the said Verdicts and Judgments, being first signed by the said Sheriff, Coroner, or other Person present at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the said County of *Essex* among the Records of the Quarter Sessions for the said County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for every Copy after the Rate of Sixpence, and no more, for every One hundred Words.

Verdicts of Juries to be recorded.

LXII. And be it further enacted, That if such Sheriff or his Deputy, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so to be summoned and returned upon any such Jury as aforesaid shall not appear without having sufficient

Penalty upon Sheriff, Jury, or Witnesses making Default.

[*Local.*]

15 F

Excure



Excuse for such Nonappearance, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act; or if any Person so to be summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, or, being of the Society of Persons called *Quakers*, to make his solemn Affirmation, or to be examined or to give Evidence; then and in every such Case every Person so offending, having no reasonable Excuse, to be allowed by the said Justices, Sheriff, Under Sheriff, Coroner, or other Persons, shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hand and Seal of any One of His Majesty's Justices of the Peace for the said County of *Essex*, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him, her, or them the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall be deducted.

Regulations  
as to Juries.

Persons  
giving false  
Evidence to  
be punished.

LXIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath, or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, or before any such Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expences of  
Juries.

LXIV. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money for Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or other Hereditaments; Fishery, and all Rights and Privileges thereunto belonging, of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons unknown, or as Compensation for any Damages done or to be done to any Lands, Tenements, Hereditaments, Fisheries, and other Rights, or other Property, than had been previously offered by or on behalf of the said Company or their Committee; or where any Verdict shall be found for any Damages where the Dispute is for Damages only, or where no Compensation or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof, by or on behalf of the said Company or their Committee; or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid,  
there



there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive Compensation from the said Company or their Committee as herein-before mentioned ; then and in all such Cases all the reasonable Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff, Under Sheriff, Coroner, or other Person so impannelling, summoning, and returning such Jury, and be defrayed by the said Company ; and in case such Costs shall not be paid by the said Company or their Committee within Five Days after the same shall be demanded, the same shall and may be levied by virtue of any Warrant under the Hand and Seal of any Justice of the Peace acting in and for the said County of *Essex*, by Distress and Sale of the Goods and Chattels of the said Company or their Treasurer ; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Company or their Committee, or for a less Sum than had been so previously offered, or in case of such Refusal or Neglect to enter into Treaty with or make Conveyances to or receive Compensation from the said Company or their Committee, by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat, convey, or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expences shall be paid by the said Company,) the Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff, Under Sheriff, Coroner, or other Person so impannelling, summoning, and returning such Jury, and be borne and paid in the Manner following ; that is to say, one Moiety or Half Part of such said Costs and Expences shall be borne and paid by the said Company, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, with whom the said Company shall have such Disputes or Controversies ; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums of Money so assessed or adjudged ; and in case no Compensation shall be given by such Verdict, where the Dispute is for Compensation only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Company by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

LXV. And be it further enacted, That all and every Person and Persons with whom the said Company may have any such Controversy or Dispute as aforesaid shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such  
 Persons requesting Juries to enter into Bond.  
 Jury,



Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company for the Time being, in a Penalty of One hundred Pounds, to prosecute such his, her, or their Complaints, and to bear and pay such his, her, or their Portion of the Costs and Expences of summoning and returning such Jury, and taking such Verdicts, and of the summoning and Attendance of Witnesses, as shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Notice of  
Injury to be  
given to  
Company.

LXVI. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive and take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever for any Injury or Damage by him, her, or them sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, stating the Particulars of such Injury or Damage, and the Amount of the Compensation claimed in respect thereof, shall have been given by or on behalf of such Person or Persons to the said Company, within the Space of Three Calendar Months after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Power to  
enter Lands  
upon Pay-  
ment or  
Tender of  
Purchase  
Money.

LXVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or Hereditaments, or as a Recompence for the yearly Produce or Profit thereof, or as a Satisfaction or Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or such said Person or Persons as shall be interested therein or entitled to receive such Compensation, within Twenty-one Days after the same shall have been so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of such Person or Persons as are interested or entitled as aforesaid, it shall be lawful for the said Company, and their Agents, Servants, or Workmen, thereupon, and not before, to enter upon and take and use such Lands, Tenements, or Hereditaments respectively; and then and thereupon the same Lands, Tenements, and other Hereditaments, and the Fee Simple and Inheritance thereof, or such Part thereof as is or shall be of Fee Simple or Freehold Tenure, and the absolute Estate and Interest of such as shall be Leasehold or of any other Tenure according to the Nature and Tenure of the same respectively, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and be the sole Property of the said Company, to and for the Purposes of this Act, for ever; and such Tender, Payment, or Investment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons by whom  
the



the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before or until such Payment, Tender, or Investment as aforesaid, it shall not be lawful for the said Company, or any Person or Persons acting by or under their Authority, or under the Provisions of this Act, to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage Building, Tenement, or other Hereditament, for the Purposes of this Act, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment.

LXVIII. And be it further enacted, That every Person and Persons in Possession of any Lands, Tenements, and Hereditaments, through, in, or upon which the Works hereby authorized to be made, or any of them, are intended to pass or be made, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as a Tenant at Will or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the said Company, or to such Person or Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to such Tenant or Lessee, or Person in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time or Times of the Commencement of such Tenant's holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as he, she, or they shall be required; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the said County of *Essex* to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and execution of such Precept or Precepts, or the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Tenants at Will, or for Years, to quit Lands, &c. after Notice.

LXIX. Provided always, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him or her to the said Company, or to any Person or Persons so authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company shall and they are hereby directed to make or tender unto such Tenant or Lessee, before they shall issue their Precept or Precepts to the Sheriff to give Possession of the Lands and Premises in the Occupation of such Tenant or Lessee as herein-before mentioned, Satisfaction or Compensation for the Value of his or her unexpired Term or Interest in the said Premises; which Satisfaction or Com-

Interests of such Tenants may be settled by a Jury.



pensation, in case of Difference, shall be settled and ascertained in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments intended to be taken or made use of by the said Company is in and by this Act provided for and directed to be made and assessed.

Persons holding under Leases to produce the same.

LXX. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands, Tenements, or Hereditaments, through, in, or upon which the said Undertaking hereby authorized to be made is intended to be made, under or by virtue of any Demise, Lease, or other Grant thereof, the said Company shall and they are hereby authorized to require such Person to produce or show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shown, the Person or Persons claiming under the same shall be considered as holding only from Year to Year.

Mortgagees to convey on Payment or Tender of Principal and Interest.

LXXI. And be it further enacted, That all and every Bodies and Body Politic, Corporate, and Collegiate, and all and every Person and Persons having or who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money by the said Company or their Clerk or Agent, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or their Clerk or Agent, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the End of such Six Calendar Months, upon Payment of the Principal Money and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the said Company, or to such Persons or Person as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any such Mortgage or Mortgages shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in the Manner herein-before directed by this Act, then the said Company shall not be liable to pay to the Mortgagee or Mortgagees more than the real Value of the said Premises so ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest



Interest due on any such Mortgage or Mortgages as aforesaid into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money, in like Mannner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Use, Trust, Property, Claim, and Demand of every such Mortgagee or Mortgagees, and also of every Mortgagor or Owner of the said Premises, and of all and every Person or Persons in Trust for him, her, or them, or any of them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever: Provided also, that if and in case any such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased, wanted, or taken by the said Company, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interests in such Lands, Tenements, or Hereditaments to the said Company, or to such other Person or Persons as shall be appointed in Trust for them; and in default of their so doing, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as aforesaid, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and also of every Mortgagor or Owner of the said Premises, and of all and every Person or Persons in Trust for him or them, or any of them, in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the said Premises, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees, by virtue of such Mortgage or Mortgages.

LXXII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid, for the Purchase of or Damage to any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or other Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to the Account there *ex parte* the *Southend* Pier Company, pursuant to an Act passed in the First Year of the Reign of His present Majesty

Application  
of Compensation Money  
if amounting  
to 200*l.*



1 G. 4. c. 35. jesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood limited or settled, or such of them as at the Time of making such Conveyance and Settlement shall be existing and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Purchase Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
when less  
than 200*l.*  
and exceed-  
ing 20*l.*

LXXIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for the Purchase of or Damage to any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, or other Incapacity, with the Approbation of the said Company, to be signified in Writing under their Common Seal, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant



General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option and with the like Approbation, to Three Trustees, to be nominated by the Person or Persons making such Option who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, and such Nomination to be approved of by Three of the Committee of the said Company, such Nomination and Approbation to be signified in Writing under the Common Seal of the nominating Parties, in order that such Principal Money and the Dividends arising thereon shall and may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer touching the Application thereof.

LXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used by the said Company for the Purposes of this Act, in such Manner as the said Company, or their Committee, or any Three or more of them, shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where less than 20*l.*

LXXV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered, awarded, or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act as aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Committee, or shall refuse to execute such Conveyance or Conveyances, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Company or their Committee to order the said Sum or Sums of Money so agreed or awarded to be paid as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution

In case of not making out Titles, or Persons entitled not being found.

[*Local.*]

15 *H*

thereof,



thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates Title, or Interest of the Person, or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In Case of  
disputed  
Title, the  
Person in  
Possession to  
be deemed  
lawfully en-  
titled.

LXXVI. Provided always, and be it further enacted, That where any Question shall arise touching or concerning the Title of any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of or in Satisfaction for any Damage to be done to any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, or Interest, Title, Charge, in, to, or upon any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies Politic or Collegiate, Person or Persons, who shall have been in Possession and Enjoyment of such Lands, Tenements, or Hereditaments, Parts or Shares, Estates, Interests, or Charges, at the Time of such Purchase by the said Company, and all the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons claiming under such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, Parts or Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities, to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Body or Bodies, Person or Persons, was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

The Court of  
Exchequer  
may order  
Expences of  
Purchases to  
be paid by  
the Company.

LXXVII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled to any Lands, Tenements, or Hereditaments, or Part or Parts thereof, Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, to be purchased, taken, or used for the Purposes of this Act, the Purchase or Compensation Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the



said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such the Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received for the Purposes of this Act, and the said Company shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

LXXVIII. And whereas, in order more effectually to carry into effect the Purposes of this Act, the said Company may purchase Lands, Buildings, or Hereditaments, which, or Part thereof, may afterwards be considered as unnecessary to be made use of for the Purposes of this Act, or such Purposes may be abandoned or discontinued; be it therefore enacted, That it shall be lawful for the said Company to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey, such Part or Parts of the Lands, Buildings, or Hereditaments which shall be so purchased by and conveyed to the said Company as aforesaid, and as shall not be wanted for the Purposes aforesaid, or such Purposes may be abandoned or discontinued; and all such Conveyances shall be good, valid, and effectual, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Buildings, or Premises, or any Parts or Parcels thereof, it shall be lawful for the Treasurer for the Time being to the said Company to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which the said Lands, Buildings, or Premises shall be sold, or for so much thereof as in such Receipt shall be expressed to be received, and such Person or Persons shall not be answerable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof: Provided always, that the said Company, before they shall sell and dispose of such Lands, Tenements, or Hereditaments, or any Estate or Interest therein, shall first offer to resell the same to the Person or Persons from whom they shall have purchased the same, for or at the same Price or Rate which the said Company shall have paid for the same; and in case such Offer shall not be accepted, or if the said Company and such Person or Persons shall differ and not agree as to the Price or Rate thereof, and such Person or Persons shall signify his, her, or their Desire to purchase the same by a Notice in Writing to be given or left with the Clerk of the said Company, within Fourteen Days after such Offer, at a Price to be settled and adjusted by a Jury, then such Price shall be settled and adjudged by a Jury to be summoned as in case of Purchases made by the said Company as herein mentioned, *mutatis mutandis*; and such Notice shall be deemed an actual Contract for Purchase of the said Premises, as against the Party or Parties giving the same, at a Price which shall be adjusted and settled by such Jury; and in case such Person or Persons shall not agree to repurchase such aforesaid Interest therein, or shall not give Notice of his, her, or their Intention of purchasing the same within Fourteen Days after such Offer of Sale, then and in every such Case, on an Affidavit being made and sworn before a Master Extraordinary in the  
High

Power to  
re-sell Lands  
not wanted,



High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Essex*, by some competent Person or Persons, stating that such Offer was made by or on behalf of the said Company, and was not then and thereupon agreed to by the Person or Persons to whom the same was so made, and that no such Notice as aforesaid was given, shall in all Courts be sufficient Evidence and Proof that such Offer was made and was not agreed to by the Person or Persons to whom it was made, as the Case may be, and that such Notice as aforesaid was not given.

The Word  
"grant" in  
Conveyances  
from the  
Company to  
amount to  
certain  
Covenants.

LXXIX. And be it further enacted, That in all Conveyances to be made by the said Company, under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word "grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantees or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises hereby granted of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof, that the Purchaser or Purchasers thereof, his or their Heirs and Assigns, shall quietly enjoy the same against the said Company, their Successors and Assigns, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and such Purchasers or Grantees, and his, her, or their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

For supply-  
ing Defi-  
ciencies in  
the Land  
Tax.

LXXX. And whereas by reason of taking down Houses and Buildings and making Alterations in pursuance of this Act there may be Deficiencies in the Assessment for Land Tax in the several and respective Parishes herein described; be it therefore enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised or possessed of the Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Parishes, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments,



Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act ; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments for such Parishes.

LXXXI. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to make, construct, erect, and maintain, or cause to be made, constructed, erected, and maintained, One or more and not exceeding Two Pier or Piers, Jetty or Jetties, to extend into the Sea, with One or more and not exceeding Two Causeway or Causeways, extending from and in a Line with the same Pier or Piers, Jetty or Jetties, or either of them, the said Pier or Piers, Jetty or Jetties, to be made from any Spot or Spots, Parcel or Parcels of Ground or Land within or between the Boundaries herein-after mentioned ; that is to say, the Spot of Ground on the Sea Beach opposite to and in a Line with the East End of the *Lower Southend* Road leading from *Prittlewell* on the East, and a certain Spot or Place on the Beach being the Northernmost Extremity of a Causeway called *Miller's Hardway*, on the West ; but that in making any such Pier or Piers, Jetty or Jetties, Causeway or Causeways, the same, unless wholly constructed upon Piles, shall not extend further to the Westward in any Part thereof than a direct Line drawn from the said Northernmost Extremity of *Miller's Hardway* aforesaid to a Spot at Low Water Mark which shall be at a Distance of Thirteen hundred Yards from a certain Place called the *Mill Gut*, unless with the Consent in Writing of the Person or Persons entitled to the immediate Estate for Life or in Fee Simple or Fee Tail of the Shore lying between the said intended Pier, Jetty, or Causeway and the said Place called the *Mill Gut*, and also in like Manner to make, construct, erect, and maintain, or cause to be made, constructed, placed, fixed, erected, and maintained, such Quays, Wharfs, and other Works, Buoys, Mooring Chains, Warehouses, Buildings, Matters, and Things, which they shall think necessary and proper for rendering the same Piers, Jetties, and Causeways useful and convenient for the Reception and Security of Ships and Vessels and the Crews thereof, and of the Goods and Merchandize to be conveyed thereby, and for the more convenient lading and unlading of such Ships and Vessels, and the landing and embarking of Passengers and Goods ; and also to erect and make proper and convenient Toll Gates upon or near to the said Piers, Jetties, and Causeways, or any or either of them ; and also to erect, make, and maintain, or cause to be erected, made, and maintained, such proper and convenient Baths, Bathing Places, and Accommodations for Bathing Machines, and such other Erections, Buildings, and Accommodations, upon or in the Vicinity of the said Piers, Jetties, and Causeways, as the said Company shall from Time to Time deem necessary or expedient ; and also in like Manner to make, construct, and maintain, or cause to be made, constructed, and maintained, such Breakwaters, Wharfings, and Embankments, and to divert and convey into the Sea as far as Low Water Mark such Drains, Sluices, and Watercourses, in such Manner as the said Company shall from Time

Power to  
make Piers,  
Jetties, and  
Causeways.



to Time think necessary or proper for the Security, Preservation, and Cleanliness of the said Piers, Jetties, and other Works herein-before mentioned, and of such of the Roads herein-after authorized to be made as shall be in the immediate Vicinity of the Sea; but nothing in this Act contained shall extend or be construed to extend to oblige or compel any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, to sell his, her, or their Lands, Grounds, Tenements, or Hereditaments whatsoever, for the Purpose of making or erecting such Baths, Bathing Places, or such like Erections, Buildings, and Accommodations connected therewith.

Piers, Jetties, or Causeways not to extend beyond certain Limits without Consent.

LXXXII. Provided always, and be it further enacted, That no Pier, Jetty, Causeway, or other Work to be made by virtue of this Act, shall extend within Eight hundred Yards to the South-east of the said Place called the *Mill Gut*, without the Consent in Writing of the Person or Persons for the Time being entitled to the immediate Estate of Freehold in the Ground and Premises on or over which such Pier, Jetty, or Causeway, or other Work, (so far as the same shall or may extend within such Eight hundred Yards,) shall be made or constructed, nor without the like Consent of *William Alston* Esquire, the present Owner, or of the Owner for the Time being of a certain Watercourse called the *Swatch*.

No Pier or Warehouse to be erected within certain Limits.

LXXXIII. And be it further enacted, That no Pier, Warehouse, or other Building to be erected by virtue of this Act shall be erected on the Land or Ground called the *Cliff*, now in the Possession of the Honourable Lady *Charlotte Denys*, or on the Shore or Beach in front of the same, or within One hundred and fifty Feet on the East Side, or Five hundred Feet in front of the Dwelling House in the Possession of the said Lady *Charlotte Denys*, without the Consent in Writing of the Person or Persons for the Time being entitled to the immediate Estate for Life, or in Fee Simple or in Fee Tail, of the said Property: Provided always, that nothing herein contained shall extend or be construed or meant or intended to extend to prevent or hinder the said Company from erecting or building, at any Distance beyond Five hundred Feet in front, or beyond Three hundred Feet on the West Side of the said Dwelling House, any Jetty, Causeway, or Toll House, and any other Buildings, for the Purposes or Convenience of such Jetty or Causeway, upon or near thereto, to be made under the Powers contained in this Act; such other Buildings not to exceed in Length Twenty-five Feet, in Depth Twenty Feet, or in Height Eighteen Feet.

No Buildings to be erected within certain Bounds.

LXXXIV. Provided always, and be it further enacted, That the said Company shall not, during the Life of Major General *William Goodday Strutt*, erect or cause to be erected any Building or Warehouse by virtue of this Act, for the Reception of any Goods, Wares, or Merchandize, or for any other Purpose whatever, on the Shore or Beach, save and except a Pier, Jetty, and Causeway, with One or Two Toll Houses, between the Boundaries herein-after mentioned; that is to say, the Spot of Ground on the Sea Beach opposite to and in a Line from the East Corner of the said Major General *Strutt's* House to the



Part nearest the Sea of a House in the Occupation of *Pritchard* on the East, and the Spot of Ground on the Sea Beach opposite to and in a Line with the East End of the *Hope Tavern* on the West, without the Consent in Writing of the said Major General *Strutt*; provided that no Toll House shall be erected on the Beach within the said Limits save and except (in Height not more than Ten Feet) at a Distance not exceeding Three hundred Feet to the West from the said Point nearest the Sea of the House in the Occupation of the said

*Pritchard*, or at a Distance from the Sea Beach of not less than Fifteen hundred Feet towards the Sea, without such Consent as aforesaid.

LXXXV. And be it further enacted, That from and after the Time that the said Piers or Jetties or either of them shall be so far formed and completed that Ships or Vessels may be enabled to lade or unlade, take on board, discharge, or put on shore any Goods, Wares, or Merchandize at or from the same respectively, such Pier or Jetty being not less than One hundred and fifty Feet in Length, and containing a Surface not less than Seven thousand five hundred Square Feet, every Master of every Ship, Vessel, Boat, or other Craft who shall lade or unlade, take on board or discharge, any Goods, Wares, or Merchandize within the said Parish of *Southchurch*, and such Part of the said Parish of *Prittlewell* as extends from the Eastern Boundary of the Parish of *Southchurch* to the Eastern Boundary of the Estate called *Chalkwell Hall Farm*, shall pay to the said Company in regard thereof the several Rates or Duties mentioned in the First Schedule hereunto annexed, set down in Figures against the same respectively; and every such Master, being an Alien or Merchant Stranger, shall pay Double the Rates of a Subject of the United Kingdom.

Particular Duties directed to be paid.

LXXXVI. And be it further enacted, That it shall be lawful for His Majesty, in and by an Order in Council, or to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time, and at all Times, when and so often as He or they shall deem fit so to do, in and by their Order in Writing, to reduce the Duties hereby made payable on all or on such or so many of the Foreign Ships or Vessels as He or they in His or their Judgment shall deem expedient to the same or the like Duties as are by this Act made payable in respect of *British* Ships or Vessels not registered in the Port of *Leigh*.

Power to reduce the Duty on Foreign Ships, &c.

LXXXVII. And be it further enacted, That from and after the Time that the said proposed Piers, Jetties, or Causeways, or any or either of them, shall be so far formed and completed that Passengers may be enabled to embark or land from or at the same at or near Low Water Mark, every Passenger who shall land from or embark in any Ship, Packet, Vessel, Boat, or other Craft carrying Passengers for Hire within the said Parishes of *Southchurch* and *Prittlewell*, shall pay to the said Company, for the Purposes of this Act, in respect of every Passage to or from any Place within the said Parishes or either of them, and every other Person who may land at or embark from the said Piers, Jetties, or Causeways, or any or either of them, shall pay to the said Company, for the Purposes of this Act, in respect of every

Tolls on Passengers.



every such Landing or Embarkation, such Sum or Sums as the said Company shall think proper, not exceeding the Sum of One Shilling and Sixpence; which Duty may and shall be and is hereby required to be collected and received by the Master of the Ship, Vessel, Boat, or other Craft carrying such Passenger or Passengers, before the Departure of such Passenger or Passengers from on board such Ship, Packet, Vessel, Boat, or other Craft, and shall be by such Master with all convenient Speed paid over to the Collector for the Time being or other Person to be appointed by the said Company for that Purpose.

No Rates to be charged on Persons landing on certain Parts of the Sea Beach without Consent.

LXXXVIII. And be it further enacted, That no Rate, Toll, or Duty shall be charged and chargeable for or in respect of any Person or Persons who shall land from or embark in any Ship, Packet, Vessel, Boat, or other Craft carrying Passengers on the Sea Beach or Shore to the Westward of the Eastern Boundary of an Estate called *Chalkwell Hall Farm*, without the Consent in Writing of the Owner or Owners and Occupier or Occupiers for the Time being of the Lands adjoining the Beach or Shore situated within the Limits aforesaid.

Exempting Soldiers and Sailors.

LXXXIX. And be it further enacted, That no Rate or Duty shall be charged or chargeable for or in respect of any Soldier or Sailor in His Majesty's Service who shall land from or embark in any Ship, Packet, or other Vessel within the Limits aforesaid.

Allowance to Masters for Passengers accounted for.

XC. Provided always, and be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and required to allow to all such Masters of such Ships, Packets, Vessels, Boats, and other Craft at and after the Rate of One Shilling and Sixpence in the Pound upon the Amount of the aforesaid Duty on Passengers, by such Masters respectively received and duly accounted for.

Goods landed within a certain Distance liable to the Duties.

XCI. And, for the further Prevention of Fraud, be it further enacted, That in case any Goods, Wares, or Merchandize, Baggage, Parcels, or other Articles subject to the Payment of any Duty under this Act, and mentioned in the Schedule hereto annexed, which shall be shipped from any Port or Place whatsoever, and directly or indirectly consigned or intended to be sent or conveyed to any Person or Persons residing within the said Parish of *Southchurch*, and such Part of the Parish of *Prittlewell* as aforesaid, shall be landed within the Distance of Three Miles to be computed over Land of the said House called the *Ship Tavern* in *Lower Southend* aforesaid, and shall, after landing thereof, be brought within the Limits aforesaid, all such Goods, Wares, and Merchandize, Baggage, Parcels, and other Articles, shall be subject to such and the same Rates and Duties as if such Goods and Articles respectively had been directly discharged within the Limits aforesaid.

Exemption from Toll for certain Articles.

XCII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to subject or make liable to the Payment of any of the Rates, Tolls, or Duties by this Act granted the Lord of the Manor of *Milton Hall* for



for the Time being, or any of his Servants or Agents, for crossing only the said Jetty or Causeway, nor to charge with or to make liable to the Payment of any such Rates, Tolls, or Duties, (unless actually shipped from such Pier, Jetty, or Causeway,) any Oysters, Oyster Brood or Spat, Muscles, Cockles, Perriwinkles, or other Shell Fish found or collected upon the Shore, and distributed upon other Parts of the said Shore, or exported therefrom, or any Manure, Cement, or other Stone or Shingle found on such Shore, and exported as aforesaid, nor unless actually landed at such Pier, Jetty, or Causeway, any Oyster, Oyster Brood or Spat, Muscles, Cockles, Perriwinkles, or other Shell Fish imported from any Part or Place whatsoever, and laid or distributed upon such Shore, nor any Stone or other Materials so imported as aforesaid, and used in the Repair or Preservation of the Land or Wharfing abutting on the said Shore; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

XCIII. Provided always, and be it further enacted, That nothing in this Act contained shall be meant or intended to extend, or be construed to be meant or intended to extend, to charge with the Payment of any of the Rates or Duties herein and hereby imposed and made payable in respect of the said proposed Piers, Jetties, and Causeway, or any or either of them, any Person or Persons in respect of any of His Majesty's Ships, Vessels, Boats, or other Craft, or of any other Ship, Vessel, Boat, or Craft whatsoever, in the Service of His Majesty's Customs or Excise, or in the Service of the Board of Ordnance; nor of any Vessel which may be seized by the Officers of His Majesty's Revenues; nor in respect of any Goods, Wares, or Merchandize the Property of the Crown, or under Seizure; nor of any Articles shipped or landed for the Public Service; nor of any Ship or Transport or Packet employed in His Majesty's Service in carrying the Mails of Letters or Express under the Authority of His Majesty's Postmaster General; or in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage belonging to them or any of them; but if any Person or Persons shall claim and take the Benefit of any Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings, over and above the Rates and Duties imposed by this Act.

XCIV. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend, or is meant or intended to extend, or shall be construed, held, or implied to be meant or intended to extend, to charge with the Payment of any of the Rates, Tolls, or Duties hereby imposed or made payable in respect of the said proposed Piers, Jetties, and Causeway, or any or either of them, or other the Works, Matters, or Things hereby authorized to be made or done, any Person or Persons for or in respect of any Agricultural Produce, Bricks, Tiles, Animals, Matters, or Things which shall have been produced, fed, reared, and have arisen from or used upon, or which shall be brought or landed for the Purpose of being used or employed in or upon, any Part of the Manor, Estate, Lands, and Hereditaments called or known by the Name of the *Great and Little Thorpe Hall Estate*, and which shall be shipped

Enabling the Owners and Occupiers of Thorpe Hall Estate to land and ship Agricultural Produce at their present Landing Place without paying Pier Dues.

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or landed at or upon a certain Spot or Landing Place on the Sea Beach situate at or near the End of a private Road leading from *Thorpe Hall* through a certain Field called the *Great Strand* to the Sea Beach, or at or upon a certain Spot or Landing Place on the Sea Beach opposite to the Field called the *Brickfield*; nor shall any thing herein contained extend, or be deemed, construed, or taken to be meant or intended, so as in any Manner to hinder or prevent any Owner or Occupier of the said Lands and Hereditaments called *Thorpe Hall Estate*, or any Part thereof, or his, her, or their Family, Agents, Servants, or Workmen, or any Person or Persons in the Company of any such Owner or Occupier, or any Person or Persons shipping, landing, or unloading any such Agricultural Produce, Bricks, Tiles, Animals, Matters, or Things as aforesaid, from landing at or sailing or going from the above-mentioned Landing Places in the Sea Beach situate as aforesaid, or either of them, or to subject or charge them or any of them in respect thereof with the Payment of any of the Rates, Tolls, or Duties by this Act granted.

List of Dues  
to be fixed in  
a conspicuous  
Place on the  
Pier.

XCV. Provided always, and be it further enacted, That the said Company shall from Time to Time cause to be painted on Boards, and affixed and stuck up and continued, and renewed as often as the same shall be obliterated or defaced, upon a conspicuous Place or conspicuous Places in or near the said proposed Pier or Piers, Jetty or Jetties, and Causeway or Causeways, in large and legible Characters, a List of the several Rates and Duties for the Time being authorized to be taken as herein-before is mentioned in respect of the said Proposed Pier or Piers, Jetty or Jetties, and Causeway or Causeways; and it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any of the Rates or Duties herein-before authorized to be taken in respect of the said proposed Pier or Piers, Jetty or Jetties, or Causeway or Causeways, but during such Time as the Board so painted as aforesaid shall remain fixed as aforesaid.

Officers em-  
powered to  
distrain.

XCVI. And be it further enacted, That it shall and may be lawful to and for the said Treasurer, Collector or Collectors, or any other Person or Persons, authorized and deputed by the said Company, to go on board any Ship or other Vessel to demand, collect, and receive the said Duties and Rates by this Act due and payable; and for Non-payment thereof to take and distrain every such Ship or Vessel, and all her Tackle, Apparel, and Furniture thereunto belonging, or any Part thereof, and the same to detain and keep until he or they be satisfied and paid the said Rates and Duties; and in case of any Neglect or Delay in the Payment of any of the said Duties and Rates for Five Days after any Distress or Distresses so taken as aforesaid, then it shall and may be lawful for the Treasurer, Collector and Collectors, Receiver and Receivers of the said Duties and Rates, to cause such Distress or Distresses to be appraised by One or more sufficient Persons, to be nominated by any One or more Justices of the Peace for the said County of *Essex*, and afterwards to sell the said Distress or Distresses so taken and appraised, and thereout to satisfy him or themselves, as well for and concerning the Duty so neglected or delayed to be paid, and for which a Distress shall be so taken as aforesaid,



aforesaid, as also for his or their reasonable Charges in the taking and keeping of such Distress, rendering to the Master or other Person having the Rule or Command of the Ship or Vessel in or from which such Distress shall be so taken, the Overplus, if any there shall be, on Demand.

XCVII. And for the more effectually preventing any Delay or Evasion in the Payment of the Duties and Rates aforesaid, be it therefore enacted, That it shall be lawful for the Collector or other Officer of His Majesty's Customs at the Port of *Leigh* to refuse to clear any Ship or Vessel outward or inward, or to endorse any Clearance or Warrant, until there shall have been produced and shown to him, by the Person or Persons liable to the Payment of the Duties and Rates by this Act granted and imposed on account of such Ship or Vessel, either a sufficient Voucher for the Payment of the Duties and Rates, or a Certificate under the Hand or Hands of the Treasurer, Collector or Collectors, or other Person or Persons authorized by the said Company to collect the Duties and Rates aforesaid, that the Sum demanded on that Account has been consigned and lodged in his or their Hands, with sufficient Security for the Payment of all Damages, Costs, and Expences which the said Treasurer, Collector or Collectors, Receiver or Receivers of the said Duties and Rates, may sustain or incur by reason of the Delay or Refusal of Payment, according as the same shall be ascertained and determined by any One or more of His Majesty's Justices of the Peace in and for the County of *Essex*, such Justice of the Peace not being a Member of the said Company, and such Collector or other Officer of His Majesty's Commissioners of the Customs, in relation thereto: Provided always, that in case it shall be found by such Justice or Justices, after hearing both Parties, that the Treasurer, Collector or Collectors of the said Duties and Rates, had made a higher Demand than what is authorized by this Act, such Treasurer, Collector or Collectors, shall be liable and be decreed to pay the Party complaining such a Sum, in Name of Damages, not exceeding Five Pounds, as shall be judged adequate by such Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to such Matters in a summary Manner.

Officers of Customs may refuse to clear Vessels until Vouchers for Payment of Duty is produced.

XCVIII. And be it further enacted, That if any Master, Owner, or other Persons having the Rule or Command of any Ship or Vessel, Boat or other Craft, or any other Persons whomsoever, shall by any Means whatsoever at any Time or Times elude or evade the Payment of any Rates or Duties herein-before authorized to be taken in respect of the said Piers, Jetties, or Causeways, or any or either of them, every Person eluding or evading Payment as aforesaid shall forfeit and pay to the said Company, in addition to the Rates and Duties, a Sum equal to the Amount of such Rates and Duties, and shall also stand charged with and be liable to the Payment of such Rates and Duties, as well as the Forfeiture incurred by having eluded or evaded the Payment thereof, shall and may be recovered from such Master or Owner, or such other Person, at any Time or Times, either by the Means herein-before prescribed for levying the said Duties and by the same Method, or in such Manner as is herein-after directed for levying

Persons evading Payment of the Rates to continue chargeable.



levying and recovering the Fines, Forfeitures, and Penalties imposed by this Act, and with the like Costs.

Duties to be paid by Persons walking on the Piers, Jetties, and Causeways.

XCIX. And whereas it may be commodious to the Inhabitants of *Southend* aforesaid, and the Persons resorting thereto, to use the said proposed Piers or Jetties or Causeways for a Place of Recreation; and it is therefore expedient that the said Company should be allowed to take a certain Sum from Persons using the same for Recreation and to exclude all other Persons, except as herein-after mentioned, from the said Piers or Jetties and Causeway; be it therefore further enacted, That it shall be lawful for the said Company and they are hereby empowered to ask, demand, and take, from all Persons who shall be willing to pay the same, at and after the Rate of Two-pence *per* Day, or as a Composition in lieu thereof, at and after the Rate of Two Shillings *per* Month, for the Liberty and Privilege of walking on the said Piers or Jetties and Causeway, or such of them as shall for the Time being be erected and built; and it shall be lawful for the Officers of the said Company to prevent every Person from walking on the said Piers or Jetties and Causeway, or any or either of them, except Persons landing at the said Pier from any Ship, Boat, or Vessel, who shall not have paid the said last-mentioned Rates respectively; and the Profits arising therefrom shall be applied to the same Purposes to which the other Rates and Duties hereby granted are hereby directed to be applied.

Company to prevent Annoyances to the Piers, &c

C. And be it further enacted, That in case any Person or Persons shall throw or empty into the Sea near to the said proposed Piers, Jetties, and Causeway, or any or either of them, any Stones, Rubbish, Dirt, Earth, Ashes, Night Soil, or Ballast, or dig or take away from thence any Ballast, Shingle, Stones, or other Things, the Removal or taking away of which may be prejudicial to the said proposed Piers, Jetties, and Causeway, or to any or either of them, or to the Works to be erected there as aforesaid, or do any other Act, Matter, or Thing to prejudice or annoy, obstruct or encroach upon the same respectively, the Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Pounds, which Penalty the said Company may cause to be recovered by the Means herein-after directed; and it shall be lawful for the said Company, and their Officers and Servants, or any of them, from Time to Time and at all Times from and after the passing of this Act, when and as Occasion shall require, to take away and remove, or cause to be taken away and removed, any Encroachment or Obstruction which may be necessary to be taken away and removed for the building, maintaining, improving, and regulating the said proposed Piers, Jetties, and Causeway, or any or either of them, and for better attaining the Purposes of this Act in relation thereto.

Company, with Consent, may make Cuts from the Piers, &c.

CI. And be it further enacted, That, in addition to the Drains, Sluices, and Watercourses herein-before authorized to be diverted and conveyed into the Sea, it shall be lawful for the said Company, by and with the Consent in Writing first had and obtained of the Proprietor or Proprietors of the Land, Soil, or Shore which shall or may be cut through for that Purpose, to make and maintain any Cuts  
Sluices,



Sluices, or Watercourses from any Part or Parts thereof of the said Piers, Jetties, or Causeways, or any or either of them, and in any Direction, to Low Water Mark, which the said Company shall think expedient to make.

CII. And be it further enacted, That it shall be lawful for the said Company to purchase for the Purposes of this Act, and to amend, widen, and improve, or to cause to be purchased, amended, widened, and improved, in all such Places in which they shall deem it advisable to amend, widen, or otherwise improve the same, the Road or Way branching out of the High Road from *Hadley* to *Southchurch* at or near a Gate called the *White Gate*, and leading from thence to *Upper Southend* aforesaid, proceeding from thence down the Hill to *Lower Southend*, on the South Side of a certain Garden Wall in the Possession of the Right Honourable Lady *Charlotte Denys*, and continuing along the Side of the Sea Beach in front of *Lower Southend* aforesaid to or near the said House called the *Castle Tavern*; and also to make and maintain, or cause to be made and maintained, a Road, being a Continuation of the said last-mentioned Road or Way, and extending from the said House called the *Castle Tavern* at any Distance within One hundred Yards of the Sea Beach, until the same shall join and come into the Parish Road which leads from *Shoebury Common* to *South Shoebury* aforesaid; and also to make and maintain, or cause to be made and maintained, a Road branching out of the said first-mentioned Road or Way between the *White Gate* and *Upper Southend* at and continuing down a certain Street called *York Street*, and proceeding from the End of that Street until the same shall join and come into the Lane leading from *Lower Southend* to *Southchurch* at a Spot situate Thirty Yards or thereabouts to the South of a certain Gate opening from *Upper Field* into the said Lane; and also to purchase, and to amend, widen, or otherwise improve, or cause to be purchased, and to be amended, widened, or otherwise improved, in all such Places in which they shall deem it advisable to amend, widen, or otherwise improve the same, the said last-mentioned Lane, from the Spot where the said intended Road shall join therewith to the Spot where the same is met by the said first-mentioned Road between the *White Gate* and the *Castle Tavern*; and also to make and maintain, or cause to be made and maintained, Two Roads branching out of the said intended Road extending from the End of *York Street* to the said last-mentioned Lane, One of which shall proceed on the East and One on the West Side, each being within Two hundred Yards of *Pleasant Row* aforesaid, until the same shall respectively join and come into the said first-mentioned Road between the *White Gate* and the *Castle Tavern*; and also to make and maintain, or cause to be made and maintained, a Carriage Road or Footpath leading from the Road from *Hadley* to *Southchurch*, opposite the *White Gate* aforesaid, in nearly a direct Line to the East Side of a Garden Wall in the Possession of *Jonas Asplin*, and from thence proceeding along a Lane by the West Side of certain Premises occupied by *Henry Unwin*, across the main Street of *Prittlewell*, to the Gate of *Prittlewell Churchyard*; and also to make and maintain, or cause to be made and maintained, all such Roads, Avenues, and Approaches to the said proposed Piers, Jetties,

Company to  
make and  
amend  
Roads.

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and



and Causeways, as the said Company shall deem necessary or proper.

Embankment to be made against Part of the Road to Lower Southend.

CIII. Provided also, and be it further enacted, That in amending, widening, or otherwise improving the said Road leading from *Upper* to *Lower Southend*, on the South Side of the Wall of a certain Garden in the Possession of the Right Honourable Lady *Charlotte Denys*, the said Company shall make and maintain an Embankment or Wharfing next the Beach, for the Purpose of protecting the same from Injury or Damage by the Sea, which Embankment or Wharfing shall be made and extend from the Wharfing now existing in front of the Dwelling House also in the Possession of the said Lady *Charlotte Denys* to the Wharfing situate on the West Side of the Road or Way called *Miller's Hardway*.

Power to stop up a certain Footpath.

CIV. And whereas, by reason of the making of the Roads and Improvements by this Act authorized to be made, the present Footpath from the said Road between *Hadley* and *Southchurch*, on the East Side of a Hedge which is the Western Boundary of a Field called *Little Hides*, now in the Occupation of *John Baynton Scratton* Esquire, and continuing through Part of a Field called *Great Hides*, and thence passing diagonally across a Field called *Town Field* to a Field called *Blue Boar Field*, in the Direction of *Prittlewell*, may become useless and unnecessary; be it therefore enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, at any Meeting to be held under this Act, by any Order or Orders in Writing under their Common Seal, to direct that the said Footpath or Road or any Part thereof shall be stopped up and discontinued at the Expiration of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months, in case no Appeal shall be made as herein provided, or in case of such Appeal being made, such Order being confirmed by the Court of the General or Quarter Sessions, it shall not be lawful for any Person whatsoever to use such Parts of the said Footpath or Road as shall be stopped up or discontinued as aforesaid, but the same shall thenceforth cease to be a Common Footpath or Highway to all Intents and Purposes whatsoever, and shall be vested in the Owner of the Land across which the same extends: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place on the Side of the said Footpath or Road so ordered to be stopped up and discontinued, and also upon the principal outer Door of the Church of *Prittlewell*, in which Parish the same is situate, immediately before Divine Service, upon Three successive *Sundays* next after the making of such Order, and shall also be Twice inserted in some public Newspaper usually circulated in the County of *Essex*, for the Purpose of enabling any Person who may be aggrieved by the said Order to make his, her, or their Appeal against the same as herein-after provided; nor shall the said Footpath or Road be stopped up or discontinued in case any Person or Persons interested shall make such Appeal within Four Calendar Months next after the making of such Order, until after the Determination of such Appeal, and such Order being confirmed by the Court on such Appeal.

CV. And



CV. And be it further enacted, That it shall be lawful for any Person or Persons who may be aggrieved by the making of any such Order for the stopping up and discontinuing of the said Footpath or Road, to appeal against the same to the Justices of the Peace at any General or Quarter Sessions to be held for the said County of *Essex*, which shall be held within the Space of Four Calendar Months next after the making of such Order, upon giving Notice in Writing of such Appeal, duly signed by him, her, or them, to or leaving the same at the usual Place of Residence of any One of the Members of the said Committee, or the Clerk of the said Company, at least Ten clear Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions are hereby authorized and required, upon due Proof before them by the Appellant or Appellants of such Notice having been regularly given by him, her, or them as aforesaid, to hear and determine the said Appeal, and to confirm or quash or set aside the said Order, to award and adjudge the Party against whom the said Appeal shall be determined to pay such Costs as the said Justices shall appoint; and the said Appeal, being so heard and determined, shall be final and conclusive to all Intents and Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only: Provided also, that in case no such Appeal shall be made within the Time aforesaid, the said Order shall be final and conclusive upon all Persons whomsoever.

CVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Company to make the said Carriage Road or Footpath herein-before mentioned, unless and until the Footpath leading out of the Road from *Hadley* to *Southchurch*, through certain Fields called the *Great* and *Little Hydes*, and the *Town Fields* (except the Path on the Western Side of the Town Field leading from *Prittlewell* to the Hamlet Mill), shall have been stopped up by due Course of Law as herein-before mentioned.

CVII. Provided always, and be it further enacted, That the Carriage Road or Footpath herein-before authorized to be made, leading from the Road from *Hadley* to *Southchurch*, opposite the White Gate, to *Prittlewell*, shall not exceed Forty Feet in Width in any Part thereof, and such Road or Footpath shall be properly fenced off from the adjoining Lands with a Quick Hedge and Ditch, (such Ditch to be Four Feet wide at the least,) and the same, together with the present Watercourses, shall at all Times thereafter be maintained and repaired by and at the Expence of the said Company; and it shall be lawful for the Owners and Occupiers for the Time being of the Lands adjoining on each Side thereof to make, maintain, use, and enjoy such Gates, Stiles, Openings, and Accesses from and out of the Lands adjoining into the said Road or Footpath, as they may find convenient, and also from Time to Time and at all Times, by themselves, their Servants or Agents, to cross any Footpath to be made in the Direction last aforesaid with Horses or other Cattle, Carts, and Carriages, without being liable to any of the Penalties imposed by this Act; and also that it shall not be lawful for the said Company at any Time to erect or set up any House or other Building upon any

Appeal.

Road to Prittlewell not to be made until a certain Footpath is stopped up.

The Road or Footpath to Prittlewell to be fenced.



any Part of the said Road or Footpath, without the Consent in Writing of the Proprietor for the Time being of *Milton Hall* Farm first had and obtained.

Toll Gates  
and Toll  
Houses to be  
erected.

CVIII. And be it further enacted, That the said Company shall and may erect and set up, or cause to be erected and set up, One or more Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Carriage Roads, and upon the Side or Sides thereof respectively, together with Toll Houses, and proper and necessary Buildings, Conveniences, and Fences near to such Gate or Bar, and also One or more Gate or Gates, Stile or Stiles, across any Part of the said intended Footpaths, and may from Time to Time afterwards alter, remove, or discontinue the same or any of them as the said Company shall think expedient.

No Toll Gates  
to be placed  
on certain  
Parts of the  
Road.

CIX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to erect or set up any Toll Gate, Bar, or Chain, for the Purpose of taking Toll, in, upon, or across any Part of the intended Road or Footpath from the said White Gate to *Prittlewell* aforesaid, or to set up any Toll Gate, Bar, or Chain, in, upon, or across the Road from the said White Gate to the South-east Corner of a certain House in *Upper Southend*, called the *Royal Hotel*, without the Consent in Writing of the Lord of the Manor of *Milton Hall* for the Time being.

Authorizing  
the taking of  
Tolls.

CX. And be it further enacted, That the respective Tolls following shall and may be demanded and taken at all and every of the Toll Gates, Bars, and Chains so to be erected and set up by such Person or Persons as the said Company or their Lessee or Lessees, Collector or Collectors for the Time being, shall from Time to Time appoint; (that is to say,)

Tolls.

For each and every Horse or other Beast drawing any Coach, Landau, Chariot, Curricule, Berlin, Phaeton, Calash, Hearse, Stage Coach, Diligence, Van, Caravan, Chaise, Gig, or other such like Carriage, any Sum not exceeding Sixpence :

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage upon Three or Four Wheels, the Fellies of which are of the Breadth of Six Inches or upwards, any Sum not exceeding Five-pence :

For each and every Horse or other Beast drawing any Waggon, Cart, Wain, or other such like Carriage upon Two or more Wheels, the Fellies of which are of less Breadth than Six Inches, any Sum not exceeding Sixpence :

For every Horse, Mule, or Ass, laden or unladen, and not drawing, any Sum not exceeding Three Halfpence :

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

And for every Drove of Calves, Sheep, Lambs, Hogs, or Swine, the Sum of Five-pence *per* Score, and so in proportion for any less Number :

Which said respective Sums of Money or Tolls shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast



or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be erected or placed by virtue of this Act in, upon, or across the said Roads, or any or either of them, or any Part thereof, or on the Sides thereof.

CXI. Provided always, and be it further enacted, That when any Toll shall have been paid at any One Toll Gate erected by virtue of this Act on the said Roads, or any or either of them, for or in respect of any Horse or other Beast or Cattle, drawing or not drawing, no Toll shall be demanded or taken on the same Day, to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night, for the same Horse or other Beast or Cattle, for passing through the same or any other Toll Gate erected on the said Roads, or any or either of them, (except as herein-after mentioned,) on the Person or Persons having the Care of any such Horse or other Beast or Cattle paying such Toll or Tolls producing a Ticket denoting Payment of such Toll or Tolls for such Horse or other Beast or Cattle on such Day.

Tolls to be payable but Once a Day.

CXII. And be it further enacted, That all Horses or other Beasts drawing any Stage Coach shall be charged with and liable to One Toll for the First Time of passing and repassing, and to One Half Toll for the Second Time of passing and repassing, any Turnpike Gate on the same Roads, or any or either of them, on the same Day, to be computed as aforesaid: Provided always, that no such Stage Coach shall be charged with or liable to the Payment of Toll more than Twice for passing or repassing on the said Roads, or any or either of them, on the same Day.

Tolls on Stage Coaches.

CXIII. And be it further enacted, That when the Toll hereby imposed shall have been paid for or in respect of any Horse or other Beast not drawing, and the same Horse or other Beast shall pass through any of the said Toll Gates, Bars, or Chains, on the same Day, to be computed as aforesaid, drawing a Carriage, the Difference only of the Toll payable for or in respect of such Horse or other Beast when not drawing and when drawing a Carriage shall be payable for or in respect of such Horse or other Beast when returning, so as to make up the full Toll payable in respect of any Horse or other Beast drawing a Carriage.

Horses returning with a Carriage, having paid the full Toll when not drawing, to pay the Difference of the Toll.

CXIV. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages belonging to His Majesty, or attending any of the Royal Family, or returning after having so attended, or for any Horse, Beast, Cattle, or Carriage, of whatever Description, to be employed in conveying or guarding Mails of Letters or Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or returning back from conveying or guarding the same; or for any Soldiers upon their March or upon Duty; or for any Horse, Cattle, or Carriages attending them with their Arms and Baggage, and returning after having been so employed; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse

Exemption from Tolls.

[*Local.*]

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or



or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, to and for the Use of His Majesty's Forces; or for any Volunteers upon their March or upon Duty, or in going to or returning from the Place appointed for or on the Days of Exercise; or for any Horse, Mare, or Gelding furnished by or for or belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons be dressed in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; or for any Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Calash, Chair, or other Carriage, or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Essex*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; or for any Horse, Beast, Cattle, or Carriage travelling with Vagrants sent by legal Passes, or with any Prisoner sent by legal Warrant, or returning after having been so employed; and if any Person shall claim and take the Benefit of any of the Exemptions of this Act granted, not being entitled to the same, every such Person or Persons for every such Offence shall forfeit and pay any Sum not exceeding Five Pounds.

Certain  
Agricultural  
Produce  
exempted  
from Road  
Toll if ship-  
ped at the  
Pier.

CXV. Provided always, and be it further enacted, That no Toll shall be demanded or taken at any Gate or Bar to be erected by virtue of this Act in or upon the said Lane leading from *Lower Southend* to *Southchurch*, or between the End of the said Lane nearest to the said Beach and the said intended Piers or Jetties, or either of them, for or in respect of any Horse or other Beast drawing any Cart, Waggon, or other Carriage laden or principally laden with any Agricultural Produce which shall at any Time or Times be conveyed along the said Lane for the Purpose of being shipped at the said Piers or Jetties, or either of them, or returning after having conveyed such Produce for the Purpose of being so shipped.

Empowering  
the Owners  
or Occupiers  
of certain  
Lands to put  
up Gates into  
their Fields.

CXVI. Provided always, and be it further enacted, That it shall and may be lawful for the Owner or Owners, Occupier or Occupiers for the Time being of the several and respective Fields or Parcels of Land called or known by the Names of the *Brickfield*, the *Great Strand*, the *Little Strand*, and the *Broomfield* (which said last-mentioned Field was formerly divided into Two Fields, respectively called the *Seventeen Acres* and the *Broomfield*), all which said Fields are situate in the several Parishes of *Southchurch* and *South Shoebury*, from Time to Time and at all Times hereafter to make, maintain, use, and enjoy any Gates, Ways, and Openings from and out of the said Fields or Pieces of Land, or any of them, into and upon the said intended Road, extending from the *Castle Tavern* into the Parish Road leading from *Shoebury Common* to *South Shoebury* aforesaid; and also that it shall and may be lawful for the Occupier or Occu-  
piers



piers for the Time being of the said several and respective Fields or Parcels of Land, and also for the Owner or Owners, Occupier or Occupiers for the Time being of the Cottage called *Shoebury Cottage*, in the Parish of *South Shoebury* aforesaid, and for their respective Servants, Agents, and Workmen, with or without Horses or Carriages of any Description whatsoever, to pass and repass upon and along so much of the said last-mentioned intended Road as shall extend from the Western Extremity of the said Field called the *Brickfield* to the Eastern Extremity of the same Field, and upon or along so much of the same Road as shall extend from the Western Extremity of the said Field called the *Great Strand* unto the said Cottage called *Shoebury Cottage*, without being liable to the Payment of any Tolls or Duties hereby imposed in respect of the same.

CXVII. And be it further enacted, That it shall be lawful for the said Company at any Annual or Special General Meeting from Time to Time, and for the said Committee of Management, to compound and agree by the Year or otherwise with any Person or Persons using to travel through the Toll Gates to be erected by virtue of this Act, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or other Cattle, for any Sum or Sums of Money in lieu and Payment of any of the Tolls or Duties, to be collected at the said Toll Gates, such respective Compositions to be paid yearly.

Tolls may be compounded for.

CXVIII. And be it further enacted, That the said Company or their said Committee shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate, a Table painted in distinct and legible Black Letters on a Board with White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of the Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed; and in case there shall at any Time or Times be more than One Gate, the said Company shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Name of the several Gates freed by such Tickets, One of which Tickets shall be delivered *gratis* to the Person paying the Toll; and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing the same shall pass through the Gate or Gates therein mentioned without paying any further or additional Toll.

Company to put up a Table of Tolls.

CXIX. Provided always; and be it further enacted, That it shall not be lawful for the said Company to demand or take or cause to be demanded or taken any Tolls for or in respect of any Horse or other Beast at any Toll Gate but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Tolls only payable while the Board remains.

CXX. And



Persons may  
be stopped  
on refusing  
to pay Tolls.

CXX. And be it further enacted, That if any Person or Persons subject to the Payment of any of the said Tolls hereby authorized to be taken shall, after Demand thereof made by any Collector or Collectors, Person or Persons to be appointed to receive the same, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors, Person or Persons, by himself or themselves, or taking such Assistance as he or they shall think necessary, to stop and prevent the Passage of the Beast, Cattle, or Carriage for or in respect of which such Tolls ought to be paid, until full Payment thereof, or to seize or distrain any Horse or Horses or other Cattle, together with their Bridles, Saddles, Gears, Harness, or Accoutrements, but not the Bridle or Reins of any Horse or other Beast alone, or any Carriage in respect of the Horses or Cattle drawing the Carriage upon which any Toll is by this Act imposed; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Four Days after such Seizure and Distress made, the Collector or Collectors, Person or Persons, seizing and distraining, shall or may sell the Horse or Horses, Cattle, Carriages, or Things, so seized and distrained, or any Part or Parts thereof, returning the Overplus, if any, and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and all reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted; and all Monies to be collected or levied shall be and the same are hereby vested in the said Company, and shall be applied for the Purposes of this Act.

Penalty on  
evading Tolls.

CXXI. And be it further enacted, That if any Person shall take off or cause to be taken off any Horse or other Beast from any Carriage at or near any Turnpike or Toll Gate to be erected by virtue of this Act, and afterwards put on or add the same after having passed the said Turnpike or Toll Gate, and shall thereby evade or endeavour to evade the Payment of any Part of the said Tolls, or shall forge, counterfeit, or alter, or deliver to or receive from any other Person or Persons, any Note or Ticket with Intent to evade the Payment of the said Tolls or of any Part thereof, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and it shall be lawful for any Collector or Collectors to stop and prevent the Passage of every such Person till such Person shall have paid the Sum forfeited.

For settling  
Disputes  
concerning  
Tolls.

CXXII. And be it further enacted, That in case any Dispute shall happen respecting the demanding or taking or the Payment of Toll, or the Amount of Toll, or the Charges of keeping or selling any Distress, then and in every such Case such Dispute shall be heard and determined by any Justice or Justices of the Peace for the County in which the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, which Oath every such Justice or Justices is or are hereby authorized or empowered to administer, and shall determine the Amount of the Toll due and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other as to such Justice or Justices shall seem reasonable; all which Costs, in  
case



case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices which Warrant every such Justice or Justices, is or are hereby empowered to issue; and the Overplus, if any, after Payment of the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been distrained and sold.

CXXIII. And be it further enacted, That every Toll Collector shall and is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Toll shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Toll from any Persons than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading the Inscription on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Toll Collectors to put up their Names.

CXXIV. And be it further enacted, That the said Company or their Committee of Management shall and may order and cause to be watered so much and such Parts of the said Roads, and at such Time or Times as they shall think proper, and shall for that Purpose have full Power and Authority from Time to Time to dig and sink such Wells on the Sides of the said Road, and to erect such Pumps, and to purchase or cause to be made such Machines, Carts, or Engines, or to purchase such Horses as shall be necessary for watering, or to contract with any Person or Persons for watering so much of the said Roads as they shall think fit.

Company may water the Roads.

[*Local.*]

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CXXV. And



For removing Annoyances, &c.

CXXV. And be it further enacted, That it shall be lawful for the Surveyors appointed or to be appointed by the said Company, and such Persons as they shall respectively appoint, from Time to Time to remove all Obstructions, Annoyances, and Encroachments in or upon any Part of the said Roads, or the Ditches or Watercourses on the Sides thereof or adjacent thereto, at the Expence of the Person or Persons causing the same, the Amount thereof to be ascertained by the said Company or their Committee, and to be recovered by the Ways and Means herein-after provided for the Recovery of Penalties and Forfeitures.

Penalty on assaulting Collectors, &c.

CXXVI. And be it further enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Person or Persons employed in the due Execution of this Act, or shall assault any Surveyor or Agent, or any Collector or Collector of Tolls, in the Execution of his or their Office or Offices, or shall forcibly pass through the Toll Gates or Bars to be erected by virtue of this Act without having paid the said Tolls, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Cattle found straying on the Road to be impounded.

CXXVII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying on the said Roads or Footpaths or any of them, or by the Sides thereof respectively, it shall be lawful for the Surveyor or any other Officer or Servant of the said Company, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound of the Hundred, Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Committee shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay the Sum of One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days next after such impounding it shall be lawful for the Committee of Management to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid, on Demand, to the Person whose Property the same shall appear to have been.

Penalty for Persons guilty of Pound Breach or Rescue.

CXXVIII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Swine, or  
other



other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be charged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One or more of His Majesty's Justices of the Peace for the County of *Essex*, either upon Confession of the Party or Parties offending, or upon the Oath of One credible Witness, which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Thirty Days.

CXXIX. And be it further enacted, That if any Person or Persons shall, in any of the present or future Roads, Highways, Footpaths, Passages, or other public Places hereby authorized to be made or improved, expose for Sale or sell any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle; or exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or Animals or other public Show, or in any other Manner exhibit or cause to be exhibited any public Show; or expose or show any Stallion, or shoe, bleed, or farry any Horse or Beast, (except in Cases of Accident,) or clean or dress any Horse or other Beast, or exercise any Horse or other Beast, or drive any Carriage or Carriages, for the Purpose of breaking, exercising, or trying Horses; or turn loose or suffer to be at large any Horse, Ass, Sheep, Bull, Cow, Swine, Goat, or other Beast, or any Bulldog, Mastiff, or other ferocious Dog of any other Species, not being muzzled; or permit or suffer any Dog whatsoever to go at large after any public Notice given by the said Company or their Committee, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness, (and which said Dogs so at large the Company or Committee, or any of their Officers, are hereby authorized to destroy and direct to be destroyed); or ride on the Shafts of any Waggon, Dray, Cart, Sledge, or other Carriage, or any other Part of such Waggon, Dray, Cart, Sledge, or other Carriage, or Part of a Carriage, or on any of the Horses, Asses, Mules, or Cattle drawing the same, without the Reins of such Horses, Asses, Mules, or Cattle being held, or be at such a Distance from the same as not to possess the complete Direction over the Horses, Asses, Mules, or Cattle drawing the same; or, when driving any empty or unloaded Waggon, Cart, or other such like Carriage, shall refuse or neglect to turn the same aside, and make way for any Coach, Chaise, or loaded Carriage of any Description, or, when driving any Waggon, Cart, Sledge, or other Carriage, shall not readily and promptly turn the same out of the Road on meeting Horses and Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages, or when driving any Sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road or public Place, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within such Road or public Place, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, within any such Road or public Place; or when riding

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riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limb of any Person, or drive the same against and injure or damage any Curbstone or Foot Pavement or Causeway; or suffer any Waggon, Cart, Dray, or other Carriage to stand or remain with or without Horses longer than may be necessary for loading or unloading thereof, or suffer the same during such Time of loading or unloading to be placed or remain so as to interrupt the public Passage more than necessary; or suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, to remain longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading their Baggage; or draw any Tree or Piece of Timber, Block or Blocks of Wood or Stone, Metal, or other heavy Materials (except the same be wholly in or on some Carriage); or wash or clean, or make or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or the Wheels, Bodies, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or let off or fire any Musket, Gun, or Pistol, or other Fire-arms, (except in case of Necessity for Self-defence,) or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Fireworks, or play at Football, or throw any Snowball, or trundle or turn any Hoop or Hoops, or fly any Kite or Kites, or run any Race or Races, or play any Game or Games, to the Annoyance of any Inhabitant or Inhabitants, or Passenger or Passengers; or wilfully break, or abet or assist in wilfully breaking, any Glass or Window Panes or Windows; or burn, dress, or cleanse any Cask, or hoop, or fire, cleanse, wash, or scald any Cask or Tub, or burn, dress, sweep, or cleanse any Piece or Pieces of Cork therein, or beat, dust, or shake any Carpet therein, or hang out or cause to be hung out any Linen or Clothes; or being a Blacksmith, Whitesmith, or Nailmaker, or other Person occupying a Blacksmith, Whitesmith, or Nailmaker's Shop, situate in or near any of the said Roads, Highways, Footpaths, Passages, or other public Places, and having a Window or Windows fronting the same, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Roads, Highways, Footpaths, Passages, or other public Places; or hew, saw, bore, or cut any Timber or Stone; or throw, cast, lay, or place any Hay, Straw, Coals, Stone, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance, (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for Building, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed so as to prevent any Mischief happening to Passengers,) or any Dust, Dirt, Dung, Soil, Filth, Carrion, Blood, Offal, Refuse of Garden Stuff, or any Sort of Rubbish; or throw or cast any such Matters or Things into any public or private Well, Pump, Canal, Pool, Watercourse, or Reservoir for Water, or common River or Brook, over which any of the Powers hereby granted to the said Company or their Committee shall in any way from Time to Time extend; or sell or assist in selling by Auction  
or



or public Sale, any Goods, Wares, or Merchandize, or other Property or Effects whatsoever, in any of the said Roads, Highways, Footpaths, Passages, or other public Places authorized to be made or improved, without the Leave of the said Company or their Committee for that Purpose first obtained; or hang up, place, or expose to Sale the Carcass of any Calf, Sheep, Swine, Cattle, or Beast, or any Part or Parts thereof, or any Goods, Wares, or Merchandize whatsoever, or any Fruits, Vegetables, or Garden Stuff, or any other Matter or Thing, in or upon, or so as to project over or upon any Footway, or beyond the Line of or on the Outside of the Window or Windows of the House or Shop of which the same shall be so hung up or placed or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or kill or slaughter, or singe, scald, or dress, any Beast, Swine, Ox, Cow, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, in any Road, Highway, Footpath, Passage, or other public Place hereby authorized to be made or improved, or in any Shop or other Place adjoining and exposed to any of such Roads, Highways, Footpaths, Passages, or other public Places; or cause or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter-house, Shambles, Butcher's Shop, Hogstye, or Dunghill, into any of the said Roads, Highways, Footpaths, Passages, or other public Places; or shall, in any of the said Roads, Highways, Footpaths, Passages, or other public Places, sift, screen, wet, slack, or mix any Lime; or fix up any Flower Pot or Bow Pot or Pots at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown or thrown down; or leave open (after Sunset) the Door, Hatchway, or Flap Window, Grate, Stone, Plate, Board, or other Covering giving Light or Air to any Cellar, Coal Hole, Vault, Office, or other under-ground Room or Apartment, or of any Area, without having placed or left a sufficient Light to warn or prevent Persons from falling into such Cellars or other under-ground Rooms or Apartments or Areas; or leave open or not effectually fasten and secure any Grate, Stone, Plate, Board, or other Covering placed over any Opening in any Pavement, and used for putting Coals or other Articles into any Cellar or other Place under Ground; or throw at any Cock or Fowl in the Manner called Cock-throwing, or set up any Cock or Fowl to be-thrown at in such Manner; or bait or cause to be baited any Bull, Bear, or other Animal in any of the said Roads, Highways, Footpaths, Passages, or other public Places, or commit any public Nuisance or Annoyance whatever therein; or run, draw, drive, or carry any Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatsoever, upon any Footway or Causeway (except only for the Purpose of crossing any Footway or Causeway); or drag thereon any Timber or Log of Wood, or any Stone or Metal; or roll thereon any Cask or Tub, (other than for the necessary loading or unloading thereof,) into, upon, from, or out of any Cart or Carriage; or set or place thereon any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Barrel, Box, Pail, Bucket, Stool, Bench, or Stall; or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause any Obstruction or Impediment in any such Footway or Causeway; or slide upon any

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such Footway or Causeway ; or by standing, loitering, or remaining on any such Footway or Causeway, (without some reasonable or good and sufficient Cause,) or in any other Manner obstruct or incommode, hinder or prevent, the free Passage of any such Footway or Causeway ; or prejudice, insult, jostle, or annoy any Person or Persons travelling, passing, or going thereon ; or throw, cast, lay, or sift any Ashes (except in Time of Frost only, and to prevent Accidents) ; or wilfully ride, lead, or drive on any Footway or Causeway any Horse, Mule, Ass, Swine, or other Beast or Cattle of any Kind whatsoever ; or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, drawing, or leading, to go thereon ; or tie or fasten any Horse or other Beast or Cattle to any Door, Wall, Post, Tree, or other Thing whatsoever, so that such Horse, Beast, or Cattle can go or stand across or upon any Footway or Causeway ; or indecently expose his Person ; or write or describe any obscene or indecent Language or Figure on any Wall, Door, Post, or public Place ; or post or distribute any indecent or obscene Handbill, Notice, or Placard ; or expose to Sale any indecent or obscene Print or Pamphlet ; or affix any Posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof ; or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material whatsoever ; or if any Person or Persons shall, within the Distance of Five hundred Yards from any Dwelling House situate in or upon any of the said Roads or public Places, burn any Rags or Bones, or other offensive Substance for making Manure, Ivory or other Black, or Ammoniac, or for any other Purpose of Trade, Manufacture, or Commerce ; or place, deposit, or keep any Night Soil, or the Emptyings, Cleansings, or Filth taken from any Privy, Drain, or Cesspool, or the Refuse, Offal, Garbage, Filth, or Sweepings of any Slaughter-house, or any Soap Lees, Ammoniacal Liquor, or any other Nuisance or offensive Matter whatsoever, in or upon any open or inclosed Ground within the aforesaid Distance from any such Dwelling House as aforesaid, otherwise than during the Time of the same being removed, each and every Person so offending in any of such Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter or Thing aforesaid, as the Case may be, (in any of such Cases where the Person actually offending cannot be found or discovered,) or the Person causing any of such Offences, Matters, or Things to be committed or done shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Tolls may be altered.

CXXX. And be it further enacted, That the said Company shall have full Power from Time to Time at any Annual or Special General Meeting to lower or reduce all or any of the Tolls and Duties hereby granted, but no Reduction of any such Tolls or Duties shall be made or take place unless a Majority of the Proprietors present at such General Meeting as herein-before directed shall assent thereto ; and it shall be lawful for the said Company in like Manner again to raise the said Tolls to such Sum or Sums as they shall think proper, not exceeding the Sums hereby authorized to be taken,

CXXXI. And



CXXXI. And be it further enacted, That it shall be lawful for the said Committee to lease or demise all or any of the Tolls and Duties hereby authorized to be taken for any Term of Years, not exceeding Three Years at any one Time, for such Rent, payable at such Times and under such Covenants as they shall think fit, taking sufficient Security from the Person or Persons to whom such Tolls shall be leased or demised for Payment of such Rent and Performance of such Covenants respectively.

Power to  
farm Tolls.

CXXXII. Provided always, and be it hereby further enacted, That the said Company shall have full Power and Authority from Time to Time at any General Meeting, whether annual, half-yearly, or otherwise, convened under the Powers and Authorities of this Act, to remove or displace any Person or Persons who shall have been chosen, and Officer or Officers under them, or any Member or Members of the said Committee, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with regard to their Proceedings among themselves, as to them shall seem meet; and also to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company, and for regulating the Proceedings of the said Committee, and of the Sub-committee or Sub-committees to be appointed as herein-after is mentioned, and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs or Business of the said Company, and for the better Regulation and governing of the said Piers, Jetties, and Causeways to be made by virtue of this Act, and for the Convenience of Persons landing there or embarking therefrom, or shipping or landing Goods, Wares, and Baggage, or other Articles at or from the same, and for the preventing of Ships or Vessels from lying or being moored so as to impede or obstruct the Access to the said Piers, Jetties, or Causeways, and for the better Regulation and Government of the Baths and Bathing Place or Bathing Places to be made and maintained by virtue of this Act, and the Convenience of the Persons using or resorting to the same, and otherwise in regard to the several Works to be made under and by virtue of this Act; and from Time to Time to alter and repeal such Rules, Orders, and Bye Laws, or any of them, and to make others; and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds for any One Offence, as to the said Company shall seem meet and expedient; and all Rules, Orders, and Bye Laws so to be made as aforesaid, being reduced into Writing, with the Common Seal of the said Company thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Undertaking, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same; provided that such Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the express Directions or Provisions of this Act; and provided that Copies of such of the said Rules, Orders, and Bye Laws as shall concern or relate to the said Piers, Jetties, and Causeways, or any or  
either

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ficers, &c. and  
to make Bye  
Laws.



either of them, shall be painted on Boards and affixed on some conspicuous Place on or near the said Piers, Jetties, or Causeways, and such of them as shall relate to the said Baths and Bathing Place or Bathing Places shall be painted on Boards and affixed on some conspicuous Place near to the said Baths and Bathing Place or Bathing Places respectively, and such Boards shall be renewed from Time to Time when and so often as the same shall or may be destroyed, defaced, or obliterated.

Compensation for Damages, &c. to be levied by Distress of the Goods vested in the Company.

CXXXIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by this Act, by the said Company, or by their Committee, to any Person or Persons, as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by such Company or Committee, or any Person or Persons acting by or under their Authority, or for any Costs and Expences relating thereto not herein-before otherwise provided for or directed, and such Sum and Sums of Money shall not be paid by the said Company or Committee to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made for that Purpose, then and in every such Case the Amount of such Compensation or Satisfaction, Costs or Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Essex*, (which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal,) on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any Damages, Spoil, or Injury as aforesaid, or for any Costs or Expences as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matters in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case the Overplus shall be returned, on Demand, to the said Company or Committee, or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he may have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any Warrant as aforesaid.

Justices may proceed by Summons in the Recovery of Penalties.

CXXXIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before any Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to commit the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Informa-



tion in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

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

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

CXXXVI. And be it further enacted, That all Justices of the Peace be and they are hereby empowered to administer Oaths and Affirmations to any Person or Persons that they shall or may from Time to Time have Occasion to examine in any Matter or Proceeding relative to this Act; and that in the Hearing of all Complaints of Offences against this Act the Affirmation of a Quaker be admitted and taken as Evidence.

Justices empowered to administer Oaths.

CXXXVII. And be it further enacted, That all Complaints and Informations of and for Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, except in Cases where the Manner of hearing and determining the same is herein-before otherwise directed, shall and may be made before One or more Justice or Justices of the Peace for the County, Liberty, or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby empowered and authorized to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath or Affirmation to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the Appearance or Nonappearance of any such Person or Persons pursuant to any such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath or Affirmation, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant under his and their Hand and Seal or Hands and Seals, for levying the Penalty or Forfeiture by virtue of this Act, or of any Bye Law made in pursuance thereof, imposed for any such Offence, together with the Costs of Conviction, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of the Person so convicted; and in case such Penalty or Forfeiture shall not be forthwith paid, it shall and may be lawful for any such Justice or Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant and Distress, unless the Offender or Offenders can give

For Recovery of Penalties.

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sufficient Security to the Satisfaction of such Justice for his or their Appearance before such Justice, or before some other Justice of the Peace for the same County or Place in which such Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Seven Days from the taking of any such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction of or for the said County, there to remain for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer of the said Company, and shall be applied and disposed of toward defraying the Expences of the said Undertaking; and the Overplus, if any, arising from such Distress and Sale, after Payment of the Penalty, and Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

For Apprehension and Commitment of Offenders in certain Cases.

CXXXVIII. And be it further enacted, That it shall be lawful for any Person or Persons who shall see any Offence committed against the Provisions of this Act, by any Person destroying or doing any wilful Damage to any of the Works by this Act authorized to be made, or otherwise, contrary to any of the Provisions herein-before contained, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender, or cause him to be conveyed by some Constable or other Peace Officer, before any Justice of the Peace for the County in or near the Place in which the Offence shall be committed, who shall forthwith proceed against such Offender according to Law, and according to the Provisions in this Act contained.

Power for Committee to give Informer Part of the Penalties.

CXXXIX. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Committee from Time to Time, if they shall think fit, to pay and apply any Part of the Penalties, Forfeitures, and Fines to or for the Use of the Informer or Informers, or other Person or Persons aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them.

CXL. And



CXL. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect; (that is to say,)

‘ to wit. } BE it remembered, That on [*Time of Conviction*] at Form of Conviction.  
 ‘ [*Place of Conviction,*] [*Name of Offender,*] of [*Addition*  
 ‘ of Offender,] was duly convicted before me [*Name and Style of*  
 ‘ convicting Justice or Justices,] for that the said [*Name of Offender,*]  
 ‘ on [*Time of committing Offence,*] at [*Place of committing Offence,*]  
 ‘ did [*here state the Offence against the Act according to the Act,*]  
 ‘ contrary to the Form of the Statute made in the Year of the  
 ‘ Reign of His Majesty King *George* the Fourth, intituled [*here set*  
 ‘ forth the Title of this Act]; and I do therefore declare and adjudge  
 ‘ that the said [*Name of Offender*] has forfeited for the said Offence  
 ‘ the Sum of [*Fine,*] or shall be committed to [*Place of Imprisonment*]  
 ‘ for the Space of [*Time of Imprisonment*]. Given under my Hand  
 ‘ and Seal, the Day and Year first above written.’

CXLI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining in the Prosecution of such Distress, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case. Persons making Distress irregularly not to be deemed Trespassers,

CXLII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere. Proceedings not to be quashed for Want of Form.

CXLIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in the Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Party or Parties accused, shall refuse or neglect to appear at the Time or Place for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) which Oath such Justice or Justices is and are hereby authorized to administer, and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence. For compelling Witnesses to attend.



Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Officers  
under this  
Act not to be  
incompetent  
Witnesses.

CXLIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls and Duties, or respecting any Matter or Thing relating to the said Undertaking, no Person or Persons acting by or under the Authority or in the Service of the said Company shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation, respecting any thing ministerially done by them or any of them in the Execution of their respective Offices or Authorities.

Clerk of the  
Company  
may grant  
Releases to  
Witnesses.

CXLV. And be it further enacted, That all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced or instituted by or on behalf of the said Company, or other Proceedings in or consequent upon or arising out of any such Actions and Suits or Proceedings, it shall be lawful for the Clerk for the Time being of the said Company, with the Approbation of the said Committee, in his or their own Name or Names, for or on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general and other Release or Releases as may be deemed to be necessary for the Purposes of exonerating, releasing, or discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims or Demands which may be necessary to be relieved by the said Company, in order to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid; also to do any other Act, Matter, or Thing in any such Actions, Suits, Prosecutions, or other Proceedings which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution or other Proceedings; and every such relative Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Company.

Appeal to  
Quarter  
Sessions.

CXLVI. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or their Committee, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of this Act, may, within Three Calendar Months after such Order shall be made or given, appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person or Persons appealing having first given at least Ten Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Company, and forthwith after such Notice entering into a



Recognizance before some Justice of the Peace for the said County in which the said Cause of Appeal shall arise, with Two sufficient Sureties, conditional to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace to be held for the said County, or if they think proper may adjourn the Hearing thereof until the next General or Quarter Sessions of the Peace to be held for the said County, and if they see Cause may mitigate any Forfeitures and Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

CXLVII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by and on the Behalf of the said Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall be nonsuited and pay Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, or after Tender of Amends.

CXLVIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve upon the said Company any Notice or Notices, Writ or Writs, or other legal Proceeding or Proceedings in Equity, the Service upon the Clerk of the said Company, or left at the Office or usual Place of Abode of such Clerk, or at the Office of the said Company, shall be deemed good and sufficient Service of the same respectively upon the said Company.

For Service of Notices, &c. on the Company.



Limitation  
of Actions.

CXLIX. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may, at his, her, or their Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall happen to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants.

Power to  
purchase  
Lands, &c.  
limited to  
Three Years.

CL. Provided always, and be it further enacted, That if the said Company shall not, within the Space of Three Years next after the passing of this Act, agree for or cause to be valued and paid for in manner directed by this Act, the several Lands, Houses, Buildings, and other Premises by this Act authorized to be purchased, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby given to them for such Purpose only shall cease, determine, and be utterly void, except with the Consent of the Owners and Occupiers thereof respectively.

Powers given  
by this Act  
to cease if  
Works not  
completed  
within Five  
Years.

CLI. And be it further enacted, That in case the said Undertaking and the several Works herein-before described and intended to be carried into effect under the Authority of this Act shall not have been completed within Five Years from the passing of this Act, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to so much and such Part of such Works as shall not have been completed within such Time.

Lights or  
Beacons not  
to be exhib-  
ited or  
altered with-  
out the Sanc-  
tion of the  
Trinity  
House of  
Deptford  
Strond.

CLII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Company to exhibit or alter any Light or Lights, Beacon or Beacons, for the Guidance of Ships and Vessels resorting to or using such Quays, Wharfs, Piers, Jetties, or other Works as aforesaid, or approaching to or departing from the same, without having from Time to Time first obtained the Sanction in Writing of the Corporation of Trinity House of *Deptford Strond* as to the Description and Power of any such Light or Lights, or the Character of any such Beacon or Beacons, and the Mode of exhibiting the same respectively.

CLIII. Pro-



CLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights or Privileges of the said Corporation of Trinity House of *Deptford Strond*. Saving the Rights of the Trinity House.

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



## The First SCHEDULE referred to by this Act.

	£	s.	d.
For every Quarter of Wheat, Oats, Rye, Barley, Malt, Beans, Peas, Tares, Mustard Seed, Canary Seed, and Seeds of every Denomination	0	0	1 $\frac{1}{4}$
For every Sack of Five Bushels of Flour	0	0	1 $\frac{1}{2}$
For every Quarter of Meal or Middlings	0	0	4
For every 8 Bushels of Pollard or Bran	0	0	2
For every Sack of 3 Bushels of Potatoes	0	0	1
For every Load of Hay of 36 Trusses	0	2	0
For every Load of Straw	0	1	0
For Oil Cakes, per Thousand	0	2	0
For every Bag of Hops	0	1	0
For every Pocket of Hops	0	0	6
For every One Hundred Weight of Wool Yarn or Cotton	0	1	6
For every Gallon of Wine (not British), Sweet Oil, or Spirits, contained in any Butt, Pipe, Puncheon, or Piece, or any Cask whatever	0	0	0 $\frac{1}{2}$
For every Gallon of British Wine or Vinegar	0	0	0 $\frac{1}{4}$
For every Dozen of Wine, Sweet Oil, or Spirits, in Bottles	0	0	3
For every 5 Gallons of Ale, Porter, Cyder, or Perry	0	0	1
For every 9 Gallons of Table Beer	0	0	1
For every Dozen of Ale, Porter, Cyder, or Perry, in Bottles	0	0	2
For every Hundred Weight of Raisins or Currants	0	0	3
For every Chest of Oranges or Lemons	0	0	6
For every Half Chest of Ditto	0	0	3
For every Hundred Weight of Loaf or Lump Sugar	0	0	3
For every Hundred Weight of Raw Sugar	0	0	2
For every Hundred Weight of Cheese or Butter	0	0	3
For every Hundred Weight of Tallow, Soap, or Candles	0	0	3
For every Hundred Weight of Salt	0	0	2
For every Hundred Weight of Hams, Bacon, or Tongues	0	0	6
For every Barrel of Train or Fish Oil	0	1	0
And so in proportion for every greater or less Quantity than a Barrel.			
For every Barrel of Red Herrings	0	0	4
For every large Crate of Glass Ware	0	1	3
For every small Ditto	0	0	9
For every large Crate of Earthenware	0	1	0
For every small Crate of Ditto	0	0	8
For every Hundred Weight of Pork or Beef contained in any Cask	0	0	3
For every Quarter Chest of Tea	0	0	6
And so in proportion for any greater or less Quantity than a Quarter Chest.			
For every Hundred Weight of Coffee	0	0	9
For every Hundred Weight of Treacle	0	0	2 $\frac{1}{2}$
For every Vat packed with Goods not enumerated in this Schedule	0	3	6
For every Hogshead packed with Goods not enumerated in this Schedule	0	1	9
For every smaller Cask packed with Goods not enumerated in this Schedule	0	1	0
For every Anchor Stock, per Foot run	0	0	2
For every Load of Timber containing 50 Cubic Feet	0	2	0



	£	s.	d.
For every Load of Deals containing 50 Cubic Feet	0	1	6
For every Load of Oak or Elm Plank containing Ditto	0	1	6
For Mahogany in Logs or Planks, per Foot Cube	0	0	2
For every 1,000 of Barrel Boards or Staves	0	2	0
For every 100 of Butt Staves	0	2	6
For all other Staves in proportion.			
For every 100 of Petersburg Battens	0	2	6
For every 100 of Clove Boards or Battens	0	2	0
For every Mast of 10 Inches Diameter or upwards	0	3	0
For every Mast under 10 Inches Diameter	0	1	6
For every Spar of 10 Inches Diameter or upwards	0	0	6
For every Spar of less than 10 Inches and not less than 4 Inches Diameter	0	0	3
For every Score of smaller Spars	0	0	6
For every 1,000 of Cleft Pale	0	2	6
For every Load of Posts and Rails containing 50 Cubic Feet	0	1	6
For every Bundle of Hoops	0	0	2½
For every 20 Bundles of Laths	0	0	9
For every Fathom of 6 Feet Lathwood	0	1	6
For every Fathom of 5 Feet Lathwood	0	1	3
For every Cord of Firewood	0	0	6
For every 100 of Faggots	0	0	6
For every 100 of Hurdles	0	2	9
For every Piece of Ordnance, Brass or Iron, per Hundred Weight	0	0	4
For every Anchor, per Hundred Weight	0	0	4½
For every Hundred Weight of Iron, Wrought	0	0	4
For every Hundred Weight of Ditto, Unwrought	0	0	2
For every Hundred Weight of Copper or Brass, Wrought	0	0	9
For every Hundred Weight of Ditto, Unwrought	0	0	4½
For every Hundred Weight of Lead	0	0	2
For Hundred Weight of Wrought Pewter	0	0	9½
For every Hundred Weight of Old Pewter	0	0	4½
For every Hundred Weight of Solder	0	0	4½
For every Crate of Window Glass	0	1	0
For every Chaldron or Ton of Coals, Culm, Splint, Coke, or Cinder	0	1	0
For every Chest of Drawers, double	0	1	6
Ditto, single	0	0	9
For every Mahogany Chair	0	0	3
For every other Chair	0	0	2
For every Billiard Table	0	7	6
For every Set of Dining Tables	0	2	3
For every Dining Table	0	0	9
For every Card or Pembroke Table	0	0	6
For every other Table	0	0	6
For every Mahogany Bedstead	0	0	6
For every other Bedstead	0	0	4½
For every Sofa	0	2	0
For every Piano Forte, Harpsichord, or Harp	0	2	6
For every Load of Lime of 28 Bushels, and so in proportion	0	0	6
For every Millstone, large	0	2	0
For every Ditto, small	0	1	3
For every Tombstone	0	5	3
For every Marble Ditto	0	10	6
For every 1,000 Bricks	0	2	0
For every 1,000 Plain Tiles	0	0	9
For every 1,000 of Hip or Gutter Tiles	0	1	3
For every 1,000 of Ridge or Pan Tiles	0	2	6
For every 1,000 of Mathematical Tiles	0	1	6



	£	s.	d.
For every 100 of Paving Tiles	0	0	9
For every Chimney Pot	0	0	3
For every Ton of Portland, Purbeck, or other Stone	0	1	3
For every Ton of Marble	0	3	0
For every Grindstone	0	0	4½
For every common Cart Load of Flint Stones	0	0	4½
For every common Cart Load of Chalk Stones, rough or hewn	0	0	4½
For every Ton of Slate containing 24 Feet Cube	0	1	9
For every Ton of Paving Stone	0	1	6
For every Ton of Barilla	0	4	0
For every Ton of Kelp	0	1	6
For every Corpse	1	1	0
For every Hundred Weight of Feathers	0	2	0
For every Register Stove	0	1	6
For every other Stove	0	0	6
For every large Range or Grate	0	1	9
For every small Ditto	0	0	9
For every Oven	0	0	6
For every Barrel of Pitch and Tar	0	0	8
For every Hundred Weight of Hemp	0	0	4
For every Hundred Weight of Cordage	0	0	4½
For every Bolt of Canvass, Nos. 1, 2, 3.	0	0	3
For every other Bolt	0	0	2
For every Four-wheeled Carriage	0	10	6
For every Two-wheeled Ditto	0	5	3
For every Sedan Chair	0	1	9
For every Sack of 3 Bushels of Apples and Pears	0	0	3
For every Bushel of Onions	0	0	1½
For every Bushel of Oysters or other Shell Fish, if landed at or shipped from the Pier	0	0	2
For every Firkin or smaller Barrel of Ditto	0	0	1½
For every Hundred Weight of Cod Fish	0	0	1¼
For every Kit of Salmon	0	0	3
For every Turtle	0	5	0
For every Horse	0	6	0
For every Beast or Calf	0	2	6
For every Sheep, Lamb, Pig, or Hog	0	0	6
For every Hare, Pheasant, and all other Game, per Head	0	0	3
For Fowls and every other Sort of Poultry, per Head	0	0	1
For every Hide, raw or tanned	0	0	3
For every Dozen of Goat, Dog, Calf, Sheep, or Lamb Skins	0	0	9
For every Bale, Truss, Box, Trunk, Case, Chest, Bundle, or Parcel not exceeding 12 Cubic Feet, containing Goods not enumerated in this Schedule, per Cubic Foot	0	0	1
And for every additional Cubic Foot	0	0	1
And no Parcel to be charged less than	0	0	1½
For every large Maund or Basket containing Goods not enumerated in this Schedule	0	1	0
For every smaller Ditto	0	0	6
For Lumber, and every other Article not specified before in this Table, at the Rate of Sixpence for every One Shilling Freight, and in that Proportion.			
For every Load of Manure, if landed at the Pier	0	0	6



The Second SCHEDULE referred to by this Act.

N° on Plan.	Description of Property.	Owner.	Occupier.
<i>The Hamlet of Milton, otherwise Middleton, in the Parish of Prittlewell.</i>			
1, 1	Land - - - -	Robert Scratton, Esquire	James Heygate, Esquire.
1 a	Ditto - - - -	Ditto - - - -	Lady Charlotte Denys.
1 b	Ditto - - - -	Ditto - - - -	Lady Charlotte Denys.
2	A Road leading to Upper Southend out of the Road leading from Hadleigh to Southchurch -	Ditto.	—
2 a	Land - - - -	The Executors of the late Peter Denys, Esquire	Lady Charlotte Denys.
3	Ditto - - - -	Robert Scratton, Esquire, or — Little, Esquire	Robert Scratton, Esquire.
4	Ditto - - - -	John Hanger Drake	Michael Sheehy.
5	Ditto - - - -	Ditto - - - -	Edward Abrey.
6	Ditto - - - -	Ditto - - - -	John Hanger Drake.
7	Ditto - - - -	John Grimmer - -	John Grimmer.
8	Ditto - - - -	Fredrick Harvey and —, Executors of the late — Browne	Executors of — Browne.
9	Ditto - - - -	Rev <sup>d</sup> Andrew White -	Rev <sup>d</sup> Andrew White.
10	Ditto - - - -	Robert Scratton, Esquire	Robert Scratton, Esquire.
11	Ditto - - - -	John Orange, Esquire -	Rev <sup>d</sup> George Firmin.
12	Ditto - - - -	James Heygate, Esquire -	James Heygate, Esquire.
13	Cottage, Shed, and Yard -	Ditto - - - -	Joseph Cadman.
14	Ditto - - - -	Ditto - - - -	James Lilly.
15	Land - - - -	George Greaves, Esquire	George Greaves, Esquire.
16	Ditto - - - -	Thomas Thorn and Abraham Wood -	William Fox.
17 Common or Waste Land -		Robert Scratton, Esquire	—
18 House and Yard -		Joseph Pritchard -	Joseph Pritchard.
19 Ditto - - - -		Ditto - - - -	Ditto.
20 Ditto - - - -		George Vandervord -	George Vandervord.
21 Ditto - - - -		Ditto - - - -	Ditto.
22 Ditto - - - -		Joseph Page - -	Joseph Page.
23 Workshop - - - -		Joseph Pritchard -	{ John Peters and William Daniels.
24 Cottage - - - -		Ditto - - - -	Samuel Constable.
25 Public Road or Way towards the Castle.		—	—
26 Ditto towards South Shoebury.		—	—
27 House, Stables, Sheds, and Yard - - - -		William Bough - -	Ann Lingood.
28 Common or Waste Land -		Robert Scratton, Esquire.	—
29 Stream, Watercourse, or Sewer arising in Porter's Farm, and continuing towards Lower Southend, and at the Back thereof, in an Easterly Direction, with Outlet to the Sea near the Castle Tavern.		—	—



N <sup>o</sup> on Plan.	Description of Property.	Owner.	Occupier.
30	Road from Lower South- end to Southchurch, and Road from Lower South- end called Old Southend Lane	Parish Officers of Prittle- well.	—
31	Land	Mrs. Silvester	William Whale.
32	Ditto	Ditto	Thomas Tele.
33	Ditto	James Heygate, Esquire	John Cowland.
34	Footpath.	—	—
35	Land	James Heygate, Esquire	James Heygate.
36	Ditto	Edward Bliss, Esquire	James Merrett.
37	Ditto	Mrs. Barrington Purvis	Daniel Thorn.
38	Ditto	Edward Bliss, Esquire	James Merrett.
39	Ditto	Ditto	Ditto.
40	Road.	—	—
41	Land	Edward Bliss, Esquire	Major General Strutt.
42	Broadway to Pleasant Row.	—	—
43	Land	Edward Bliss, Esquire	Charles Ray.
44	House	Ditto	Ditto.
45	Ditto	Ditto	Ditto.
46 a	Cottage and Land	Ditto	Thomas Felton.
46 b	Ditto	James Taylor	James Taylor.
47	House	Edward Bliss, Esquire	Elizabeth Burton.
48	Land	Ditto	Ann Clements.
49	Shed	Ditto	James Moore.
50	House	Ditto	Ditto.
51	Roadway.	—	—
52	Land	Edward Bliss, Esquire	Ditto.
53	Ditto	Ditto	Ditto.
54	Ditto	Ditto	John Moore.
55	House and Garden	Ditto	Ditto.
56	Footpath.	—	—
57	House and Garden	Edward Bliss, Esquire	Thomas Lister.
58	Footpath.	—	—
59	Land	James Heygate, Esquire	James Moore.
60	Footpath.	—	—
61	Land	James Heygate, Esquire	James Heygate, Esquire.
62	Footpath.	—	—
63	Land	James Heygate, Esquire	James Heygate, Esquire.
64	Footpath.	—	—
65	Ditto.	—	—
66	Land	Robert Scratton, Esquire	Thomas Hills.
67	Road Approach from the Sea Beach.	—	—
68	Land	Robert Scratton, Esquire	Miss Elizabeth Anne Heygate.
69	Ditto	Ditto	Ditto.
70	Ditto	Ditto	James Heygate, Esquire.
71	Road called York Street.	—	—
72	Land	Mrs. Barrington Purvis	Daniel Thorne.
74	Land	James Heygate, Esquire	James Heygate, Esquire.
75	Ditto	Ditto	Ditto.
76	Highway	{ Churchwardens and Over- seers for the Time being }	—
77	Sheds and Land	James Heygate, Esquire	James Heygate, Esquire.
78	Land	Ditto	Ditto.
79	Ditto	Ditto	{ Robert Myers, Esquire, As- signee of James Stevens, a Bankrupt. }



N <sup>o</sup> on Plan.	Description of Property.	Owner.	Occupier.
80	Land - - - - -	James Heygate, Esquire -	James Heygate, Esquire.
81	Tenement, Yard, and Forecourt - - - - -	} Robert Scratton, Esquire {	John Grimmer and William Hayes.
82	Ditto - - - - -		
83	Way to Cottages and Land.	—	—
84	Cottage, Workshop, and Garden - - - - -	} James Heygate, Esquire -	James Thomas Coolbeer.
85	Ditto - - - - -		
86	House, Shop, Tenement, Garden, and Yard behind	} William Cadman -	Thomas Thorn.
87	Cottage or Workshop -		
88	House - - - - -	Ditto - - - - -	James Thomas Coolbeer.
89	Land - - - - -	Ditto - - - - -	John Sans.
90	Ditto - - - - -	} Robert Scratton, Esquire {	Ditto.
91	Ditto - - - - -		
91 a	Footpath.	—	—
92	Ditto.	—	—
93	Land - - - - -	Henry Lambert, Esquire	Thomas Rolfe.
94	Ditto - - - - -	William Wren, Esquire -	Jonas Aspen, Esquire.
95	Ditto - - - - -	Thomas Lindsay - - -	Thomas Lindsay.
96	Barn and Stackyard -	Ditto - - - - -	Ditto.
97	Lane.	—	—
98	Cottage, Sheds, and Garden	Drapers Company - - -	W. H. Unwin.
99	Cottage, Yard, and Shed -	Nicholas Flacke - - -	Mrs. Jordan.
100	Ditto - - - - -	Ditto - - - - -	Peter Price.
101	Blue Boar Inn Stables, Sheds, and Yard, -	} Henry Lambert, Esquire	Thomas Rolfe.
102	Garden - - - - -		
103	Stable - - - - -	William Wren, Esquire -	Ditto.
104	Cottage - - - - -	{ William Wren, Esquire, and William Carr - }	Jonas Aspen.
105	Ditto - - - - -		
106	Ditto - - - - -	Ditto - - - - -	Sarah Rainor.
107	Ditto, Sheds, and Garden -	Ditto - - - - -	John Toting.
111	Land - - - - -	Robert Scratton, Esquire	John Anderson.
112	Footpath - - - - -	William Cockerton.	John Watson.
113	Ditto - - - - -	Ditto.	James Heygate, Esquire.
114	Ditto - - - - -	Mrs. Barrington Purvis.	—
115	Ditto - - - - -	Robert Scratton, Esquire.	—
Letters on Plan.			
a	House, Garden, and Out-buildings - - - - -	} James Heygate - - -	Unoccupied.
b	House and Yard - - - - -		
c	Ditto - - - - -	Ditto - - - - -	Thomas Brooks.
d	Ditto - - - - -	Ditto - - - - -	William Deer.
e	Ditto - - - - -	Ditto - - - - -	William Whitfield.
f	Ditto - - - - -	Ditto - - - - -	Edward Appleton.
g	House, Shop, and Yard -	Ditto - - - - -	Ditto.
N <sup>o</sup> on Plan.			
		<i>Parish of Southchurch.</i>	
1	Land - - - - -	John Gregory Welch, Esquire	Thomas Kilworth.
2	House and Premises - - -	} Ditto - - - - - {	Parish Officers of Southchurch.
3	Cottage - - - - -		
4	Road or Way - - - - -	Ditto.	William Page.



N° on Plan.	Description of Property.	Owner.	Occupier.
5	Land - - - -	John Gregory Welch, Esquire	Thomas Kilworth.
6	Drain or Sewer - - - -	Ditto.	—
7	Road or Way - - - -	Ditto.	—
8	Drain or Sewer - - - -	Ditto.	—
9	Land - - - -	Ditto - - - -	Thomas Kilworth.
10	Common or Waste Land - - - -	Ditto - - - -	William Brown.
11	Brick Field - - - -	Countess Powlett - - - -	James Heygate, Esquire.
12	Cottage - - - -	Ditto - - - -	Unoccupied.
13	Ditto - - - -	Ditto - - - -	Ditto.
14	Ditto - - - -	Ditto - - - -	John Blakely.
15	Ditto - - - -	Ditto - - - -	Robert Bradley.
16	Ditto - - - -	Ditto - - - -	John Heyling.
17	Ditto - - - -	William Page - - - -	John Cundy.
18	Ditto - - - -	F. Richardson - - - -	Mary Maud.
19	Cottage - - - -	Ditto - - - -	Isaac Boosey.
20	Land - - - -	John Gregory Welch, Esquire	Thomas Kilworth.
21	Cottage - - - -	William Page - - - -	William Page jun <sup>r</sup> .
22	Ditto - - - -	Ditto - - - -	James Emmett.
23	Land - - - -	John Gregory Welch, Esquire	Thomas Kilworth.
24	Footpath - - - -	Ditto.	—
25	Land - - - -	Countess Powlett - - - -	Frederick Stallybrass.
26	Footpath - - - -	Ditto.	—
27	Road to the Sea Beach - - - -	Ditto.	—
28	Land - - - -	Ditto - - - -	Frederick Stallybrass.
29	Footpath - - - -	Ditto.	—
30	Common or Waste Land - - - -	John Gregory Welch, Esquire	Frederick Stallybrass.
31	Footpath crossing Ditto - - - -	Ditto.	—
32	Land - - - -	Ditto - - - -	Frederick Stallybrass.
<i>Parish of South Shoebury.</i>			
1	Land - - - -	Countess Powlett - - - -	Captain Milburne.
2	Ditto - - - -	Ditto - - - -	Richard Spitty.
3	Ditto - - - -	Robert Bristow, Esquire - - - -	James Robjent.
4	Ditto - - - -	Ditto - - - -	Ditto.
5	Common or Waste Land - - - -	Ditto - - - -	Ditto.
6	Road or Parish Way along the Common.	} —	—
7	House and Outbuildings - - - -		Robert Bristow, Esquire - - - -
8	Road to Sea Beach - - - -	Ditto.	—

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