



ANNO SEXTO

# GEORGIIV. REGIS.

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## *Cap. clxxviii.*

An Act for enabling the Commissioners of the Pavement of the City of *Canterbury* to improve and alter the Line of certain Streets, called *Palace Street*, *The Borough of Staplegate*, and *Northgate Street*, from the Entrance into the Archbishop's Palace in *Palace Street* to *Cold Harbour Lane* in *Northgate Street* aforesaid, within the said City of *Canterbury* and the County of the same City, and the County of *Kent*.

[22d June 1825.]

**W**HEREAS an Act was passed in the Twenty-seventh Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the Walls of the City of Canterbury and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City; and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein*: And whereas the present Line of certain Streets, called *Palace Street*, *The Borough of Staplegate*, and *Northgate Street*, within the said City of *Canterbury* and the County of the same City, and the County of *Kent*, from the Entrance into the Archbishop's Palace in *Palace Street* to *Cold Harbour Lane* in *Northgate Street*, is very crooked, and in Part thereof narrow, and great Incon-

27 G.3. c. 14.

[Local.]

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venience and Danger arises therefrom to Travellers, Passengers, and all other Persons passing along the same, or resorting thereto, and it will be a great Improvement to the said City, and to the aforesaid Streets, and to the Road from the said City to the Town of *Ramsgate*, and tend greatly to the Safety and Convenience of Travellers, Passengers, and other Persons passing along or resorting to the said Streets, and will be of great public Utility, if the aforesaid Line of Streets is altered and made more straight, and of a sufficient Width throughout the same: And whereas the said Commissioners are willing and desirous to undertake and make such Improvements; but as the beneficial Purposes aforesaid cannot be effected and carried into Execution 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 the said recited Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are varied, altered, or repealed, shall be as good, valid, and effectual for carrying this Act into Execution as if the same had been repeated and re-enacted in the Body of this Act.

Powers of recited Act (except as herein altered) shall be good for the Purposes of this Act.

Commissioners under recited Act to improve and make the new Line of Road.

II. And be it further enacted, That it shall and may be lawful to and for the said Commissioners for putting the said recited Act in Execution, to improve and alter the Line of the aforesaid Streets called *Palace Street*, *The Borough of Staplegate*, and *Northgate Street*, from the Entrance into the Archbishop's Palace in *Palace Street* to *Cold Harbour Lane* in *Northgate Street*, and to render the same more straight and convenient, and of a sufficient Width throughout, and for that Purpose to purchase and take the several Messuages, Buildings, Lands, Tenements, and Hereditaments within the said City and the County of the same City, and in the Borough of *Staplegate* in the County of *Kent*, and in the Precincts of the Archbishop's Palace in the said County of *Kent*, mentioned and specified in the Schedule to this Act annexed, or so many or such Part or Parts thereof as they the said Commissioners shall think necessary and proper to be taken for the Purposes of this Act, and to take down or alter all or any of the said Messuages, Buildings, Tenements, or Hereditaments so to be purchased, or any Part or Parts thereof, and to appropriate all or any Part or Parts of the Ground or Sites thereof respectively, and also all or any Part or Parts of the Land or Ground so to be purchased as aforesaid, for all or any of the Purposes of this Act, and to design, lay, cut, open, and make a new Line of Street from the Entrance to the Archbishop's Palace in *Palace Street* aforesaid to *Cold Harbour Lane* in *Northgate Street* aforesaid, of such sufficient Width throughout as to them the said Commissioners shall seem proper; and the said Commissioners shall make or cause to be made proper Drains, Sinks, Gutters, or Watercourses for conveying the Water off and from the said new Line of Street, and the Houses and other Buildings to be erected or standing on the Sides thereof, or near or adjoining thereto, in such Manner as the said Commissioners shall think proper; and shall well and sufficiently pave or cause to be paved, or otherwise made and constructed, the said new Line of Street, in such Manner as the said Commissioners shall

shall think proper ; and when the said new Line of Street shall be laid out and made and completed, the same shall for ever afterwards be deemed a public common Street or Highway.

III. And be it further enacted, That the said Commissioners for putting the said recited Act into Execution shall pay all and every the Sums of Money which shall be required for the Purpose of purchasing the said Hereditaments, making the aforesaid Improvements, and for the other Purposes of this Act, and to that end the said Commissioners shall and may, by all or any of the Means given or contained in the said first-recited Act for the raising of Money for the Purpose of that Act, raise any Sum or Sums of Money, not exceeding in the whole the Sum of Three thousand Pounds, in addition to the Money authorized to be raised by the said recited Act, to be applied for the Purpose of purchasing the said Hereditaments, and making the aforesaid Improvements, and for the other Purposes of this Act ; and all and every the Powers, Clauses, and Provisions contained in the said recited Act relating to the Monies thereby authorized to be raised, shall be applicable to the Money by this present Act authorized to be raised by the said Commissioners.

Commissioners may raise Money, and pay the Expences of Purchases.

IV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, Committees, Executors, Administrators, and all other Persons whomsöever, not only for and on the Behalf of themselves, but also for and on the Behalf of their respective Cestuique Trusts or Wards, Femes Covert, Infants, Issue unborn, Lunatics, Idiots, and other Persons, and also that it shall be lawful for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower or Interest therein, and to and for all and every other Person or Persons whomsoever who are or shall be seised or possessed of or interested in any such Messuages, Buildings, Lands, Tenements, or Hereditaments which the said Commissioners for putting the said recited Act into Execution shall deem requisite to be purchased and taken for the Purposes of this Act, or any of them, to contract for the Sale, and to sell to the said Commissioners, or their Successors, all such Messuages, Buildings, Lands, Tenements, and Hereditaments, or any of them, or any Part or Parts thereof, the Conveyance whereof shall be made to the said Commissioners or their Successors, or to any Person or Persons they shall appoint in Trust for them ; and all such Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances which shall be so made as aforesaid, shall be good and valid in the Law to all Intents and Purposes whatsoever, not only to convey the Estate, Term, and Interest of the Body or Bodies Politic, Corporate, or Collegiate, Person or Persons conveying, but also all the Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, Infants, or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person whomsoever, and all Persons claiming or to claim by, from, or under them, or any of them ; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

Incapacitated Persons empowered to sell and convey.

V. Provided always, and be it further enacted, That if any such Person or Persons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenants

On Persons refusing to treat or to

sell, Jury to  
be summon-  
ed to assess,  
value, &c.

Tenants in Tail or for Life, Trustees, Feoffees, Guardians, Committees, Executors, or Administrators, or any other Person or Persons in anywise interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, required to be purchased and taken for the Purposes of this Act, or any Occupier or Occupiers thereof sustaining any Loss, Injury, or Damage, (upon Notice to him or them given, or left in Writing at the Dwelling House or Houses, or usual or last Place or Places of Abode of such Person or Persons, or of the principal or head Officer or Officers of such Bodies Politic or Corporate, or Corporation, or at the House of the Tenant or Tenants in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments, intended to be purchased and taken for the Purposes of this Act,) shall for the Space of Ten Days next after such Notice given or left as aforesaid, neglect or refuse to treat and agree, or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Commissioners or their Successors, then and in every such Case the said Commissioners, or their Successors, shall cause the Value and Recompence to be made for such Messuages, Buildings, Lands, Tenements, or Hereditaments, to be inquired into and ascertained by a Jury of Twelve indifferent Men of the said City of *Canterbury* and County of the same City, or of the County of *Kent*, according to the Situation of the Hereditaments; and for the summoning and returning such Jury, the said Commissioners, or their Successors, are hereby empowered from Time to Time to issue their Warrant or Warrants to the Sheriff of the said City and County of the same City, or of the County of *Kent*, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries at the General Sessions of the said City and County of the same City, or at the General Quarter Sessions of the said County of *Kent*, and the said Sheriff is hereby required to impanel, summon, and return such Number accordingly, to attend at the Time and Place so appointed, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid, and in default of such Number of Jurymen appearing, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby also required and empowered from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath (which Oath the said Sheriff is hereby empowered to administer), all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and he shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for his own as for the said Jury's better Information in the Premises, as the said Sheriff shall think fit; and the said Jury shall assess the Damages and Recompences to be given for the Messuages, Buildings, Lands, Tenements, or Hereditaments to the respective Owner or Owners, and Occupier or Occupiers thereof,

according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damage and Recompence, and given in their Verdict, the said Sheriff shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Person or Persons interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury.

VI. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Tenants for Life, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person or Persons whomsoever; and all and every such Owners, Occupiers, and other Persons in anywise interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and on Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England* in manner by this Act directed, and after such Payment, it shall and may be lawful to and for the said Sheriff to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and thereupon the Premises shall absolutely vest in the said Commissioners and their Successors, and they shall be and be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon as aforesaid shall be transmitted to and be fairly entered and kept amongst the Records of the General Sessions of the Peace of the said City and County of the same City, or of the General Quarter Sessions of the Peace of the said County of *Kent*, and the same, or true Copies thereof, shall be admitted, received, and taken in Evidence and Proof in all Courts of Law or Equity, and all Places whatsoever; and all Persons shall have recourse to them *gratis*, and may take Copies thereof, paying to the Town Clerk and Clerk of the Peace of the said City and County of *Kent* the Sum of Sixpence for every One hundred Words, and so in proportion for any less Number of Words; and the said Sheriff acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury, and shall not appear without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or being so sworn, shall refuse to give, or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who, being summoned to give Evidence before the said Jury touching the Pre-

Verdict of  
Jury to be  
final.

Fines on  
Jurymen and  
Witnesses  
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mises,

mises, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, so as such Fine to be imposed on any Jurymen or Witnesses shall not exceed the Sum of Five Pounds for One Offence.

Expences of  
Jury and  
Witnesses,  
by whom to  
be borne.

VII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Commissioners, as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impanelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment therein, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Twenty-one Days after Demand made thereof from the said Commissioners, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer or Treasurers of the said Commissioners, unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Kent*, or City of *Canterbury*, as the Case may require, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made by him for the Purpose, by the Party or Persons entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Commissioners; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Charges so incurred shall be borne by the said Commissioners in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County of *Kent*, or City of *Canterbury*, as the Case may require, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise,

wise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

VIII. 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 between the Parties, or assessed by such Juries in manner aforesaid, within Three Calendar Months after the same shall have been so contracted, agreed for, or assessed as aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or a Compensation for Damages as hereinbefore mentioned, to the Proprietor or Proprietors of such Lands, Tenements, or Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Purchase Money or Compensation respectively, or to his, her, or their Agent or Agents, or depositing the same in the Bank of *England* in manner by this Act directed, as the Case may be, it shall be lawful for the said Commissioners, and their Successors, and their Agents, Servants, and Workmen, immediately to enter upon such Lands, Tenements, or Hereditaments respectively, and then and thereupon such Lands, Tenements, or Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Commissioners and their Successors, for the Purposes of this Act, for ever; and such Tender, Payment, or Deposit shall not only bar all Right, Title, Claim, or Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion, Remainder, Expectancy, or otherwise, to his or their Issue, and of all and every other Person and Persons interested therein: Provided nevertheless, that before such Payment, Investment, or Deposit made or given as aforesaid shall be made, it shall not be lawful to or for the said Commissioners, and their Successors, or any Person or Persons acting under or by virtue of their Authority, to enter upon, pull down, cut, damage, or otherwise affect any Messuages, Buildings, Lands, Tenements, or Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of making the said new Line of Street, or other Purposes hereby authorized, without the Leave and Consent of such Person or Persons respectively.

Upon Payment of Purchase Money Commissioners to enter.

IX. And be it further enacted, That every Lessee or Tenant for Years, or from Year to Year, or at Will, Mortgagee, and every other Person in Possession of any Messuages, Buildings, Lands, Tenements, or other Hereditaments, which shall be purchased or taken by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners or their Successors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice from the said Commissioners or their Successors, or the Person or Persons so appointed by them, to quit the same, at such Time or Times as shall be required by such Notice; they the said Commissioners, or their Successors, making such Satisfaction and Compensation to every such Tenant, Lessee, or other Person aforesaid, (except a Mortgagee) in case he, she, or they shall be required to quit before the

Lessees and Tenants at Will to deliver Possession on Six Months Notice.

Expiration

Expiration of his, her, or their Term or Interest in the Premises, as the said Commissioners, or their Successors, shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be ascertained and settled by a Jury in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners, or their Successors, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be ascertained and settled in case of any Dispute or Difference about the same; and such Lessee, Tenant, or other Person aforesaid in Possession, shall, at any Time or Times, as he, she, or they shall be required by the said Commissioners, or their Successors, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or their Successors, or to the Person or Persons authorized by them to take Possession thereof as aforesaid; and if any such Lessee, Tenant, or other Person aforesaid, be in Possession as aforesaid, shall refuse or neglect to deliver up such Possession, then and in every such Case it shall and may be lawful to and for the said Commissioners, or their Successors, to issue their Precept or Precepts to the said Sheriff 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 and Charges as shall accrue from the Issuing or Execution of such Precept or Precepts, on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

Form of Conveyance to the Commissioners.

X. And be it further enacted, That all Sales, Conveyances, or Assurances of any Messuages, Buildings, Lands, Tenements, or Hereditaments, to be made to the said Commissioners, and their Successors, by virtue of this Act, may be made in the Form or to the Effect following; (that is to say),

‘ I in consideration of the Sum of  
 ‘ of lawful Money, &c. to be paid by the Commissioners for putting  
 ‘ into Execution an Act passed in the Twenty-seventh Year of the Reign  
 ‘ of King George the Third, intituled *An Act, &c.* [*here set forth the*  
 ‘ *Title of the Pavement Act*], acting by virtue of an Act passed in the Sixth  
 ‘ Year of the Reign of King George the Fourth, intituled *An Act, &c.*  
 ‘ [*here set forth the Title of this Act*], do hereby grant and convey to the  
 ‘ said Commissioners for putting the said first-mentioned Act into Exe-  
 ‘ cution, and their Successors, all, &c. [*here describe the Premises to be*  
 ‘ *conveyed*], and all my Estate, Right, Title, and Interest in and to the  
 ‘ same and every Part thereof, to hold to the said Commissioners and  
 ‘ their Successors for ever. In witness whereof I have hereunto set my  
 ‘ Hand and Seal, this                      Day of                      in the Year of  
 ‘ our Lord

And every such Sale, Conveyance, and Assurance, so made, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Mortgagees not in Possession, to assign Mortgages to Commissioners.

XI. And be it further enacted, That all and every Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall have any Mortgage or Mortgages on such Messuages, Buildings, Lands, Tenements, or Hereditaments (not being in Possession of the said Premises by virtue of such Mortgage or Mortgages), shall on Tender of the Principal Money and



and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners or their Successors, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage and Mortgages to the said Commissioners and their Successors, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners or their Successors, such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, then on Payment of the Principal and Interest so due on such Mortgage or Mortgages, such Mortgagee or Mortgagees shall convey, assign, and transfer the said Mortgage or Mortgages, and his, her, or their Interest in the Premises, to the said Commissioners and their Successors, or such Person or Persons as shall be appointed as aforesaid, in Trust for them; but in case such Mortgagee or Mortgagees shall refuse to convey or assign, on such Tender or Payment as aforesaid, then all Interest on every such Mortgage shall, from the Time of such Tender or Expiration of such Notice, cease and determine: Provided always, that in case the Sum due upon every such Mortgage or Mortgages, with all Interest due thereon, shall amount to no more than the real Value of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Commissioners and their Successors shall not be liable to pay the Mortgagee or Mortgagees any more than the real Value of such Premises, which Value shall be ascertained and settled by a Jury, in like Manner as other Values are herein-after directed to be ascertained and settled.

XII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Buildings, Land, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Feme Covert, Infant, Lunatic, Idiot, Cestuique Trust, or to any Person or Persons whose Messuages, Buildings, Lands, Tenements, and Hereditaments are limited in strict or other Settlement, or to any Corporation or Person or Persons under any 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 his Account, *ex parte* the said Commissioners and their Successors, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty 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 shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, or Hereditaments,

Application of Compensation Money when exceeding 200*l.*

1 G. 4. c. 35.

ditaments, in the Purchase and Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Buildings, Lands, Tenements, or Hereditaments, or affecting any other Messuages, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same may be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stand settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court, 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 Messuages, Buildings, Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

If less than  
200*l.* and ex-  
ceeding 20*l.*

XIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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 Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, 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, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option and approved of by the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

XIV. And be it further enacted, That when such Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed 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 Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners or their Successors shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively as aforesaid. If under 20l.

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

XVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money 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, in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, 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, Person or Persons, who shall have been in Possession of Persons in Possession of Premises to be deemed presumptively entitled to Money.

of such Messuages, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XVII. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance thereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or their Successors, out of the Monies to be raised by virtue of this Act; and they shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Commissioners may sell Materials.

XVIII. And be it further enacted, That the said Commissioners or their Successors shall and may, and they are hereby authorized, in such Manner as they shall think proper, to sell and dispose of, or cause to be sold and disposed of, the Materials of all such Messuages and Buildings to be so purchased and taken down for the Purposes of this Act as aforesaid; and the Monies to be produced by the Sale thereof (after deducting the Expences of such Sale, or the pulling down such Messuages and Buildings), and also the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, and Hereditaments to be so purchased or taken by virtue of this Act, until the same shall be pulled down and cleared away, shall be applied and disposed of for or towards the Purposes of this Act, and to and for no other Use or Purposes whatsoever.

No Houses, &c. to be taken (except those specified in Schedule) without Consent.

XIX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Improvement, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-five, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Paddock, Walk, or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested

rested therein respectively, other than and except those specified in the Schedule to this Act annexed: Provided also, that if the said Commissioners shall not, within the Space of Five Years, to be computed from the Day of the passing of this Act, agree for, or cause to be valued and paid for, the several Houses, Lands, Tenements, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities by this Act granted of purchasing the same, or such Part thereof as aforesaid, shall cease, determine, and be utterly void, save and except with the Consent of the Owners and Proprietors thereof respectively.

Premises in Schedule to be purchased within Five Years.

XX. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Hereditaments, or Premises which are mentioned and specified in the Schedule to this Act annexed, or any of the Persons, or Body or Bodies in whose Possession or Occupation the same, or any Part thereof, are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of, and applied to and for the Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same were more properly and correctly named and described in the said Schedule; provided it shall be made appear to any Two Justices of the Peace for the said City of *Canterbury*, and County of the same City, or of the said County of *Kent*, according to the Situation of the Premises, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Messuages, Buildings, Lands, Tenements, or Hereditaments had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Error in Description of Houses to be purchased not to prevent the Execution of this Act.

XXI. Provided always, and be it further enacted, That in case any Messuages or Buildings, Lands, Tenements, or Hereditaments shall be damaged or injured by or in the taking down of any of the Messuages or Buildings to be taken down for the Purposes of or otherwise in the Execution of this Act, the said Commissioners or their Successors shall and they are hereby authorized and required, by and out of the Money to arise by virtue of this Act, to make to the Owners and Occupiers of such Messuages and Buildings, Lands, Tenements, and Hereditaments so damaged or injured, such Compensation and Satisfaction for such Damage or Injury as the said Commissioners, or their Successors, shall in their Judgment think reasonable, by Payment of a Sum of Money in gross; and in case the Owners or Occupiers shall think the Satisfaction offered to them by the said Commissioners, or their Successors, not sufficient, then the same shall be ascertained and settled by a Jury in manner herein provided for ascertaining the Value of the Messuages, Lands, and Hereditaments to be purchased, taken, and used for the Purposes of this Act.

Compensation for Damages done in pulling down Houses, &c.

XXII. And whereas some Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used

Power to sell Premises not wanted for

[Local.]

the Purposes  
of this Act.

used for the Purposes of this Act, may happen to be more than will be necessary or wanted for such Purposes; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, or their Successors, and they are hereby authorized and empowered to sell or dispose, and to convey, or cause to be sold or disposed of and conveyed, such Part or Parts of the said Messuages, Buildings, Lands, Tenements, or Hereditaments to be vested in them by virtue or in pursuance of this Act, to any Person or Persons willing to contract or agree for or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act; but the Purchaser or Purchasers of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, shall not, after paying his, her, or their Purchase Money or Purchase Monies, be liable to see to the Application thereof, or be in anywise answerable for the Misapplication or Nonapplication thereof, or any Part thereof.

Persons from  
whom Lands  
have been  
purchased to  
have first  
Offer.

XXIII. Provided always, and be it further enacted, That the said Commissioners and their Successors, before they shall sell and dispose of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Messuages, Buildings, Lands, Tenements, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, then and in every such Case an Affidavit, to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One or more of His Majesty's Justices of the Peace for the said City of *Canterbury*, and County of the same City, or of the said County of *Kent*, according to the Situation of the Premises, by some Person or Persons now interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners and their Successors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they and the said Commissioners, and their Successors, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to disputed Value of Premises to be taken and used by the said Commissioners and their Successors in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchases made by the said Commissioners and their Successors, *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Piece or Pieces of Ground as aforesaid, shall be applied by the said Commissioners and their Successors to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect

to the Conveyances to be made of Hereditaments to be taken for the Purposes of this Act.

XXIV. Provided always, and be it further enacted, That in case the said Commissioners or their Successors shall deem it expedient, for the better making of the aforesaid Improvements, to take down the Gate of the said City called *Northgate*, and the Chancel of the Parish Church of *Saint Mary Northgate* over the same, then it shall and may be lawful to and for the said Commissioners, or their Successors, to take down such Gate and Chancel, they the said Commissioners, or their Successors, first building a new Chancel to the said Parish Church, on the South or North Side thereof, such as shall be approved by the Patron and Rector of the said Parish Church for the Time being, and equally convenient with the said present Chancel thereof, and repairing all Damage done to the said Church in taking down the said present Chancel and Building, and making a proper Access to the new Chancel, and causing as little Interruption to the Performance of Divine Service in the said Church, by taking down the said present Chancel, and building the new Chancel instead thereof, as may be.

Power to take down the Gate at Northgate, and the Chancel of Northgate Church.

XXV. 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 Commissioners, or their Successors, to take or use, for the Purposes of this Act, any Messuages, Buildings, Lands, Tenements, or Hereditaments being within or Part of the Precinct of the old Palace of his Grace the Archbishop of *Canterbury*, in or near *Palace Street* aforesaid, or any Part or Parts thereof, beyond what shall be by the said Commissioners, or their Successors, actually laid into the said new Line of Street, without the Consent of the said Archbishop of *Canterbury* or his Successors, under his or their Hand in that Behalf first obtained: Provided also, that the said Commissioners or their Successors shall, if thereunto required by the said Archbishop or his Successors, by any Notice in Writing under his or their Hand, or the Hand of his or their Solicitor or Agent, to be given within Three Calendar Months after the said Commissioners or their Successors shall have finally determined upon the new Line of Street to be made by virtue of this Act, and of which new Line of Street, when so determined upon, they shall send or cause to be sent a Map or Plan to the said Archbishop of *Canterbury*, or his Successor, erect and build a substantial Brick Wall, Fourteen Inches thick at the Base, and of the Height of Eight Feet, to separate the Line of the said new Street, or the Hereditaments and Premises, Part of the said Precinct of the old Palace, taken by them for the Purposes of this Act, from the Remainder of the said Precinct of the said old Palace: Provided always, that nothing in this Act contained shall extend or be deemed or construed to extend to prevent the said Commissioners, or their Successors, from taking and using, for the Purposes of this Act, all the Messuages, Buildings, Lands, Tenements, and Hereditaments mentioned in the said Schedule hereto annexed, which are within or Part of the said Precinct of the said old Palace, or any Part or Parts thereof, though not actually laid into the said new Line of Street, the Consent in Writing of the said Lord Archbishop, or his Successors, in that Behalf being first obtained.

Not to extend to Buildings within the Precinct of the old Palace.

XXVI. And

Com-  
missioners may  
make Con-  
tracts :

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to contract and agree with any Person or Persons for the making and doing any of the Work by this Act authorized to be done, and for providing Materials for the Purposes of this Act, all which Contracts shall be reduced into Writing and signed by the Clerk to the said Commissioners on their Behalf, and the Person or Persons contracting to perform such Works, or to provide such Materials, and shall specify the Works to be done or the Materials to be provided, and the Prices to be paid for the same, and the Time or Times when such Works shall be performed or completed or such Materials shall be provided, and the Penalties to be suffered in case of Non-performance of the Contracts; but previous to the making of any such Contract Ten Days Notice at least shall be given in One or more Newspaper or Newspapers circulated in the City of *Canterbury* and its Neighbourhood, expressing the Intention of entering into such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners or their Clerk at a certain Time and Place in such Notice to be mentioned.

And com-  
mence  
Actions for  
Non-perfor-  
mance  
thereof.

XXVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby directed to cause all Work done in pursuance of any Contract to be inspected by their Surveyor or Surveyors, or such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time within which the same ought to be completed according to such Contract, the said Commissioners shall and may commence and prosecute any Action or Suit in any of His Majesty's Courts of Record at *Westminster*, against any Person or Persons so contracting and neglecting to perform such Contract, for any Penalty or Damage which shall be contained in such Contract, or suffered or sustained on account of the Non-performance thereof; and upon proving the signing of such Contract and Non-performance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage, with Costs of Suit.

Treasurer  
and Clerk  
not to be  
the same  
Person.

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks,

or



or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Commissioners other than that of Treasurer, every such 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, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

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

In case of Nonpayment of Compensation for Materials, or Damages, &c. done by Commissioners.

XXX. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, or against any Order made in pursuance thereof, in relation to which the Manner of

Recovery and Application of Penalties.

[Local.]

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convicting

convicting the Offenders, or recovering of such Penalties and Forfeitures; is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace in a summary Way, and such Justice is hereby authorized and empowered to convict the Offender or Offenders, upon Information, by the Oath or Affirmation of any Person or Persons, which Oath or Affirmation such Justice is hereby authorized to administer, or on the Confession of the Party offending; and in default of Payment of such Penalties and Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted; and one Moiety of the Penalties and Forfeitures when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Guardians or Overseers of the Poor of the said City of *Canterbury*, wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor in such City, unless such Penalties shall be incurred by Persons committing Offences against the said Commissioners, in which Cases the other Moiety as aforesaid shall be paid to the Treasurer of the said Commissioners, and shall be applied for the general Purposes of this Act; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice 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 Time of taking 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 sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said City of *Canterbury*, or County of *Kent*, as the Case may require, for any Time not exceeding Three Calendar Months, unless such Offender or Offenders shall have sooner paid and satisfied such Penalties, and all Costs and Expences incident to and attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall be otherwise discharged by due Course of Law.

Existing  
Contracts for  
lighting  
Streets with  
Gas to be in

XXXI. Provided also, and be it further enacted, That all and every the Contracts and Agreements at present subsisting and in force between the said Commissioners for putting the said recited Act into Execution, and the *Canterbury Gas Light and Coke Company*, and relating to or affecting

affecting the public Streets and Highways within, near, or adjoining to the said City of *Canterbury*, or the lighting thereof, shall be in force and applicable and applied to the said new Line of Street, when made and completed, as fully and completely as if the same had been opened, made, and completed at the Time such Contracts and Agreements were entered into: Provided always, that all Expences which may be occasioned to the said Company in altering the Position or Direction of their Mains, Pipes, or Branches, or otherwise, by the carrying of this present Act into Execution, shall be borne and paid by the said Commissioners.

force in the new Line of Street.

XXXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, diminish, or affect any Right, Liberty, Franchise, or Privilege whatsoever belonging to the Mayor and Commonalty of the said City of *Canterbury*, not by this Act in express Terms and in express Words taken away, lessened, or diminished, but that the said Mayor and Commonalty of the said City shall and may continue to have, hold, and enjoy all such Rights, Liberties, Franchises, and Privileges, in like Manner as they could or might or ought to have done in case this Act had not been made.

Saving Rights of the Mayor and Commonalty of Canterbury.

XXXIII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance of this Act, unless Three Calendar Months Notice thereof shall be first given in Writing to the Clerks of the said Commissioners, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, or unless the same shall be commenced before the Expiration of Six Calendar Months next after the Fact committed, or unless Tender or reasonable Amends hath not or shall not have been made by or on behalf of the Defendant or Defendants, in such Action or Suit, shall be laid and brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants, in any Action or Suit to be commenced for any thing done in pursuance of this Act, shall and may plead the General Issue, and give this Act and the special Matter in Evidence in any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought, was done in pursuance and by Authority of this Act; and if such Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Six Calendar Months Notice thereof was given in Writing to the said Clerks or Clerk for the Time being, signed by the Plaintiff or Plaintiffs, or by his, her, or their Attorney or Attornies, or if it shall appear that such Action or Suit was not commenced before the Expiration of Six Calendar Months next after the Fact committed, or if it shall appear that Tender or reasonable Amends was made by or on behalf of the Defendant or Defendants in such Action or Suit, before such Action or Suit was commenced, or if such Action or Suit be brought in any other County or Place than the County aforesaid, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Limitation of Actions.

XXXIV. Pro-

Reasonable  
Amends in  
Satisfaction  
of Damages  
may be paid  
into Court by  
Defendant.

XXXIV. Provided always, and be it further enacted, That in all Actions or Suits to be brought against any Person or Persons, for any Matter or Thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may, before Plea pleaded, pay into Court such Sum or Sums of Money as he, she, or they shall think proper, as and by way of reasonable Amends for such Matter or Thing; and if the Plaintiff or Plaintiffs shall refuse to accept the same, together with his, her, or their Costs to that Time (to be taxed by the proper Officer), and if the Jury who try the Cause shall not find the Damages to amount to a greater Sum or Sums of Money than the Money so paid into Court, the Verdict shall pass for the Defendant or Defendants; and such Defendant or Defendants shall have all the Privileges and Advantages given to any Defendant or Defendants by this Act, and shall and may recover Treble Costs, and have the like Remedy for recovering Costs by any Defendant or Defendants.

Expences of  
Act.

XXXV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid and discharged out of the first Money which shall arise under and by virtue of this Act, together with lawful Interest from the Time of advancing, paying, or disbursing the same, if any such have accrued, in preference to all other Payments whatsoever.

Public Act.

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

The SCHEDULE referred to by the foregoing Act.

The Messuages, Buildings, Lands, Tenements, and Hereditaments required for, and to be purchased and taken for the Purposes of this Act.

Owners.	Occupiers.	Description of Property.	Parish or Place.
The Reverend John Monins, Lessee of his Grace Charles Lord Archbishop of Canterbury	Gibbon Ladd	House and Shop	Precincts of the Archbishop's Palace.
	Michael Jacobs	Ditto	
	John Gilby	Ditto	Ditto.
	John Griffey	Ditto	Ditto.
	Valentine Smith	Ditto	Ditto.
	Mercy Noble	House	Ditto.
	John Smith	Broker's Shop	Ditto.
	Same	House	Ditto.
	William Griffey	Ditto	Ditto.
	James Lefever	Ditto	Ditto.
	Same	Workshops	Ditto.
	Thomas Friend	Ditto	Ditto.
	Daniel White	Shop and Yard	Ditto.
	Wm. Baskerville	Garden	Ditto.
	Thomas Friend	Yard	Ditto.
Thomas Wellard	Garden	Ditto.	
John Goulden	Thomas and John Hearnden	House and Shop	Borough of Staple-gate.
Jacob Hart	Joseph Parnum	Ditto	Ditto.
Thomas Starr, Esq.	Thomas White	Ditto	Ditto.
Rigden & Company	Thomas Solly	Public House	Ditto.
Same	Jesse White	House and Shop	Ditto.
Same	John Welsh	Ditto	Ditto.
John Goulden	Jeremiah Brooks	House and Shop	Borough of Staple-gate.
Same	William Naylor	Ditto	
James Porter	Luke Spencer	Ditto	Ditto.
Widow Ratcliffe	Herself	House	Part in the Borough of Staplegate, and Part in Saint Mary Northgate.
Widow Richardson	William Williamson	House and Shop	
Same	Thomas Harris	Ditto	Ditto.
Moses Bailey, senior	Henry Jennings	Ditto	Ditto.
Joseph Grindley	Himself	Ditto	Ditto.
George Bligh	Himself	Ditto	Ditto.
John Gosby	George James	House	Ditto.

[Local.]

Owners.	Occupiers.	Description of Property.	Parish or Place.
Assignees of Thomas Baines - - }	James Groombridge	House and Shop - -	Saint Mary Northgate.
Same - - -	{ Charles Skinner } and G. Silk - }	Ditto - - -	Ditto.
Same - - -	Edward Fuller -	Ditto - - -	Ditto.
Thomas and John Hearnden - - }	Luke Spencer -	Garden - - -	{ Borough of Staple- gate.
Rigden and Company -	Moses Bailey, junior	Yard - - -	Saint Mary Northgate
Warden and Poor of Jesus Hospital -	John Goulden and William Goulden	Houses, Shops, and Yards - - -	Borough of Staple- gate.

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