



ANNO QUADRAGESIMO QUARTO

# GEORGI II. REGIS.

\*\*\*\*\*

## *Cap. 19:*

An Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other publick Passages and Places within the Town of *Milton* next *Sittingborne*, in the County of *Kent*; and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein. [3d May 1804.]

**W**HEREAS the Streets, Lanes, and other publick Passages and Places within the Town of *Milton*, near *Sittingborne*, in the County of *Kent*, are at present very ill paved and cleansed, and not either lighted or watched; and the same are subject to various Encroachments, Obstructions, Nuisances, and Annoyances: And whereas it would tend greatly to the Benefit, Safety, and Advantage, not only of the Inhabitants of the said Town, but also of all Persons resorting thereto, and having Occasion to pass through the same, if the said Town, and the Lanes, Alleys, Ways, and Passages belonging to the same, were well and sufficiently paved, cleansed, lighted, and watched, and if all Encroachments, Obstructions, Nuisances, and Annoyances therein were removed, and Provision made for preventing the like in future; but the several Purposes aforesaid cannot be effected without the Aid of Parliament:

[*Loc. & Per.*]

3 X

May



Commissioners.

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 *William Geary* Baronet, *Filmer Honeywood*, *John Baker*, the Honourable *George Watson*, the Members serving in Parliament for the County of *Kent* for the Time being, the Members serving in Parliament for the City of *Canterbury* for the Time being, the Members serving in Parliament for the City of *Rocheſter* for the Time being, the Members serving in Parliament for the Town of *Maidſtone* for the Time being, the Members serving in Parliament for the Borough of *Quinborowe* for the Time being, Lieutenant General *George Harris*, Sir *Edward Knatchbull* Baronet, *John Lade*, *John Smith*, Sir *Samuel Chambers*, Sir *Samuel Auchmuty*, Knights; *Richard Tylden*, *Osborne Tylden*, the Reverend *Richard Cooke Tylden Pattenſon*, *Bryan Bentham*, *Edward Shove*, the Reverend *Thomas Cobb*, *Edward Waſſby* Doctor in Divinity, *Alured Pincke*, *Alured Henry Shove*, *Andrew Hawes Bradley*, *William Vallance*, *Edward Brenchley*, *William Bland*, *William Henry Kemp*, the Portreeve of *Milton* for the Time being, the Vicar of *Milton* for the Time being, the Churchwardens of *Milton* for the Time being, *Herbert Brace*, *Henry Hogben*, *John Burgeſs*, *Benjamin Walker*, *Thomas Grant*, *Robert Whitnall*, *Thomas Burgeſs*, *Edward Smith*, *Francis Smith*, *Edward Smith* the younger, *Benjamin Smith*, *John Packman* of *Rainham*, *John Cooper* of *Canterbury*, *John Swift*, *William Jordan*, *William Colley*, *Andrew Snoulten*, *William Murton*, *John Sea*, *John Hinde*, *William Sea*, *George Budds*, *Thomas Smith*, *John Sea* the younger, the Reverend *John Lough*, *Daniel Thomas*, *William Lyng*, *Abraham Phelps*, *Edward Marshall*, *Robert Hinde*, *Thomas Tarpe*, *John Hudson*, *William Whitnall*, *John Panton*, *Richard Goord*, *Thomas Colley*, *Edward Blaxland* of *Dully*, *John Dodd*, *Daniel May*, *Henry Grace*, *Thomas Dane*, *William King*, *Oliver Wilſon*, *Zachariah Blaxland*, *William Birch*, *John Brett*, *John Rigden*, *William Knight* of *Sittingborne*, *Richard Seatb*, *William Oakley*, *John Oakley*, *Thomas Moulden* the younger, *Robert Matſon*, *John Matſon*, *Edward Matſon*, *John Lake*, *William Lake*, *Samuel Crayden*, *Thomas Stanley Wakely*, *William Ludgater*, and the ſeveral other Perſons from Time to Time to be elected and appointed in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commissioners for putting this Act in Execution.

Appointment of new Commissioners.

II. And be it further enacted, That in caſe any of the ſaid Commissioners appointed, or hereafter to be appointed, ſhall die, or ſhall reſuſe to act for the Space of Three Calendar Months together, after having been duly convened by the Clerk to the ſaid Commissioners, or become diſqualified as herein-after mentioned, then and ſo often it ſhall be lawful for the ſurviving or remaining Commissioners, or any Seven or more of them, aſſembled at the then next Meeting which ſhall be held by virtue of this Act (the Death, Reſuſal, or Diſqualification of ſuch Commissioner or Commissioners as laſt aforeſaid, and the intended Election of his or their Succeſſor or Succeſſors being expreſſed or noticed in the Summons for ſuch Meeting) to elect and appoint a Commissioner qualified as herein-after mentioned in the Room and Stead of every ſuch Commissioner ſo dying or reſuſing to act, or becoming diſqualified; and every ſuch Commissioner ſo from Time to Time to be elected and appointed as herein-before is directed, ſhall



shall be joined with and added to the other Commissioners, and shall have the like Power and Authority for putting this Act in Execution as if he had been named a Commissioner in this Act.

III. Provided always, That no Person (save and except such Persons who by virtue of their respective Offices are by this Act appointed Commissioners) shall be capable of acting as a Commissioner in the Execution of this Act (otherwise than in administering the Oath herein-after mentioned, which Oath any One of the said Commissioners is hereby empowered to administer) unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of a Real Estate, lying within the Hundred of *Milton*, of the clear Yearly Value of Forty Pounds, above Reprises, or shall be possessed of a Personal Estate of the Value of Eight hundred Pounds, or be rated or be liable to be rated by virtue or for the Purposes of this Act at or for the annual Value of Twenty Pounds, and shall have taken and subscribed an Oath to the following Effect :

Qualification  
of Commis-  
sioners.

‘ I *A. B.* do swear, That I am truly in my own Right, [*or*, in the Right of my Wife] in the actual Possession and Enjoyment [*or*, the Receipt] of the Rents and Profits of a Real Estate, situate and being within the Hundred of *Milton*, of the clear Yearly Value of Forty Pounds, above Reprises [*or*, possessed of a Personal Estate of the Value of Eight hundred Pounds, *or*, that I am rated or liable to be rated at and for the Annual Value of Twenty Pounds under and by virtue of an Act, passed in the Forty-fourth Year of the Reign of King George the Third, intituled, *An Act [here set forth the Title of this Act]*, and that I will well and truly execute and perform all and every the Powers and Authorities vested in me, in pursuance of the said Act, according to the best of my Skill and Judgement,

Oath of Qualification.

‘ So help me GOD.’

And that no Person, who by virtue of his Office is by this Act appointed a Commissioner, shall be capable of acting as such in the Execution of this Act, unless he shall have taken and subscribed an Oath to the following Effect, (which Oath any One of the said Commissioners is hereby empowered to administer).

‘ I *A. B.* do swear, That I will well and truly execute and perform all and every the Powers and Authorities vested in me, in pursuance of an Act, made in the Forty-fourth Year of the Reign of King George the Third, intituled, *An Act [here set forth the Title of this Act]*, according to the best of my Skill and Judgement.

Oath.

‘ So help me GOD.’

And if any Person not being duly qualified, or if any Person duly qualified as aforesaid, shall, during such Time as he shall hold any Place or Office of Profit (except the Office of Treasurer) or be any way interested or concerned in any Contract to be established or made by virtue of this Act, or any Work or Business to be done under the same, or where he shall be personally interested (except as a Creditor) shall presume to act as a Commissioner in the Execution of this Act, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suits, to any Person

Penalty on  
acting if not  
qualified.



Person who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or otherwise, wherein no Essoign, Protection, or Wager at Law, or any more than One Imparance shall be allowed; and the Person so sued shall prove that he is qualified as aforesaid, or that he did not hold any such Place or Office of Profit, or was not interested or concerned in any such Contract, Work, or Business, or otherwise as aforesaid (as the Case may happen), shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act, not being qualified as aforesaid, or whilst holding any such Place or Office, or being interested or concerned in any such Contract, Work, or Business, or otherwise as aforesaid: Provided always, that it shall be lawful for any Justices of the Peace for the said County to act as such in the Execution of this Act, notwithstanding their being Commissioners under the same.

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

Meetings of Commissioners.

IV. And be it further enacted, That the said Commissioners appointed by virtue of this Act, shall meet at the Court Hall in the said Town of *Milton*, on the *Monday* Sevensnight next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon of the same Day, in order to put this Act in Execution, and shall and may then, and from Time to Time afterwards, adjourn themselves to and meet at the Place aforesaid, or any other convenient Place within or near the Limits of this Act; and if at any Time there shall not appear at any such Meeting a sufficient Number to act of the Commissioners appointed or to be appointed by or by virtue of this Act, any Two of the Commissioners present may adjourn the Meeting to another Day; and in case of any Neglect or Omission to adjourn, any Three of the said Commissioners, or their Clerk, shall and may call a Meeting at the Place where the last Meeting of the Commissioners was appointed to be held, by Notice thereof to be given to the said Commissioners in One or more publick Newspaper or Newspapers, published in the City of *Canterbury* or Town of *Maidstone*, or in case no Newspaper shall then be published in the said City of *Canterbury*, or Town of *Maidstone*, then in some other Newspaper or Newspapers usually circulated within the Limits of this Act, at least Ten Days before such Meeting; and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences (except for the Use of the Room or Apartment where such Meetings shall be held, which shall be paid for out of the Monies to be received by virtue of this Act); and no Act of the said Commissioners shall be valid, unless made or done at some Meeting to be held by virtue of this Act; and that all the Powers and Authorities by this Act granted to or vested in the Commissioner appointed, or to be appointed by or by virtue of this Act, shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings to be holden as aforesaid, the Number of Commissioners present at such Meetings not being less than Nine for the Purpose of borrowing Money or granting Annuities, and not being less than Ten for the Purpose of making Contracts by virtue of this Act, and not being less than Seven in any other Case, unless where herein otherwise particularly provided; and in all Cases where the Number of Votes upon



upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the Casting Vote; and at every Meeting to be held under or in pursuance of this Act, the first Business thereof shall be the Election of a Chairman to preside at the same.

V. Provided nevertheless, That it shall be lawful for the Commissioners appointed or to be appointed by or by virtue of this Act, and they are hereby authorized to hold any Special Meeting between their then last Meeting and the Day to which any subsequent Meeting shall have been then adjourned, so as that such Meeting shall be required by Five or more of the said Commissioners, and Notice of such Special Meeting shall be publicly advertised as aforesaid at least Ten Days before the Time to be appointed for the same, and so as that such Advertisements shall be signed by the Clerk of the said Commissioners; and shall specify the Cause or Causes of such Special Meeting. Special Meetings.

VI. And be it further enacted, That no Order made by the said Commissioners appointed or to be appointed under or by virtue of this Act shall be revoked or altered, unless at some Meeting to be required as aforesaid, and to be held for that Purpose (of which Ten Days Notice shall be given as aforesaid, expressing the Occasion of such Meeting) and also, unless a greater Number of Commissioners shall attend such Meeting, to revoke or alter the same than were present when such Order was made. Restrictions on revoking Orders.

VII. And be it further enacted, That regular Entries shall be made in a Book, to be provided for that Purpose of all Acts, Orders, and Proceedings of the said Commissioners, and of the Names of the Commissioners who shall be present at the respective Meetings; and One or more of the said Commissioners who shall be present shall subscribe his or their Name or Names at the End of the Proceedings of the respective Meetings; and all such Entries so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Causes, Suits, and Actions, touching any Thing done in pursuance of this Act, and that such Books shall at all reasonable Times be open to the Inspection of all Persons rated or to be rated or assessed, or who shall be liable to any of the Rates or Assessments to be imposed or charged by or for the Purposes of this Act. Proceedings of the Commissioners to be entered.

VIII. And be it further enacted, That the said Commissioners shall, from Time to Time, by Writing under their Hands, appoint a Treasurer and Clerk, Collector or Collectors, Surveyor or Surveyors, and such other Officers and Persons as they shall think necessary or convenient, and may remove any such Officer or other Persons as they shall think proper, and appoint others in their Stead, and may pay such Salaries and make such Allowances to all such Officers or Persons, as they the said Commissioners shall think reasonable; and the said Commissioners are hereby required to take such Security from every such Treasurer and Clerk, Collector or Collectors, Surveyor or Surveyors, for the due Execution of their respective Offices as they the said Commissioners shall think proper. Officers to be appointed, who shall give Security.

IX. And be it further enacted, That all such Officers and Persons shall, under their Hands (at such Time and Times, and in such Manner as the said Commissioners shall direct) deliver to the said Commissioners, or Treasurer and Collectors to account.

[Loc. &amp; Per.]

3 2

10



to such Persons as they shall appoint, a true and perfect Account in Writing of all such Matters and Things as may be committed to their Charge, and also of all Monies that shall have been by them received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Money as shall remain in their Hands to such Banker or Bankers, or other Person or Persons as the said Commissioners shall from Time to Time direct or appoint, the Receipts of which Banker or Bankers, or other Person or Persons, shall be a sufficient Discharge for the same, and such Officers and Persons so accounting shall, upon Oath, if thereunto required by the said Commissioners (which Oath any One of the said Commissioners is hereby empowered to administer) verify such Accounts; and if any such Officer or Person shall wilfully refuse or neglect to make and render, or shall refuse and neglect to verify upon Oath any such Account, or to produce or deliver the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Persons as they shall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, to be signed by the said Commissioners, or any Seven or more of them, and given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or Duplicates thereof respectively, or give Satisfaction to the said Commissioners respecting the same, and Complaint shall be made thereof on Behalf of the said Commissioners to any Justice of the Peace for the County or Place wherein or near unto which such Officer or Person so neglecting or refusing shall be or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of this Act, shall be in the Hands of such Officer or Person, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no such Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if it shall in Manner aforesaid appear to such Justice that any such Officer or Person had refused or wilfully neglected to render and give such an Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then such Justice shall commit him to the Common Gaol or House of Correction for the County or Place where such Offender or Offenders shall be or reside, there to remain, without Bail or Mainprize, until such Officer or Person shall make and give a true and perfect Account, and have paid such Money as aforesaid, or shall have compounded for such Money with the said Commissioners, and have paid such Composition in such Manner as they shall appoint, (which Composition



tion the said Commissioners are hereby empowered to make and receive), or until such Officer or Person shall deliver up all such Books, Papers, and Writings, or Duplicates of the same as aforesaid; but no Person who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for a longer Term than Three Calendar Months.

X. And be it further enacted, That the Property of and in all the present and future Pavements and Materials in the several Streets, Lanes, and other publick Passages and Places, within the Limits of this Act, as well in the Carriage as Footways, and of and in all Lamps, Lamp Irons, Posts, Watch Houses, and Watch Boxes, which shall be erected, fixed, or made, and all Materials, Implements, and other Things which shall be purchased or gotten by virtue or for any of the Purposes of this Act, are hereby vested in the said Commissioners appointed and to be appointed by or by virtue of this Act, and they are hereby empowered to cause any Action to be brought, or cause to be preferred any Indictment or Information against any Person who shall take, steal, or carry away, injure, or destroy any Part or Parts thereof.

Property of  
Materials, *etc.*  
vested in  
Commission-  
ers.

XI. 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 cause the several Streets, Lanes, and other publick Passages, and Places, within the Limits of this Act, both in the Carriage and Footways, to be paved, and such Pavements to be from Time to Time amended and kept in Repair, upon such Levels and in such Manner and with such Sorts and Kinds of Materials, as they shall judge necessary or proper; and also to cause the said Streets, Lanes, and other publick Passages and Places to be cleansed, lighted, and watched, in such Manner as the said Commissioners shall think proper, and all Incroachments, Obstructions, Nuisances, and Annoyances therein to be removed, and Drains, Sinks, Gutters, or Watercourses to be made for conveying the Water off and from the said Streets, Lanes, and other publick Passages and Places, in such Manner as they shall think proper; and that no Person shall, without the Consent of the said Commissioners, alter the Form or break up the Ground or Pavement of the Carriage Ways or Footways, within any of the said Streets, Lanes, or other publick Passages or Places, or make the same otherwise than as shall be directed by the said Commissioners, upon Pain of forfeiting any Sum not exceeding Forty Shillings nor less than Twenty Shillings, for every Offence, and such Person so offending shall also pay all the Expences of restoring such Ground or Pavement to its former State.

Streets, *etc.* to  
be repaired.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time to cause such Lamp Irons or Lamp Posts to be put up or affixed upon or against the Walls or Pallisadoes of any of the Houses, Tenements, or Buildings, or in any such other Manner, in the several Streets, Lanes, and other publick Passages and Places, within the Limits of this Act, as they shall think proper; and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed or put upon such Lamp Irons and Lamp Posts, as they shall think necessary for lighting all or any of the said Streets, Lanes, and other publick Passages and Places, and also to cause the said Lamps, and also the several Houses within  
the

Lamp Irons,  
*etc.* to be pro-  
vided.



the said respective Streets, Lanes, and other publick Passages and Places to be numbered; and shall also cause to be painted, engaved, or described in Wood, Stone, or otherwise, and to be fixed in a conspicuous Part of One or more House or Houses, Building or Buildings at or near each End, Corner or Entrance of each of such Streets, Lanes, and other publick Passages and Places, the Name by which each respective Street, Lane, Court, Alley, Passage, and Place, is to be properly called or known, in such Manner as they shall think proper for distinguishing the same; and also cause such and so many necessary Watch Boxes to be made and set up in the said Town of *Milton* as to them shall seem proper; and if any Person shall wilfully break, throw down, take away, spoil, or damage any Watch House, or Watch Box, or Lamp, or any of the Irons, Posts, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, or deface or obliterate any such Name or Number, or any Part thereof, every Person so offending, and not being otherwise sued or prosecuted for the same, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety shall go to the Informer, and the other to the Commissioners acting under (and to be applied for the Purposes of) this Act, and such Offender shall also pay to the said Commissioners, or to such Person as they shall appoint to receive the same, such Sum of Money as shall be a full Satisfaction for the Damage so done; and in case any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise spoil or damage any of the said Lamps, or the Irons, Posts, or other Furniture thereof, and shall not upon Demand make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the County of *Kent*, residing near the Limits of this Act, upon Proof thereof made by the Oath of any credible Witness, or on the Confession of the Party, to award such Sum of Money by way of Satisfaction for such Damage as such Justice shall think reasonable, not exceeding the Sum of Twenty Shillings, and in Default of Payment thereof upon Demand, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person who shall have done such Damage, rendering the Overplus (if any) after deducting the Charges of prosecuting such Complaint and of such Distress and Sale, to the Owners of such Goods and Chattels upon Demand.

Penalty for  
accidentally  
breaking.

For getting  
Materials.

XIII. And be it further enacted, That for the more effectually carrying this Act into Execution, any Surveyor or other Person to be employed by the said Commissioners, or any Person or Persons to be appointed or employed by such Surveyor or other Person, shall and may, and they are hereby empowered to dig for, take, and carry away, any Gravel or other Materials, fit and proper for the paving and covering the Pavements, in the said Streets, Lanes, publick Passages and Places, or which they shall judge necessary or fitting to be used in and about the said Streets, Lanes, publick Passages and Places, or the Pavements thereof, or for any other Purpose whatsoever in the Execution of this Act, or any of the Powers or Authorities herein contained, in such Manner and in and from such and the same Places as the Surveyors of the Highways are now empowered by Law to do.

For punishing  
Persons ob-  
structing Sur-  
veyors.

XIV. And be it further enacted, That if any Person or Persons shall at any Time obstruct, hinder, or molest any Surveyor or other Officer, or any Person or Persons, whomsoever employed by virtue of this Act,  
in



in the Performance of his or their Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

XV. And be it enacted, That the said Commissioners shall and may, and they are hereby authorised and empowered from Time to Time, at any of their said Meetings, as Occasion shall require, to contract and agree with any fit Person or Persons, Artificers, Workmen, and others, for the paving, repairing, cleansing, lighting, watching, amending, raising, lowering, and altering of the Streets, Lanes, and other publick Passages and Places, within the Limits of this Act, or for the doing and performing all or any of the Works by this Act authorized or directed to be done and performed, or for supplying any of the Materials for the same, or any of them; which Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of the Nonperformance thereof, and shall be signed by Five or more of the said Commissioners, and also by the Person or Person contracting to perform such Works respectively; which Contracts, or a Copy thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; but previous to the making of any such Contracts Ten Days Notice at the least shall be given in One or more publick Newspaper or Newspapers published or circulated in the County of *Kent* as aforesaid, expressing the Intention of entering into such Contract, in order that any Person or Persons willing to undertake the same may make Proposal for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

Commissioners may make Contracts.

XVI. And be it further enacted, That the said Commissioners shall cause all and every the Works to be done in pursuance of this Act, to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall for that Purpose appoint; and in case the same shall not be well and sufficiently performed, according to the Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times specified within such Contract or Contracts, then the said Commissioners may cause an Action to be brought in any of His Majesty's Courts of Law at *Westminster* against any such Contractor, for any Penalty contained in his Contract; and on Proof of the Signing of the said Contract, and Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, which, when recovered, shall be applied for the Purposes of this Act.

Works to be inspected by a Surveyor.

XVII. Provided always, That it shall be lawful for the said Commissioners (if they think fit) to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, and Expences which shall be occasioned thereby.

Commissioners may compound with Contractors.

[*Loc. & Per.*]

3 Z

XVIII. And



Accounts to  
be made up.

XVIII. And be it further enacted, That the said Commissioners shall, between the Twentieth Day of *July* and the Twentieth Day of *August* in every Year, order and direct a fair and just Account to be made and written out, of all Monies received and paid by virtue or in pursuance of this Act, and how and to whom and for what Purposes the same shall have been laid out and expended; and a Copy or Duplicate of such Account, signed by the said Commissioners, shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons, so rated or charged as aforesaid, or any Person or Persons on his or her Behalf, to inspect the same at seasonable Times, paying the Clerk to the said Commissioners the Sum of One Shilling for such Inspection; and shall, upon Demand, forthwith give Copies of the same, or any Part thereof, to any such Person, paying at and after the Rate of Sixpence for every Ninety Words, and so in proportion for any less Number of Words.

Regulation  
respecting  
Signs, Spouts,  
etc.

XIX. And be it further enacted, That all Signs, Sign Posts, Gutters, Screens, and Close Fences, which now belong to and are placed, or may hereafter belong to and be placed against any of the Houses and Buildings within the Streets, Lanes, and other publick Passages and Places, shall be fixed close to the Fronts of the Houses, Shops, Warehouses, and Buildings to which they shall respectively belong, and not otherwise; and that the Owners or respective Occupiers of any such Houses or Buildings as aforesaid, shall, at their own Costs and Charges, and within such Time and in such Manner as the said Commissioners shall from Time to Time (by Notice in Writing under the Hands of any Five or more of them, to be delivered to such respective Owners or Occupiers, or left at their respective Dwelling Houses) order and direct, cause all Signs that shall not be fixed or placed upon such respective Houses or other Buildings in Manner aforesaid, to be taken down and fixed or placed flat on the Fronts thereof; and all Sign Irons, Sign Posts, Penthouses, Screens, Close Fences, Spouts, Shewboards, Shewglasses, Bow or Projecting Windows, Cellar Windows, Porches, and Bulks, and all Posts, Rails, Pallisadoes, Steps and Doors, Walls and Fences, being in or upon the said Streets, Lanes, and other publick Passages and Places, and all other Encroachments, Obstructions, Projections, and Annoyances whatsoever, attached to any such respective Houses and Buildings, being within the said Streets, Lanes, and other publick Passages, contrary to the Meaning of this Act, to be removed, altered, or reformed, and also to cause the Water to be conveyed from the Roofs, Cornices, and Penthouses which belong to such respective Houses or other Buildings, by proper and sufficient Pipes or Trunks, to be affixed to the Sides of such Houses and Buildings respectively, and from thence by proper Drains into the common Drains or Watercourses; and in case any such Owner or Occupier shall neglect or refuse so to do, or to remove any such Encroachment, Obstruction, Projection, or Annoyance as aforesaid, it shall be lawful for the said Commissioners to cause the same to be done, and to cause all Costs and Charges attending the same to be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Kent* (which Warrant such Justice is hereby required and authorised to grant), rendering the Overplus (if any) when demanded, to the Person whose Goods  
and



and Chattels shall be so distrained and sold; and if the Tenant in Possession of any such House or other Buildings shall remove, alter, or reform any such Encroachment, Obstruction, Projection, or Annoyance as aforesaid, according to the Directions of the said Commissioners (except such as shall be put up or occasioned by such Tenant) it shall be lawful for every such Tenant to deduct and retain the Charges and Expences thereof out of his or her Rent, and the Landlord of every such House or other Building is hereby required to allow the same accordingly; and if any Person or Persons shall at any Time hereafter hang, place, erect, build, or make any Sign, Sign Iron, Sign Post, Penthouse, Screen, Spout, Shewboard, Shewglass, Bow or Projecting Window, Porch, Bulk or any other Projection, Obstruction, or Annoyance whatsoever, or cause the same to be done contrary to the Directions of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and it shall be lawful for the said Commissioners to cause the same to be taken down, carried away, removed, altered, or reformed, in such Manner as they shall think proper; and the Charges and Expences attending the same shall and may be recovered of the Owners or Occupiers of the Premises respectively, by Distress and Sale of their Goods and Chattels, in the Manner before directed by this Act.

XX. And be it further enacted, That if any Person shall run, drive, or place, or cause to be run, driven, or placed, any Coach, Cart, Waggon, Dray, Truck, Sledge, Wheelbarrow, Handbarrow, or any Carriage whatsoever, upon or over any of the Foot Pavements or Causeways, or any of the said Streets, Lanes, and other publick Passages and Places; or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle along or upon any of the said Foot Pavements or Causeways; or shall kill, slaughter, singe, scald, dress, or cut up any Beast or Swine, Calf, Sheep, Lamb, or other Cattle; or shall permit or suffer any Blood, Filth, or Annoyance whatsoever, to run or drain from any Slaughter House, Stable Yard, and Premises, in or upon any of the said Streets, Lanes, and other publick Passages and Places; or shall hoop, cleanse, wash, or scald any Cask, or hew or saw, or cause to be hewed or sawn, any Stone, Wood, or Timber, or bind or make the Wheel of any Carriage, or shoe, bleed, dress, or farry (except in Cases of Accident) or shall wilfully turn loose any Horse, or set, place, or expose to Sale any Goods, Wares, or Merchandizes, either in the Footways or Carriage Ways of any of the said Streets, Lanes and other publick Passages and Places; or shall hang up, place, or expose to Sale, any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing on or projecting over the Foot or Carriage Way, so as to obstruct or incommode the Passage of any Person or Carriage; or shall make or assist in making any Fire or Fires commonly called *Bonfires*, or shall set fire to, or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever in any Part or Parts of the said Streets, Lanes, or other publick Passages or Places whatsoever, so as to obstruct or incommode the Passage of any Footway or Carriage Way, or to prejudice, annoy, or inconvenience any Person or Persons travelling or passing thereon; or sift, screen, or slack any Lime (except within the Hoard or Inclosure herein-after mentioned) or shall carelessly or wilfully break or damage the

For removing Annoyances.

Foot



Foot Pavement in any Street, Lane, or other publick Passage or Place, or cause the same to be so done; every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on  
leaving Car-  
riages, &c.  
in the Streets.

XXI. And be it further enacted, That if any Waggon, Cart, or other such Carriage shall be left to stand or remain in any of the Streets, Lanes, or other publick Passages or Places within the Limits of this Act, with or without Horses for any longer Time than shall be reasonable and necessary for the loading or unloading thereof; or if any Stage Coach, Post Chaise, or other Carriage let to hire, shall be left to stand or remain in any of such Streets, Lanes, or other publick Passages and Places, with or without Horses, for any longer Time than shall be reasonable and necessary for taking up or setting down Passengers, or for loading or unloading their Baggage or other Loading; or if any Horse shall be suffered to stand at the Door or House of any Person, so as to obstruct or incommode the Passage of any of the said Footways; or if any Timber, Bricks, Stones, Dung, Wood, Goods, or other Things, shall be laid or placed, and left to remain in any of the said Streets, Lanes, or other publick Passages or Places, for any longer Time than shall be necessary for removing or housing the same; or if any Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, shall be thrown, cast, or laid in any of the said Streets, Lanes, or other publick Passages or Places, and suffered to remain for any longer Time than shall be necessary for removing the same, then and in every such Case the Owner or Driver of every such Carriage, and the Owner of such Timber or other Things as aforesaid, and the Person who shall throw, cast, or lay any Dung, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance as aforesaid, or otherwise offend in the Premises, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and if any such Timber or other Things, or such Dung, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, shall be suffered to remain in any of the said Streets, Lanes, and other publick Passages and Places, longer than shall be necessary as aforesaid, the Surveyor to be employed by the said Commissioners is hereby authorized and empowered to cause the same to be removed to such Place as he shall think proper, and the Expence thereof shall be paid by the Person liable to the Payment of the said Penalty, and shall and may, in case of Nonpayment on Demand, be recovered in like Manner as any Penalty is herein-after authorized or directed to be recovered.

Dirt not to  
be swept into  
any Drain or  
Gutter.

XXII. And be it further enacted, That no Scavenger or other Person to be employed in cleansing any of the Streets, Lanes, or other publick Passages and Places within the Limits of this Act, shall sweep, rake, or place any of the Slop, Mud, Dirt, Dust, Rubbish, Ashes, Filth, or Soil, to be found in any such Streets, Lanes, or other publick Passages and Places, or brought therein, into any Common Sewer, Drain, Tunnel, or Channel thereunto belonging, or cause the same to be done; but every such Person shall place, sweep, or rake the same together, so as to lie at the Distance of Three Feet from the Gutter or Channel, where the Width of the Street, Lane, or other publick Passage or Place will admit of, and carry and convey the same (except the Soil of Privies or Necessary



cessary Houses) to such proper Place as the said Commissioners shall think convenient to deposit the same; and no Person other than the Scavenger to be employed by or under the said Commissioners shall collect, gather, take, or carry away, or cause to be collected, taken, or carried away, any Dust, Cinders, or Ashes, out of any such Streets, Lanes, or other publick Passages and Places aforesaid, and any Person so offending shall for every such Offence forfeit and pay the Sum of Ten Shillings, One Moiety whereof shall go to the Informer: Provided nevertheless, that nothing in this Act contained shall extend to prevent or hinder the Owners of any such Dust, Cinders, or Ashes, to carry away or dispose of the same for their own Use.

XXIII. And be it further enacted, That the Scavenger or Person contracting to cleanse the said Streets, Lanes, and other publick Passages or Places, shall once or oftener in every Week, and on such Days as the said Commissioners shall appoint or direct, bring or cause to be brought a proper Cart or other Carriage into all the said Streets, Lanes, and other publick Passages and Places, and shall, on or before his Approach, by ringing a Bell, give Notice to the Inhabitants of his coming, and give the like Notice in every Place in which such Cart or Carriage cannot pass; and such Scavenger, or his Servant or Servants shall, upon the Request of any of the Inhabitants, or their Servants or Lodgers, go into any of the Houses and other Places where any Dust, Cinders, or Ashes, shall be deposited, and take up and put the same into such Cart or other Carriage, and carry away and lodge the said Dust, Cinders, or Ashes, in any such vacant Places within the Limits of this Act, as shall be thought proper by the said Commissioners, the Scavenger or Person so contracting giving a reasonable Satisfaction to the Owners and Occupiers of the said vacant Places.

Scavenger's  
Duty.

XXIV. And be it further enacted, That, from and after the passing of this Act, all Persons occupying Houses, Buildings, Tenements, Shops, Warehouses, Yards, Gardens, or Stables, in or against any of the Streets, Lanes, or other publick Passages and Places within the Limits of this Act, shall cause to be swept and cleansed the Footways, Paths, and Pavements, the whole Length of the Front of their respective Houses, Buildings, Tenements, Shops, Warehouses, Yards, Gardens, or Stables, to the full Extent of the Pavement before the same, between the Hours of Seven and Ten of the Clock in the Forenoon, Thrice or oftener in every Week, as the said Commissioners shall from Time to Time order and require; and also cause the Dirt and Soil to arise from such sweeping and cleansing to be collected and put together (without obstructing the Way or Road) that the same may be removed and carried away by the Scavenger or Person to be employed in cleansing the said Streets, Lanes, and other publick Passages as aforesaid, upon Pain of forfeiting and paying any Sum of Money not exceeding Twenty Shillings, nor less than Five Shillings for every Neglect therein.

Inhabitants to  
sweep Pavements  
opposite  
their Houses.

XXV. And whereas it may be necessary, for cleansing the said Streets, Lanes, and other publick Passages and Places, within the Limits of this Act,

[Loc. & Per.]

4 A

Commissioners to cause  
Sewers to be  
made.



Act, to cut, dig, sink, and make Drains, Watercourses and Sewers through or across certain Streets, Lanes, Yards, Alleys, Courts, Passages or Grounds within the Limits of this Act; be it therefore enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to cause such Drains, Watercourses, and Sewers as may be needful and requisite for conveying and carrying off Water and Soil from the said Streets, Lanes, and other publick Passages and Places, to be cut, dug, sunk, and made through or across any Street, Lane, Yard, Alley, Court, or Passage as aforesaid, within the Limits of this Act, belonging to any Person or Persons whomsoever, although the same may not be Part of the said Streets, Lanes, or other publick Passages and Places; and the said Commissioners are hereby authorized, empowered, and required to make such Recompence and Satisfaction to the Owner or Owners, Occupier or Occupiers of such Street, Lane, Yard, Alley, Court, Passage, or Ground, through or across which the said Drains, Watercourses, and Sewers shall be so cut, dug, or sunk and made, as between him, her, or them, and the said Commissioners shall be agreed upon; and in case of any Difference concerning such Recompence and Satisfaction, the Justices of the Peace for the said County, at the then next General or Quarter Session of the Peace to be holden at the *Old Castle, Canterbury*, in and for the said County, Ten Days Notice thereof being given in Writing by such Owner or Owners, Occupier or Occupiers, or by the Treasurer, Clerk, or Surveyor appointed by the said Commissioners to the other of them, shall hear, settle, and determine the same, and the Judgement, Order, and Decree of the said Justices therein shall be final and conclusive to all Parties.

No Night Soil  
to be taken  
away but at  
certain Times.

XXVI. And be it further enacted, That no Person shall empty, or cause to be emptied any Boghouse, or take or cause to be taken away any Night Soil, or bring or place any Cart or Carts for removing the same from any House, Place, or Building within any of the Streets, Lanes, or other publick Passages or Places, before the Hour of Eleven of the Clock in the Night, or shall continue to take away the same after the Hour of Four in the Morning, between *Lady Day* and *Michaelmas Day*, or after the Hour of Five in the Morning between *Michaelmas* and *Lady Day*, and no Person shall wilfully spill, or put or cast any such Night Soil out of any Cart or Tub in any of the Streets, Lanes, or other publick Passages or Places aforesaid, or deposit or convey the same into any of the Drains or Sewers by this Act directed to be made as aforesaid; and if any Person shall offend herein, he shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Commission-  
ers may order  
offensive  
Things to be  
removed.

XXVII. And be it further enacted, That in case any Hogstye, Carrion, Blood, Offal, or Soil, being in, upon, or near any of the said Streets, Lanes, or other publick Passages or Places, shall annoy or be offensive to the Inhabitants of the said Town, or shall be deemed a Nuisance in the legal Acceptation of that Term, it shall be lawful for the said Commissioners, upon Complaint being made thereof to them by any Person or Persons, by Notice in Writing under their Hands, or the  
Hand



Hand of their Clerk or Surveyor, to order any such Nuisance to be removed, and in case the same shall not be removed within Five Days after such Notice shall be given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Five Shillings for every Day that the same shall remain unre-moved after the Expiration of the said Term.

XXVIII. And be it further enacted, That the said Commissioners may, and they are hereby authorized and empowered, from Time to Time, to appoint such Number of Watchmen and Patroles to be employed within the said Streets, Lanes, and other publick Passages and Places, for so long Time in the Night, under such Regulations, and for such Wages as they shall think proper, and to provide them with proper Arms, Ammunition, Weapons, and Clothing, for the Discharge of their Duty; and if any Watchman or Patrole appointed as aforesaid shall neglect or refuse to perform his Duty, or shall in anywise misbehave himself in the Execution of his Office, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Watchmen  
to be ap-  
pointed.

XXIX. And be it further enacted, That the Watchmen to be appointed and employed as aforesaid shall, during the Time of their being upon Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also any Burglaries, Robberies, Affrays, and other Outrages and Disorders, within the Limits of this Act; and it shall be lawful for the said Watchmen, or any of them, and they are hereby respectively authorized and required, while on Duty, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons, within the said Parish, who shall disturb the publick Peace, or whom they shall have Cause to suspect of any evil Design, and to secure and keep in safe Custody every such Person, in order that he or she may be conveyed, as soon as conveniently may be, before some Justice of the Peace for the said County of *Kent*, to be examined and dealt with according to Law; and if any Person or Persons shall assault, interrupt, or resist, or shall promote or encourage the assaulting, interrupting, or resisting, any of the said Watchmen in the Execution of their Duty, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings; and if any Victualler or Keeper of any Publick House shall knowingly harbour or entertain any Watchman to be employed within the said Parish, or permit or suffer any Watchman to be and remain in his House during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper of such Publick House shall for every such Offence, on being convicted thereof before any Justice of the Peace for the said County of *Kent*, forfeit and pay any Sum not exceeding Forty Shillings, as in the Discretion of such Justice shall seem proper.

Duty of  
Watchmen.

XXX. And be it further enacted, That the present Surveyors of the Highways for the Parish of *Milton* aforesaid, and their Successors, shall and they are hereby directed, from and after the Fifth Day of *July* One thousand eight hundred and four, and at all Times hereafter, yearly and every Year, on the Twenty-fifth Day of *July*, to pay or cause to be

Surveyors of  
Highways to  
Pay 20 l. per  
Annum to the  
Commission-  
ers.



be paid to the said Commissioners, and their Successors, or to such Person or Persons as they shall appoint, from and out of the Highway Rates and Statute Duty of the Parish of *Milton* aforesaid, the Sum of Twenty Pounds, for and towards the better paving, repairing, amending, and keeping in Repair, the several Streets, Lanes, Ways, and Places, within the Limits of this Act, to be recovered, in case of Nonpayment thereof, with full Costs, in such and the same Manner as any of the Rates or Assessments to be made by virtue of this Act can or may under the Authority of this Act be recovered.

Commission-  
ers may  
make Rates.

XXXI. And be it further enacted, That for the more speedy defraying the Costs, Charges, and Expences of executing the several Purposes of this Act, and of obtaining and passing the same, the said Commissioners shall, as soon as conveniently may be, and for ever after the passing thereof, cause One or more Rate or Assessment, Rates or Assessments, to be laid once in every Year, or oftener if they shall judge it needful, upon all and every the Proprietors or Owners of any Messuages or Tenements, Buildings, Yards, Gardens, Hereditaments, and Premises, situate and being within the Town of *Milton* aforesaid, and the Lanes, Alleys, Ways, and Passages belonging to the same, where and at such Places as the Pavement shall be laid down or extend to, or that shall have been paved before, such Sum or Sums of Money as the said Commissioners shall order and direct, but so nevertheless as that such Rate or Assessment, Rates or Assessments, do not exceed in the Whole, in any One Year, the Sum of One Shilling for every Yard running Measure of the Length in Front of such Messuages or Tenements, Buildings, Yards, Gardens, Hereditaments and Premises, or at the Sides or Ends thereof, where the said Pavement shall be so laid down or extend to, or that shall have been paved before; and the said Commissioners shall also cause One or more Rate or Rates, Assessment or Assessments, to be laid, once in every Year, or oftener if they shall judge it needful, upon all and every the Tenants or Occupiers of any Messuages or Tenements, Buildings, Yards, Gardens, Hereditaments, and Premises, situate and being within the Town of *Milton* aforesaid, and the Lanes, Alleys, Ways, and Passages belonging to the same, where and at such Places as the Pavement shall be laid down or extend to, or that shall have been paved before, such Sum or Sums of Money as the said Commissioners shall order and direct, but so nevertheless as that such Rate or Assessment, Rates or Assessments, do not exceed in the Whole, in any one Year, the Sum of Sixpence for every Yard running Measure of the Length in Front of such Messuages or Tenements, Buildings, Yards, Gardens, Hereditaments, and Premises, or at the Sides or Ends thereof, where the said Pavement shall be so laid down or extend to, or that shall have been paved before; and also that the said Commissioners shall cause One or more Rate or Rates, Assessment or Assessments, to be laid and assessed Once in every Year, or oftener if they shall judge it needful, upon all and every the Messuages, Tenements, or Dwelling Houses, out of the said Town of *Milton*, but situate and being within the said Parish of *Milton*, where and at such Places as the Pavement shall not be laid down or extend to, or that shall not have been paved before, such Sum or Sums of Money



Money as the said Commissioners shall order and direct, but so nevertheless as that such Rate or Assessment, Rates or Assessments, do not exceed in the Whole, in any one Year, the Sum of Sixpence in the Pound Rent, according to the Yearly Rent or Value of such Messuages, Tenements, or Dwelling Houses, One Moiety or Half Part whereof to be paid by the Proprietors or Owners of such Messuages, Tenements, or Dwelling Houses, and the other Moiety or Half Part to be paid by the Tenants or Occupiers of such Messuages, Tenements, or Dwelling Houses.

XXXII. And be it further enacted, That the Annual Value of all Messuages, Tenements, or Dwelling Houses, so to be respectively rated and assessed as aforesaid, shall be settled and ascertained, according to the real Rack Rent or full Yearly Value thereof, or in such fair and equal Proportion of such Rack Rent or full Yearly Value as the said Commissioners shall think proper; and the first Year for which such Rates or Assessments shall be made, shall commence for or in respect of such Messuages or Tenements, Buildings, Yards, Gardens, Hereditaments, and Premises, as now are or shall be hereafter erected and built, and lying and being within the Limits of this Act, from the Twenty-fifth Day of *December* now last past; and the Money so rated and assessed under and in pursuance of this Act shall from Time to Time be paid to the Collector or Collectors to be appointed as aforesaid, at such Time or Times, in every Year, and in such Manner as the said Commissioners shall order and direct, and shall be paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, or to such other Person or Persons as they shall order or direct for that Purpose.

How Yearly Value of Messuages, etc. to be ascertained.

XXXIII. And whereas several Messuages, Tenements, or Dwelling Houses, liable to be rated or assessed under this Act, are by the Owners thereof let out into Lodgings or Tenements to several Tenants, whereby it may be difficult to recover such Rates or Assessments when made; be it therefore further enacted, That the said Commissioners shall and may rate or assess the Person for the Time being entitled to any Messuages, Tenements, or Dwelling Houses, which shall be let to or occupied by Two or more Tenants, and the same shall be deemed as One Messuage, Tenement, or Dwelling House; and such Rates or Assessments shall be paid by any One or more of the Tenants of any Part or Parts of such Messuages, Tenements, or Dwelling Houses, who is and are hereby authorized and required to pay such Sum or Sums of Money as shall be so rated or assessed upon the Person for the Time being entitled to the same in pursuance of this Act, and to deduct and retain such Sum or Sums of Money out of his, her, or their Rent, and the Person for the Time being entitled to such Premises is hereby required to allow such Deduction accordingly.

Rates on Messuages, etc. let to several Tenants to be paid by the Landlords thereof.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Tenant or Occupier of any Messuages or Tenements, Buildings, Yards, Gardens, Hereditaments, and Premises, rated  
[Loc. & Per.] 4 B

Power to mitigate or excuse Rate on Occupier on Account of Inability.

or



or assessed by virtue of this Act, to lessen or reduce the Rate or Assessment, charged upon such Tenant or Occupier, for or on Account of his or her Exigency or Inability, as they the said Commissioners shall in their Discretion think proper and reasonable.

Poor's Rates  
may be in-  
spected.

XXXV. And be it further enacted, That it shall be lawful for any Person or Persons, having an Order under the Hands of any Five or more of the said Commissioners, to inspect or take Copies or Extracts, of any Rates made for raising Money for the Relief and Maintenance of the Poor within the said Parish; which Inspection, Copies, and Extracts, the Person or Persons having the Custody of such Rates respectively, are hereby required to permit to be made, without Fee or Reward, upon producing such Order; and in case any Person, having the Custody of any such Rates, shall neglect or refuse so to do within Two Days next after such Order shall have been produced and shewn to him, or a Copy thereof left at his usual Place of Abode, he shall, for every such Neglect or Refusal, forfeit and pay any Sum not exceeding Twenty Shillings.

Recovery of  
Rates.

XXXVI. And be it further enacted, That in case any Person or Persons who shall be rated or assessed, or subject or liable to the Payment of any Rate or Assessment by virtue of this Act, shall neglect or refuse to pay any such Rate or Assessment to the Collector or Collectors to be appointed as aforesaid, for the Space of Ten Days after Demand thereof made, or after Demand in Writing to be left at the last or usual Place of Abode of such Person or Persons, or at any Messuage, Tenement, Dwelling House, or Premises so rated or assessed, it shall be lawful for any Justice of the Peace for the County of Kent, upon Proof made upon Oath of such Demand and Nonpayment, by Warrant under his Hand and Seal, to authorize and direct the said Collector or Collectors to levy such Rate so in Arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels on Demand.

Commission-  
ers may bring  
Actions for  
Rate.

XXXVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, if they shall think it expedient, to bring or cause to be brought any Action or Actions of Debt, or Special Action on the Case, in any of His Majesty's Courts of Record at *Westminster*, for all or any of the Rates or Assessments to be made by virtue of this Act, in which Action or Actions it shall be sufficient for the said Commissioners to declare, that the Defendant is indebted to them in the Sum of Money they shall suppose to be due for Rates or Assessments under this Act; and in case the said Commissioners shall recover such Sum so declared for, or any Part thereof, they shall have and recover full Costs, to be levied and recovered as other Monies upon Judgements are now by Law levied and recovered; in which Action or Actions no Essoign, Protection, or Wager at Law, or more than One Imparlance, shall be allowed.

XXXVIII. And



XXXVIII. And whereas severa Persons already have paved, at their own Expence, some Part or Parts of the Footways and Grounds before their Houses or Buildings, situate within the Limits of this Act, and it is reasonable that such Persons should have some Allowance in respect of so much of such Pavements as may be used for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from and out of the Money to arise under this Act, to make and pay to such Persons respectively such Payments or Allowances for or in respect of the Pavements made by them as aforesaid, or the Materials thereof which may be made use of for the Purposes of this Act, as to them the said Commissioners in their Discretion shall appear to be fair and reasonable.

Commissioners may make Allowances to such Persons as have paved at their own Expence.

XXXIX. 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 borrow and take up at Interest of any Person or Persons willing to advance the same, any Sum or Sums of Money upon the Credit of the Rates or Assessments herein-before granted, and, by Writing under the Hands and Seals of any Seven of the said Commissioners, to mortgage or assign over the said Rates or Assessments to the Person or Persons who shall advance or lend such Money, or his or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same, and that every such Assignment may be made in the Form or to the Effect following; (that is to say),

Commissioners may borrow Money.

‘ BY virtue of an Act, passed in the Forty-fourth Year of the Reign of  
 ‘ King George the Third, intituled, [*set forth the Title of this Act*]  
 ‘ We, Seven of the Commissioners appointed by virtue and acting in the  
 ‘ Execution of the said Act, in Consideration of the Sum of  
 ‘ advanced and lent by *A. B.* to *C. D.* Treasurer, ap-  
 ‘ pointed in pursuance of the said Act, upon the Credit and for the Pur-  
 ‘ poses of the said Act, do grant and assign unto the said *A. B.* his  
 ‘ Executors, Administrators, and Assigns, such Proportion of the Rates  
 ‘ or Assessments arising by virtue of the said Act as the said Sum of  
 ‘ doth or shall bear to the whole  
 ‘ Sum which is or shall be borrowed upon the Credit of the said Rates,  
 ‘ to be had and holden from this Day of until the  
 ‘ said Sum of with Interest after the Rate  
 ‘ of Pounds *per Centum per Annum* for the same, to be paid  
 ‘ Half-yearly, shall be fully paid and satisfied. In Witness whereof We  
 ‘ have hereunto set our Hands and Seals this Day  
 ‘ in the Year of our Lord

Form of Assignment.

And every such Assignment so executed by any Seven of the said Commissioners shall be good, valid, and effectual in Law.

XL. Provided always, That in case the said Commissioners shall think it adviseable to raise all or any Part of the Money necessary for the Purposes of this Act by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commis-  
 sioners,

Money to be raised by Annuities.



sioners, and they are hereby authorized and empowered, by Writing under the Hands and Seals of any Seven of the said Commissioners, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay, into the Hands of the Treasurer to the said Commissioners, any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, so that no such Annuity do exceed the Rate of Ten Pounds for every One hundred Pounds for a Year, and that the Grant of every such Annuity may be made in the Form, or to the Effect following; (that is to say),

Form of  
Grant of  
Annuities.

BY virtue of an Act, passed in the Forty-fourth Year of the Reign of King George the Third, intituled, [*set forth the Title of this Act*] We, Seven of the Commissioners appointed by virtue and acting in the Execution of the said Act, in Consideration of the Sum of \_\_\_\_\_ paid by *A. B.* to *C. D.* the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said *A. B.* his Executors, Administrators, and Assigns, an Annuity or Yearly Sum of \_\_\_\_\_ out of the Rates or Assessments arising by virtue of the said Act, which Annuity or Yearly Sum of \_\_\_\_\_ shall be paid to the said \_\_\_\_\_ his Executors, Administrators, and Assigns, at \_\_\_\_\_ in the said Parish, upon the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year, during the natural Life of \_\_\_\_\_ the First Payment thereof to be made upon the \_\_\_\_\_ next ensuing the Date hereof. In Witness whereof we have hereunto set our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord

Annuities  
charged on  
Rates, &c.

And every such Grant so executed as aforesaid shall be good, valid, and effectual in Law; which said several Annuities so to be purchased shall be and are hereby charged upon and shall be paid out of the Rates or Assessments herein-before mentioned, and shall be made payable, and be paid Quarterly, during the natural Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors, and a proportionate Part of each Annuity shall be paid from the last Quarterly Day of Payment to the Day of the Death of the Annuitant, or his *Cestuique Vie*.

Mode of  
transferring  
Securities.

XLI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed, or for the Annuities to be granted as aforesaid, by Writing under their Hands indorsed thereon, to transfer the same respectively to any Person or Persons, in the Form or to the Effect following; (that is to say),

I *A. B.*



Form of  
Transfer.

Entries to be  
made of Se-  
curities.

### Application of the Monies.

**Creditors to  
be paid by  
Ballot.**



above what shall be necessary to pay the growing Interest upon the said Principal Money, and the Annuities which may be secured or granted in pursuance of this Act, and the Expences provided for), the said Commissioners shall cause the Number of all the Mortgages, Assignments, or Securities, which shall have been granted or made, and which shall be then in force for securing the Principal Monies borrowed, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and that all such Papers shall be rolled up in the same Manner as near as may be, and put indiscriminately into a Box or Glafs, and that One Number of the said Mortgages, Assignments, or Securities, shall be drawn out of the said Box or Glafs, by the Clerk to the said Commissioners, in the Presence of Three or more of the said Commissioners, and that the Mortgage, Assignments, or Securities, in respect of which the Number so to be first drawn as aforesaid shall be first paid off: Provided always, that if it shall happen that any Mortgage, Assignment, or Security, the Number whereof shall be drawn out as aforesaid, shall be for a greater Sum than One hundred Pounds, no more than Two hundred Pounds shall be discharged in consequence of such Number being so drawn.

Notice to be given to the Person whose Assignments are to be paid off.

XLV. And be it further enacted, That after any Ballot shall be had as aforesaid, the said Commissioners shall cause Notice, signed by their Clerk, to be given or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the Principal Sum to be paid, together with the Interest due thereon, and the Time when and the Place where the same is intended to be paid, and that the same shall be paid at the Time and Place to be mentioned in such Notice, being at the Expiration of Three Calendar Months from the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be paid off shall, from and after the End of the said Three Calendar Months, cease and be no longer paid or payable, unless such Principal Money shall be demanded pursuant to such Notice and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Three Calendar Months shall nevertheless be payable on Demand.

Power to borrow Money at a lower Interest to discharge Securities at higher.

XLVI. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up at Interest any Sum or Sums of Money at a lower Rate of Interest than the Mortgages, Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners, from Time to Time, to charge the said Rates or Assessments in Manner aforesaid, with such Sum or Sums of Money as they shall think fit and proper, and the Interest thereof, at such lower Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest according to the Directions and Regulations herein-before prescribed for paying off the Mortgages, Assignments, or Securities.

Recovery of Penalties.

XLVII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of recovering whereof is not otherwise hereby



hereby directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offender or Offenders shall be or reside, which Warrant such Justice is hereby empowered to grant, upon the Confession of the Party or upon the Information of any credible Witness upon Oath, and such Penalties and Forfeitures shall (if not directed to be otherwise applied by this Act) be paid to the Treasurer to the said Commissioners, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XLVIII. And be it further enacted, That in any Action, Prosecution, Information, Cause, or Proceeding whatsoever, relating to or concerning the Execution of this Act, no Inhabitant residing within the said Parish of *Milton* shall be disqualified from giving Evidence, by reason that such Inhabitant shall be charged with or liable to pay any Rate or Assessment by virtue of this Act. Inhabitants may give Evidence.

XLIX. And be it further enacted, That the said Commissioners may sue or be sued in the Name of their Treasurer or Clerk, and that no Action to be brought by or against the said Commissioners, or any of them, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, but the Treasurer or Clerk for the Time being to the said Commissioners shall always be deemed the Plaintiff or Defendant in such Actions, as the Case may be: Provided always, that every such Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action or Proceeding, he shall bear, pay, expend, or be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant. Commissioners may sue or be sued in the Name of their Treasurer or Clerk.

L. Provided always, and be it further enacted, That if any Person Appeal, shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance or by virtue of this Act, he or she (having first paid the said Rate or Assessment) may apply to the said Commissioners at their First Meeting to be holden after the Expiration of Twenty Days after the demanding of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person shall think himself or herself aggrieved by any other Matter or Thing to be done in pursuance



purſuance of this Act, every ſuch Perſon may appeal to the Juſtices at the General Quarter Sessions of the Peace to be holden for the Eaſtern Diſtrict of the ſaid County of *Kent*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving Ten Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within Two Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and to abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Sessions; and the Juſtices at ſuch Sessions ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they ſhall think proper; and their Determination thereon ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes.

Rates and Proceedings not to be quaſhed for want of Form, or removed by *Certiorari*.

LI. And be it further enacted, That no Rate or Aſſeſſment, or any Proceeding to be had touching any Order made, or other Matter or Thing to be done or tranſacted, in or relating to any Complaint or Appeal, in any Order or Determination thereon in purſuance of this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable into any of His Maſteſty's Courts of Record at *Westminster*, by *Certiorari*, or by any other Writ or Proceſs whatſoever; any Law, Statute, or Uſage to the contrary in anywiſe notwithstanding.

Plaintiff ſhall not recover after Tender of ſufficient Amends.

LII. Provided always, and be it further enacted, That no Plaintiff ſhall recover in any Action to be brought by virtue of this Act, for any Irregularity, Trefpaſs, or wrongful Proceeding, if ſufficient Tender of Amends ſhall be made by or on Behalf of the Party or Parties who ſhall have committed or cauſed to be committed any ſuch Irregularity, Trefpaſs, or wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants, in any 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 or they ſhall ſee fit, whereupon ſuch Proceedings or Order and Judgement ſhall be had, made, or given, by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Diſtreſs not unlawful for want of Form.

LIII. And be it further enacted, That where any Diſtreſs ſhall be made for any 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 Trefpaſſer or Trefpaſſers on account of any Defect or Want of Form in the Warrant of Diſtreſs, or in any Proceeding relating thereto; nor ſhall the Party or Parties be deemed a Trefpaſſer, *ab initio*, on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraiuing; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage only in an Action on the Caſe.

LIV. And



LIV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person for any Thing to be done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk to the said Commissioners, or after such sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Kent*, and not elsewhere; and the Defendant in every such Action or Suit shall and may 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 the same shall appear to be so done, or if such Action shall be brought before Twenty Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereinbefore limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or discontinue his or her Action or Suit after the Defendant shall appear, or if upon Demurrer Judgement shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for the Costs of Suit in any other Cases of Law.

Limitation of  
Actions.

LV. And, for the more speedy and easy Conviction of Offenders against this Act, be it enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this present Act, shall and may cause the Conviction to be drawn up in the following Form of Word, or in any other Form of Words to the like Effect, as the Case shall happen.

Form of  
Conviction.

County of } **B**E it remembered, That on the Day of  
*Kent.* } in the Year of our Lord  
' *A. B.* is convicted before me, *C. D.* one of His Majesty's Justices of  
' the Peace for the County of *Kent* [*specifying the Offence, and the*  
' *Time and Place when and where the same was committed, as the Case*  
' *may be*]. Given under my Hand and Seal the Day and Year first  
' above mentioned.'

LVI. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, lessen, or defeat any Right, Interest, or Property of the Lord or Lady, Lords or Ladies of the Manor and Hundred of *Milton* aforesaid, as the Lord of the Fairs and Markets within the said Town or Hundred of *Milton*, of any Power, Privilege, Franchises, or Authority; but all and every such Powers, Privileges, Franchises, and Authorities, may be exercised and enjoyed in as full and ample Manner, to all Intents and Purposes, as the same were exercised and enjoyed at any Time before the passing of this Act.

This Act not  
to prejudice  
the Right of  
the Lord of  
the Manor of  
*Milton*.

[*Loc. & Per.*]

4 D

LVI. And



Publick Act.

LVII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1804.