



ANNO QUINQUAGESIMO SEXTO

# GEORGI II. REGIS.

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## *Cap. lxxvii.*

An Act for altering and enlarging the Powers of an Act of the Thirteenth Year of His present Majesty, for improving the Town and Parishes of *Gravesend* and *Milton* in the County of *Kent*, and for the better Assessment and Collection of the Poor Rates and other Rates within the Parish of *Gravesend*. [26th June 1816.]

**W**HEREAS an Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act for paving, cleansing, and lighting the High Street, East Street, and West Street, in the Town and Parishes of Gravesend and Milton, in the County of Kent, and for lighting the other Streets, and for removing all Encroachments and Annoyances within the said Town and Parishes*: And whereas since the passing of the said Act the said Town has been considerably enlarged, and the said Parishes rendered more populous by the Erection of many new Houses, forming in some Instances entirely new Streets or Rows of Buildings: And whereas by the Diversion of the Turnpike Road from *London* to *Dover*, leading to and through the upper Part of the said Town, the Resort and Traffic to and through the said Town have greatly increased: And whereas it would be of great Advantage and Convenience to the Inhabitants of the said Town and Parishes, and Persons resorting thereto, if Powers were given for paving several of the other Streets and public Ways, Passages, and Places within the said Town and Parishes; and if the same were properly lighted, watched, and otherwise improved:

[Local.] 18 T And

13 G. 3. c. 15.

Powers of the former Act continued.

And whereas the beneficial Purposes aforesaid, and the further Improvement of the said Town and Parishes, and the Streets, Lanes, and Passages thereof, cannot be carried into Effect, unless the Powers and Provisions of the said Act are amended, altered, extended, and enlarged, and further and additional Powers given for that Purpose; and unless the Commissioners appointed by the said recited Act and this Act are enabled to borrow further Sums of Money, and to raise further and additional Rates and Assessments, which cannot be effected 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, and all and singular the Authorities, Powers, Provisoes, Provisions, and Clauses therein contained, shall be and continue in full Force and Effect, in as full and ample a Manner, and as effectually to all Intents and Purposes, as if the said Authorities, Powers, Provisoes, Provisions, and Clauses were repeated and re-enacted in this present Act; and that all and singular the said Authorities, Powers, Provisoes, and Provisions in the said recited Act contained, so far as the same are applicable to the Objects and Purposes of this Act, and are not repealed or altered hereby, shall extend and have Effect, and shall be construed to extend and have Effect, to and concerning the several Objects and Purposes of this Act, as fully and amply as if the same were hereby repeated and set forth.

Commissioners.

II. And be it further enacted, That the Senescal or High Steward of the Corporation of *Gravesend* and *Milton* for the Time being, the Mayor of the said Corporation for the Time being, the Sub-senescal or Recorder of the said Corporation for the Time being, the Governor for the Time being of His Majesty's Town and Forts of *Gravesend* and *Tilbury*, the Deputy Governor for the Time being of the said Town and Forts, *Charles Becket*, *Alexander Bennett*, *Thomas Bayly*, *James Brett*, *John Brenchley*, the Reverend *William Crawford* D.D., *William Cook*, *Robert Pierce Cruden*, *Jeremiah Dennett*, *John Ditchburn*, *John Grover*, *Joseph Gladwell*, *William Gordon*, *James Giles*, *Samuel Hazard*, *Jonathan Hills*, *John Hales*, *Thomas Johnson*, *Thomas Killick*, *Edward Lark*, *Samuel Man*, *John Millen*, *John Munns*, *Laurence Oakes*, the Reverend *Luke Philips*, *Laurence Ruck*, *George Rich*, *William Smith*, *William Twiss*, *John Dashwood Taylor*, *Edward William Woodford*, and *Thomas Woodgate*, (being the present Commissioners acting under the said recited Act,) together with *Daniel Barnes*, *John Bevan*, *Joseph Peglar Cummings*, *William Hancock Styles*, *Henry Redman Thompson*, the Reverend *Samuel Watson*, and *John Wade*, and their Successors, to be elected in manner herein-after mentioned, shall be and are hereby appointed Commissioners for putting this Act into Execution.

New Commissioners.

III. And be it further enacted, That when any of the Commissioners herein-before appointed, or who may hereafter be elected by virtue of this Act, shall die, or shall for the Space of One whole Year refuse or neglect to act as a Commissioner in the Execution of this Act (except the said High Steward, Mayor, Recorder, Governor, and Deputy Governor respectively), such Death, Refusal, or Neglect having been first declared at some Public Meeting of the said Commissioners, that then the surviving or remaining Commissioners shall, at a Meeting to be appointed for that Purpose,

Purpose, on that Day Month next after such Vacancy shall have been so declared, elect and choose a fit Person (being resident within the said Town and Parishes) to be a Commissioner in the Place of such Commissioner deceased, or who shall have refused or neglected to act as aforesaid; and all Persons so elected and chosen shall be joined with the surviving or remaining Commissioners, and shall be and are hereby declared to be vested with the same Powers and Authorities for putting this Act in execution, as the Persons in whose Places they shall have been named and appointed Commissioners in and by this Act.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Twelve or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of the said recited Act or of this Act, to elect any Number of Persons, not exceeding Ten in the whole, to be Commissioners for the Purposes of the said recited Act and of this Act, in addition to the Commissioners hereby appointed, and such Commissioners so elected and being duly qualified shall be and are hereby invested with the same Powers and Authorities for executing the said recited Act and this Act as if they had been herein named and appointed.

Power to  
appoint addi-  
tional Com-  
missioners.

V. And be it further enacted, That no Person hereby appointed, or who shall be elected in manner herein-after mentioned, shall be qualified or capable of acting as a Commissioner in the Execution of this Act, unless 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 Lands, Tenements, or Hereditaments, of the clear yearly Value of Ten Pounds, Freehold or Leasehold, arising within the said Town and Parishes of *Gravesend* and *Milton*, or unless he shall be a Tenant or Occupier of Lands, Tenements, or Hereditaments within the said Town and Parishes of the clear yearly Rent of Twelve Pounds, and shall also be possessed of a Personal Estate to the Amount or Value of Three hundred Pounds; but no Person whatsoever shall be qualified or capable of acting as a Commissioner who shall hold any Place of Profit, or be concerned or interested, directly or indirectly, in any Contract to be made by virtue of this Act; and if any Person (not being qualified or capable of acting as aforesaid) shall nevertheless presume to act as a Commissioner in the Execution of this Act, every such Person 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 in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified and capable of acting as a Commissioner according to the true Intent and Meaning of this Act, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

Qualification  
of Commis-  
sioners.

VI. And be it further enacted, That no Person shall take on himself to act as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned to the other Commissioners) until he shall have taken and subscribed the Oath or Affirmation following; which

Commission-  
ers Oath.

which Oath or Affirmation the said Commissioners, or any One of them, at any of their Meetings to be holden in pursuance of this Act, is and are hereby required and empowered to administer :

‘ I *A. B.* do swear [*or* being one of the People called *Quakers*, do solemnly affirm], That I am really and *bonâ fide* in my own Right [*or* in Right of my Wife, *as the Case may be*] now in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Ten Pounds, Freehold or Leasehold, arising within the said Town and Parishes of *Gravesend* and *Milton* ; or that I am a Tenant or Occupier of Lands, Tenements, or Hereditaments, within the said Town and Parishes, of the clear yearly Value of Twelve Pounds, and am also possessed of a Personal Estate to the Amount or Value of Three hundred Pounds ; and that I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities vested and reposed in me as a Commissioner, by virtue of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act.*]

‘ So help me GOD.’

High Steward, &c. exempted from the foregoing Clause.

Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent the said High Steward, Mayor, Recorder, Governor, or Deputy Governor, from acting as Commissioners in the Execution of this Act, although they may not be qualified as hereinbefore is mentioned ; any thing hereinbefore contained to the contrary notwithstanding.

For appointing Officers.

VII. And be it further enacted, That the said Commissioners may from Time to Time chuse, elect, and appoint a Clerk, Treasurer, Collector, Surveyor, and Scavenger, and such other Officers as they shall think proper and necessary for carrying this Act into Execution, and shall take such Security for the due Execution of their respective Offices as the said Commissioners shall think proper, and shall and may from Time to Time remove all or any of the said Officers, and appoint others in the Room of such of them as shall be so removed or may happen to die, as they shall think fit ; and shall and may, out of the Monies arising by virtue of this Act, pay such Salaries, give such Gratuities, and make such Allowances as they shall judge reasonable, to all such Officers, and also to all such other Persons as have been or shall be employed in the Execution of this Act ; and in case any Clerk, Treasurer, Collector, Surveyor, Scavenger, or other Officer or Person who shall be employed by the said Commissioners, shall refuse or neglect to do any thing ordered or directed to be done either by this Act or by the said Commissioners, relative to the Execution thereof, or shall be in any way concerned in Interest in any Bargain or Contract made or to be made by the said Commissioners by Authority hereof, every Person offending in any of the Cases aforesaid shall forfeit and pay such Sum not exceeding Thirty Pounds, and not less than Forty Shillings, as any Justice or Justices of the Peace for the said Corporation of *Gravesend* and *Milton* shall think proper in his or their Discretion to order and adjudge ; and every such Person shall also be for ever incapable of being employed by the said Commissioners in the Execution of this Act.

VIII. And

VIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners for putting this Act into Execution, or the major Part of them present at any General Meeting to be holden in pursuance of this Act, such major Part consisting of not less than Twelve Persons, (of which Meeting, Notice in writing or printed, with the Name of the Clerk to the said Commissioners affixed thereto, shall be given to or left for each Commissioner at his last usual Place or Places of Abode, Ten Days at least before such Meeting,) from Time to Time to make such Bye Laws, Rules, Orders, and Regulations, for the better regulating their own Proceedings at any of their Meetings, and of enforcing and rewarding the good Conduct and Behaviour of the several Officers and Servants employed by the said Commissioners in the Execution of this Act, and for the Application of the several Monies that may be levied, collected, or received by virtue of this Act to the Purposes thereof; and likewise from Time to Time to vary, alter, amend, or repeal all or any such Bye Laws, Rules, Orders, and Regulations, and to fix and appoint all such reasonable Fines and Penalties for the Breach or Non-performance of any such Bye Law, Rule, Order, or Regulation, or any Part thereof, as to them shall seem right and proper; so that no such Fine or Penalty shall exceed the Sum of Five Pounds; and all such Bye Laws, Rules, Orders, and Regulations, when so made, and all Alterations, Variations, and Amendments thereof, shall be printed or written, and affixed to the Door or Doors of the Committee Room of the said Commissioners; and all such Bye Laws, Rules, Orders, and Regulations, when so made and affixed, shall be good and binding upon all Persons concerned; provided that the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *England*, nor inconsistent with or repugnant to the Provisions and Directions in this Act contained.

Commissioners empowered to make Bye Laws.

IX. Provided always, and be it enacted, That no such Bye Law, Rule, Order, or Regulation, when so made and printed by the said Commissioners, shall be varied, altered, amended, or repealed, save and except at some Meeting to be holden for that Purpose; of which Meeting, and of the Purposes thereof, Ten Days Notice at the least, either written or printed, with the Name of the Clerk or Clerks to the said Commissioners annexed thereto, shall be given to or left at the last or usual Place of Abode of each and every such Commissioner.

Bye Laws not to be repealed without Notice.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners, when and as often as they shall think proper, to order and direct any of the Streets, public Ways, Passages, or Places within the said Town and Parishes, or any Part or Parts thereof, to be paved in such Manner as to them may seem right, although the same may never have been paved before; and also to order and direct all the Pavements, whether now made or hereafter to be made within the said Town or Parishes, to be from Time to Time paved, repaired, raised, or lowered or altered, and kept properly cleansed and lighted, in such Manner as they shall think fit; and also to cause all Incroachments, Annoyances, Obstructions, and Nuisances in all or any of the said Streets, Ways, Passages, and Places within the said Town and Parishes, to be taken down, removed, and carried away, and also proper Drains, Gutters, and Watercourses to be made, under Ground or otherwise, for conveying Water along, out of, and from the

For paving Streets.

[Local.]

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same,

same, when and as often, and in such Manner and at such Places, as the said Commissioners shall think proper and necessary, and to cause to be dug, carted, and carried out of, and brought into the same Streets, Ways, Passages and Places, or any of them, from Time to Time, such Quantities of Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, Carters, and others, in the several Works and Matters aforesaid, as they shall think necessary; and the Person and Persons authorized, directed, or employed by the said Commissioners to execute, do, and perform the said several Works, Matters, and Things before mentioned, shall and they have hereby full Power and Authority to do, execute, and perform all such Works, Matters, and Things accordingly.

Penalty on altering Pavements, &c. without Consent of the Commissioners.

XI. And be it further enacted, That if any Person shall at any Time or Times make or cause to be made any Alteration in the Form of the Pavements, whether now made or hereafter to be made within the said Town and Parishes, or any Part or Parts thereof, without the Consent of the said Commissioners for that Purpose first had and obtained, the Person making or causing such Alteration to be made shall, at his, her, or their own Costs and Charges, within Fourteen Days after Notice given for that Purpose by the Surveyor or Clerk to the said Commissioners, cause the said Pavement to be put into the same State, Condition, and Form as the same was in before such Alteration was made; and in case of his or her Neglect or Refusal so to do within the Time aforesaid, the said Commissioners shall and may cause the said Pavement to be put into the same State, Condition, and Form as such Pavement was in before such Alteration was made, and all Expences attending the same shall be reimbursed to the said Commissioners by the Person who caused such Alteration to be made without such Consent as aforesaid; and in case all such Expences shall not be paid to the said Commissioners, or to their Order, within Fourteen Days after such Expences shall be incurred, the same shall be levied and recovered in such and the like Manner as the Rates or Assessments laid and assessed by virtue of this Act can or may be levied and recovered, together with all Charges and Expences attending the Recovery thereof.

Commissioners may improve Streets, &c.

XII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to alter, widen, turn, extend, and improve any of the Streets, Lanes, Courts, Yards, Alleys, Passages, and Places within the said Town and Parishes; and to lengthen, continue, and open the same, from the Sides and Ends of any Streets, Lanes, Courts, Yards, Alleys, Passages, and Places within the same Town and Parishes, into any other Street, Lane, Court, Yard, Alley, Passage, or Place; and to raise, level, lower, drain, or pave such new Part or any Parts of such Streets, Lanes, Courts, Yards, Alleys, Passages, and Places, so altered, widened, extended, opened, or lengthened as aforesaid; and that if any Houses, Walls, Buildings, Lands, Tenements, and Hereditaments, or any Parts thereof, shall be adjudged by the said Commissioners to project into, obstruct, or prevent them from so altering, turning, widening, extending, lengthening, continuing, and opening or improving of the said Streets, Lanes, Courts, Yards, Alleys, Passages, and Places within the said Town and Parishes; and if it shall appear to and be adjudged by the said Commissioners, that the Possession, Occupation, and Purchase of such Houses, Walls,

Walls, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, will be necessary for that Purpose, it shall and may be lawful to and for the said Commissioners, and they shall have full Power and Authority, to treat, contract, and agree, or to employ any Person or Persons to treat, contract, and agree, with the several Owner or Owners, Occupier or Occupiers, and all Persons whomsoever interested in or who shall be willing to sell or part with their Estate, Right, Title, and Interest, of, in, or to all or any such Houses, Walls, Buildings, Lands, Tenements, and Hereditaments, of what Nature, Kind, or Quality soever, for the Purposes aforesaid; and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Commissioners, and the Owner or Owners, Occupier or Occupiers thereof, or other Person or Persons interested therein, out of the Money to arise or to be raised by the said Commissioners by virtue of this Act; and to pull down, use, sell, or dispose of such Houses, Walls, and Buildings, or any Part thereof, and lay the Sites thereof, and all such other Lands, Tenements, or Hereditaments, or so much thereof as they the said Commissioners shall think proper, into the said Streets, Lanes, Courts, Yards, Alleys, Passages, and Places; and all such new Part of such Streets, Lanes, Courts, Yards, Alleys, Passages, and Places, and the Owners and Occupiers of Houses and Buildings therein and adjoining thereto, shall be subject to all the Rates, Assessments, Powers, Provisions, Orders, Clauses, and Things, by virtue of this Act directed to be made, and to which and in the same Manner as the present Streets, Lanes, Courts, Yards, Alleys, Passages, and Places within the said Town and Parishes, and as the Owners and the Occupiers of Houses, Buildings, and Premises therein and adjoining thereto, are liable and subject.

XIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised, possessed of, or interested in any such Houses, Walls, Buildings, Lands, Tenements, and Hereditaments, to contract for, sell, and convey the same and every Part thereof unto the said Commissioners; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act; and all such Contracts, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners; and such of them as shall be made of any such Houses, Walls, Buildings, Lands, Tenements, and Hereditaments, to the said Commissioners, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say),

Power for  
Persons to  
sell.

‘ I of the Sum of \_\_\_\_\_ of \_\_\_\_\_ in consideration  
‘ \_\_\_\_\_ to me paid by the Com-  
‘ missioners appointed in and by an Act of Parliament passed in the  
‘ \_\_\_\_\_ Year

' Year of the Reign of His Majesty King George the Third, intituled *An*  
 ' Act [*here set forth the Title of this Act*] do hereby grant and release to the  
 ' said Commissioners, all [*describing the Premises to be conveyed*] and all  
 ' my Right, Title, and Interest to and in the same, and every Part thereof;  
 ' to hold to the said Commissioners, their Successors and Assigns, for ever,  
 ' by virtue and according to the true Intent and Meaning of the said Act.  
 ' In witness whereof I have hereunto set my Hand and Seal, this  
 ' Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And all such Conveyances and Assurances shall be valid and effectual Conveyances of the Hereditaments therein described, and of the whole Fee Simple and Inheritance thereof, to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Application  
of Purchase  
Monies if  
amounting  
to 200l.

XIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Houses, Buildings, Lands, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in any strict or other Settlement, or to any Person or Persons under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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 High Court of Chancery, to be placed to his Account there *ex parte* the Commissioners for executing this Act; 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 Houses, Buildings, Lands, or Hereditaments, in the Purchase or 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 Houses, Buildings, Lands, or Hereditaments, or affecting other Houses, Buildings, Lands, or Hereditaments standing settled therewith, or to the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, 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 Houses, Buildings, Lands, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled and 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 same 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 Houses, Buildings, Lands, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the said Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of 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 arising thereon, may be applied in any Manner herein-before directed, so far as the same be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

If less than 200*l.* and exceeding 20*l.*

XVI. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy, Idiotcy, 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.

If less than 20*l.*

XVII. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or any Five or more of them, or shall refuse to execute a Conveyance or Conveyances thereof; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, to order the said Sum or

In Cases of Refusal to accept, or not making out Title.

[Local.]

18. X

Sums

Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them,] subject to the Order, Controul, or Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum and Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums, 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.

If Title  
doubtful:

XVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest in any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court to order  
Payment  
of Expences  
of Purchases  
in certain  
Cases.

XIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments authorized to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery 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 Court shall deem reasonable, to be paid by the

said Commissioners out of the Money to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to purchase, provide, affix, set up, alter, take down, and renew such and so many Lamps of such Sizes and Sorts, in such Places and in such Manner, and to cause the same to be lighted at such Seasons of the Year and such Hours of the Evening, and to be kept burning for so many Hours, as to them shall seem necessary or proper for the well and sufficiently lighting of all or any of the said Streets, Lanes, and public Passages and Places; and if any Person or Persons shall wilfully throw down, take, carry away, spoil, break, or damage any such Lamps, or any of the Irons, Posts, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Offence, one Moiety of which shall go to the Informer, and the other Moiety to the said Commissioners for the Purposes of this Act; and such Offenders shall make full Satisfaction to the said Commissioners, or to the Contractor who shall have furnished such Lamps, for the Damage done thereby, such Damage to be recovered in like Manner as any Penalty is by this Act authorized or directed to be recovered; 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 immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice of the Peace for the said Corporation of *Gravesend* and *Milton*, upon Proof made by the Oath of One or more Witness or Witnesses, or the Confession of the Party, to award such Sum of Money, by way of Satisfaction for Damage, as such Justice shall think reasonable; and in case of Refusal or Neglect to pay such Sum of Money upon Demand, to cause the same to be levied and recovered in like Manner as the Rates or Assessments aforesaid, by this Act or the said recited Act authorized, can or may be levied and recovered.

Power to Commissioners to set up Lamps.

XXI. And be it further enacted, That from and after the passing of this Act the Right and Property of all the present and future Pavements whatsoever within the said Town and Parishes, as well the Footways as the Carriageways, and of all Lamps, Lamp Irons and Posts, which shall be erected or fixed in any of the Streets, public Ways, Passages, or Places within the said Town and Parishes, and of all Materials, Implements, and other Things to be purchased for the Purposes of this Act, shall be and the same are hereby vested in the said Commissioners, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or prefer any Bill or Bills of Indictment, (as the Case shall require,) against any Person or Persons who shall steal, take, or carry away, break, detain, spoil, injure, or destroy any of the said Pavements, or any Lamps, Lamp Irons, Posts, or any Materials or Things herein-before vested in the said Commissioners, or any Part or Parts thereof; and the said Commissioners shall have full Power and Authority to sell and dispose of all or any

Property of Pavements, &c. vested in the Commissioners.

any Part of the old Materials to any Person or Persons who shall be willing to purchase the same, and the Money arising by such Sale shall be applied for the Purposes of this Act ; and in all such Actions, Bills of Indictment, or other Proceedings, it shall be sufficient to state generally that the said Pavements, Lamps, Lamp Irons, Posts, and other Materials and Things herein-before vested in the said Commissioners, are the Property of the Commissioners for paving and lighting the Town of *Gravesend*, without naming all or any of the said Commissioners.

Commissioners to appoint Patrole or Watchmen.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, by and with the Consent and Approbation of the Mayor and other Magistrates of the Corporation of *Gravesend* and *Milton* for the Time being, and they are hereby empowered from Time to Time to appoint such a Number of able-bodied Men as they shall judge proper, to be employed as Patrole or Watchmen within the said Town and Parishes during the Night-time, under such Regulations and subject to such Orders as the said Commissioners, by and with such Consent and Approbation as aforesaid, shall make and give from Time to Time in that Behalf ; and to provide proper Watch-houses, Watch-boxes, or Places for the Reception of such Patrole or Watchmen, and for the safe Custody of such Persons as may be apprehended by such Patrole or Watchmen while on Duty, and to pay such Patrole or Watchmen reasonable Wages or Allowances ; and also, by and with such Consent and Approbation as aforesaid, to appoint one or more fit Person or Persons in the Stead of any Patrole, Watchman or Watchmen who shall die, or who shall be discharged from his or their Office for Neglect of Duty or other Misbehaviour in Office ; and also to impose from Time to Time any Fine not exceeding Ten Pounds on any Patrole or Watchman for every such Neglect or Misbehaviour, such Fine to be deducted out of the Wages of such Patrole, Watchman or Watchmen ; and from Time to Time to make such Orders and Regulations as they the said Commissioners, by and with such Consent and Approbation as aforesaid, shall judge expedient for the better Government of the Patrole or Watchmen to be so appointed, and to repeal such Orders and Regulations or any of them, and to substitute others ; and it shall and may be lawful to and for such Patrole or Watchmen, and they are hereby required, in their respective Stations, to apprehend and secure in some Place or Places of Security to be for that Purpose appointed within the said Town and Parishes, all disorderly Persons, Rogues, Vagabonds, and Disturbers of the Public Peace, who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said Corporation, to be examined and dealt with according to Law.

Penalty on Victuallers harbouring Watchmen while on Duty.

XXIII. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain or suffer to remain in his or her Public House, any such Patrole or Watchman as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall on Conviction forfeit and pay any Sum not exceeding Ten Pounds.

XXIV. And

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to give such Rewards in Money to the Patrole or Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners, by and with the Consent and Approbation of the said Mayor and Magistrates as aforesaid, shall think reasonable; such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Power to reward disabled Watchmen.

XXV. And be it further enacted, That if the Driver of any Cart, Car, Dray, Waggon, or other Carriage whatsoever, shall drive or permit or suffer the Horses drawing the same to go at a furious or improper Rate; or if any Person having the Care of any Horse or Horses shall permit or suffer such Horse or Horses to go at a furious or improper Rate along any of the Streets, Lanes, or public Passages within the said Town and Parishes; or if any such Driver shall walk at a greater Distance than Three Feet from such Horses; or if such Driver or other Person having the Care of such Horse or Horses shall leave the same to go at Will, without leading or properly guiding them; each and every such Person so offending in any or either of the said Cases shall forfeit and pay for each and every such Offence any Sum not exceeding Five Pounds.

Penalty on Persons improperly driving Horses or Carriages.

XXVI. And whereas by the said recited Act of the Thirteenth Year of His Majesty's Reign, the Commissioners therein appointed to carry the Purposes thereof into Execution were empowered to raise for the Purposes in the said recited Act in that behalf mentioned, certain Sums of Money, in the Manner by the said recited Act directed; which said Sums were accordingly raised by the said Commissioners, and the whole thereof applied to the Purposes in the said Act mentioned, in pursuance of the Directions therein contained; and it is expedient that further Provisions should be made for accomplishing the several Purposes by this Act intended; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Three thousand Pounds, on the Credit of the Rates or Assessments to be made, levied, and collected by virtue hereof; and by Writing under their Hands and Seals, or of any Twelve or more of them, to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignment shall be from Time to Time defrayed by the said Commissioners out of the Money so borrowed; and all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, where the common Excess or Difference shall always be One in respect of every One hundred Pounds so advanced; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Power to raise Monies by Assignment of Rates.

Assignments to be numbered, &c.

Power for  
Commission-  
ers to raise  
Money by  
Annuity.

XXVII. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money for the Purposes of this Act, by granting Annuities for Lives instead of Assignments as aforesaid, then and in such Case it shall be lawful to and for the said Commissioners, and they are hereby authorized and empowered so to do, and by Writing under their Hands and Seals, or any Twelve or more of them, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay to the said Commissioners any Sum or Sums of Money for the absolute Purchase of an Annuity or Annuities, to be paid and payable during the natural Life or Lives of every such Contributor or Contributors, or of such Person or Persons as shall be nominated by or on the Behalf of such Contributor or Contributors, at the Time of the Payment of his, her, or their Contribution or Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of  
Grant of An-  
nuities.

‘ WE, being of the Commissioners acting in pursuance of an  
 ‘ Act made in the Fifty-sixth Year of the Reign of King George the  
 ‘ Third, intituled [*here set forth the Title of this Act*], in consideration  
 ‘ of the Sum of paid by  
 ‘ in pursuance of the said Act, do hereby grant unto the said  
 ‘ an Annuity or yearly Sum of  
 ‘ to be paid out of the Rates or Assessments to be raised, levied, and col-  
 ‘ lected by virtue of the said Act, which Annuity or yearly Sum of  
 ‘ shall be paid to the said  
 ‘ or his or her Assigns, during the Term of his or her natural  
 ‘ Life [*or, as the Case may be, to the said*  
 ‘ his or her Executors, Administrators, or Assigns, during the natural  
 ‘ Life of or during the natural Lives of  
 ‘ and the Life of the Survivor], upon  
 ‘ the Day of the Day of the  
 ‘ Day of the Day of  
 ‘ and the Day of in  
 ‘ every Year, during the natural Life or Lives of him, her, or them the  
 ‘ said at the the first quarterly  
 ‘ Payment thereof to be made upon the Day of  
 ‘ next ensuing the Date hereof. In witness whereof we  
 ‘ the said Commissioners have hereunto set our Hands and Seals, the  
 ‘ Day of in the Year

And every such Grant shall be good and effectual in the Law without any Enrolment or Registry of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Commissioners, out of the said Rates or Assessments respectively, according to the Grant of such Annuity; any Law, Statute, or Usage to the contrary notwithstanding.

For granting  
Annuities  
under certain  
Restrictions.

XXVIII. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuities shall be granted by  
 virtue

virtue of this Act, for any single Life, at any higher Rate than the following; that is to say, where the Age of the Annuitant or Person for whose Life the Annuity shall be granted shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; where the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and where the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money.

XXIX. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed on legal Interest as aforesaid, or to be raised by granting of Annuities as aforesaid, and their respective Executors, Administrators, and Assigns (as the Case may be), at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following:

Power of transferring Assignments and Annuities in a prescribed Form.

‘ I *A. B.* being entitled to the Sum of \_\_\_\_\_ or an  
 ‘ Annuity of \_\_\_\_\_ secured to \_\_\_\_\_ and his  
 ‘ Assigns, [*or his or her Executors, Administrators, and Assigns, as the*  
 ‘ *Case may be,*] by virtue of an Assignment or Grant of an Annuity,  
 ‘ bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ under the  
 ‘ Hands and Seals of \_\_\_\_\_ of the Commissioners acting in the  
 ‘ Execution of an Act made in the Fifty-sixth Year of the Reign of King  
 ‘ *George* the Third, intituled [*here set forth the Title of this Act*], upon  
 ‘ the Credit of the Rates or Assessments granted or payable by the said  
 ‘ Act, do hereby transfer all my Right and Interest in and to the same  
 ‘ Sum [*or Annuity*], and all Interest and other Money now due and  
 ‘ arising thereon, unto \_\_\_\_\_ his or her Executors, Administrators,  
 ‘ and Assigns. Dated the \_\_\_\_\_ Day of \_\_\_\_\_

*A. B.*

And

Copy of  
Transfers to  
be entered.

And a Copy of such Security or Assignment, and of every Grant of Annuity, which shall be made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred; to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any Registry or Enrolment thereof.

Power to  
make Rates  
for the Pur-  
poses of this  
Act.

XXX. And in order to enable the said Commissioners to pay any Annuities which may be so granted as aforesaid, and any Money advanced or borrowed, or to be so borrowed as aforesaid, and the Interest thereof, and also to enable them to carry into Effect the several Purposes of this Act (except so far as relates to the Poor of the said Parish of *Gravesend*), and also towards defraying the Expence of the procuring and passing of this Act; be it further enacted, That it shall be lawful for the said Commissioners, or any Twelve or more of them, and they are hereby authorized and required, from Time to Time to make and apportion, or cause to be made and apportioned, a Rate or Assessment or Rates or Assessments on all and every the Occupiers and Occupier of all Messuages, Tenements, and Hereditaments whatsoever within the said Town, according to the annual Value of the said Messuages, Tenements, and Hereditaments, as the said Commissioners shall consider fair and equitable, at such Rate or Rates in the Pound as they shall think proper, so that no such Rate or Rates, Assessment or Assessments, do together, in any One Year, exceed the Rate of Two Shillings in the Pound on such annual Value; and the Monies raised and collected by such Rate or Rates shall be applied for such several and respective Purposes for which the same is or are hereby authorized to be levied.

Rates to be  
levied.

XXXI. And be it further enacted, That when and as soon and as often as any Rate or Assessment shall have been made and signed by the said Commissioners, in the Manner and for any of the Purposes herein-before mentioned, the Collector or Collectors appointed by the said Commissioners shall and he and they is and are hereby required to collect the same accordingly; and in case any Person or Persons who shall be rated or assessed, or subject or liable to the Payment of any such Rate or Assessment to be made or laid or made payable by virtue of this Act, shall refuse or neglect to pay such Rate or Assessment to any Collector to be appointed as aforesaid, for the Space of Seven Days next after personal Demand made by the Collector or Collectors thereof, or Demand in Writing under the Hand of such Collector, left at the last or usual Place of Abode of the Person or Persons refusing or neglecting to pay as aforesaid, or on the Premises so charged with such Rate or Assessment, then and in every such Case it shall be lawful for any Justice of the Peace for the said Corporation of *Graves-*  
*end*



*end* and *Milton*, on Proof upon Oath of such Neglect or Refusal, by Warrant under his Hand and Seal, to authorize and direct the said Collector or any other Person to levy such Rate or Assessment, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay as aforesaid, or on the Goods and Chattels so found on such Premises, rendering the Overplus (if any) to the Owner or Owners of the Goods or Chattels to be so distrained, on Demand, after deducting the Costs and Charges of recovering the same, and of such Distress and Sale.

XXXII. And whereas several Houses within the said Town and Parishes may be by the Landlords or Owners thereof let out into Lodgings or Tenements to divers Tenants or poor Persons, whereby it may be difficult or inconvenient to rate such Houses, and to recover such Rates and Assessments when made; for Remedy whereof, be it further enacted, That the said Commissioners shall and may rate or assess the Landlord or Owner of any House which shall be let as a Lodging House, or which shall be let to or occupied by Two or more Tenants, or which shall be assessed on a Rent or annual Value not amounting to Twenty Pounds, and the Landlord or Owner of every such House shall pay the same accordingly.

Landlords of Lodging Houses to be considered as Occupiers.

XXXIII. Provided also, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, Tenement, or Hereditament, for or in respect of which he, she, or they shall have been rated or assessed, or is or are liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Tenement, or Hereditament, for or in respect of which any Person or Persons shall have been rated or assessed, or be liable to be rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall have removed, or which at the Time of making such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons shall have occupied the same, in like Manner as if he, she, or they had been originally rated or assessed for such House, Building, Tenement, or Hereditament; which said respective Portions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Persons removing before Rate paid.

XXXIV. And be it further enacted, That it shall be lawful for any Person or Persons, Bodies Politic or Corporate, who shall think himself, herself, or themselves aggrieved by any Assessment or Assessments to be made by virtue of this Act, or by any Apportionment of the same, to appeal against such Assessment or Assessments, or apportioning, to the next General Quarter Sessions of the Peace to be holden in and for the said County of *Kent*, giving Eight Days Notice thereof to the said Commissioners, by leaving the same in Writing at the Dwelling House or Place of Abode of their Clerk for the Time being; and the Justices at such

Appeal.

[Local.]

18 Z

Sessions

Sessions shall, on hearing the said Appeal, make such Order therein, or give such Relief therein, either by altering the Assessment or Apportionment thereof, or otherwise, as they shall think proper; and the Decision of the said Justices shall be final and conclusive on all Parties, to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari or other Process, or appealed or appealable against to any other Court or Jurisdiction whatsoever: Provided also, that any Appeal that may be made against any such Assessment as aforesaid shall not be considered as a Justification to any Person or Persons, Bodies Politic or Corporate, charged therewith, to withhold or refuse the Payment of the Sum or Sums therein charged upon them respectively; but upon the Determination of every such Appeal, if given in favour of the Appellant or Appellants, the Justices who shall hear and determine the same shall by their Order direct the said Commissioners to repay to the said Appellant or Appellants such Sum or Sums of Money as they the said Justices shall think proper: Provided also, that upon the Hearing of every such Appeal the said Justices shall and may direct by whom and to whom, and in what Way and to what Amount, the Costs of any such Appeal shall be paid, as they the said Justices in their Discretion shall think right.

Monies advanced to be repaid.

XXXV. And be it further enacted, That the Expences of applying for and passing this Act, and also any Monies heretofore advanced or which shall be advanced by any Person or Persons, either for any of the Purposes of the said recited Act, or for the Purpose of defraying the Expences of applying for and passing this Act, together with legal Interest for any Monies so advanced or to be advanced, shall be paid and discharged out of the first Monies to be raised under the Powers and Provisions of this Act.

Proportions in which the Expences of the Act are to be borne.

XXXVI. Provided always, and be it further enacted, That One Third Part of the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid out of the first Money which shall arise by the Rates or Assessments to be raised for the Relief of the Poor within the said Parish of *Gravesend*, and the Churchwardens and Overseers of the Poor of the said Parish are hereby authorized and required to raise and pay the same; and that the remaining Two Third Parts of the said Costs, Charges, and Expences shall be paid by the said Commissioners or their Treasurer out of the first Monies which shall be raised by the Annuities to be granted, or the Rates or Assessments to be raised or assessed by the said Commissioners, or any Twelve or more of them, in pursuance of this Act; any thing herein contained to the contrary hereof notwithstanding.

Penalties and Forfeitures how to be recovered and applied.

XXXVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise directed) shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County, Town, or Place wherein the Offence shall be committed, or wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the

the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant for those Purposes; and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, shall have been levied, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when so levied, if not otherwise directed to be applied by this Act, shall be from Time to Time 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, and such Penalties, Forfeitures, or Fines shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such 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 Three Calendar Months for the First Offence, and not exceeding Six Calendar Months, nor less than Two Calendar Months, for each other Offence of the like Kind, unless such Penalties, Forfeitures, Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XXXVIII. And whereas the Poor within the said Parish of *Gravesend* are very numerous, and are maintained and supported at a great Expence, and by means of very heavy Rates: And whereas the Laws and Statutes now in force within this Realm for the assessing and collecting of Monies for the Relief and Maintenance of the Poor are found ineffectual in the said Parish, by reason that divers Houses within the same Parish are let to occasional Occupiers, and also let out in Parcels to Undertenants and to Lodgers in separate Apartments, and others are let at small yearly Rents, and by the Week, whereby the Rates made in the said Parish are in many Cases evaded and unproductive: And whereas it would tend to the Equalization and Reduction of the present Poor and other Parochial Rates within the said Parish, and to the great Alleviation of many industrious Families who now pay the same, and of the Inhabitants of the said Parish in general, if further and additional Powers were given for the assessing, compounding, and collecting of such Rates, and for better maintaining and regulating the Poor; be it therefore enacted, That from and after the passing of this Act, when the yearly Rent or Value of any House, Tenement, or Hereditament within the said Parish of *Gravesend*, shall not amount to Twenty Pounds; or where any House, Tenement, or Hereditament (whatever the yearly Rent or Value may be) shall be let to any weekly or monthly Tenant or Tenants, the Rent whereof shall become payable at any shorter Period than quarterly, or shall be let out either in the whole or in part in Lodgings or in separate Apartments, then and in every such Case it shall and may be lawful to and for the Churchwardens and Overseers of the Poor or other Officer or Officers of the said Parish, or the major Part of them (if they shall think proper), to compound with the Landlord or Landlords, Owner or Owners of all and every or any such House or Houses, Tenement or Tenements, Hereditament or Hereditaments in the said Parish, for the Payment of all and every or any of the Rates or Assessments for the Relief and Maintenance of the Poor, and all other the Parochial Rates of the said Parish, at such reduced yearly Rental

For the better recovering Rates on Houses let at small Rents.

as

as the said Churchwardens and Overseers of the Poor, or other Officer, or the major Part of them, for that Purpose, shall think reasonable, so that no such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, be rated at less than Two Thirds or more than Four Fifths of the annual Value of the said Premises respectively; and the Landlord or Landlords, Owner or Owners of all such Houses, Tenements, or Hereditaments respectively, is and are hereby required to enter into such Composition with the said Churchwardens and Overseers of the Poor, or other Officer, or the major Part of them, in manner aforesaid; and in case such Landlord or Landlords, Owner or Owners respectively, shall refuse or neglect to enter into such Composition, he, she, or they shall from thenceforth be rated and assessed to and for such Premises, and from Time to Time shall pay or cause to be paid the Rates or Assessments charged upon the same Premises respectively for the Relief of the Poor, and all other the Parochial Rates and Assessments of the said Parish, according to a fair and equal Assessment to be made by the said Churchwardens and Overseers of the Poor, or other Officer or Officers, or the major Part of them; and upon Nonpayment thereof the said Churchwardens and Overseers, or other Officer, or any of them, are hereby authorized to levy the same by Distress and Sale of the Goods and Chattels of such Landlord or Landlords, Owner or Owners respectively, wheresoever the same shall be found, or of the Goods and Chattels of the Person or Persons occupying or inhabiting such House or Houses, Tenement or Tenements, Hereditament or Hereditaments respectively: Provided always, that no such Landlord or Owner shall be charged with or liable to pay for any increased Rent reserved or made payable to him, for or on account of such Landlord or Owner having agreed to pay the Rates heretofore chargeable upon the Occupier of such Premises; and provided also, that the Goods and Chattels of all and every or any Person or Persons renting or occupying any such House, Tenement, or Hereditament, or any Part or Parts thereof, the Rates or Assessments whereof or upon which the Landlord or Landlords, Owner or Owners of such respective Houses, Tenements, or Hereditaments, is and are hereby made liable and subject to as aforesaid, shall at all Times be liable to be distrained and sold for Payment of so much of the said Rates or Assessments, and all Arrears thereof, as became due for or in respect of the said Premises during the Time of his, her, or their Occupancy only; but no such Occupier or Occupiers shall at any Time be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, or of the Arrears thereof, than the Amount of Rent actually due by such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners of the Premises so occupied by him, her, or them respectively: Provided also, that each and every Occupier who shall pay any Rates or Assessments, or any Arrear thereof, or upon whom the same shall be levied, shall and may from Time to Time and at all Times deduct the Amount thereof from the Rent then due or at any Time thereafter to grow due from him, her, or them, to the respective Landlords or Owners of the said Premises; and the Receipt for such Payment shall be a good and sufficient Discharge to such Occupier or Occupiers to his, her, or their Landlord or Landlords, for so much Money as he, she, or they shall pay in the Manner directed by this Act.

XXXIX. Pro-

XXXIX. Provided always, and, to prevent Disputes touching the Designation of the Landlord or Owner intended to be made liable by this Act, be it enacted, That the Person or Persons receiving or claiming to be entitled to the Rents of every such House or Houses, Tenement or Tenements, Hereditaments and Premises, immediately payable by the Tenants or Occupiers thereof respectively, shall be deemed and taken to be the Landlord or Owner of the same for the Purposes of this Act, and to be the Person or Persons required to enter into such Composition as aforesaid, and shall continue to be rated to and liable to the Payment of all and every such Rates as aforesaid, until some other Person or Persons shall be rated to or pay the same, unless the real Landlord, Owner, or Lessee is known to, or voluntarily compounds for the same with the said Churchwardens and Overseers or other Officer as aforesaid.

Persons receiving Rents to be deemed the Owners.

XL. And in order the better to enable the Churchwardens and Overseers of the Poor, and other Officers of the said Parish of *Gravesend*, to collect and levy the said Rates, be it further enacted, That it shall be lawful for the said Churchwardens and Overseers of the Poor, or other Officer, or the major Part of them, with the Approbation of a public Vestry Meeting to be held for that Purpose, to appoint One or more Person or Persons to be a Collector or Collectors of the Poors Rates, and other Rates to be made, collected, and levied by virtue of this Act, every such Collector being a resident Householder in the said Parish; and out of such Rate or Rates, Assessment or Assessments, to make such Allowances, by way of Salary or Poundage, to the said Collector or Collectors, not exceeding Three-pence in the Pound on the Monies actually collected; and to revoke, countermand, alter, and vary such Allowances, and make others in their stead, or not, as to any subsequent public Vestry Meeting shall seem meet and proper.

Churchwardens and Overseers may appoint Collectors of Rates.

XLI. And be it further enacted, That the said Churchwardens and Overseers, or other Officer, shall and may take such Security from such Collector or Collectors respectively, as they the said Churchwardens and Overseers of the Poor or other Officer, or the major Part of them, shall think proper, for the due and faithful Execution of his or their Office of Collector, in all and every Part thereof, and among other Things for the duly accounting for all Monies which, as such Collector or Collectors, he or they shall or may receive, and for the Payment of the same within the Space of Ten Days from the Receipt thereof, to the said Churchwardens and Overseers, or other Officers, or to the Banker or other Person by them, or the major Part of them, appointed to receive the same.

Security to be taken from Collectors.

XLII. And be it further enacted, That the said Churchwardens and Overseers, or the major Part of them, shall and may at all Times, at their Will or Pleasure, wholly displace and remove such Collector or Collectors, or any of them; and the said Collector or Collectors, and each and every of them, shall, and they are hereby respectively required, at all Times whatever, either upon being so displaced or otherwise, to produce and deliver up to the said Churchwardens and Overseers of the Poor, or the major Part of them, whenever they shall be thereto required, upon

Collectors may be removed, and their Books to be delivered up.

Fourteen Days Notice in Writing, all and every the Rate Book or Books, and all other Papers, Documents, Matters or Things respecting their said Office or Employment, in order that the said Churchwardens or Overseers of the Poor may take Possession of and retain the same, either for the Purpose of Inspection, safe Custody, or any other Account which to them shall appear meet and expedient.

Collectors to  
account, and  
pay over  
Balances.

XLIII. Provided always, and be it further enacted, That if any such Collector or Collectors, when thereunto required by the said Churchwardens and Overseers, or the major Part of them, shall refuse, or shall not within Fourteen Days after such Request has been so made to him or them, deliver up such Rate Book or Books, and all and every the Account and Accounts of all Monies by him or them received, for or on account of the said Rates or Assessments, and all Papers, Matters, and Things respecting their same Office or Employment, or such and so many thereof as shall have been of them demanded in manner aforesaid; or shall not, upon being thereto required, pay the Balance of Monies received, which shall appear to remain in his or their Hands, by virtue of his or their respective Office or Offices; then and in every such Case, upon Complaint made by the said Churchwardens and Overseers, or the major Part of them, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the Corporation of *Gravesend* and *Milton*, such Justice may, and he is hereby authorized and required to summon the Person or Persons so refusing or neglecting as aforesaid to appear before him; and upon his or their appearing, or if he or they shall not appear, then, upon due Proof that the Person or Persons so neglecting to appear had been summoned, or could not be found for the Purpose of being summoned, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby required and empowered to administer), it shall appear to such Justice that any of the Monies that shall have been received or collected by virtue of this Act shall remain due from any such Collector or Collectors, such Justice may, and he is hereby authorized and required, upon Nonpayment thereof, after the Expiration of Fourteen Days from such Hearing and Determination by such Justice, 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 Collector or Collectors, each and every of them; and if it shall appear to such Justice that such Collector or Collectors shall have refused or neglected to render and give such Account, or to produce and deliver up the Rate or Rates, Book or Books, Papers or Writings, or other Matters or Things relating to the Collection of the Rates, or in anywise respecting or appertaining to the said Office or Employment, which shall be in his or their Custody or Power, and required from him or them as aforesaid, or shall not have paid the Balance remaining in his or their Hands, in manner aforesaid, then and in each and every such Case such Justice shall commit such Offender or Offenders to the Common Gaol or House of Correction for the County where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall give or make a true and perfect Account, and deliver up such Books, Papers, and Writings, or pay such Balance to the said Churchwardens and Overseers;

seers; provided that no such Collector or Collectors so committed shall be confined or detained in Prison for want of sufficient Distress by virtue of such Warrant for any longer Space of Time than Six Calendar Months: Provided nevertheless, that no such Commitment of any Collector or Collectors as aforesaid shall acquit or discharge any Surety or Sureties, or vacate, impeach, or make void any Bond or Security that shall or may have been taken by or given to the said Churchwardens and Overseers for the due and faithful Execution of the Office of such Collector or Collectors, in manner herein-before expressed and provided, nor prevent, abate, or defeat any Action, Suit, or Process commenced or to be brought for the Recovery of any Money so received by any such Collector or Collectors; and not accounted for as aforesaid.

XLIV. And be it further enacted, That all the Rates or Assessments made or to be made under or by virtue of the said recited Act and this Act, or either of them, and all and every the Book and Books kept or to be kept by the Commissioners under the said Acts or either of them, shall at any of the Meetings of the said Commissioners, and at all other seasonable Times, be open and liable to the Inspection of all and every the said Commissioners, and of all and every the Persons rated and assessed by the Commissioners for the Purposes of the said recited Act and this Act, or either of them, and also of all and every the Creditors and Annuitants on the said Rates or Assessments; and that all and every the Person and Persons rated and assessed as herein-before mentioned, Creditors and Annuitants, shall be entitled to have Copies of or Extracts from any such Rates or Assessments, Bye Laws, Rules, Orders, Regulations, Accounts or Proceedings, on paying One Shilling for every such Inspection, and for such Copies or Extracts at and after the Rate of Sixpence for every Seventy-two Words which such Copies or Extracts may contain.

For Inspection of Books, Accounts, Rates, Bye Laws, &c. and Copies of and Extracts from same.

XLV. Provided always, and be it enacted, That in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit any Person or Persons rated and assessed as herein-before mentioned to inspect the same, or shall refuse to make and deliver to such Person or Persons demanding the same such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in manner herein-before mentioned.

Penalty on Clerk or Treasurer &c. refusing Inspection, or Copies.

XLVI. And be it further enacted, That the said Commissioners shall, on or before the Twentieth Day of *January* next, cause a full and true Statement to be made and drawn out in Writing by their Clerk, of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and paid, under and by virtue of the said recited Act, subsequent to the last Settlement of Accounts under the said recited Act, and of all Debts now due and owing on account thereof; and that the said Commissioners shall yearly and every Year, after the passing of this Act, on the First Day of *June*, or within Fourteen Days then next ensuing, cause a full and true Statement to be made and drawn out, in manner aforesaid, of all Rates or Assessments made, and of all Contracts entered into,

Accounts to be passed yearly.

into, and of all Monies received and paid, under and by virtue of the said recited Act and this Act, during the preceding Year, and of all Debts then due and owing on account thereof: Provided always, that Ten Days Notice of such Meeting for the Purpose of passing such Accounts shall be given, by affixing the same in some conspicuous Part of the Market Place of the said Town and Parishes.

Appeal.

XLVII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Bye Law, Rule, Order, or Regulation made by the said Commissioners, or by any Conviction, Judgment or Determination, or by any Rate or Assessment to be laid, or by any Account of the said Commissioners, or by any other Thing to be done in pursuance of this Act, and for which no particular Method of Relief is herein appointed, such Person may, within Six Calendar Months after the Cause of Appeal shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the said County of *Kent*, such Appellant first giving or causing to be given Eight Days Notice at least in Writing of his Intention to bring such Appeal and the Matter thereof, to the said Commissioners or their Clerk, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said Town or County, with Two sufficient Sureties, conditioned to try such Appeal at and abide by the Order of the Court, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and make such Determination therein, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of any such Bye Law, Rule, Order, or Regulation; and the Determination of such Quarter Sessions shall be binding, final, and conclusive to all Intents and Purposes.

Distress not to be deemed unlawful.

XLVIII. And be it further enacted, That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor any of the Parties making the same be deemed Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall any of the Parties distraining be deemed Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by any of the Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceeding, if Tender of sufficient 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, Trespass, or wrongful Proceeding before such Action brought.

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

XLIX. And





and if a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action or Suit, or if upon a Demurrer Judgment in any such Action shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any Cases of Law.

Public Act.

LII. 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.

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