



ANNO DECIMO

# GEORGIIV. REGIS.

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## Cap. cxxi.

An Act for paving, lighting, watching, cleansing, and improving certain Streets and public Passages and Places at *Sheerness* in the Parish of *Minster* in the *Isle of Sheppy* in the County of *Kent*. [4th June 1829.]

**W**HEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Pier at Sheerness in the Isle of Sheppy in the County of Kent, for ascertaining, imposing, and recovering certain Duties for the supporting, maintaining, and keeping in repair the said Pier, for paving, repairing, cleansing, lighting, watching, watering, and improving the Highways, Streets, Lanes, and other public Passages and Places within that Part of the Parish of Minster in the said Isle of Sheppy (which lieth near His Majesty's Dock Yard and Garrison of Sheerness) called Blue Town and Mile Town, and for preventing Nuisances, Annoyances, and Obstructions therein: And whereas another Act was passed in the Forty-ninth Year of the Reign of His said late Majesty, intituled An Act for amending so much of an Act of the Forty-first Year of His present Majesty, for building and keeping in repair the Pier at Sheerness in the Isle of Sheppy in the County of Kent, and for other Purposes therein mentioned, as relates to the said Pier: And whereas, in execution of the said first-mentioned* 41 G. 3. c. 54.  
49 G. 3. c. 10.

[Local.] 33 N Act,

Act, the several Streets, Lanes, and other public Passages and Places within the Limits of the said Act have been paved, repaired, cleansed, lighted, watched, watered, and otherwise improved; and considerable Sums of Money have been borrowed on the Credit and for the Purposes of the said respective Acts, which Sums are still due and owing, and certain Annuities have been granted on the Security of such Acts, which are still subsisting: And whereas since the passing of the said recited Acts the Population of the said Parish of *Minster* hath considerably increased, and a great Number of Houses and other Buildings have been erected and built adjoining or contiguous to the Lands, Buildings, and Places within the Limits of the said recited Acts; and it would be conducive to the Health, Comfort, and Convenience of the Inhabitants of the Houses and Buildings, as well within as without the Limits of the said Acts, if the Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, as herein-after described, were paved, repaired, cleansed, watered, lighted, watched, regulated, and improved, and certain of the existing Streets and other Places, which are narrow and incommodious, widened and improved, and certain Encroachments and Projections removed and prevented for the future: And whereas the Powers and Provisions of the herein-before recited Acts have been found defective and insufficient as well for the Purposes of the said Acts as for effectuating the several Objects and Purposes herein-before mentioned, and it is therefore expedient that the same should be repealed, and other further, better, and more effectual Powers and Provisions granted instead thereof, and that the Rates and Assessments thereby respectively authorized to be laid and collected should be altered or increased: 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 from and after the passing of this Act the said several recited Acts passed in the Forty-first and Forty-ninth Years of the Reign of His late Majesty King *George* the Third, and each of them, so far as they respectively relate to paving, repairing, cleansing, lighting, watching, watering, and improving the Streets, Lanes, and Places within *Blue Town* and *Mile Town*, shall be and the same are and is hereby declared to be repealed.

Recited Acts repealed so far as they relate to the paving of *Blue Town* and *Mile Town*.

Arrears of Rates and other Property vested in the new Commissioners.

II. And be it further enacted, That all Arrears of Rates, Assessments, or other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in, the Commissioners under the said Acts in respect of paving, lighting, and improving the Streets, Lanes, and Places within *Blue Town* and *Mile Town* aforesaid, shall immediately on the Commencement of this Act be vested in the Commissioners for executing this Act, who shall be and are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law and in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act; and all the Costs to be

be incurred by the Commissioners or Persons in whose Names such Proceedings shall be had shall be paid and defrayed by and out of the Monies to be received by virtue of this Act; and the Monies, when recovered, shall be paid over to the Treasurer or Treasurers of the said Commissioners, to be applied for the Purposes of this Act.

III. And be it further enacted, That all Bonds, Conveyances, Covenants, Agreements, Contracts, Leases, Mortgages, and Securities made to or by or entered into by any Person or Persons to or with the said Commissioners for executing the said recited Acts, or either of them, with reference to paving, lighting, and improving the said Towns, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trusts under this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the said Commissioners for executing the said recited Acts, or either of them, with or to any Person or Persons for any Purpose relating to the Execution of such Acts, with reference to paving, lighting, and improving as aforesaid, shall remain in full Force and Effect, and be observed and kept by the Commissioners under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms and Stipulations thereof.

Bonds, Contracts, &c. to remain in force.

IV. And be it further enacted, That all and every Books and Book containing the Accounts and Proceedings of the Commissioners for executing the said recited Acts, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Books under former Acts to be Evidence.

V. Provided always, and be it further enacted, That the present Collectors and all Officers appointed under and by virtue of the said Acts, other than and except the Treasurer, shall, notwithstanding the Repeal of the said Acts, continue to act in the same Capacity for the Purposes of this Act until they shall resign or be removed by the Commissioners acting under this Act; and whilst so acting such Officers shall receive and be allowed the same Salaries and Allowances as they would respectively have been entitled to receive under the said recited Acts if they had not been repealed, until such Salaries and Allowances shall be increased or diminished by the said Commissioners for executing this Act.

Old Officers (except the Treasurer) to continue till removed.

VI. And be it further enacted, That all Annuities which have been charged upon or made payable out of the Rates, Duties, and Assessments by the said recited Acts, or either of them, authorized to be collected, received, and taken, shall remain and be charged upon and payable out of the Rates and Assessments by this Act authorized to be levied, collected, received, and taken; and all the said several Annuities hereby made payable shall be payable for the same Periods respectively, at the same Place, at the same Times, in the same Proportions, to the same Persons respectively, and subject to the same Powers and Provisions in every respect as they would have been respectively

Annuities under former Acts to be charged on Rates, &c. to be collected under this Act.

respectively if the said recited Acts had not been repealed, and shall be considered, to all Intents and Purposes, as the same subsisting Annuities, but charged upon a different Fund.

Sums due under old Acts charged on the Rates, &c. collected under this Act.

VII. And be it further enacted, That all Sums of Money which have been borrowed on the Credit of the said recited Acts, or either of them, and secured by Mortgage, Assignment, Bond, or otherwise, of or on the Rates, Duties, and Assessments by the said recited Acts authorized to be collected, received, and taken, and all Interest now due and to grow due thereon, and all Debts and Sums of Money whatsoever which have been *bonâ fide* incurred and become payable in the due Execution of the said Acts, or either of them, shall be charged upon and payable out of the Monies by this Act authorized to be levied, collected, received, and taken, as fully and effectually, to all Intents and Purposes whatsoever, as if such Monies respectively had been wholly borrowed and become due and owing under the Authority of this present Act; and all Persons who are or shall be indebted to the Commissioners acting in execution of the said several Acts in any Sum or Sums of Money relating to the said paving, lighting, and improving, shall pay the same to the Commissioners for executing this Act, who shall have the same Interest in all Bonds and Securities, and the same Powers and Remedies for recovering and obtaining Payment of such Sums respectively, as the said Commissioners for executing the said recited Acts might or could have had in case this Act had not been passed, or as if such Sums of Money had been originally due and owing to the Commissioners for executing this Act.

Commissioners to pay 30*l.* to the Surveyors of the Highways.

VIII. And whereas, by the said recited Act passed in the Forty-first Year of the Reign of His late Majesty, the Commissioners thereby appointed, and their Successors, were directed to pay yearly on the Fifth Day of *July* to the Surveyor or Surveyors of the Highways for the Time being within the Parish of *Minster* aforesaid the Sum of Thirty Pounds in lieu of the Highway Rates theretofore assessed by the said Surveyors upon the Occupiers of Lands, Tenements, and Hereditaments within the Limits of the said Act, for defraying the Expences attending the repairing of the Highways within the said Parish; be it therefore further enacted, That the said Commissioners shall and they are hereby required to pay, on the Fifth Day of *July* next after the passing of this Act, unto the then Surveyor or Surveyors of the Highways within the Parish of *Minster* aforesaid, out of the Monies by this Act authorized to be levied, collected, received, and taken, the Sum of Thirty Pounds, and from and after such Payment the said annual Payment shall cease.

Commissioners.

IX. And be it further enacted, That *James Attwater, William Baker, Sir Edward Banks Knight, Delamark Banks, James Beal, Samuel Beaumont, John Brothers, Jeremiah Brown, William Butt, George Clarkson, John Court, Richard Davidson, James Easterby, Filmer Elvy, Thomas Fife, Ralph Flunder, James Herbert, John Hills, William Jackson, John Thomas Jackson, George Jackson, John Staples Keddell, Arthur Kitt, Leonard Lester, Samuel May, John Potts, John Price, William Robins, Caleb Selby, George South, William Stride, Joshua*

*Joshua Taylor, William Temple, Motley Thompson, Francis Venable, James Ward, John Ward, and Thomas Webb*, and the several other Persons from Time to Time to be elected as herein-after mentioned or directed, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

X. And be it further enacted, That in case any One or more of the Commissioners herein-before appointed, or to be elected or appointed by virtue of this Act, shall happen to die, or by Writing under his or their Hand or respective Hands refuse or decline to act in the Execution of this Act, or shall neglect to act for the Space of Six Calendar Months successively after Notice given to him or them for that Purpose by the Clerk to the said Commissioners, or shall cease to occupy a Tenement within the Limits of this Act, or be or become bankrupt or insolvent, or otherwise disqualified to act, then and in any of the said Cases the Place or Places of such Commissioner or Commissioners is and are hereby declared to be vacant; and the said Commissioners shall hold a Meeting on the first *Monday* in the Month of *July* in every Year, or within Three Days thereafter, at which the said Commissioners shall inquire into, ascertain, and declare the Number of such Vacancies (if any) which may have occurred in the preceding Year; and within Ten Days after such Meeting as aforesaid, another Meeting of the said Commissioners (Notice of which and of the Purpose thereof shall be given in the Manner herein-after directed in Cases wherein Notice is required to be given at least Five clear Days previously to such Meeting) shall be held in the Room in which the Meetings of the said Commissioners are or shall be usually held, or some other convenient Place within the Limits of this Act, between the Hours of Six and Eight in the Afternoon, at which the said Commissioners, and the Inhabitants residing within the Limits of this Act who shall by the last Rate which shall have been made under and by virtue of this Act have been duly assessed and charged at or for or upon or in respect of the annual Rent or Value of Ten Pounds or upwards, and have paid the Sums charged on them respectively in or by such Rate and all preceding Rates made under or by virtue of this Act, shall and they are hereby empowered and required to elect another fit Person, qualified as herein-after mentioned, to be a Commissioner in the Room and Stead of every Commissioner so dying, refusing or neglecting to act, or becoming disqualified as aforesaid; and every Person so to be elected shall have and possess the same Powers and Authorities for putting this Act in execution as if he or they had been herein named, and had been appointed a Commissioner or Commissioners in and by this Act: Provided always, that in case any Three or more of the said Commissioners and Inhabitants who shall be present and entitled to vote at any such Meeting shall be dissatisfied with the Election of any Person or Persons who shall have been then and there elected, it shall be lawful for them, by Writing under their Hands, to demand a Ballot or Poll for the Purpose of determining such Election, and upon such Demand in Writing being given to the Chairman of such Meeting, he shall adjourn such Meeting to the next or some other Day within Five Days from the Time of holding such Meeting, when the said Commissioners and Inhabitants shall proceed to a Ballot or Poll,

For the Election of Commissioners on Vacancies.

for the Purpose of determining or deciding such Election ; and such Ballot or Poll shall be opened at Four of the Clock in the Afternoon, and finally closed at Nine of the Clock in the Evening of the Day to which the said last-mentioned Meeting shall be so adjourned ; and the Person or Persons in favour of whom the Majority of Votes shall be given at such Ballot or Poll shall be deemed duly elected a Commissioner or Commissioners for putting this Act in execution : Provided also, that no Person shall be eligible to be a Candidate or to be voted for at such Ballot or Poll unless he shall have been nominated or proposed as a Candidate at the previous Meeting of the said Commissioners and Inhabitants to be held as herein-before directed : Provided also, that no Person herein-before expressly named a Commissioner, or who shall be elected and appointed a Commissioner as lastly herein-before directed, who shall refuse or decline to act, or shall neglect to act for the Space of Six Calendar Months successively after such Notice as aforesaid, or shall not occupy a Tenement within the Limits of this Act, shall after that Time be capable of acting as a Commissioner unless he shall be re-elected or appointed in manner herein mentioned.

Regulating  
the Proceed-  
ings at Meet-  
ings for the  
Election of  
Commis-  
sioners.

XI. And be it further enacted, That if upon the Ballot or Poll for any of the Persons nominated to fill up such Vacancies as aforesaid the Numbers shall be equal, then and in every such Case it shall be lawful for the Chairman at each such Meeting to have a Second or casting Vote ; and the Collectors of the said Rates for the Time being shall attend all such Elections with their Books and other Documents necessary to prove the Right of Inhabitants to vote: Provided always, that no other Business than the Election of a Commissioner or Commissioners shall be transacted at any Meeting convened for that Purpose ; and any such Collector refusing to attend and to produce his Books at such Meeting shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered as in this Act directed.

Comissioners  
to qualify  
within a cer-  
tain Time  
after Notice  
of their  
Election.

XII. And be it further enacted, That if any Person who shall hereafter be elected a Commissioner for executing this Act shall omit to attend One of the first Three Meetings of the Commissioners at which a Quorum shall be present next after Notice of such Election shall be left at his Place of Residence, and to take and subscribe the Oath or Affirmation of Qualification herein-after prescribed, (unless prevented by Sickness or other inevitable Cause, to be allowed by the Commissioners present,) such Omission or Neglect shall be deemed and taken to be a Refusal to act within the true Intent and Meaning of this Act ; and it shall and may be lawful for the remaining Commissioners and Inhabitants to elect, in the Manner herein-before prescribed, another Commissioner in the Room of every such Commissioner so omitting to attend as aforesaid.

Qualification  
of Commis-  
sioners.

XIII. Provided always, and be it further enacted, That no Person shall be qualified or capable of becoming and acting as a Commissioner in the Execution of this Act, otherwise than in administering the Oath or Oaths herein-after mentioned, who shall become bankrupt or insolvent, or compound with his Creditors, nor unless he shall be in his own Right, or in the Right of his late or present Wife, in the  
actual

actual Receipt, Possession, or Enjoyment of the Rents or Profits of Messuages, Lands, Tenements, or Hereditaments, within the said *Isle of Sheppy*, of an Estate of Inheritance, or for Life or Lives, or for any Term of Years amounting to Sixty Years or upwards, either absolute or determinable on any Life or Lives, of the yearly Value of Fifty Pounds above Reprizes, or be seised or possessed of a Real Estate, or a Real and Personal Estate together, One Moiety thereof being rateable Property by virtue and for the Purposes of this Act, of the full Value of One thousand Pounds above what will satisfy all his Debts, or shall be rated by virtue and for the Purposes of this Act at or for the annual Value of Fifty Pounds, nor unless he shall also occupy a Tenement within the Limits of this Act, nor until he shall have taken and subscribed, according to the Circumstances of his Qualification therein particularized, an Oath, or, being a Quaker, an Affirmation; and which Oath or Affirmation any One of the said Commissioners is hereby empowered to administer in the Words or to the Effect following; that is to say,

‘ I do swear, [*or, being one of the People* Oath of Qualification.  
 ‘ called Quakers, do solemnly declare and affirm,] That I am really  
 ‘ and *bonâ fide* in my own Right [*or in Right of my Wife, late or*  
 ‘ present, *as the Case may be,*] now in the actual Receipt, Possession,  
 ‘ or Enjoyment of the Rents or Profits of Messuages, Lands, Tene-  
 ‘ ments, or Hereditaments, within the *Isle of Sheppy*, of an Estate of  
 ‘ Inheritance [*or for Life or Lives, or for a Term or Terms of Sixty*  
 ‘ Years or upwards, either absolute or determinable on any Life or  
 ‘ Lives, *as the Case may be,*] of the clear yearly Value of Fifty Pounds  
 ‘ above Reprizes and Incumbrances, *or am seised or possessed of a*  
 ‘ Real Estate, [*or a Real and Personal Estate together,*] One Moiety  
 ‘ thereof being rateable Property by virtue and for the Purposes of  
 ‘ this Act, of the Value of One thousand Pounds above and over  
 ‘ what will satisfy all my Debts, *or that I am rated at or for the*  
 ‘ annual Value of Fifty Pounds by virtue and for the Purposes of  
 ‘ an Act passed in the Tenth Year of the Reign of King *George* the  
 ‘ Fourth, intituled [*here set forth the Title of this Act*]; and that I  
 ‘ will faithfully and impartially, according to the best of my Skill and  
 ‘ Judgment, execute and perform all and every the Powers and Autho-  
 ‘ rities reposed in me as a Commissioner by virtue of the said Act.  
 ‘ So help me GOD.’

[*Or, being one of the People called Quakers, omit the Words ‘ So help me God.’*]

XIV. Provided always, and be it further enacted, That no Person appointed or to be appointed a Commissioner by or by virtue of this Act shall be capable of acting as such in the Execution of this Act during such Time as he shall hold any Office or Place of Profit or Emolument under this Act, or being under any Contract, or having any Share or Interest, either directly or indirectly, in any Contract entered into under the Authority of this Act, shall be capable of acting as a Commissioner in the Execution of this Act; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-before mentioned, or, being a Quaker, not having made and subscribed

Penalty on Commissioners acting where interested or if not qualified.

subscribed the Affirmation herein-before mentioned, 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 with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, and not more than One Imparlance, shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified and not disqualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by any such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified: Provided also, that no Mortgagee, or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of the Rates and Assessments, or receiving Interest thereout for the same, shall on that Account only be deemed unqualified to act as a Commissioner in the Execution of this Act; and any Commissioners appointed or to be appointed under this Act, who are or shall be in the Commission of the Peace, may act as such Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners, except in such Cases only wherein they shall be personally interested otherwise than as a Commissioner, Mortgagee, Assignee, Lender of Money, or Holder of any Security on the Credit of the Rates and Assessments granted by this Act.

Mortgagees on the Tolls not disqualified on that Account.

Commissioners being Justices may act as such.

First and other Meetings of Commissioners.

XV. And be it further enacted, That the said Commissioners shall meet at the *Fountain Inn*, or at some other convenient Place in *Blue Town* aforesaid, on *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and, if there shall be Five Commissioners present at such Meeting, shall then proceed to carry this Act into execution; and in case there shall not be Five Commissioners present at such Meeting, then such Meeting shall be adjourned by the Commissioners or Commissioner who shall be present, or their Clerk, and so from Time to Time until there shall be Five Commissioners present at a Meeting for carrying this Act into execution; and when there shall be a Meeting at which Five Commissioners shall be present, then the Commissioners who shall be so present, or the Majority of them, shall or may proceed to carry this Act into execution, and may adjourn to meet at such other Time and at the same or such other Place as they shall think proper and appoint for executing all or any of the Purposes of this Act; and it shall be lawful for the Commissioners for the Time being acting under the Authority of this Act from Time to Time to adjourn any subsequent Meeting for carrying this Act into execution to such Time and Place or Times and Places as they shall think proper and appoint, provided that no Adjournment shall be made for



a longer Time than One Month; and if at any Meeting appointed to be held by virtue of this Act there shall not be Five Commissioners present, then the Commissioners or Commissioner who shall or may be present at any such Meeting shall and may adjourn such Meeting to such other Time and the same or such other Place as they or he shall think proper; and if at any such intended Meeting there shall not be present One Commissioner, or in case the Commissioners or Commissioner present at any Meeting shall omit to adjourn any such Meeting or intended Meeting, the Clerk to the said Commissioners shall from Time to Time, as often as any such Case shall happen, adjourn any such Meeting to the Place where the last Meeting was appointed to be held, at such Time as he shall think fit, not exceeding Five Days from the Day on which such last Meeting was intended to have been held; and at all their Meetings the said Commissioners shall pay and defray their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act.

XVI. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, or if for Want of proper Adjournment, or otherwise, it shall at any Time or Times be thought necessary that a Meeting of the said Commissioners should be held or take place, it shall and may be lawful for any Three or more of the said Commissioners, or for their Clerk, (being authorized by an Order in Writing delivered to him signed by any Three or more of the said Commissioners, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of such Meeting,) to appoint such Meeting, and the Time, Place, and Purpose thereof, and to give Notice thereof in the Manner herein-after directed respecting the Meetings of the Commissioners, (such Meeting not being less than Three Days after the Publication of such Notice,) and every such Meeting shall and may be held accordingly; and all Orders, Determinations, and Proceedings of the said Commissioners at any such Meeting shall be as valid as if the same had been done or made at any other Meeting of Commissioners held by virtue of this Act: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Occasional Meetings.

XVII. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise (except in Cases hereby specially provided for); and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or exercised by or before the said Commissioners, and all the Powers and Authorities hereby in them vested, shall and may be had, made, done, and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held in pursuance of this Act, the whole Number of Commissioners present at every such Meeting not being less than Five (except in Cases where any other Number is by this Act named or mentioned for any particular Purpose); and

All Orders to be made at a Meeting, except in certain Cases.

Quorum of Commissioners.

[Local.]

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Revoking of  
Orders.

all Acts, Orders, and Proceedings had, made, or done by or before such Five Commissioners shall have the same Force and Effect, and be as binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, and as fully, effectually, and absolutely, as if the same Acts, Orders, and Proceedings respectively were or had been had, made, done, or executed by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be elected, who, in case of an equal Number of Votes on any Question, (including such Chairman's Vote,) shall have the casting or decisive Vote; and no Order or Determination made or agreed upon at any Meeting of the said Commissioners shall be revoked, rescinded, or altered at any subsequent Meeting, unless Notice of the Intention to apply for such Revocation or Alteration shall have been given at a previous Meeting holden pursuant to this Act, and entered in the Book or Books of Proceedings of such previous Meeting, nor unless Notice of the Meeting at which such Application is intended to be made shall be given as herein-after directed at least Seven Days before the same is held, nor unless such Alteration or Revocation shall be agreed to be made at such last-mentioned Meeting when a greater Number of Commissioners shall be present than shall have been present when such Order or Determination was made or agreed upon.

Notices of  
Meetings to  
be given.

XVIII. And be it further enacted, That in all Cases wherein Notice is by this Act directed to be given of any Meeting of the said Commissioners, subsequent to the First Meeting as aforesaid, Notice in Writing, signed by Three or more of the said Commissioners, or their Clerk for the Time being, of the Time and Place of every such intended Meeting, shall be affixed upon the outer Door or some other conspicuous Part of the House or Building in which the said Commissioners shall usually hold their Meetings, or upon such other Building or Place as the said Commissioners shall from Time to Time direct or appoint, at least Five Days before every such Meeting (except when it shall be herein otherwise directed); and if any Person or Persons shall at any Time or Times pull down, obliterate, or deface any such Notice, previous to the Time of meeting therein specified, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Power to ap-  
point Officers.

XIX. And be it further enacted, That the said Commissioners shall and may from Time to Time, by Writing under their Hands, nominate and appoint fit and proper Persons to be Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Monies to be raised, paid, levied, collected, received, and taken under or by virtue of this Act, Surveyor or Surveyors, Scavenger or Scavengers, and such other Officers and Persons as the said Commissioners shall think proper for carrying this Act into execution, and from Time to Time remove and displace them, or any of them, and in like Manner from Time to Time appoint others in the Room or Place of such of them as shall be so removed and displaced, or who shall die, or relinquish, resign, or discontinue, or become incapable of performing the Duties of their respective Offices or Stations, and, out of the Monies to be raised or received by virtue of this Act, shall and may make and pay such Salaries, Wages,

and Allowances to the said Officers and other Persons, as the said Commissioners shall think proper; and the said Commissioners shall and may require and take such Security from every such Treasurer, Collector, and other Officer so to be appointed, for the due and faithful Execution of the Duties of their respective Offices, as they the said Commissioners shall think reasonable and proper.

XX. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Same Person  
not to be  
Clerk and  
Treasurer.

XXI. And be it further enacted, That every Treasurer, Clerk, Collector, and Receiver of the said Commissioners, and other Officers and Persons entrusted with the Collection or Receipt or Disbursement of Money on account of the said Commissioners, shall, at such Time or Times and in such Manner as the said Commissioners shall order and direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Money which shall have been received by such Officer and Person respectively by virtue or for the Purposes of this Act or otherwise on account of the said Commissioners, and how much thereof hath been paid and disbursed, and to whom and for what Purposes, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall direct or appoint; and if any Treasurer, Collector, Clerk, Officer, or Person shall refuse or neglect to make and render such Accounts, or to produce and deliver up such Vouchers and Receipts relating to the same, or to make Payment as aforesaid,

Officers to  
account.

Proceedings  
in case of  
Default.

or

or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Thirty Days after being thereunto required by the said Commissioners by Notice in Writing to be signed by the said Commissioners, or any Five or more of them, or by the Clerk of the said Commissioners, and given to or left at the last known 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 the Affairs of the said Commissioners, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or any Five or more of them, or their Clerk, of any such Neglect or Refusal as aforesaid to any Justice of the Peace for the said County of *Kent*, such Justice may and he 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 on Proof of his having absconded or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of a credible Witness on Oath, it shall appear to such Justice that any of the Money which shall have been collected, raised, or received by virtue of this Act or otherwise on account of the said Commissioners, shall be in the Hands of such last-mentioned Officer or Person, such Justice may and he 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, together with the Costs and Charges attending such Proceedings, Distress, and Sale; and if the Goods and Chattels of such Officer or Person shall be insufficient to countervail and satisfy the said Money, Costs, and Charges, or if it shall, in manner aforesaid, appear to such Justice that such Officer or Person had refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act or the Affairs of the said Commissioners were in the Power of such Officer or Person, and that he refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or other Person to the Common Gaol or House of Correction for the County, City, or Place where the Offender or Offenders shall be or reside, there to remain, without Bail or Mainprize, until such Officer or other Person shall have made and given a true and perfect Account, and paid such Money, Costs, and Charges as aforesaid, or until he shall have compounded with the said Commissioners for such Money, and paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby authorized to make and receive,) and until he shall have given up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of not having sufficient Goods and Chattels shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, the Commitment of him to Prison shall

shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties; but such Officer or Person, and his Surety or Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

XXII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk or Clerks for the Time being, or in the Name of any One of the Commissioners; and all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act; may be brought in the Name or Names of their Clerk or Clerks, or in the Name of any One of the said Commissioners; and no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Clerks, or by the Death of such Commissioner, or by any Act or Default of such Clerk or Clerks done or suffered without the Consent and Direction of the said Commissioners, but the Clerk or Clerks to the said Commissioners for the Time being, or such Commissioner, shall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action or Suit, (as the Case may be,) except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk or Clerks for the Time being: Provided also, that in all Cases in which the Clerk or Clerks for the Time being, or any One such Commissioner as aforesaid, shall, in pursuance of this Act, be the Plaintiff or Plaintiffs, Defendant or Defendants on the Record in any Action or Actions, Suit or Suits, in which, in effect, the said Commissioners shall be suing or sued in the Name of such Clerk or Clerks or of such One Commissioner as aforesaid, every such Clerk or Clerks or such One Commissioner as aforesaid (although appearing as the Plaintiff or Plaintiffs, Defendant or Defendants on the Record,) may and shall nevertheless (if not otherwise interested or objectionable) be a good, examinable, and competent Witness in every Action or Suit either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary or expedient to be made preparatory to or in the Prosecution or Defence of any and every such Action, Suit, or Proceeding, shall and may be lawfully made by such Clerk or Clerks or such One Commissioner (as the Case may be), notwithstanding he or they shall be nominal Plaintiff or Plaintiffs, Defendant or Defendants on the Record as aforesaid: Provided also, that every or any such Clerk or Clerks or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he or they shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants therein, and shall not be personally answerable or liable for the Payment of the same or any Part of them, unless such Action or Suit shall arise in consequence of his or their own wilful Neglect or Default, or

Commis-  
sioners may  
sue and be  
sued in the  
Name of  
their Clerk.

have been brought, or commenced, or defended, without the Order or Direction of the said Commissioners.

Orders and Proceedings to be entered in Books, and may be made Evidence.

XXIII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all Orders and Proceedings of the said Commissioners relative to the Execution of this Act, together with the Names of the Commissioners who shall attend every Meeting; and the Chairman of the Meeting at which such Orders or Proceedings shall be from Time to Time had or made shall sign the same; and such Book or Books shall be open at all seasonable Times to the Inspection of any of the said Commissioners, or any Creditor or Creditors on the Rates and Assessments by this Act authorized to be levied, collected, received, or taken, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, as well as the Book or Books in which the Oath or Affirmation directed to be taken or made by the said Commissioners shall be entered, and also the Book or Books directed to be kept for registering Grants of Annuities, Mortgages, and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts and Places whatsoever, in all Cases of Appeal, and in all Prosecutions, Examinations, Suits, and Actions whatsoever.

Accounts to be kept and be open to the Inspection of Commissioners and Creditors.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor on the Rates and Assessments by this Act authorized to be levied, collected, received, or taken, and of every Person paying any such Rate or Assessment, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid, to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Half-yearly Meetings for auditing Accounts, &c.

XXV. And be it further enacted, That Meetings of the said Commissioners, of which Meetings Seven Days previous Notice shall be given, shall be held in the Months of *January* and *July* in every Year, at which the Accounts of all Monies received and paid from Time to Time,

Time, by virtue or in execution of this Act, by any Person or Persons whomsoever, during the preceding Half Year ending with the Twenty-fifth Day of *December* and the Twenty-fourth Day of *June* respectively, shall be produced and stated to and examined and settled by the said Commissioners; and when the same Accounts shall have been settled and allowed by the Commissioners present at such Meetings, the same shall be signed by the Chairman of such Meetings; and the same Accounts, or Copies or Duplicates thereof, shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons who shall be rated or assessed under or by virtue of this Act, or any Person or Persons on his, her, or their 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 Four-pence for every Seventy-two Words or Figures; and the said Accounts, or Abstracts thereof, shall be printed for the Use of the said Commissioners.

XXVI. And be it further enacted, That the said Town called *Blue Town*, (abutting to the River *Medway* and to Part of His Majesty's Dock Yard at *Sheerness* aforesaid towards the West, to other Part of the said Dock Yard towards the North, and to the Land belonging to the Board of Ordnance towards the East and South,) and also the said Town called *Mile Town*, and the Town called *Banks Town*, adjoining *Mile Town*, as the same Two last-mentioned Towns are bounded on every Side by Land belonging to the Board of Ordnance on the North Side of the Boundary Line or Ditch recently cut for the Purpose of dividing the Lands of the Board of Ordnance from the Lands of Sir *Edward Banks* Knight, and are bounded by Lands of the said Sir *Edward Banks* on the South Side of the said Boundary Line, shall be and be considered as and taken to be within the Limits of this Act, and the Jurisdiction of the Commissioners for putting the same in execution; and the Commissioners for putting this Act in execution shall be called by the Name and Style of "The Commissioners of *Sheerness* Pavement:" Provided always, that nothing in this Act contained shall extend to give the said Commissioners any Jurisdiction over the Dock Yard or Garrison of *Sheerness*, or over any Land or Premises belonging or which may hereafter belong to His Majesty, His Heirs and Successors, or be held on His or Their Behalf, and used for the Service of the Government, but that all such Land and Premises shall be excluded from the Limits of this Act; and the said Commissioners shall and they are hereby required, within the Space of Three Calendar Months next after the passing of this Act, to erect and place Stones or Posts at convenient Distances from each other, for the Purpose of specifying and marking the said Boundary, and shall replace and make good the same from Time to Time when and as the same shall be displaced or injured: Provided also, that nothing in this Act contained shall authorize or empower the said Commissioners, or their Successors, or the said Sir *Edward Banks*, his Heirs or Assigns, or any other Person or Persons whomsoever, to erect or build any House or other Erection or Building whatsoever upon any Land now the Property of or

Defining the  
Limits of the  
Act.

which

which on the Twenty-second Day of *October* One thousand eight hundred and twenty-seven was the Property of the said Sir *Edward Banks*, or of any Person or Persons under or in Trust for him, situate, lying, and being in *Mile Town* and *Banks Town* aforesaid, or either of them, save and except upon the Site or Sites of any House or other Erection or Building which on the said Twenty-second Day of *October* One thousand eight hundred and twenty-seven was or were erected and standing on any such Land of the said Sir *Edward Banks* or of his Lessees; and also except the Rights of such Lessees, their Executors, Administrators, or Assigns respectively, to build upon any of the said Lands that are comprised in any Leases thereof which were granted to them respectively prior to the said Twenty-second Day of *October* One thousand eight hundred and twenty-seven, or which may hereafter be granted of the same Lands to such Lessees respectively, or their respective Executors, Administrators, or Assigns, in pursuance of any Covenant for that Purpose contained in any such Lease or Leases, but not otherwise, granted as aforesaid prior to the said Twenty-second Day of *October* One thousand eight hundred and twenty-seven.

Pavement  
and other  
Property  
vested in  
the Commis-  
sioners.

XXVII. And be it further enacted, That all Houses, Watch-houses, Watchboxes, Gates, Posts, Fences, Machines, and other Erections and Buildings which have been erected, built, or made under the Authority of the said recited Acts, or either of them, with reference to the paving, lighting, or improving of the said Highways, Streets, Lanes, and public Passages and Places, or which shall hereafter be erected, built, or made by or under the Authority and for the Purposes of this Act, and all Messuages, Buildings, Lands, Tenements, and Hereditaments which have been purchased or hired under the Authority of the said recited Acts, or either of them, with reference to the said last-mentioned Purposes, or which shall be hereafter purchased or hired under the Authority and for the Purposes of this Act, and all the Pavement, Paving, Curb Stones, Flag Stones, Paving Stones, Gravel, and other Materials, Lamps, Lamp Irons, Lamp Posts, Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Watercourses, Wells, Pipes, Posts, Pilasters, Tools, Implements, Barrows, and all other Articles, Matters, and Things which heretofore have been laid, placed, set up, made, constructed, purchased, or provided under the Authority of the said recited Acts, or either of them, for the said last-mentioned Purposes, or which shall at any Time or Times hereafter be laid, placed, set up, made, constructed, purchased, or provided under the Authority and for the Purposes of this Act, shall be held by and deemed to belong to and be the Property of and vested in the said Commissioners for executing this Act; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, take or carry away, detain, destroy, deface, damage, or injure the several Matters and Things hereby vested in the said Commissioners, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article, Matter, or Thing for or on account  
2 of



of which such Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners of *Sheerness* Pavement, without specifying the Names of all or any of the said Commissioners.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to treat, contract, and agree with the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers of and Persons interested in all or any of the Lands, Grounds, Messuages, Buildings, Tenements, Hereditaments, and Premises, with their Appurtenances, which now are or hereafter shall be situate within or near the Limits of this Act; which the said Commissioners shall deem it desirable and proper to purchase for effecting the Purposes of this Act, for the absolute Purchase of such Lands, Tenements, Hereditaments, and Premises, and of the Freehold, Leasehold, and other Estates, Rights, Titles, and Interests of such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers, and other Persons therein, or for the Satisfaction and Recompence to be made for any Damage or Injury occasioned to the same in or by carrying the Provisions of this Act into execution; as they the said Commissioners shall think fit.

Power to  
purchase  
Lands, &c.

XXIX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, Tenants for Life, and Tenants in Fee Tail, General or Special, Tenants for Years, absolute or determinable on any Life or Lives or otherwise, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, Trustees, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves and their several Heirs, Executors, Administrators, and Successors, but also for and on behalf of the Cestuique Trusts, whether Infants or Issue unborn, Lunatics or Idiots, and for all Femes Covert, and all and every other Persons and Person under any legal Disability or Incapacity whatsoever, and to and for all and every other Persons and Person, who are or shall be seised or possessed of or interested in any such Messuages, Lands, Tenements, or Hereditaments, to contract and agree with the said Commissioners for the Sale thereof, or for the Satisfaction to be made for the Damage or Injury occasioned to the same, and by Conveyance, by Lease and Release or Bargain and Sale, or otherwise, to sell and convey unto the said Commissioners, for the Purposes of this Act, all or any such Lands, Buildings, Tenements, or Hereditaments, or any Part thereof, and the Fee Simple and Inheritance thereof, or any Term of Years or other Estate or Interest therein; and every such Contract, Agreement, Bargain and Sale, and Conveyance shall, without any Fine or Common Recovery, be good, valid, and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Cor-

Bodies Poli-  
tic and others  
may sell.

porate, or Collegiate; Corporations Aggregate or Sole, Tenants for Life or in Tail, or for Years, absolute or determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and all other Trustees and Persons as aforesaid, shall be and are hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Compensation for Damages under 20*l.* may be settled by Two Justices.

XXX. And be it further enacted, That in any Case where the Amount of the Compensation for any Damage done or occasioned in exercise of any of the Powers in this Act contained shall be disputed, and the Compensation claimed shall not exceed the Sum of Twenty Pounds, then the Amount of the Compensation for such Damage shall and may be ascertained by any Two Justices of the Peace for the said County of *Kent*, and paid by the said Commissioners to the Party aggrieved, together with such reasonable Costs and Charges as such Justices shall award and allow thereon.

Form of Conveyance to the Commissioners.

XXXI. And be it further enacted, That all Sales, Conveyances, and Assurances to be made to the said Commissioners of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, by virtue of this Act, may be made in the Form or to the Effect following, or as near thereto, *mutatis mutandis*, as the Circumstances of the Case will admit; (that is to say,)

‘ I [or We] \_\_\_\_\_ in consideration of the Sum of  
‘ \_\_\_\_\_ to me [or us, or into the Bank of *England*,  
‘ as the Case may be,] paid by the Commissioners acting by virtue of  
‘ an Act passed in the Tenth Year of the Reign of King *George* the  
‘ Fourth, intituled [here set forth the Title of this Act], do hereby  
‘ grant and convey to the said Commissioners all [here describe the  
‘ Premises intended to be conveyed], and all my [or our] Right, Title,  
‘ and Interest to and in the same and every Part thereof, to hold to  
‘ the said Commissioners and their Successors for ever, [or other  
‘ Estate and Interest, as the Case may be,] to and for the Uses and  
‘ Purposes of the said Act. In witness whereof I [or we] have  
‘ hereunto set my [or our] Hand and Seal [or Hands and Seals] this  
‘ \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
‘ Lord \_\_\_\_\_

And every such Sale, Conveyance, and Assurance made in manner aforesaid shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Lands, Tenements, and Hereditaments so purchased and conveyed as aforesaid, in the said Commissioners for the Uses and Purposes of this Act; any Law, Statute, or Usage, or other Matter or Thing, to the contrary thereof in anywise notwithstanding.

Application of Purchase Money when amounting to 200*l.*

XXXII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for any Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or for any Estate, Right, or Interest therein, purchased or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, Collegiate, or Ecclesiastical, Corporation Aggregate or Sole,

Sole, Tenant in Tail or for Life or for Years, Feme Covert, Infant, Guardian, Trustee, Cestuique Trust, Committee, Lunatic, Idiot, or to any Person or Persons whose Messuages, Lands, and Hereditaments are limited in strict or other Settlement, or to any Person or Persons under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Houses, Buildings, Lands, Tenements, 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 Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or affecting other Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments standing and being settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same may be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of this Act stood and were 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 made thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Houses, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

1 G. 4. c. 35.

When less  
than 200*l.*  
and exceed-  
ing 20*l.*

XXXIII. Provided always, and be it further enacted, That if any Money contracted and agreed to be paid as aforesaid for any Messuages, Houses, Buildings, Lands, Tenements, and Hereditaments, or for any Estate, Right, or Interest therein, purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, in Cases of Infancy, Lunacy, or Idiotcy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, 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 named by the Party or Parties making such Option, and approved by the Commissioners for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends and Interest arising thereon may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When not  
exceeding  
20*l.*

XXXIV. Provided also, and be it further enacted, That where such Money so contracted or agreed to be paid as aforesaid shall not exceed the Sum of 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 same Hereditaments and Premises, in such Manner as the said Commissioners shall think fit; or in Cases of Infancy, Idiotcy, or other Incapacity, then such Monies shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In Cases of  
disputed  
Title, &c.  
Money to be  
paid into the  
Bank.

XXXV. And be it further enacted, That in case any Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased or used by virtue of this Act, or of any Estate, Right, or Interest therein, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, then and in such Case it shall and may be lawful for the said Commissioners to order the said Sum or Sums of Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested, (describing them,)

them,) subject to the Order, Controul, and Disposition of the said Court of Exchequer; 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 or Sums of Money is and are hereby required to give a Receipt, or Receipts for, such Sum or Sums of Money so paid into the Bank of *England* as aforesaid.

XXXVI. 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 Exchequer, in pursuance of this Act, for or in respect of any Houses, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased or used under the Powers of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Houses, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase or using thereof, 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 Houses, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession presumptively entitled.

XXXVII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, Body or Bodies, or Corporation, entitled to any of the Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest therein, which shall be purchased or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, 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 be lawful for the Court of Exchequer to order the Expences of all such last-mentioned Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the Charges of obtaining such

Expences of Purchases may be allowed by the Court.

[Local.]

33 S

Order,

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

Property to  
vest in Com-  
missioners  
on Payment  
or Tender of  
Purchase  
Money.

XXXVIII. And be it further enacted, That upon Payment or Tender being made of the Monies contracted or agreed to be paid for the Purchase of any Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part, Estate, Right, or Interest of or in the same, which shall be purchased by virtue and in pursuance of this Act, either to the Person or Persons, Party or Parties, respectively entitled to receive the same Monies; or, where the Provisions of this Act shall so require or allow, on the Payment or Deposit into the Bank of *England*, for the Purpose of being disposed of in the Manner by this Act directed, within One Calendar Month after the same shall have been so contracted or agreed for, all and every Persons or Person, Parties or Party, in anywise interested in the Hereditaments and Premises in respect whereof such Monies shall have been so paid or tendered, shall be thenceforth, to all Intents and Purposes, divested of all Estate, Right, Title, Claim, Interest, or Property of, in, to, or out of the same; and such Payment, Tender, or Deposit shall not only bar all Right, Title, and Claim, Remainder or Reversion, Interest and Demand of the Person or Persons to whom such Payment shall or ought to have been made, but also shall extend and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion, Remainder, or Expectancy, of his or their Issue, and of all and every other Persons and Person interested therein; and such Payment, Tender, or Deposit shall absolutely vest the Hereditaments and Premises in the Commissioners paying or tendering or depositing such Purchase Money, and their Successors, for the Purposes for which they are by this Act authorized to purchase or take the same, and such Commissioners shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes whatsoever, freed and discharged of and from all former and other Estates, Titles, Interests, Claims, and Demands whatsoever; any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding.

Power to re-  
sell Premises  
not wanted.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of so many and such Part or Parts of the Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased by or vested in them by virtue of the Powers herein contained, as shall at any Time be found to be unnecessary or more than sufficient for the Purposes of this Act; and for completing and carrying any such Sale or Sales into effect the said Commissioners, or any Nine or more of them, are hereby authorized and empowered to make and execute any Conveyance or Conveyances of such of the said Premises as shall have been so sold or disposed of unto the Purchaser or Purchasers thereof; and such Conveyance or Conveyances shall in all Cases be deemed sufficient in the Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyance or Conveyances in the Purchaser or Purchasers thereof, and in his, her, or their respective Heirs and Assigns.

XL. 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 as often as they shall think fit, to cause, order, and direct all and every or any of the Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, or any Part or Parts thereof; and as well the Carriageways as the Footways thereof, to be well and effectually paved or flagged, or otherwise well and sufficiently repaired, amended, made, formed, altered, widened, improved, and sustained, upon such Plan or Mode, and in such Manner and Form in all respects, and with such Materials as the said Commissioners shall consider most eligible and expedient; and also from Time to Time to cause, order, and direct the same, and the Pavement, Stones, Flagging, and other Materials thereof, to be taken up, relaid, or renewed with the same or the like or any other Materials, and in or upon the same or any other Plan or Manner, and the Ground thereof to be raised, lowered, or altered, as the said Commissioners shall deem most advisable; and also to take up and remove, or cause to be taken up and removed, all or any Posts, Pales, Rails, Trees, and Fences in such Streets, Roads, Squares, Crescents, Lanes, Passages, or Places, or any of them, as the said Commissioners shall consider useless, or a Nuisance or Obstruction to Foot Passengers, Horses, or Carriages; and also to erect and set up, or cause to be erected and set up, any and such other Posts, Pales, Rails, or Fences, in the same or any other Place or Places therein, as they shall think proper, for the better Security or Accommodation of Passengers, Horses, or Carriages, or for the Security or Protection of the said Pavements and Works from Damage by Waggon, Carts, or other Carriages, and to remove the same at their Discretion.

Commissioners empowered to pave, &c.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or their Surveyor, or such other Person or Persons as they or their Surveyor shall authorize or direct, to dig up, have, take away, and use all such Gravel, Stones, Bricks, and other Materials as shall be found in any of the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, and also to dig, cut, gather, and take away all such Stones, Gravel, Sand, Flint, and other Materials, as the said Commissioners shall think proper for making or repairing, altering, improving, and maintaining all or any of the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, from the Sea Beach or Sea Shore within or near the Limits of this Act, or within the said Parish of *Minster*, without paying any thing for the same, except One Shilling to the Lord of the Manor of *Minster* aforesaid, or other Person or Persons entitled thereto, for every Cart Load of such Stones, Gravel, Sand, Flint, or other Materials; and also to convey such Stones, Gravel, Sand, Flint, or other Materials over the Lands or Grounds of any Person or Persons whomsoever, (not being a Yard, Garden, or Orchard,) paying or tendering to the Owner or Owners or Occupier or Occupiers of such private Lands, for the Damage that shall thereby be

Power to get Materials.

Commis-  
sioners not  
to take Ma-  
terials from  
Crown Lands  
without Con-  
sent.

54G.3.c.159.

be done thereto, such Equivalent in Money as the said Commissioners shall judge reasonable; and in case of any Difference or Disagreement between the said Commissioners and such Owner or Owners or Occupier or Occupiers as to the Sum that should be paid, the same shall be determined in manner herein-after provided: Provided always, that no Commissioner or Commissioners appointed under this Act, nor any other Person or Persons whosoever, shall dig, cut, gather, or take any Gravel or other Materials whatever from any Land or Ground belonging to His Majesty, or from the Beach or Seashore adjoining to or facing any such Land or Ground, without the Consent of the Lord High Admiral of the United Kingdom, or of the Commissioners for the Time being for executing the Office of Lord High Admiral aforesaid, or of the Board of Ordnance, for that Purpose first had and obtained in Writing under the Hand of the Secretary of the Admiralty or of the Ordnance for the Time being, as the Case may be; nor shall deposit any Materials to be collected for any of the Purposes mentioned in this Act in any Situation near to the said Dock Yard or Garrison, where the same may, in the Judgment of the Commissioner of the Navy or other Officer having for the Time being the Superintendance of the said Dock Yard, or the Commanding Royal Engineer at *Sheerness* for the Time being, be likely to produce Inconvenience to His Majesty's Service or Injury to the Harbour of *Sheerness*, nor shall land or deposit any such Materials in any Place whatever where the same may be liable to be washed into the Harbour or Sea, under a Penalty of Ten Pounds for every such Offence, to be recovered according to the Provisions of an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers in the United Kingdom, and of His Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein, and for repealing several Acts passed for that Purpose.*

Commis-  
sioners may  
deposit Ma-  
terials in  
Streets, &c.  
in certain  
Cases.

XLII. And be it further enacted, That during the Time any Street, Road, Square, Crescent, Lane, Passage, or Place which already has been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, or any Part thereof, shall be undergoing a Course of new paving, flagging, repairing, or Alteration, or any of the Grates, Drains, Sewers, or Watercourses therein shall be in a Course of Alteration, Reparation, or Improvement, the said Commissioners may and they are hereby authorized to order the Materials necessary for such Purposes to be lodged in the same or any adjoining Street, Road, Square, Crescent, Lane, or other public Passage or Place, according to their Discretion, and also to stop and prevent any Passage through such or any adjacent Street, Road, Square, Crescent, Lane, or other public Passage or Place, so long as may be necessary for the Purposes aforesaid: Provided always, and the said Commissioners are hereby required, to cause a sufficient Light to be affixed in or near the same respectively in the Night-time, for securing Passengers and Cattle from Accident, during the Time such Street, Road, Square, Crescent, Lane, or other public Passage or Place shall be so stopped up or under Repair, or any Materials shall be deposited therein.

XLIII. And



XLIII. And be it further enacted, That if any Person or Persons shall remove or take away any Stone, Gravel, or other Materials provided for the Purposes of this Act, without the Order of the said Commissioners or their Surveyor for that Purpose, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on taking away Materials.

XLIV. And be it further enacted, That if any Person whatsoever shall at any Time hereafter take up, remove, or alter, or cause to be taken up, removed, or altered, any Part of the Pavement, Flags, or other Materials of the Carriageways or Footways in the said Roads, Streets, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act or any of them, or shall open or make, or cause to be made, any Alteration in any of the Gutters, Tunnels, Sinks, Cesspools, Drains, Sewers, or Watercourses therein, without the previous Licence and Consent in Writing of the said Commissioners, or having obtained such Licence or Consent as aforesaid shall refuse or neglect, at his or her own Costs and Charges, effectually to repair, amend, and make good the said Carriageways or Footways, or Gutters, Tunnels, Sinks, Cesspools, Drains, Sewers, or Watercourses which shall have been so taken up, removed, opened, or altered, to the Satisfaction of the said Commissioners or their Surveyor, within the Time limited by such Licence or Consent, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Pavement not to be taken up without the Consent of the Commissioners.

XLV. And be it further enacted, That from and after the passing of this Act all and every Persons and Person who shall be assessed under or by virtue of this Act, for or in respect of any Messuage, Land, Tenement, or Hereditament, which now is or hereafter shall be situate within the Limits of this Act, shall be, and he, she, and they is and are hereby exonerated, released, and discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Parish of *Minster*, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways within the said Parish, for or in respect of such Messuage, Land, Tenement, or Hereditament within the Limits of this Act; and all Messuages, Lands, Tenements, or Hereditaments situate or being without or beyond the Limits of this Act, and the Owners and Occupiers thereof, shall be and they are hereby released, exonerated, and discharged from the Performance of Statute Duty for the Repairs of the public Highways within the Limits of this Act, and from all Composition Money in lieu thereof, and from all Rates and Assessments for the Repairs of such Highways, for or in respect of such Messuages, Lands, Tenements, or Hereditaments situate without or beyond the Limits of this Act.

Statute Duty to be no longer required within the Limits of this Act.

XLVI. Provided always, and be it further enacted, That from and after the Fifth Day of *July* next after the passing of this Act the said Commissioners and their Successors shall pay or cause to be paid unto the Surveyor or Surveyors for the Time being of Highways

Commissioners to pay to the Surveyors of the Highways the an-

nual Sum of  
100*l.* in lieu  
of Highway  
Rate.

ways within the said Parish of *Minster* the Sum of One hundred Pounds yearly and every Year, by equal Half-yearly Payments on the Fifth Day of *January* and the Fifth Day of *July*, in lieu of Highway Rate for or in respect of such Messuages, Lands, Tenements, or Hereditaments as shall be assessed under or by virtue of this Act.

Names of  
Streets, &c.  
to be put up,  
and Houses  
to be num-  
bered.

XLVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause to be placed and affixed in some conspicuous Part of some House or Building at or near each End, Corner, or Entrance of the several and respective Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, the Names by which they shall order or direct such Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places respectively to be thereafter called or denominated, and also to cause all and every or any Houses, Shops, Warehouses, and Buildings in the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, to be marked and numbered in such Manner as they shall think proper for distinguishing the same; and if any Person or Persons shall destroy, pull down, injure, obliterate, or deface any such Mark or Number, or the Name of any Street, Road, Square, Crescent, Lane, or other public Passage or Place, so placed or affixed as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Water from  
Roofs of  
Buildings to  
be carried off  
by Trunks or  
Pipes.

XLVIII. And be it further enacted, That the Owner or Owners or Occupier or Occupiers for the Time being of every House or Building now or hereafter to be fronting or next adjoining any Street, Road, Square, Crescent, Lane, or other public Passage or Place which already has been or hereafter shall be made, laid out, or formed within the Limits of this Act, not having a Pipe or Trunk of the Description herein-after mentioned, shall from Time to Time, at his, her, or their own Costs and Charges, within Three Calendar Months after Notice in Writing, signed by any Five or more of the said Commissioners, and delivered to or left at the Dwelling House of such Owner or Owners or Occupier or Occupiers, put up and place, and for ever afterwards keep in repair and good Condition, a Gutter or Watershoot of the whole Length of such Front or other Part next or adjoining any such Street, Road, Square, Crescent, Lane, or other public Passage or Place, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building from the Roof down to the Ground, to carry off or conduct all the Water from the Roof of such House or Building in such Manner and so that such Water shall pass under the Footway of the adjoining Street into the common Channel, and not drop from the Eaves of such House or Building upon or incommode the Persons passing such House or Building; and all and every Occupiers or Occupier of such House or Building (except Houses or Buildings held on Lease granted for any Term of Twenty-one Years or upwards, of which Seven Years shall be unexpired,) who shall put up or place any such Gutter, Watershoot, Pipe, or Trunk, or keep the same in repair, in default of the same being done by his, her, or their Landlord or Landlords, shall be entitled to

deduct and retain, out of the Rent payable to the Owner or Owners of such House or Building, so much Money as such Occupier or Occupiers shall have expended in putting up or placing or in keeping in repair any such Gutter, Watershoot, Pipe, or Trunk; and the Payment of such Expences by any such Occupier or Occupiers shall be a sufficient Discharge to him, her, or them for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them accordingly; and if any such Owner or Owners or Occupier or Occupiers shall neglect to put or place, or to repair any Gutter, Watershoot, Pipe, or Trunk, in manner aforesaid, and within the Time specified in such Notice, then and in every such Case such Owner or Owners, Occupier or Occupiers, so neglecting, shall forfeit and pay Forty Shillings for each and every Week during the Continuance of such Neglect: Provided always, that the Person or Persons who for the Time being shall be entitled to any Term of Years in any such House or Building, originally granted for Twenty-one Years or upwards, and having an unexpired Term of Seven Years, shall, as to the Payment of such aforesaid Expences, be considered the Owner or Owners of such House or Building.

XLIX. And be it further enacted, That the several Owners and Occupiers of Houses, Shops, Warehouses, or other Buildings which now are or hereafter shall be situate in or adjoining the several Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed, within the Limits of this Act, and every of them, and also the several Owners and Occupiers of Yards, Gardens, Inclosures, and Land within the Limits of this Act, and every of them, shall and they are hereby required, at their own respective Costs and Charges, from Time to Time to cause all and every the Signs and other Emblems used to denote any Trade, Occupation, Office, or Calling, Sign Posts, Sign Irons, Shewboards, Stone and other Steps, Walls, Erections, Buildings, Balconies, Penthouses, Porches, Sheds, dripping Eaves, Pipes, Spouts, Gutters, Barbers Poles, Windows, Window Shutters, Window Blinds, Palisades, Butchers Hooks, Rails, Posts, Fences, Cellar Windows, Cellar Doors, Cellar Flaps, Hatchways, Grates, Court Yards, and also all Doors and Gates leading into the several Houses, Shops, Warehouses, or other Buildings, Yards, Gardens, and Land in their respective Occupations, which now do or shall hereafter open outwards, and, when open, project over any of the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, and all other Annoyances, Projections, and Encroachments whatsoever which now exist, or already have been or shall hereafter be erected, set up, affixed, laid down, or be against, in front of, or belonging to their respective Houses, Shops, Warehouses, or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into or over, encroaching upon, or otherwise obstructing, annoying, or endangering the public Passage along any One or more of the said Streets, Squares, Crescents, Lanes, and other public Passages and Places, to be taken down, filled up, removed, and carried away, turned, or otherwise altered, varied, or reformed, within such  
Time

Projections  
and Annoy-  
ances to be  
removed.

Time and in such Manner and Form as the said Commissioners shall by Notice in Writing, signed by any Five or more of them, and delivered to or left at the Dwelling House of such Owner or Owners, Occupier or Occupiers, enjoin, order, or direct; and if any such Owner or Owners, Occupier or Occupiers of any such House, Shop, Warehouse, or other Building, Yard, Garden, Inclosure, or Land as aforesaid, shall neglect or refuse to cause all and every such Annoyance or Nuisance as aforesaid to be taken down, filled up, removed, carried away, turned, or otherwise altered, varied, or reformed, within such Time and in such Manner as in such Notice shall be expressed, enjoined, ordered, or directed, every such Owner or Occupier so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings; and it shall be lawful for the said Commissioners forthwith, or at any convenient Time thereafter, to cause the same to be taken down, filled up, removed, carried away, turned, or otherwise altered, varied, or reformed, in such Manner as they shall think proper, by some Person or Persons acting under their Authority; and the Costs, Charges, and Expences attending such Removal or Alteration, having been ascertained by some Justice or Justices of the Peace for the County of *Kent*, and certified under the Hand and Seal of such Justice or Justices, shall and may be recovered from the Owner or Occupier of such House, Shop, Warehouse, Building, Yard, Garden, Field, Inclosure, or Land, in like Manner as any Penalty or Forfeiture is by this Act authorized to be recovered, and, when received, the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the Purposes of this Act; and it shall be lawful for any such Occupier, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Landlord of every such House, Shop, Warehouse, or other Building, Yard, Garden, Inclosure, or Land so held at Rack Rent, is hereby required to allow the same accordingly, except only in case the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally put up or occasioned by such Occupier, in which Case the aforesaid Deduction shall not be made.

Regulations  
as to Fronts  
of Houses.

L. And be it further enacted, That all Houses and Buildings in or adjoining to any of the Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, or which hereafter shall be erected or built or new fronted or rebuilt, shall be made to rise perpendicularly from the Foundations thereof, and no Part of the Front of any ancient House or Building within or adjoining to any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places which shall hereafter be new-fronted, nor any Part of the Front of any new House or Building which shall hereafter be erected and built upon the Site of any ancient House or Building in or adjoining to any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Place or Places, shall on any Pretence whatever be brought forward beyond the old Foundation, without the Consent of the said Commissioners; and if any Person or Persons shall at any Time hereafter erect or  
build,

build, or new-front or rebuild, or cause to be erected or built or new-fronted or rebuilt, wholly or in part, any House or other Building in or adjoining to the said Roads, Squares, Crescents, Streets, Lanes, and other public Passages and Places, or any of them, in any other Manner than in a straight Line, and without any Projection of any Kind or Sort whatsoever into or over any such Street, Road, Square, Crescent, Lane, or other public Passage or Place, or so as to rise in any other Manner than perpendicularly from the Foundation thereof; or so that any Part thereof shall be brought forward beyond the old Foundation of any such ancient House or Building, without such Consent as aforesaid, then and in every such Case such House or Building shall be deemed an Encroachment, Nuisance, and Annoyance within the Intent and Meaning of this Act, and it shall be lawful for the said Commissioners to cause the same House or Building so erected, new-fronted, or rebuilt, or so much of the Front thereof as shall have been so erected, new-fronted, or rebuilt contrary to the Directions of this Act, to be taken down and removed by any Person or Persons by or under their Direction or Authority; and the Costs and Charges of taking down and removing the same shall be paid and reimbursed to the said Commissioners by the Owner or Owners of such House or Building; and in default of Payment thereof within Fourteen Days next after Demand in Writing made in that Behalf by the Clerk to the said Commissioners, the same having been ascertained and settled by some Justice or Justices of the Peace for the said County, shall and may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received, the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the Purposes of this Act.

LI. And be it further enacted, That if any Person or Persons shall in any of the Roads, Streets, Squares, Crescents, Lanes, or other public Passages or Places which already have been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, expose for Sale or sell any Horse, Cattle, Swine, or other Beast, or shall bring or shew any Stallion or Stonehorse, or fodder any Cattle; or shoe, bleed, kill, or farry any Horse or Beast (except in Cases of Accident), or clean, or dress, or exercise any Horse or Beast; or bait or cause to be baited any Bull, Bear, Badger, or other Animal; or fight or set on to fight any Dogs or Cocks, or fight or set on to fight any pitched or other Battle; or turn loose or suffer to be at large any Horse, Ass, Sheep, Cattle, Swine, or other Beast; or shall suffer any Bulldog, Mastiff, or other ferocious Dog of any other Species to be at large, not being closely muzzled, or permit or suffer any Dog whatever to go at large after any public Notice given by the Constable, or Town Crier, or Bellman, by the Order or Direction of the said Commissioners, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Hydrophobia or Canine Madness; or being or acting as the Driver of any Waggon, Wain, Dray, Cart, Sledge, or other such like Carriage, shall ride on the Shafts or any other Part thereof, or on any Horse, Ass, or Cattle drawing the same, without holding the Reins, or drive the same faster than a Walk, or be at such a Distance from the same

For preventing Annoyances and Nuisances.

[Local.]

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as

as not to possess the complete Direction over the Horse or Horses, Ass or Asses, or Cattle drawing the same, or when driving any empty or unloaded Waggon, Wain, Dray, Cart, Sledge, or other such like Carriage, shall refuse or neglect, when overtaken by any Coach, Chaise, or Carriage, to turn the same aside to make way for any Coach, Chaise, or loaded Carriage of any Description; or if any Person on Horseback, or driving any Coach, Waggon, Wain, Dray, Cart, Sledge, or other Carriage, and meeting another Horse, Coach, Waggon, Wain, Dray, Cart, Sledge, or other Carriage, shall not keep on the Left or Near Side of such of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, as he, she, or they shall then be passing through or along, so as to leave proper and sufficient Quarter for such Horse or Carriage; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her or any Carriage under his or her Care, or when riding or driving any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limb of any Person, or drive the same against and injure or damage any Curb Stone, Foot Pavement, or Causeway; or suffer any Waggon, Wain, Dray, Cart, Sledge, or other Carriage, with or without Horses, to stand or remain longer than may be necessary for loading or unloading the same, or suffer the same, during such Time of loading or unloading, to be placed or remain so as to interrupt or obstruct the public Passage; or suffer to stand or remain any Waggon, Cart, or other Carriage with Hay, Straw, or Vegetables therein for Sale, or any Waggon, Cart, Coach, Post Chaise, or other Carriage intended to be let out or worked for Hire; or suffer any Stage Coach, Diligence, Chaise, or other Carriage to remain longer than may be necessary for the taking up or setting down any Passenger or Passengers, or for loading or unloading their Baggage; or draw or haul any Tree or Piece of Timber, Block or Blocks of Wood or Stone, Metal, or other heavy Materials, or Wheel of any Cart or Carriage separated therefrom, (except in or on or suspended under some Carriage,) or suffer any Part of any Tree or other Piece of Timber to drag upon any Part of the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages or Places; or wantonly let off or fire any Musket, Gun, Pistol, or other Fire-arms, or make or assist in making any Bonfire, or set fire to or let off or throw any Crackers, Squibs, Rockets, or other Fireworks; or play at Football or any other Game, or trundle, turn, or beat any Hoop, or fly any Kite, or blow any Horn, to the Annoyance of any Inhabitant or Passenger; or having a Smith's Shop with a Window or Windows fronting any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, shall not, by good and close Shutters every Evening immediately after it becomes Twilight, and every Morning until it becomes Daylight, bar and prevent the Light from shining into or upon the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, or any Part thereof; or break, or assist, aid, or abet in breaking, any Glass or Window Panes or Windows; or hoop, fire, cleanse, wash, or scald any Cask or Tub; or hew, saw, bore, or cut any Timber or Stone; or beat or shake any Carpet in or over any of the said Streets, Roads, Squares, Crescents, Lanes, or

other public Passages or Places, or any Part thereof; or put down or empty out of any Waggon, Cart, or other Carriage, or otherwise throw, cast, place, or lay, any Coals, Coke, Stones, Slates, Lime, Bricks, Sand, Gravel, Timber, Boards, Iron, or other Materials or Substances on any of the Footways or Foot Pavements; or shall throw, cast, lay, or place any Coals, Coke, Stones, Slates, Lime, Bricks, Sand, Gravel, Timber, Boards, Iron, or other Materials or Substances in or upon any other Part or Parts of the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, and continue the same for a longer Time than may be absolutely necessary for the removing or housing thereof (except Materials used for building, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed in the Manner mentioned in this Act, so as to prevent any Mischief happening to Passengers); or sift, throw, cast, or lay any Ashes, (except in Times of Frost so as to prevent Accidents,) or throw, cast, or lay any Dust, Dirt, Dung, Soil, Filth, Carrion, Fish, or Parts of Fish, Blood, Offal, or any Sort of Rubbish, into or upon any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, or into any common Sewer, Drain, Sink, or Watercourse; or throw or cast any Animal or Carcase, or Part of any Animal or Carcase, or any noxious or offensive Materials, Ingredients, Offal, or Filth, into any Well, Pump, Watercourse, or Reservoir for Water which now is or hereafter shall be within the Limits of this Act; or shall stop up or impede the Passage of any common Sewer, Drain, or Watercourse; or sell or assist in selling by Auction or public Sale any Goods, Wares, or Merchandize, or Thing or Things whatsoever in any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places; or hang out, place, or expose to Sale, or otherwise, the Carcase of any Calf, Sheep, Swine, Cattle, or Beast, or any Part or Parts thereof, or any Linen, Cloth, Wearing Apparel, Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, or other Matter or Thing, in or upon or so as to project over or upon any Footway or Carriageway, or beyond the Line of or on the Outside of any House, Shop, or Building at or in which the same shall be exposed to Sale; or kill or slaughter, or singe, scald, or dress, any Beast, Swine, Ox, Cow, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, in any of such Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places; or cause, permit, or suffer any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter House, Butcher's Shop, Stable, Pigstye, or Dunghill, into any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places; or fix up or place, or suffer to be placed, any Flower Pot, Basket, or Box at any Window or Windows, without sufficiently guarding the same so as to prevent their falling; or place or erect any Pole or Poles, Line or Lines, projecting from any Window or Windows, Parapet, or other Part of any Dwelling House or other Place; and extending into, over, along, or across any or any Part of any of the said Streets, Lanes, Ways, Roads, Passages, Footways, or Causeways, or other public Passages or Places; or shall suspend or hang thereon or therefrom, or from or upon any Window, Parapet, or other Part of any Dwelling House or other Place, any Bed-clothes, Linen, Woollen, Wearing Apparel, or any other Thing; or shall place or continue any Chimney,

Chimney, Flue, Pipe, or Funnel for the Conveyance of Smoke, so that the same shall project into or over any of the said Streets, Lanes, Footways, or Places; or leave open, (after Sunset and before Sunrise,) or leave defective or without being properly secured, the Door, Hatchway or Flap, Window, Grate, Stone, Plate, Board, or other Covering giving Light or Air to or securing any Cellar, Coalhole, Vault, Office, or other under-ground Room or Apartment, or of any Area or Sewer, without having placed and kept a sufficient Light to warn and prevent Persons from falling into such Cellars, Coalholes, Vaults, Offices, or other under-ground Rooms or Apartments, or Areas or Sewers; or run, draw, drive, or carry any Truck, Wheel-sledge, Wheelbarrow, Bier, Handbarrow, or other Carriage whatsoever, or any Furniture, Goods, Coals, or other Merchandize, or any Water, upon any Footway or Foot Pavement (except only for the Purpose of loading or unloading, or of crossing such Footway or Causeway); or carry or assist in carrying any Sedan Chair, or roll any Cask or Tub, (other than for the necessary loading and unloading thereof, into, upon, from, or out of any Cart or Carriage,) upon any such Footway or Foot Pavement; or set or place on any Footway or Foot Pavement any Furniture, Goods, or Merchandize, or any Cask, Tub, Barrel, Box, Basket, Bucket, Bench, or Stall; or erect, set up, or place, or cause to be set up or placed, any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause any Obstruction or Annoyance in or upon any such Footway or Foot Pavement; or erect or use or permit to continue any Scraper which shall project into or over any such Footway or Foot Pavement; or in any other Manner obstruct or incommode, hinder or prevent, the free Passage of any such Footway or Foot Pavement, to the Annoyance of any Person or Persons passing or going thereon; or wilfully ride, lead, or drive on any Footway or Foot Pavement any Horse, Ass, Beast, or Cattle of any Kind whatsoever; or tie or fasten any Horse, Ass, or other Beast or Cattle to any Door, Wall, Post, Lamp Post, Tree, Fence, or other Thing whatsoever, so as that such Horse, Ass, Beast, or Cattle shall or can go or stand across or upon or project over any Footway or Foot Pavement; or shall in frosty or snowy Weather slide or make any Slide in or upon any of the said Streets, Squares, Crescents, Lanes, or other public Passages or Places; or shall in any other Manner commit or occasion any Kind of Nuisance, Annoyance, or Obstruction whatsoever in or upon any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places; then and in every such Case every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person or Persons acting by or under their Authority, to take away and remove, or cause to be taken away and removed, any of the before-mentioned Obstructions; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or  
Justices



Justices of the Peace for the said County of *Kent*, in order to his, her, or their Conviction of such Offence.

LII. And be it further enacted, That if any Waggon, Cart, Wain, Truck, or other Carriage to be drawn by any Horse or Horses, Ass or Asses, Mule or Mules, in, over, or upon any of the Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, shall be driven by or entrusted to the Care or Charge of any Person or Persons who shall not be of the full Age of Thirteen Years, the Owner or Owners of every such Waggon, Wain, Truck, Cart, or other Carriage, shall forfeit and pay Forty Shillings for each and every Time any such Waggon, Wain, Truck, Cart, or other Carriage shall be driven by or entrusted to the Care of any such Person or Persons who shall not be of the full Age of Thirteen Years.

Waggons,  
&c. not to  
be driven by  
Persons un-  
der Thirteen  
Years old.

LIII. And be it further enacted, That no Person or Persons shall erect or place, set up or build, in any Street, Road, Square, Crescent, Lane, or other public Passage or Place which already has been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, at any Time or Times hereafter, any Hoard or Scaffolding, or place or erect any Posts, Bars, Rails, Boards, or other Thing by way of Inclosure, for the Purpose of making Mortar, or of depositing or sifting or screening or slacking any Brick, Stone, Lime, Sand, or other Materials for building or repairing any House, Tenement, or Building, or for other Works, or for any other Purpose, without Leave or Licence first had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being of the said Commissioners, who is and are hereby required to grant the same forthwith for the Purpose of making Mortar, and depositing or screening, sifting or slacking, any Bricks, Stones, Lime, Sand, or other Materials for building or repairing any House or other Tenement or Erection, specifying therein the Length of Time for which the same, when so erected and set up, may be continued, and giving such other Directions respecting the same as he may think necessary, on being paid by every Person so applying for such Licence the Sum of One Shilling; and if any Person or Persons shall erect, place, set up, or build, or cause or permit to be erected, placed, set up, or built, any such Hoard, Scaffolding, or any Inclosure, Posts, Bars, or Rails, or any other Matter or Thing, for the Purposes aforesaid, or for any other Purpose, without the Leave or Licence of such Surveyor signed as aforesaid so had and obtained, or shall erect, set up, or build the same, or cause or permit the same to be set up or erected in any other Manner or to be continued for any longer Time than shall be allowed or expressed in such Licence, or in some Renewal thereof, for a Time to be therein specified, (and for which Renewal no further Fee or Reward shall be demanded or taken,) then and in either of the said Cases such Person or Persons, or the Person or Persons by whom he or they shall or may be employed, shall forfeit and pay a Sum not exceeding Five Shillings for every Day the same shall have been and shall be set up and continued; and also that it shall be lawful for the said Commissioners, or for their said Surveyor for the Time being, to cause the same to be

Scaffolds not  
to be erected  
without Li-  
cence.

pulled down and removed, and the same, and all the Materials thereof and of every Part thereof, to be kept and detained until such Person or Persons shall pay to the said Surveyor, or to the Person or Persons in whose Custody the same shall be, all the Penalties incurred by such Person or Persons, together with the Charges of pulling down, removing, and keeping the same, to be ascertained and determined by the said Surveyor or Surveyors; and in case the same shall not be claimed, and the Penalties and Charges shall not be paid, within the Space of Fourteen Days next after the pulling down and Removal thereof, then it shall be lawful for the said Commissioners or their Surveyor to order or cause the same to be appraised and sold; and the Money arising therefrom (after deducting all the said Charges) shall be paid to the Treasurer of the said Commissioners, or to such Person or Persons as they shall in that Behalf direct.

Houses in a ruinous State to be properly fenced.

LIV. And whereas it may happen that Houses and Buildings within the Limits of this Act may be in so ruinous a Condition that Passengers may be in danger of their Lives or of some Injury from the falling thereof, or of the Bricks or Timber or other Materials or Rubbish therefrom, and that Houses and Buildings erecting or repairing within the Limits of this Act, or the Foundations of the same, may not be sufficiently fenced or guarded from the Street to insure Safety to the Passengers; be it therefore enacted, That it shall be lawful for the said Commissioners or their Surveyor to order and direct any House or Building within the Limits of this Act, which upon View of the same by the said Commissioners or their Surveyor may appear to be in a ruinous or dangerous State, to be properly and securely shored, propped, and supported, so as to prevent Accident, and fenced and guarded from the Street by a proper and sufficient Hoard or Fence until the same Premises are taken down and rebuilt, or until the said Danger shall be removed; and the Owner or Owners of such Premises shall reimburse and pay the Expences incurred by the said Commissioners in or about the shoring, propping, and supporting any such House or Building, and in fixing or putting up every such Hoard or Fence which shall be so ordered and directed by the said Commissioners; and the Amount of the said Expences shall and may be recovered in like Manner as Penalties are recoverable by this Act.

Cattle straying in the Streets may be impounded.

LV. And be it further enacted, That if any Horse, Ass, Sheep, Cattle, Swine, or other Beast shall at any Time be found straying or at large in any of the Roads, Streets, Squares, Crescents, Lanes, Ways, Passages, or other public Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, it shall be lawful for any Officer or Officers, or other Person or Persons appointed by the said Commissioners, or any other Person or Persons whomssoever, to seize and impound any and every such Horse, Ass, Sheep, Cattle, Swine, or other Beast in the common Pound (if any) of the said Parish of *Minster*, or in such other Place as the said Commissioners shall have provided or shall provide for that Purpose, and the same there to detain until the Owner or Owners thereof shall for every such Horse, Ass, Sheep, Cattle, Swine, or other Beast so impounded, have paid the Sum of Twenty Shillings,

together with the reasonable Charges and Expences of impounding and keeping such Horse, Ass, Sheep, Cattle, Swine, or other Beast, to the Treasurer, Clerk, or Surveyor of the said Commissioners; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such Horse, Ass, Sheep, Cattle, Swine, or other Beast shall be so impounded, it shall be lawful for any One or more Justice or Justices of the Peace for the said County to order every such Horse, Ass, Sheep, Cattle, Swine, or other Beast to be sold; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Cattle, Swine, or other Beast, shall, on Demand, be paid to the Person or Persons whose Property such Horse, Ass, Sheep, Cattle, Swine, or other Beast so sold shall appear to have been; and in case the Owner or Owners thereof shall not be known, and no Application shall be made for the Money arising by such Sale, over and above the said Penalty, Costs, and Charges, within Thirty Days after such Sale shall have taken place, the said Money shall, after deducting the said Penalty, Charges, and Expences, be paid to the Treasurer to the said Commissioners, and be applied to the Purposes of this Act.

LVI. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Sheep, Cattle, Swine, or other Beast which shall be seized for the Purpose of being impounded under the Authority of this Act, or from the Pound or Place where or in which the same shall be so impounded, or shall pull down, break, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock, Bolt, or other Fastening belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Cattle, Swine, or other Beast so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said County of *Kent*, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months.

Forpunishing  
Persons  
guilty of  
Pound  
Breach.

LVII. And be it further enacted, That in case any Slaughter House, Hogstye, Necessary House, or other noisome or offensive Building or Place whatsoever, within or near to any of the Roads, Streets, Squares, Crescents, Lanes, or other public Passages or Places which already have been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, shall by the said Commissioners be deemed a Nuisance to any of the Inhabitants or Persons residing within the said Limits, it shall be lawful for the said Commissioners, upon Complaint thereof made by any Inhabitant or Inhabitants or other Person or Persons, by Notice under the Hand of their Clerk to order such Nuisance or Offence to be removed; and in case the same shall

Slaughter  
Houses, &c.  
may be re-  
moved.

shall not be removed within Seven Days after such Notice given to the Person or Persons who ought to remove the same, or left at his, her, or their last or usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice, unless an Appeal, as herein-after mentioned, shall be prosecuted with Effect against such Order of the said Commissioners; and in case Notice of any such Appeal shall be given, the said Penalty shall not be inflicted until after the said Appeal is decided, and such Order confirmed.

Regulation  
as to empty-  
ing of Privies.

LVIII. And be it further enacted, That if any Person shall begin to empty any Privy, or take or carry away any Night Soil, or bring or place any Cart or Carts for removing the same from any House, Building, or Place which already has been or hereafter shall be erected, built, made, or situate within the Limits of this Act, or pump, throw, or cast, or cause or procure or permit or suffer to be pumped, thrown, or cast, any stagnant or fetid Water out of or from any such House, Building, or Place, before the Hour of Eleven of the Clock in the Night, or shall continue to take or carry away the same after the Hour of Five of the Clock in the Morning at any Time of the Year between *Michaelmas* and *Lady Day*, or after the Hour of Four of the Clock in the Morning at any Time of the Year between *Lady Day* and *Michaelmas*; or if any Person shall unload, lay, spill, cast, or empty, or cause or suffer to be unloaded, laid, spilled, cast, or emptied, any such Night Soil in or near any of the Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, or deposit or convey, or cause or suffer to be deposited or conveyed, any such Night Soil into any Drain, Sewer, or Watercourse within the Limits of this Act; every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commis-  
sioners  
may make  
public  
Drains.

LIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, and at all or any Time or Times hereafter, to construct, make, or cut, or cause to be constructed, made, or cut, in, into, over, through, under, or along all and every or any of the Streets, Roads, Squares, Crescents, Lanes, and other public Passages or Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, and in, into, over, through, under, or along any Land, Yard, Alley, Court, or Passage within the Limits of this Act, or elsewhere in the said Parish of *Minster*, all and every such common Sewers, Drains, Watercourses, Cesspools, Sinks, Tunnels, Gutters, Channels, Penstocks, and Sluices as they the said Commissioners shall deem necessary for the Purpose of carrying off and conveying the Water and Refuse from and effectually draining the said Streets, Roads, Squares, Crescents, and other public Passages and Places, into the River *Medway* or into the Sea, or otherwise as they the said Commissioners shall think proper; and also to cause such common Sewers, Drains, Watercourses, Cesspools, Sinks, Tunnels, Gutters, Channels, Pen-  
stocks,

stocks, and Sluices so to be constructed, made, or cut as aforesaid, or any of them, and all such other Sewers, Drains, Watercourses, Cess-pools, Sinks, Tunnels, Gutters, and Channels which now are situate or have already been constructed, made, or cut within the Limits of this Act, or any of them, to be opened, repaired, amended, cleansed, widened, enlarged, discontinued, or stopped up, or the Form or Course thereof to be altered, turned, varied, changed, or diverted, in such Manner as the said Commissioners shall think fit, making such Satisfaction to the Owner or Occupier or Owners or Occupiers of any such Land, Yard, Alley, Court, or Passage which shall be so cut through or built upon, for the Damage which they or any of them may sustain thereby, as the said Commissioners shall deem reasonable; and in case of Difference or Dispute between such Owner or Occupier, Owners or Occupiers, and the said Commissioners, touching or concerning such Damage, the same shall be finally settled by Two or more Justices of the Peace for the County of *Kent*: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Commissioners to construct, make, or carry, or cause to be constructed, made, or carried, any Drain or Sewer on, through, or under any Lands belonging to or held in Trust for His Majesty, and situate within or near the Limits of this Act, without the Consent in Writing of the Secretary for the Time being of His Majesty's Board of Ordnance, or of the Commanding Royal Engineer at *Sheerness*, for that Purpose first had and obtained.

Restrictions  
as to making  
Drains.

LX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to permit and authorize the Occupier or Occupiers of any House, Yard, Passage, or other Property adjoining to or near any of the Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, in which shall be contained any common or public Sewer, Drain, or Watercourse, at his, her, or their own Expence, to conduct or convey the Water from his, her, or their Premises into such common or public Drain, Sewer, or Watercourse, by such other Drains or Sewers and under such Conditions and Regulations as the said Commissioners shall from Time to Time approve of, order, or direct, which last-mentioned Drains or Sewers shall be made or constructed under the immediate Superintendence of the said Commissioners, or their Surveyor, or other Person to be appointed by them, and not otherwise; and if any such Occupier or Occupiers shall make or construct, or cause or permit to be made or constructed, any such Drain or Sewer without such Consent of the said Commissioners as aforesaid, or in any other Manner than shall be directed by the said Commissioners or their Surveyor or other Person as aforesaid, or shall use the same when made or constructed for the Purpose of conducting or conveying any Soil or Water from any Privy or Necessary House, or any Slaughter House, Stable, or Hogstye, into any of the said public or common Sewers, Drains, or Watercourses, every Person so offending shall forfeit and pay the Sum of Ten Pounds; and in either of the said Cases, or in case the Communication with any common or public Sewer, Drain, or Watercourse, shall be found to be injurious

Commis-  
sioners may  
authorize  
Occupiers of  
Houses to  
make Drains.

[*Local.*]

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thereto,

thereto, it shall be lawful for the said Commissioners, or any Person or Persons thereunto authorized by them, to cut off, stop up, hinder, or prevent such Communication.

Commissioners may cause Streets to be cleansed.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time to cause all and every the Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, or such of them as they the said Commissioners shall think fit, to be well and properly scraped, swept, and cleansed, at such Times and in such Manner as they the said Commissioners shall think proper and expedient, and to cause all the Dirt, Dust, Ashes, Rubbish, Dung, Filth, and Soil, Snow and Ice, found in any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, to be carried away therefrom, and deposited in such Place or Places as they shall direct or appoint; and the Dirt, Dust, Ashes, Rubbish, Dung, Filth, and Soil so deposited is hereby declared to be the Property of the said Commissioners, and shall or may be sold or otherwise disposed of by them in such Manner as they shall think proper: Provided always, that when and so often as any Dirt, Dust, Ashes, Rubbish, Dung, Filth, or Soil, Snow or Ice, shall be swept up and collected together, or otherwise deposited or placed in any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, by the Person or Persons to be employed by or contracting with the said Commissioners for the Purposes aforesaid, the same shall forthwith, or within Six Hours thereafter, be removed and carried away by him or them; and in default thereof the Person or Persons whose Duty it may be to remove and carry away the same shall forfeit and pay any Sum not exceeding Five Shillings for every Hour the said Dirt, Dust, Ashes, Rubbish, Dung, Filth, or Soil, Snow or Ice, shall be suffered to remain in any such Street, Road, Square, Crescent, Lane, or other public Passage or Place, after the same ought to have been removed as aforesaid.

Dirt to be removed by none but Scavengers.

LXII. And be it further enacted, That no Person or Persons shall take or carry away any Dirt, Dust, Ashes, Rubbish, Dung, Filth, or Soil (except Rubbish or Dirt occasioned by building) out of or from any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, other than the Person or Persons so to be employed by or contracting with the said Commissioners, upon pain of forfeiting any Sum not exceeding Forty Shillings for every such Offence: Provided nevertheless, that nothing in this Act contained shall extend to prevent or hinder the Owner or Owners of any such Dirt, Dust, Ashes, Rubbish, Dung, Filth, or Soil from carrying away or disposing of the same for his, her, or their own Use or Benefit.

Penalty on Inhabitants suffering their Ashes, &c. to become a Nuisance.

LXIII. Provided always, and be it further enacted, That if any Person or Persons keeping any Dirt, Dust, Manure Heap, Dung, Offal, Rubbish, Ashes, or other Filth which shall have arisen or been made within his, her, or their respective Houses, Buildings, Yards, or Premises, shall suffer the same to remain there so as to

become a Nuisance, Annoyance, or in any way offensive to any of the Inhabitants of any Place within the Limits of this Act, and shall not remove and take or carry away the same within Twenty-four Hours after Notice in Writing shall have been given to him, her, or them, signed by the Surveyor or Surveyors or Clerk of the said Commissioners, to remove the same, and which they are hereby authorized to do on Complaint being made to the said Commissioners of such Nuisance or Annoyance, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Shillings for every Hour that such Nuisance or Annoyance shall remain after the Time so limited as aforesaid; and it shall be lawful for the Surveyor, or any Workman, or other Person or Persons employed by the said Commissioners, at any Time after the Expiration of the said Twenty-four Hours, to remove the Matter or Filth occasioning such Nuisance or Annoyance, and to sell and dispose of the same, rendering to the Owner the Overplus (if any), after deducting the Expence of such Removal and Sale.

LXIV. And be it further enacted, That all and every Occupiers and Occupier of Houses, Buildings, Warehouses, Shops, Stables, Yards, Gardens, or Tenements of what Nature or Kind soever, which now are or hereafter shall be situate within the Limits of this Act, before, behind, or at the Side of which any Footway or Pavement shall or may be or have been made or laid down under the Authority of the said recited Acts or either of them, or this Act, shall cause such Footway or Pavement to be well and effectually swept and cleansed, with Water or otherwise, upon Two several Days in every Week, that is to say, upon *Wednesday* and *Saturday* weekly, between the Hours of Six and Nine of the Clock in the Morning of those Days respectively, or oftener if the said Commissioners shall, by Notice to be left at the usual Residence of any such Occupier, require the same to be done; and such respective Occupiers shall also cause the Water, Dirt, and Soil which may arise or be produced 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 other Person or Persons to be employed in cleansing the Streets, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act; and in default thereof every such Occupier shall for every Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Inhabitants to sweep the Pavement opposite their own Houses Twice a Week.

LXV. And be it further enacted, That every Owner or Occupier of any House, Tenement, Warehouse, Shop, Shed, Coach-house, Stable, Chapel, Meeting House, or other public or private Building now or hereafter to be situate in any of the Streets and Places within the Limits of this Act, during the Continuance of Frost, or after or during the Fall of Snow, from Time to Time and at all Times hereafter, shall Once in every Day, before the Hour of Ten of the Clock in the Forenoon of each Day, sweep and cleanse, or cause to be swept and cleansed, the Footway all along the front Side and back Walls of their respective Houses, Tenements, Warehouses, Shops, Sheds, Coach-

Footways to be swept daily during Frost and Snow.

Coach-houses, Stables, Chapels, Meeting Houses, or other public or private Buildings; and every Owner or Occupier who shall neglect so to do shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be levied, recovered, and applied in such and the same Manner in which other Penalties are by this Act hereinafter directed to be recovered and applied; and the Owner or Owners of any House or other Tenement within the Limits of this Act, which may be let furnished or in divided Apartments, shall be deemed and taken, for the Purposes of this Provision, to be the Occupier or Occupiers of every such House or other Tenement respectively.

Power to  
water the  
Streets, &c.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause the whole or any or such Part or Parts of the Roads, Streets, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, as they shall, in their Discretion, think proper, to be watered, in such Manner, at such Times, and during such Seasons of the Year as they shall think proper; and to cause such Number of Wells and Pumps to be dug, sunk, and made in any of the said Roads, Streets, Squares, Crescents, Lanes, and other public Passages and Places, as they shall think necessary, and from Time to Time to alter or repair the same, as they shall see Occasion; provided that no such Well or Pump shall be dug, sunk, or made so as to injure any House or other Building in, or any Vault or Cellar made under, any of the said Roads, Streets, Squares, Crescents, Lanes, or other public Passages or Places.

Power to  
light the  
Streets, &c.

LXVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to cause all and every the Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid, or formed within the Limits of this Act, to be well and effectually lighted with Oil or Gas or otherwise, at such Seasons and Times as the said Commissioners shall think proper; and for that Purpose the said Commissioners are hereby also empowered, if they shall think it expedient so to do, to purchase or rent from any Person willing to sell or let the same any Buildings, Erections, or Lands within the Limits of this Act, or near or adjoining thereto, not exceeding Two Statute Acres, for the Purpose of erecting and making suitable Buildings and Apparatus therein and thereon for the manufacturing of Gas, and also to break up the Soil and Pavement of any of the Footways or Carriageways of any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, and to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through, and under all, any, or either of the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters, and Pipes, as they shall judge necessary, to be affixed or set up into, upon, or against any of the Walls or Palisadoes of any of the Houses or Buildings, or any other Walls or Fences within the same, or in or upon any of the Carriageways or Footways which  
already



already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, in such Situations, and at such Distances from each other, and in such Manner as the said Commissioners shall think proper, and to cause so many Glass or other Lamps, with such Sorts of Burners, Reflectors, or other Apparatus, and of such Dimensions, Constructions, and Qualities, as the said Commissioners shall judge proper, to be provided and affixed upon or to such Irons, Posts, Pillars, or Pilasters, or any of them, and to cause the same Irons, Posts, Pillars, or Pilasters, and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced when and so often as they shall think proper, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings and Nights, and at such Hours of the Evening and Night, and to be kept burning for so many Hours, as shall be thought expedient by the said Commissioners; and from and after the laying or fixing such Mains or Pipes, Posts, Pillars, Pilasters, Irons, and Lamps, the same and every of them shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being.

LXVIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, to carry, lay, or fix, or continue, any Pipe or Pipes or other Thing for the Conveyance of the said Gas or Inflammable Air into, through, or against any Dwelling House or private Building, or in, over, or upon any private Lands, Hereditaments, or Premises, without the Consent of the Owner and Occupier thereof respectively.

Gas Pipes, &c. not to be laid upon private Premises without Consent.

LXIX. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, or any of them, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting such Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, to let out or grant to any Person or Persons whomsoever who shall be willing to take the same any Light or Lights, Argand, Cockspur, Batwing, or any other Kind of Burner or Burners, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper.

Commissioners empowered to let out Gas Lights.

LXX. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise agree to take or shall use or enjoy the Benefit of the said Gas in their

Recovery of Rent for Lights.

[*Local.*]

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private

private Dwellings, Shops, Inns, Taverns, or other Buildings, or Manufactories, shall refuse or neglect, for the Space of Five Days after Demand, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners, or their Clerk or Clerks, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Kent*, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen, together with Costs, to be ascertained and settled by such Justice of the Peace, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted.

Commissioners to repair Damage done to Walls by fixing Lamp Irons.

Pavements, &c. to be made good.

LXXI. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall, by the affixing, setting up, taking down, altering, or removing any Lamp or Lamp Iron or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act: Provided also, that in case the said Commissioners shall enter into any Contract with any Company, or any Body Politic or Corporate, or any other Person or Persons, for the lighting the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places with Gas, the said Company, or Body Politic or Corporate, or other Person or Persons so contracting to light as aforesaid, shall, in the supplying of such Gas, or in the laying or repairing of any Pipes, Plugs, or other Works or Apparatus, do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and shall in the meantime sufficiently fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages; and if, after any such Pavements or Roads shall have been so repaired and made good, the same shall within Six Calendar Months thereafter give way, or require relaying or repairing, in consequence of such Pavements or Roads having been broken up for the Purpose of laying down such Pipes, Plugs, or other Apparatus, the same shall be forthwith done and performed by and at the Expence of the said Company, or Body Politic or Corporate, or other Person or Persons as aforesaid: Provided also, that if there shall be any wilful or negligent Delay in the said Company, or Body Politic or Corporate, or any of their Agents or Servants, or such other Person or Persons, in filling in such Ground, or removing Rubbish, or making good any such Pavements or Roads, or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, or other Person or Persons as aforesaid,

said, to fill in such Ground, and remove such Rubbish, and repair and make good the Pavement of any such Street, Road, Square, Crescent, Lane, or other public Passage or Place so broken up, and properly to fence or guard any such Trench or open Ground, and to place and maintain such Light or Lights during the Night as to him or them shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company, or Body Politic or Corporate, or their Treasurer or Treasurers, or by such other Person or Persons as aforesaid; and in default of Payment thereof for Fourteen Days next after Demand made for the Payment thereof, (Proof of such Demand being made by the Oath or Affirmation of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace, such Justice or Justices of the Peace not being interested in the Matter in question,) all such reasonable Costs, together with any Sum not exceeding Ten Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or Body Politic or Corporate, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby required to grant; and such Penalties, Costs, and Charges shall be paid to the said Commissioners or their Treasurer or Treasurers, and be applied to the Purposes of this Act.

LXXII. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, into or through or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance of and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground into, through, or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid, then and in every such Case the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons shall, within Five Days after the Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main of the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid; and in default thereof it shall and may be lawful to and for such Owner, Occupier,

Pipes to be removed from Dwelling Houses, &c. on Notice.

or

or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require; and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid, on Complaint before a Justice of the Peace, in the same Manner as any Penalty is recoverable under this Act, if the same be not paid on Demand by such Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid.

Service Pipes to be kept fully charged with Gas.

LXXIII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Gas Pipes to be laid at least Four Feet from Water Pipes, and in Manner herein mentioned.

LXXIV. And be it further enacted, That all and every the Pipes and other Conduits to be laid or used by the said Commissioners, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Road, Square, Crescent, Lane, or other public Passage or Place, or any House, Manufactory, or other Building or Premises therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Road, Square, Crescent, Lane, or other public Passage or Place which already has been or hereafter shall be made, laid out, or formed within the Limits of this Act, shall be so laid at the greatest possible Distance, and whenever the Width of the Carriageway in such Street, Road, Square, Crescent, Lane, Passage, or Place will allow thereof, at the Distance of Four Feet at the least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and in laying down the said Gas Pipes the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Road, Square, Crescent, Lane, Passage, or Place, or any House, Manufactory, or other Building or Premises, which already has been or hereafter shall be made, laid, formed, erected, or built within the Limits of this Act, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay  
each

each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep airtight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Five Pounds.

LXXV. And be it further enacted, That whenever any Gas shall be found to escape from any Pipes that shall be laid down or set up by the said Commissioners, or by any Company or Companies, Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Road, Square, Crescent, Lane, Passage, or Place, or any House, Manufactory, or other Building or Premises, which already has or have been or hereafter shall be made, laid out, or formed, erected or built within the Limits of this Act, the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid shall, immediately after Notice of any such Escape of Gas given to them or him by Parol or in Writing from any Inhabitant or Inhabitants within the Limits of this Act, or any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, Company or Companies, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of some credible Witness or Witnesses, by Information to be laid before some Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Company or Companies, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid.

For preventing the Escape of Gas.

LXXVI. And be it further enacted, That whenever the Water of any Company of Proprietors or other Owners or Proprietors of any Waterworks within the Limits of this Act, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, supplying, or using any Gas used, burnt, or consumed

For preventing Contamination of Water.

[Local.]

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within

within the Limits of this Act, for lighting any Street, Road, Square, Crescent, Lane, Passage, or Place, or any House, Manufactory, or other Building or Premises, which already has or have been or hereafter shall be made, laid out, or formed, erected or built therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks, Well, or Pond, or the Party or Person using any such Water and suing for such Penalty; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, or Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors or by the Treasurer or by the Manager or Chief Clerk for the Time being of or for the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall have been given as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks, or to the Party or Person interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners or Party or Person, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks; or by and in the Name of any One or

more of the Directors of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid, against the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer or to One of the Directors for the Time being of the Company of Proprietors or other the Owners or Proprietors of any Waterworks, for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

LXXVII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Road, Square, Crescent, Lane, Passage, or Place, or any House, Manufactory, or other Building or Premises, which already has or have been or hereafter shall be made, laid out, or formed, erected or built within the Limits of this Act; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company or other the Owners or Proprietors of any Waterworks to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Company or Companies of Proprietors,

For ascertaining if Water be contaminated.

Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company or other the Owners or Proprietors of the Waterworks shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice or Justices of the Peace as aforesaid.

Penalty on conveying Washings into any River, Stream, &c.

LXXVIII. Provided always, and be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whosoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Road, Square, Crescent, Lane, Passage, or Place, or any House, Manufactory, or other Building or Premises, which already has or have been or hereafter shall be made, laid out, or formed, erected or built within the Limits of this Act, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings, or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works, into any River, Brook, or Running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into, over, or upon any Oyster Bed or Oyster Laying, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or Running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or to any such Oyster Bed or Oyster Laying, or the Water flowing over or supplying with Water the same, whereby the said Water or any Part thereof, or any such Oyster Bed or Oyster Laying, shall or may be soiled, fouled, corrupted, or injured, then and in every such Case the said Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty and Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Complaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for within Three Calendar Months after the Time when such Annoyance, Act, or Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be recovered), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances,



Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or Running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into, over, or upon any such Oyster Bed or Oyster Laying, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners or any of them, or to the Company or Companies of Proprietors or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids or Things shall be so drained, conducted, or conveyed, or any such other Annoyance, Act, or Thing caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act done or committed; and provided always, that nothing herein contained shall be deemed or construed to prevent any Owner or Owners, Proprietor or Proprietors of any Oyster Beds or Oyster Layings, from commencing and prosecuting any Action or Suit, at Law or in Equity, in any of His Majesty's Courts at *Westminster*, against the said Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for or in respect of any Annoyance, Injury, or Damage sustained by any such Acts as aforesaid done or committed.

LXXIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or to any Body Politic or Corporate, or Company, or Person or Persons so contracting as aforesaid, or shall wilfully or maliciously waste any of the Inflammable Air or Gas supplied by them, any or either of them, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of some credible Witness before some Justice or Justices of the Peace, shall forfeit and pay to the said Commissioners, Body Politic or Corporate, or Company, or other Person or Persons as aforesaid, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascer-

Penalty on  
damaging  
Pipes, &c.

[*Local.*]

34 B

tained

tained by such Justice or Justices; and such Penalty and Damages, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels; or such Offender shall and may be committed to the Common Gaol or House of Correction, there to remain for any Time not exceeding Three Calendar Months.

Penalty on  
wilfully  
breaking  
Lamps, &c.

LXXX. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, displace, or otherwise destroy or damage any Lamp which shall be erected or set up by Order of the said Commissioners, or which may be erected by any Company, or Body Politic or Corporate, or other Person or Persons, at his or their own Expence, for the Purpose of lighting any of the Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp, it shall be lawful for any Justice of the Peace, and he is hereby required, upon Complaint to him made by some credible Witness or Witnesses of any such Offence having been committed, to summon the Party or Parties complained of for doing such Damage; and in case of his, her, or their making default to appear to such Summons, (Oath or Affirmation having been made that the Party or Parties complained against had been served with such Summons, or that the same had been left at his, her, or their usual Place of Abode, if known, or that the Party or Parties complained against had absconded or could not be found,) it shall be lawful for any Justice of the Peace, and he is hereby required, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed, to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace; and such Justice shall and he is hereby required to proceed to examine upon Oath or Affirmation any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their own Confession, or on such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such respective Offence forfeit and pay any Sum not exceeding Five Pounds, and shall, in addition to the Payment of such Penalty, make full Satisfaction (to be ascertained by such Justice) to the said Commissioners or to the Party injured for the Damage so done; and in case such Offender or Offenders shall not upon such Conviction forthwith pay such Penalty, and make such Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

LXXXI. And

LXXXI. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Lamp or Lamps which shall be hung or put up under the Authority of this Act, or by any Person or Persons at his, her, or their own Expence, or any of the Tubes or Gas Pipes connected with such Lamps, or any Post, Iron, Cover, or other Furniture, Matter, or Thing of or belonging to any such Lamp, and shall not immediately on Demand made by or on behalf of the said Commissioners, or by such Company or Companies of Proprietors, or other Person or Persons as aforesaid, or by the Owner or Owners of such Lamp or Lamps, make Satisfaction for the Damage which shall be thereby done, then and in every such Case it shall be lawful for any Justice or Justices of the Peace, and he or they is and are hereby required, upon Complaint to him or them made by or on behalf of the said Commissioners, or by such Company or Companies of Proprietors, or other Person or Persons, or Owner or Owners as aforesaid, to summon before him or them the Person or Persons against whom such Complaint shall be made, and upon his, her, or their appearing, or making default to appear, (Oath or Affirmation being made that the Party or Parties complained against had been served with such Summons, or that the same had been left at his, her, or their usual Place of Abode, if known, or that the Party or Parties complained against had absconded or could not be found,) such Justice or Justices shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party or Parties, or by the Oath or Affirmation of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done as aforesaid, as to such Justice or Justices shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall be lawful for such Justice or Justices, and he and they is and are hereby required, to cause the same to be levied and recovered in such and the same Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be levied and recovered.

Satisfaction to be made for accidental Damage to Lamps, &c.

LXXXII. 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 when and as they shall think it expedient, to employ or appoint such and so many Watchmen and Supervisors of the Watch as they shall think necessary or expedient to be employed for the Security and good Order of the Streets, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, or such Part or Parts thereof as the said Commissioners shall think proper, and to make such Allowances to the said Watchmen and Supervisors of the Watch for their Attendance, and to give such Orders and Directions concerning the same, and the Manner in which the said Watchmen shall be armed and stationed in the said Streets, Squares, Crescents, Lanes, and other public Passages and Places, how often and at what Times they shall go their Rounds, how long and during what Hours or Times they shall continue upon Duty, and such other Orders, Directions, and Regulations for the

Commissioners may appoint Watchmen.

due

due and regular Performance of the said respective Services as they the said Commissioners shall deem reasonable or expedient, and from Time to Time to remove any of the said Watchmen or Supervisors of the Watch, and appoint others in their Stead, and also to erect and provide proper Watch-houses, Watchboxes, and Places for the Reception of such Watchmen and Supervisors of the Watch as aforesaid, and for the safe Custody of such Persons as shall or may be apprehended by them whilst on Duty.

Power and  
Duty of the  
Watchmen.

LXXXIII. And be it further enacted, That the said Watchmen and Supervisors of the Watch shall, during the Time they shall be stationed in the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, and at all Times coming or going to or from their Duty or Stations, use their best Endeavours to assist all and every Persons and Person passing along the said Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places, who shall be assaulted, attacked, or ill-treated, and to prevent all Mischiefs by Fire, and all Murders, Burglaries, Robberies, and all other Felonies, Outrages, Disorders, and Misdemeanors, as well in the said Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, as in all Houses and other Buildings or Grounds contiguous thereto; and for that Purpose it shall be lawful for the said Watchmen and Supervisors, or any of them, to apprehend and secure all Malefactors, Rogues, Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes, and Thieves, who shall be found loitering, wandering, or misbehaving themselves, or committing any Disorder or Offence in the said Streets, Roads, Squares, Lanes, or other public Passages or Places, or any of them, or who shall refuse to give a good Account of themselves, or whom the said Watchmen or Supervisors shall have Reason to suspect of any evil Intentions or Designs, and to search every such Person, or the Loading of any Horse, Ass, Mule, Cart, or other Carriage which they shall suspect to have any stolen Goods thereon or therein, and shall and may confine and secure every such Person, and every such Horse, Ass, Mule, Cart, or other Carriage, until such Person can be conveniently conveyed before a Justice of the Peace, to be examined and dealt with according to Law; and all Persons are hereby authorized and required to aid and assist any such Watchman or Supervisor in securing any such Offender or Person as aforesaid; and in case any such Watchman or Supervisor shall neglect to keep Watch in manner or during the Time which shall be so appointed by the said Commissioners, or shall depart from or leave his Station, (except for any of the Purposes aforesaid,) or shall otherwise neglect his Duty or wilfully misbehave himself, or shall at any other Time than when he shall be on actual Duty wear or make use of, or at any Time lend or suffer to be worn or made use of, (except to or by the Person who shall by Permission of the said Commissioners watch in his Stead,) the Clothes, Arms, or Accoutrements intrusted to him as such Watchman or Supervisor, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and if any such Watchman or Supervisor shall unnecessarily hurt, damage, spoil, or destroy, or negligently lose any of his Clothes, Arms, or Accoutrements, he shall pay

to the Treasurer to the said Commissioners all such Costs and Charges as shall be occasioned thereby.

LXXXIV. And be it further enacted, That all Watchmen shall be sworn in as Constables before any Justice or Justices of the Peace for the said County of *Kent*, and act as such while in execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law.

Watchmen &c. to be sworn in, and to have the Power of Constables.

LXXXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to give such Rewards or Allowances in Money to any Watchmen or Supervisors of the Watch who may be appointed as aforesaid, and who may distinguish themselves by their Vigilance or Courage in the Apprehension of Offenders, or otherwise in the Discharge of their Duty, or who may be disabled or wounded in the Execution of their Office or Duty, as they the said Commissioners shall think reasonable.

Commissioners may reward Watchmen.

LXXXVI. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling or dealing in spirituous or other Liquors, Beer, or Cider, shall entertain or harbour in his or her House, Outhouse, or Shop, any Watchman or Supervisor of the Watch to be appointed under this Act, during any of the Hours or Times appointed for such Watchman or Supervisor to be on Duty, every such Victualler, Alehouse Keeper, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for harbouring Watchmen during Hours of Duty.

LXXXVII. 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 to enter into any Contract or Contracts for the making, doing, completing, and finishing all or any Part of the Work or Business to be done in or about the paving, stoning, flagging, repairing, amending, altering, widening, fencing, improving, cleansing, watching, lighting, and watering the several Streets, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, or any of them, and for doing and performing all or any other Works, Matters, and Things necessary for completing the Works by this Act authorized to be done, and for furnishing Materials, Implements, Labour, and other necessary Matters and Things for the Performance thereof, and for any other of the Purposes of this Act, with any fit or proper Person or Persons who shall be willing to undertake or engage in the same; and every such Contract shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times within which the Work shall be completed, or the Materials, Implements, Labour, or other Things supplied or bestowed, and the

Commissioners may contract for Performance of Works.

[Local.]

34 C

Penalties

Penalties to be suffered in case of Nonperformance thereof, and shall be signed by Seven or more of the Commissioners, and the Person or Persons contracting or agreeing to perform such Works, or supply or bestow such Materials, Implements, or Labour respectively; provided that no Contract or Contracts shall be deemed good or valid unless the same shall be made at a Meeting of the Commissioners, at which Seven at least shall be present, and Seven Days Notice at the least shall have been given in One or more public Newspaper or Newspapers published in the County of *Kent*, or in the Manner herein-before directed in Cases wherein Notice is required to be given, expressing the Intention of the Commissioners to enter into such Contract, in order that all Persons willing to engage in or undertake the same may make Proposals to the Commissioners at a certain Time and Place in the said Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract.

All Works exceeding the Sums of 20<sup>l</sup>. to be performed by Contract.

LXXXVIII. Provided always, and be it further enacted, That in all Cases where the estimated or probable Cost of any Work to be done in the Execution of the Purposes of this Act shall exceed the Sum of Twenty Pounds, the said Commissioners shall and they are hereby required to cause the same to be performed by Contract, under the Regulations and in the Manner lastly herein-before mentioned.

Commissioners may employ Surveyors and sue for Breach of Contracts.

LXXXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause all and every or any of 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 in such Contract or Contracts, then the said Commissioners may cause an Action to be brought in any of His Majesty's Courts of Record at *Westminster* against any such Contractor or Contractors for any Penalty contained in or stipulated to be paid on Breach or Nonperformance of his or their Contract or Contracts, and on Proof of the signing of the said Contracts, and Breach or 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 Amount of the Penalty contained in any such Contracts, together with full Costs of Suit, which, when recovered, shall be applied for the Purposes of this Act.

Commissioners may compound with Persons for Breach of Contracts.

XC. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to compound and agree with any Person or Persons against whom the Commissioners shall bring or cause to be brought any Action or Suit for the Recovery of any Penalty incurred in or by the Breach or Nonperformance of any Contract made or entered

into under the Authority of the said recited Acts or either of them, or which shall hereafter be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded for and agreed to be taken be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby.

XCI. And be it further enacted, That nothing in this Act, or in any Deed, Contract, or other Instrument hereby authorized to be entered into or made by the said Commissioners for executing this Act, or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed, Contract, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners or any of them, or their or any of their own proper Lands or Tenements, Goods or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Deed, Contract, or other Instrument contained on the Part of the same Commissioners or any of them; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or in Equity against the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed, Contract, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners shall bear, expend, or be put unto, or which shall be occasioned to them, for or by reason or means of any such Deed, Contract, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall be respectively paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act.

Commissioners not to be personally Responsible in Contracts, &c.

XCII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and so often as they shall think proper, to nominate and appoint One or more Committee or Committees, (every such Committee to consist of Three or more Persons,) out of the said Commissioners, to investigate, transact, and manage such particular Matters or Departments of Business as shall be referred to them; and such Committee or Committees, although not assembled at a General or Special Meeting of the Commissioners, shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever which the said Commissioners shall from Time to Time entrust to the Management of such Committee or Committees; and such Committee or Committees shall meet at such Times and in such Places within the Limits of this Act as they shall think proper; and all Powers which shall be vested in the said Committee or Committees shall be exercised by the major Part present at their respective Meetings; and such Committees shall from Time to Time make Reports of their Proceedings to the said Commissioners;

Committees may be appointed.

sioners; and the Acts of the said Committees shall not be valid unless the same shall be adopted, ratified, and confirmed by the said Commissioners at some one or more of their Meetings to be held under or by virtue of this Act.

Power to purchase or hire Lands, &c. for the Purposes of this Act.

XCIII. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered from Time to Time to contract and agree for the Purchase of any Houses, Buildings, Lands, and Grounds within the Limits of this Act, for the Purpose of pulling down and laying open the same respectively, in order to widen, alter, or improve any of the Streets, Roads, Squares, Crescents, Lanes, or other public Passages or Places which already have been or hereafter shall or may be made, laid out, or formed within the Limits of this Act, and to contract and agree either for the Purchase or Hire of any Piece or Pieces of Ground within the Limits of this Act, for the Purpose of depositing Materials thereon for paving, gravelling, or repairing such Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places, or for breaking Stone for the same, or for the Reception, Deposit, and safe Custody of any Article seized, distrained, or removed by virtue of this Act, or any Horses, Asses, Beasts, Sheep, Swine, Cattle, or other Animals which by virtue or under the Authority of this Act may be impounded, or for the Purpose of erecting thereon an Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, or a Storehouse or Storehouses for keeping their Implements and Materials, or a Watch-house or Watch-houses, Pound or Pounds, or any other Building or Buildings to be made use of for any of the Purposes of this Act, as shall appear to them to be necessary, in such Place or Places as they may think proper, or to erect and build, or purchase, take, or hire any House or Houses, Room or Rooms, Building or Buildings, as they shall think fit, in any convenient Place or Places within the Limits of this Act, for the Purpose of making use thereof as such Office or Offices, Storehouse or Storehouses, Watch-house or Watch-houses, Pound or Pounds as aforesaid, or otherwise for the Purposes of this Act, and to pay out of the Money to arise by virtue of this Act such Rent or Rents as they the said Commissioners shall from Time to Time agree upon; and also to accept and take any Lease or Leases of any such Piece or Pieces of Land or Ground, House or Houses, Room or Rooms, Building or Buildings as aforesaid, to themselves or any of them, or any Person or Persons in Trust for them, for any Term or Number of Years, at and under such Rent or Rents as they shall think fit, and to pay such Rent or Rents out of the Monies aforesaid; and likewise to purchase or hire such Horses, Carts, Teams, Carriages, Barges, and other Things as may be necessary for the Purpose of carting or conveying such Materials, or for cleansing or watering such Streets, Roads, Squares, Crescents, Lanes, and other public Passages and Places as aforesaid, or any other of the Purposes of this Act; and also to hire such Persons, buy such Materials, and make such Regulations for the better Execution of any such Purposes, as they the said Commissioners shall, in their Discretion, think proper.

XCIV. And



XCIV. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Houses and other Buildings which shall be purchased under the Powers and for the Purposes of this Act, and also all Projections and Encroachments which the said Commissioners are by this Act authorized to remove or cause to be removed, to be taken down, and the Sites thereof, or of any Part thereof, and any other Land to be purchased under the Powers and for the Purposes of this Act, to be added to or laid into the Roads, Streets, Squares, Crescents, Lanes, or other public Passages or Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, or to be formed and made into new Streets, Roads, Squares, Crescents, Lanes, or other Passages or Places, in such Manner as the said Commissioners shall think proper; and the Land so added to or laid into the respective Roads, Streets, Squares, Crescents, Lanes, and other public Passages or Places respectively, shall for ever afterwards be deemed Part thereof; and the same, and also such as shall be formed into any new Street, Road, Square, Crescent, Lane, Passage, or Place as aforesaid, shall be used as common public Highways, Paths, and Passages.

Commissioners may cause the Sites of Buildings, &c. to be appropriated to the Purposes of this Act.

XCV. And whereas, in the Event of any Houses, Land, or Hereditaments being purchased and used for the Purposes of this Act, there may be Deficiencies in the Assessments for Land Tax in the Parish in which the same may be respectively situate; be it therefore enacted, That for preventing the same the said Commissioners shall, after they shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay or make good to or in aid of such Parish, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within such Parish by reason or means of taking or using, for the Purposes of this Act, any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments.

Provision for Deficiencies in Land Tax.

XCVI. And for raising Money to defray the Expences attending the obtaining of this Act, and of carrying into execution the several Purposes thereof, be it further enacted, That the said Commissioners shall, and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make One or more Rate or Rates, Assessment or Assessments, in every Year, upon the Tenants or Occupiers of all Houses, Dwelling Houses, Shops, Mills, Manufactories, Workhouses, Workshops, Warehouses, Cellars, Wharfs, Vaults, Coach-houses, Stables, Brewhouses, Malhouses, and of all other Buildings and Erections whatsoever which already have been erected or built or which shall hereafter be erected or built within

Commissioners empowered to make Rates.

the Limits of this Act, and the several Yards, Gardens, and Appurtenances thereto respectively belonging and adjoining, within the said Limits, and also of all Gardens and Tenements which now are or hereafter shall be situate within the said Limits, according to the full annual Value of the same respectively; provided that such Rate or Rates, Assessment or Assessments, do not in any One Year exceed the Sum of Two Shillings and Sixpence in the Pound on the full annual Value of the same respectively; and all and every such Rate or Rates, Assessment or Assessments, to be made and levied under the Powers of this Act, shall be subject to Appeal in manner herein-after mentioned; and the Money or Monies so respectively rated or assessed upon the several Persons charged therewith shall be paid by them respectively to the Collector or Collectors or other Person or Persons appointed by the said Commissioners to collect and receive the same, in such Manner and at such Times as the said Commissioners shall direct.

Exemptions  
from Rates.

XCVII. Provided always, and be it further enacted, That nothing herein contained shall be deemed to authorize the making any Rates or Assessments on any Land, Houses, Warehouses, Erections, Buildings, or Tenements whatever, which may now or hereafter belong to and be occupied for the Service of His Majesty, or for or in respect of any Arable, Meadow, or Pasture Land or Ground within the Limits of this Act, during such Time as the same shall be held, used, and occupied as Arable, Meadow, or Pasture Land or Ground, and not otherwise, but that all such Lands, Houses, Warehouses, Erections, Buildings, and Tenements, with their Appurtenances, shall be therefrom exempt.

Commissioners may alter and amend Rates.

XCVIII. And be it further enacted, That if it shall appear to the said Commissioners at any Time or Times after any such Rate or Assessment shall have been made by virtue of this Act, that the Name or Names of any Person or Persons who ought to have been included therein hath or have been omitted to be inserted therein, or that the Name or Names of any Person or Persons hath or have been inserted in such Rate or Assessment instead of some Person or Persons who ought to have been rated or assessed, or that any Person or Persons is or are over-rated or under-rated therein, or that any Alteration or Amendment of such Rate or Assessment is or shall be necessary, then and in every such Case it shall be lawful for the said Commissioners from Time to Time to add or insert, or cause to be added or inserted, to or in such Rate or Assessment the Name or Names of the Person or Persons so omitted, with the Sum or Sums for or in respect of which he, she, or they ought to have been rated or assessed, and the Amount of such Assessment in respect thereof, and also to insert and substitute, or cause to be inserted and substituted, the Name or Names of such Person or Persons as may be the Occupier or Occupiers of any House, Tenement, or Hereditaments, instead of the Name or Names of the Person or Persons incorrectly inserted in such Rate or Assessment as the Occupier or Occupiers thereof, and to lessen or raise the Rate or Rates, Assessment or Assessments (if any) of the Person or Persons over-rated or under-rated, and otherwise from Time to Time to alter and amend the said Rates or Assessments in such Manner and so often as the said Commissioners

missioners shall think proper; and the Money charged to any Person or Persons in consequence thereof shall and may be demanded, collected, received, and recovered in the same Manner as if the Name or Names of such Person or Persons, or other Alteration or Amendment, had been inserted and made in such Rate or Assessment at the Time of or previous to the original making or signing thereof.

XCIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Person or Persons by them authorized for that Purpose, from Time to Time to inspect all or any Rate or Rates made or to be made for raising Money for the Relief and Maintenance of the Poor of the said Parish of *Minster*, and to take Copies thereof or Extracts therefrom, which the Overseer or Overseers of the Poor for the Time being, or other Person or Persons having the Custody or Possession of such Rate or Rates respectively, is or are hereby required to permit and suffer to be made and taken without Fee or Reward; and in case any Overseer or Overseers, or other Person or Persons having the Custody or Possession of any such Rate or Rates as aforesaid, shall neglect or refuse to permit and suffer any of the said Commissioners or other Person or Persons as aforesaid to inspect all and every or any such Rate or Rates, or to make Copies thereof or Extracts therefrom or any of them, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Commis-  
sioners may  
inspect Poor  
Rates.

C. And be it further enacted, That in all Cases in which any House, Warehouse, or other Building or Tenement now or hereafter to be erected, built, or situate within the Limits of this Act, shall be let out either wholly or in part in Lodgings or in separate Apartments, whether furnished or unfurnished, then and in every such Case it shall be lawful for the said Commissioners in or by any such Rate or Rates, Assessment or Assessments so to be made as aforesaid, at their Discretion, to rate and assess the Landlord or Landlords, Owner or Owners of every or any such House, Warehouse, or other Building or Tenement, for the Purposes of this Act, for or in respect of such House, Warehouse, or other Building or Tenement, instead of the actual Occupier or Occupiers thereof; and upon Nonpayment of the Sum or Sums so to be assessed, the same may and shall be levied upon and the Payment thereof be enforced against the Landlord or Landlords, Owner or Owners so to be assessed, and his and their Goods and Chattels, in like Manner as any Rate made for the Purposes of this Act may be recovered and levied and Payment thereof enforced, under the Authority of this Act, upon and against any actual Occupier on whom the same is charged.

Power to rate  
the Owners  
of Houses in  
certain Cases.

CI. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Warehouse, or other Building, Tenement, or Hereditament in respect whereof he, she, or they shall have been rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay a proportionate Part of such Rate or Rates, Assessment or Assessments, for the Time that he, she, or they shall have occupied the same, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases

Persons re-  
moving to  
pay a pro-  
portionable  
Part of the  
Rates.

Cases where any Person or Persons shall come into or occupy any such House, Warehouse, or other Building, Tenement, or Hereditament, out of or from which any other Person or Persons who shall have been rated or assessed for or in respect of the same shall have removed, or which at the Time of making any such Rate or Assessment shall have been empty or unoccupied, such Person or Persons so coming into or occupying the same shall, for and in respect of his, her, or their Occupation thereof, be liable to a proportionate Part of such Rate or Assessment for the Time that he, she, or they shall occupy the same, in the same Manner as if he, she, or they had been originally rated or assessed for the same; which said respective Proportions, in case of any Dispute respecting the same, shall be settled and determined by the said Commissioners in such Manner as they shall deem reasonable and just.

Goods of Occupiers may be distrained for Rates to the Amount of the Rent actually due.

Occupiers paying Rates empowered to deduct the Amount out of their Rent.

Persons receiving Rents in certain Cases rated as Owners.

CII. Provided always, and be it further enacted, That the Goods and Chattels of all and every Persons and Person renting or occupying any such House, Warehouse, or other Building or Tenement, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments in respect whereof the Landlord or Landlords, Owner or Owners, is and are hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold, under any Warrant or Warrants of Distress against the Goods and Chattels of such Landlord or Landlords, Owner or Owners, for Payment of so much of the said Rates or Assessments, and of all Arrears thereof, as became due upon the said Premises during the Time of his, her, or their Occupancy only; but no such Occupier or Occupiers shall at any Time be required or subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due by or from such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners of the Premises so occupied by him, her, or them: Provided also, that each and every such Occupier who shall pay any such Rate or Rates, Assessment or Assessments, or any Arrear thereof, or upon whose Goods or Chattels the same shall be levied, shall and may from Time to Time deduct the Amount of the Sum which shall be so paid or levied from the Rent then due or at any Time thereafter to become due from him, her, or them to the Landlord or Landlords, Owner or Owners, who shall have been so rated or assessed; and the Receipt for such Payment shall be a good and sufficient Discharge to such Occupier or Occupiers for so much of the Rent payable by him, her, or them to such Landlord or Landlords, Owner or Owners, as such Occupier or Occupiers shall have paid for or in respect of such Rate or Assessment, and for the Costs of levying the same.

CIII. And be it further enacted, That every Person receiving or claiming to be entitled to the Rent of any such House, Warehouse, or other Building or Tenement, payable by the Occupier or Occupiers in the actual Possession thereof respectively, for his or her own Use, or receiving the same for the Use of any Corporation Aggregate, or of any Landlord or Lessor who shall be a Minor, under Coverture,

or

or insane, or for the Use of any Person who shall not be usually resident within the *Isle of Sheppy*, shall be deemed and taken to be the Owner of the same for the Purposes of this Act, and shall be rated or assessed as such in or by every such Rate or Assessment as aforesaid.

CIV. Provided also, and be it further enacted, That every Person who shall be rated as the Owner of any House, Warehouse, or other Building, Tenement, or Hereditament, who shall think himself, herself, or themselves aggrieved by any such Rate or Assessment, shall have such and the like Remedy by Appeal against the same as any other Person thereby rated or assessed.

Persons rated as Owners may appeal.

CV. And be it further enacted, That the Collector or Collectors of the Rates or Assessments hereby authorized to be made shall and may collect and levy the Arrears of any Rate or Assessment made by virtue of the said Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, and shall have the same Powers and Remedies for collecting and levying the same as are hereby given for collecting and levying the Rates and Assessments by this Act authorized to be made.

Arrears of Rates under former Act may be recovered.

CVI. And be it further enacted, That in case any Owner or Owners, Landlord or Landlords, Occupier or Occupiers of any House, Warehouse, Building, Tenement, or Hereditament which now is or hereafter shall be situate within the Limits of this Act, for or in respect whereof he, she, or they shall be rated or assessed or liable to pay any Rate or Assessment made or to be made by the said Commissioners for the Purposes of this Act, shall refuse or neglect to pay the Money rated or assessed upon him, her, or them respectively, or which he, she, or they may be liable to pay by virtue of this Act, and all Arrears thereof, it shall be lawful for any One of His Majesty's Justices of the Peace for the said County of *Kent*, and he is hereby authorized, directed, and required, by Writing under his Hand, on Complaint made by the said Commissioners or any One or more of them, or their Clerk, or any Collector, Officer, or other Person appointed by them, to summon all and every Persons and Person who shall have refused or neglected as aforesaid to appear at a Time and Place to be mentioned in such Summons before such Justice or before any Justice or Justices of the Peace for the said County who shall be then and there present, the Collector or Collectors of such Rate or Assessment having previously made Oath that he or they had duly demanded of the Person or Persons rated or assessed, or at or on the Premises in respect of which he, she, or they shall be rated or assessed, the said Rate or Assessment, and that the same was then in arrear and unpaid; and it shall be lawful for any Person appointed to collect and receive such Rate or Assessment, or for any Constable of the said Parish of *Minster*, or for any other Person authorized by the said Commissioners, to serve all and every such Summonses and Summons upon all and every Persons and Person refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last Place or Places of Abode, or at or on the

Recovery of Rates.

Premises for or in respect whereof the Rate or Rates, Assessment or Assessments mentioned in such Summons shall remain due and owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they shall attend, and shall not show good and sufficient Cause to such Justice or Justices as may be then and there present that he, she, or they is or are not chargeable with such Rate or Rates, Assessment or Assessments, then and in every such Case every such Person or Persons shall pay the Rate or Rates, Assessment or Assessments, in respect of which such Summons shall have been issued, and all the Costs and Charges of such Summons; and in all Cases where such Rate or Rates, Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summons or Summonses, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses, or for any other Justice of the Peace for the said County, and he is hereby authorized and empowered, (upon Oath made before him of the due Service of the said Summons or Summonses by the Person who shall have served the same, and Proof on Oath that such Rate or Rates, Assessment or Assessments, is or are actually due and owing,) to grant a Warrant under his Hand and Seal, authorizing or directing any such Person appointed to collect such Rate or Assessment, or Arrears, or any Constable or other Person as aforesaid, to levy such Rate or Rates, Assessment or Assessments, or Arrears, and the Costs and Charges of the Summons, if the same shall not have been paid before, and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing; and if within Five Days next after any Distress shall be made the said Rate or Rates, Assessment or Assessments, and Arrears, together with all the said Costs and Charges for the said Summons and Warrant, and the Charges and Expences of executing the same Warrant, and of making such Distress, and of keeping Possession of such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or the Constable or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and to be sold either on the Premises where the same shall be distrained, or elsewhere, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expences of the said Summons, Warrant, Distress, Removal, and keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising and selling the same, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him, her, or them; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured or shall be removed so that such Person appointed to collect the said Rate or Assessment as aforesaid, or such Constable or other Person, cannot distrain the same, or in case after such Distress and Appraisement or Sale as herein-before are directed, the Proceeds thereof shall

not be sufficient to pay such Rate or Rates, Assessment or Assessments, with the Arrears due thereon, and all the said Costs, Charges, and Expences as aforesaid, then or in any of the said Cases, upon Information thereof given to any Justice of the Peace for the said County, it shall be lawful to and for such Justice of the Peace, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal for the Apprehension of any such Person or Persons making default in the Payment of such Rate or Rates, Assessment or Assessments, and the Arrears thereof, or of any Part thereof, and of such Costs, Charges, and Expences, or any of them, and to commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding the Space of Six Calendar Months, unless such Rate or Rates, Assessment or Assessments, and all Arrears thereof, and all Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any Distress or Distresses or otherwise, shall be sooner paid.

CVII. And be it further enacted, That any Warrant of Distress for the Nonpayment of any such Rate or Rates, Assessment or Assessments to be made under this Act, (as also of the Arrears of any Rates or Assessments remaining due or unpaid under the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third, hereby repealed,) may include One or more Person or Persons, and shall be in the Words or to the Effect following, *mutatis mutandis*; that is to say, Warrant of Distress.

‘ Kent } To the Collector or Collectors of the Rate for paving  
 ‘ to wit. } and otherwise improving certain Parts of the Parish  
 ‘ of *Minster* in the *Isle of Sheppy* in the County of *Kent*,  
 ‘ and to all Constables and other Peace Officers of the said  
 ‘ Parish :

‘ **WHEREAS** the under or herein-after mentioned Persons, now  
 ‘ or late Inhabitants, Landlords, Tenants, or Occupiers of  
 ‘ or Parts of  
 ‘ within the Parish of *Minster* aforesaid, were and are truly rated and  
 ‘ assessed or liable to pay the Rate and Rates duly made for the Pur-  
 ‘ poses of an Act passed in the Tenth Year of the Reign of King  
 ‘ *George* the Fourth, intituled [*here insert the Title of this Act*]: And  
 ‘ whereas the said Persons have refused or neglected to pay the  
 ‘ several Sums of Money at and against their Names hereunder or  
 ‘ herein-after respectively set down for Money due from them for or  
 ‘ towards the Purposes in the said Act mentioned; and the said  
 ‘ several Sums are still remaining due, in arrear, and unpaid, as  
 ‘ appeareth upon Oath to me One of His  
 ‘ Majesty’s Justices of the Peace for the said County; and the said  
 ‘ several Persons having been summoned to appear before me to  
 ‘ answer the Premises, as also appeareth to me the said Justice upon  
 ‘ Oath, and the said several Persons so summoned, or any of them, not  
 ‘ having shewn any sufficient Cause why such Sum or Sums of Money  
 ‘ should not be paid: These are therefore, in His Majesty’s Name, to  
 ‘ will and require you, or any of you, forthwith to levy the said several  
 ‘ Sums due from the said Persons, as hereafter set at and opposite to  
 ‘ their

‘ their Names respectively, by Distress and Sale of their respective  
 ‘ Goods and Chattels, being kept for the Space of                      Days before  
 ‘ the same are sold, rendering to them respectively the Overplus (if  
 ‘ any), the reasonable Charges of such Warrants, Distress, and Keep-  
 ‘ ing being first deducted; and if no sufficient Distress can be had or  
 ‘ taken, that then you certify the same, to the end that such further  
 ‘ Proceedings may be had therein as to the Law doth appertain: And  
 ‘ I do hereby strictly charge and command all and singular the Con-  
 ‘ stables and others of His Majesty’s Peace Officers for the said  
 ‘ Parish to be aiding and assisting in all Things relating to the  
 ‘ Premises. Given under my Hand and Seal this                      Day  
 ‘ of

	Sums due.
	£    s.    d.
‘ A. B.                      -                      -                      -                      -	
‘ C. D.                      -                      -                      -                      -	
‘ E. F. the Landlord for divided Premises	
‘ E. T. Landlord [or Receiver, &c. as the ‘ Case may be]                      -                      -                      -	

Recovery of Rates from Persons removing.

CVIII. And be it further enacted, That in case any Person or Persons who hath or have been rated or assessed by virtue of this Act shall quit or be about to quit any House, Warehouse, Building, or other Tenement or Hereditament for or in respect whereof he, she, or they shall have been so rated or assessed, before he, she, or they shall have paid such Rate or Rates, Assessment or Assessments, or such Portion or Portions thereof as may be then due or payable or recoverable by virtue of this Act, and shall refuse to pay the same when demanded by the Collector or Collectors, or other Person or Persons authorized and appointed to receive the same, then and in every such Case it shall be lawful for the said Collector or Collectors or other Person or Persons aforesaid, (Oath or Affirmation having been made by him or them before some Justice of the Peace for the said County of *Kent* that he or they hath or have Cause to suspect that such Person or Persons is or are removing or hath or have removed his, her, or their Goods and Chattels,) by Warrant under the Hand and Seal or Hands and Seals of any One or more of His Majesty’s Justices of the Peace for the said County, (which Warrant such Justice or Justices is and are hereby authorized and required to grant immediately,) to distrain the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the said Rates or Assessments, or Portion or Portions thereof, or any of them, wherever such Goods or Chattels may be, and to sell such Goods and Chattels, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner or Owners of such Goods and Chattels respectively.

Rates may be inspected.

CIX. And be it further enacted, That all Duplicates of all and every Rate or Rates, Assessment or Assessments, made and signed by the said Commissioners by virtue or under the Authority of this Act, shall be deposited with the Clerk of the said Commissioners, who shall permit any Person rated by virtue of this Act to inspect the same at all seasonable Times, upon Payment of One Shilling for each Inspection;



tion ; and such Clerk shall, within Five Days after Demand, deliver a true Copy of such Rate or Rates, Assessment or Assessments, or any of them, or of any Part thereof, to any Person or Persons rated or assessed as aforesaid, being first paid for such Copy after the Rate of Fourpence for every Seventy-two Words or Figures thereof ; and in case the said Clerk shall refuse to permit, or shall not, on being thereunto required, permit such Person or Persons to inspect the same, or shall refuse to deliver or shall not deliver any Copy of such Rate or Rates, Assessment or Assessments, within the Time and at the Price above mentioned, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds for each Default, to be recovered and applied in manner herein mentioned.

CX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time or at any Time or Times, to exonerate and release any poor Householder or Householders, or Occupier or Occupiers of any Land, Tenement, Building, or Apartment, from the Payment of all or any Part of the Rate or Rates to be assessed or imposed by virtue of this Act, for and during such Time or Times and in such Proportion or Proportions as the said Commissioners shall think him, her, or them incapable of paying.

Commissioners may release poor Persons from the Payment of Rates.

CXI. And be it further enacted, That all and every the Book or Books of or containing any Rate or Rates, Assessment or Assessments, to be delivered to the Collector or other Officer by the said Commissioners, and all Entries afterwards made therein, or examined Copies thereof respectively, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such of them or such Part thereof as shall by such Entries appear to have been paid to such Collector or Collectors.

Rate Books may be read in Evidence.

CXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, when and so often as they shall think it expedient, to borrow and take up at Interest, in addition to the several Sums which have been already borrowed under the Authority of the said recited Acts or either of them, and hereby charged on the Rates and Assessments by this Act authorized to be levied, collected, received, and taken, such further and other Sum and Sums of Money as they the said Commissioners shall in their Discretion think fit, upon the Credit of all and every or any of the Rates and Assessments to be levied, collected, received, and taken by virtue of this Act, and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Nine or more of them, to mortgage, grant, or assign all or any Part of the said Rates and Assessments to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Principal Money to be advanced, together with such legal Interest for the same as the said Commissioners and the Party or Parties lending such Money shall agree upon ; and the Costs and Expences of such Security or Securities respectively shall be from Time to Time defrayed by the said Commissioners out of the Money to be advanced

Power to borrow Money on Mortgage.

[*Local.*]

34 F

upon

upon such respective Security or Securities; and every such Mortgage or Security shall be in the Words or to the Effect following; that is to say,

Form of  
Mortgage.

‘ **BY** virtue of an Act passed in the Tenth Year of the Reign of  
 ‘ King *George* the Fourth, intituled [*here set forth the Title of*  
 ‘ *this Act*], We whose Names and Seals are hereunto subscribed and  
 ‘ set, being Nine or more of the Commissioners acting in the Execu-  
 ‘ tion of the said Act, in consideration of the Sum of  
 ‘ advanced and lent by [*here insert the Name, Place of Abode, and*  
 ‘ *other necessary Addition of the Lender,*] upon the Credit and for the  
 ‘ Purposes of the said Act, and paid by him [*or her, or them, as the*  
 ‘ *Case may be,*] to the Treasurer to the said Commissioners, do hereby  
 ‘ grant and assign unto the said [or to his, her,  
 ‘ or their Trustee or Trustees, *as the Case may require*], his [*or her, or*  
 ‘ their, *as the Case may be*] Executors, Administrators, and Assigns,  
 ‘ such Proportion of the Rates and Assessments granted or arising,  
 ‘ and authorized to be raised, levied, collected, received, and taken  
 ‘ by virtue of the said Act, as the said Sum of  
 ‘ doth or shall bear to the whole Sum which already has been bor-  
 ‘ rowed or charged upon or hereafter shall be borrowed upon the  
 ‘ Credit of the said Rates and Assessments, to be had and holden  
 ‘ from the Day of the Date of these Presents, until the said Sum of  
 ‘ with Interest for the same after the Rate of  
 ‘ *per Centum per Annum*, to be paid half-yearly, shall be  
 ‘ fully paid and satisfied. In witness whereof we have hereunto  
 ‘ subscribed and set our Hands and Seals the Day of  
 ‘ in the Year of our Lord

And every such Mortgage or Security shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Money may  
be raised on  
Annuities.

CXIII. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable 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 Commissioners, or any Nine or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant One or more Annuity or Annuities to any Person or Persons, being a Subject or Subjects of this Realm, who shall 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 or Lives of such Purchaser or Purchasers, or the natural Life or Lives of such Person or Persons as shall be nominated by or on the Behalf of such Purchaser or Purchasers at the Time of paying his, her, or their Purchase Money; and the Grant of every such Annuity may be in the Form or to the Effect following; that is to say,

Form of  
Grant of  
Annuity.

‘ **BY** virtue of an Act passed in the Tenth Year of the Reign of  
 ‘ King *George* the Fourth, intituled [*here set forth the Title of*  
 ‘ *this Act*], We whose Names and Seals are hereunto subscribed and  
 ‘ set,

' set, being Nine or more of the Commissioners acting in the Execu-  
 ' tion of the said Act, in consideration of the Sum of  
 ' advanced and lent by [*here insert the Name, Place of Abode, and*  
 ' *other necessary Addition of the Purchaser,*] upon the Credit and for  
 ' the Purposes of the said Act, and paid by him [*or her, or them, as*  
 ' *the Case may be,*] to the Treasurer to the said Commissioners, do  
 ' hereby grant unto the said                      his Executors, Adminis-  
 ' trators, and Assigns, one Annuity or yearly Sum of  
 ' out of the Rates and Assessments granted or arising, and authorized  
 ' to be raised, levied, collected, received, and taken by virtue of the  
 ' said Act, which Annuity or yearly Sum of                      shall be  
 ' paid to the said                      and his Assigns [*or Executors,*  
 ' Administrators, and Assigns, *as the Case may require,*] at the House  
 ' or Office of the Treasurer or Clerk to the said Commissioners for  
 ' the Time being, by half-yearly Payments, upon the  
 ' Day of                      and the                      Day of                      in  
 ' every Year during the natural Life of the said                      [*or during*  
 ' the natural Life or Lives of                      *as the Case may be,*]  
 ' the first Payment thereof to be made upon the                      Day of  
 '                      next ensuing the Date hereof. In witness whereof we  
 ' have hereunto subscribed and set our Hands and Seals this  
 ' Day of                      in the Year of our Lord                      .

And every such Grant shall be a good, valid, and effectual Security  
 in the Law for the Payment of such Annuity, without any Enrol-  
 ment or Registry of the Memorial thereof; and the several Annuities  
 to be granted as aforesaid shall be and are hereby charged upon and  
 shall be paid and payable, free from all Charges and Deductions, out  
 of the said Rates and Assessments, according to the Grant of such  
 Annuity; and a proportionate Part of every such Annuity shall be  
 paid from the Day appointed for the last half-yearly Payment to the  
 Day of the Death of the Annuitant or Annuitants, or his, her, or  
 their Cestuique Vie or Cestuique Vies.

CXIV. And for preventing any improvident Grants of Annuities,  
 be it further enacted, That the Amount of every Annuity to be  
 granted by virtue of this Act shall be regulated according to the  
 Price of the Three Pounds *per Centum* Consolidated Bank Annuities  
 at the Time of granting the same, in the Manner and at a Rate not  
 exceeding by more than One Fifth the Rate prescribed by any Act or  
 Acts for the Time being in force for granting Annuities on  
 Government Securities.

For prevent-  
ing improvi-  
dent Grants  
of Annuities.

CXV. And be it further enacted, That it shall be lawful for the  
 Persons entitled to any of the Securities for the Money to be bor-  
 rowed or the Annuities to be granted as aforesaid, or to any Security  
 granted under the Authority of the said recited Acts or either of  
 them, and their respective Executors, Administrators, and Assigns,  
 (as the Case may be,) at any Time or Times, by Writing under their  
 respective Hands and Seals, to transfer the same respectively to any  
 Person or Persons whomsoever, in the Form or to the Effect following;  
 that is to say,

Power to  
transfer Se-  
curities.

' I [*here*

Form of  
Transfer.

‘ I [*here insert the Name, Place of Abode, and other necessary Addition*  
 ‘ *of the Person assigning*], in consideration of the Sum of  
 ‘ to me paid by [*here insert the Name, Place of Abode, and other*  
 ‘ *necessary Addition of the intended Assignee*], do hereby assign and  
 ‘ transfer unto the said                                      his Executors, Administrators;  
 ‘ and Assigns, a certain Security, bearing Date the  
 ‘ Day of                                                              in the Year of our Lord  
 ‘ under the Hands and Seals of                                      of the Commissioners  
 ‘ for putting in execution [*or if the Security shall have been granted*  
 ‘ *under the Authority of the said recited Acts or either of them, and*  
 ‘ charged on the Rates and Assessments authorized to be raised,  
 ‘ levied, collected, received, and taken by] an Act passed in the  
 ‘ Tenth Year of the Reign of King *George* the Fourth, intituled  
 ‘ [*here set forth the Title of this Act*], and the Principal Sum of  
 ‘                                                              thereby secured, and all Interest now due and  
 ‘ hereafter to grow due thereon, [*or the Annuity or yearly Sum of*  
 ‘                                                              thereby secured, and all Arrears due thereon,]  
 ‘ with all my Right, Title, and Interest in and to the same. Dated  
 ‘ this                                      Day of                                      in the Year of our  
 ‘ Lord                                                              .’

No Priority  
of Securities.

CXVI. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money authorized to be raised under the Authority of the said recited Acts, or either of them, or who shall hereafter advance any Sum or Sums of Money authorized to be raised under the Authority of this Act, his, her, or their Assignee or Assignees, in respect to the Priority of the Grant of Annuity or Mortgage, or any Assignment of the same respectively, or of advancing such Sum or Sums of Money, but that as well all and every Persons and Person to whom any such Grant of Annuity or Mortgage has already been given or Assignment thereof made, as those to whom any such Grant of Annuity or Mortgage shall hereafter be given or made, his, her, or their Executors, Administrators, or Assigns, shall (in proportion to the Sum or Sums thereby secured) be Creditors on this Act, and in equal Degree one with another.

Register  
Book of Se-  
curities and  
Transfers  
thereof to  
be kept.

CXVII. And be it further enacted, That a Book or Books shall be provided by the said Commissioners, in which Book or Books shall be entered and registered Entries or Memorials of all Mortgages or Assignments and Grants of Annuity which shall be made in pursuance of this Act, and every Transfer thereof, and also every Transfer of all and every or any of the Mortgages or Assignments and Grants of Annuity made under the Provisions of the said recited Acts or either of them, expressing in Words at Length the Names, Additions, and Places of Abode, and other necessary Description of the Persons who shall from Time to Time be respectively entitled to the Principal Money and Interest or the Annuities thereby respectively secured; which Book or Books shall at all reasonable Times be open to the Inspection of all Persons interested, without Fee or Reward; and for the Entry of every such Transfer the Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings

Shillings and Sixpence, and no more; and every such Transfer, after such Entry as aforesaid, but not before, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security transferred.

CXVIII. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the original or other Mortgages which may have been granted by the said Commissioners, or under the Authority of the said recited Acts or either of them, and which may happen to be then existing, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates and Assessments, in manner aforesaid, with such Sum or Sums of Money as they shall think proper to borrow at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and therewith to pay off and discharge any of the said original or other Mortgages bearing a higher Rate of Interest, according to the Directions and Regulations herein-after prescribed for paying off Mortgages.

Power to borrow at lower Interest to pay off existing Mortgages.

CXIX. And in order that no undue Preference may be given in paying off the aforesaid Mortgages, be it further enacted, That when and so often as the said Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of all the Mortgages granted and then in force to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled or folded up in the same Form and be put into a Box, and the Clerk to the said Commissioners shall, in the Presence of Seven or more of the said Commissioners, draw separately out of the said Box One of the said Numbers for each Mortgage then intended to be paid off by the said Commissioners, and thereupon the Mortgage or Mortgages corresponding with the Number or Numbers which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to 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 off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Three Calendar Months from the Date of giving such Notice; and the Interest of the Principal Money 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 the Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and all the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

Provision for Payment of Mortgages by Ballot.

CXX. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent of the Person or Persons entitled thereto, to redeem all or any of the Annuities by or under the Authority of this Act charged or to be charged upon the Rates and

Commissioners may redeem Annuities.

[Local.]

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Assessments

Assessments hereby authorized to be levied, collected, received, and taken, and to agree for the Redemption thereof upon such Terms as the said Commissioners shall think proper, and to raise any Sum or Sums of Money, by way of Mortgage, for the Purpose of enabling them to redeem such Annuities, or any of them, or any Part thereof respectively.

Application  
of the Rates.

CXXI. And be it further enacted, That all the Monies which shall arise or be produced from the Rate or Rates, Assessment or Assessments by this Act authorized to be made, together with any Monies which may hereafter be borrowed upon the Credit of the same Rates or Assessments, and all other Monies which shall arise or be produced by virtue of this Act, not herein otherwise appropriated or directed to be applied, shall be vested in the said Commissioners, and be applied to the Intents and Purposes following; that is to say, first, in paying the Expences of applying for and obtaining and passing this Act, and afterwards in paying the several Annuities and the Interest of the several Sums borrowed and now due and owing on the Security of the said Acts hereby repealed, and also any Annuities to be granted and the Interest of any Monies to be borrowed on the Credit of the said Rates and Assessments, and in paying the Purchase Monies for, and the Costs, Charges, and Expences incident to the Purchase of, and in making Compensation or Satisfaction for Damage done to, any Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest of, in, or to any Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, which the said Commissioners are by this Act authorized to purchase, take, or use, and the Rent or Compensation for any Lands, Messuages, Buildings, and Tenements which the said Commissioners are by this Act authorized to hire or rent, and in amending, widening, paving, draining, maintaining, and repairing and keeping in repair, cleansing, and improving the several Roads, Streets, Squares, Crescents, Lanes, and other public Passages and Places which already have been or hereafter shall be made, laid out, or formed within the Limits of this Act, and in lighting, watching, and watering such of the said Roads, Streets, Squares, Crescents, Lanes, and other public Passages and Places as the said Commissioners shall think it proper to light, watch, and water, and in paying the Sum herein-before directed to be paid by the said Commissioners to the Surveyors of the Highways of the Parish of *Minster*, and in defraying all and every the Debts or Sums of Money payable under the said Acts hereby repealed, or either of them, and the necessary Costs, Charges, and Expences attending the Execution of this Act, in such Manner as the said Commissioners shall direct.

Sinking  
Fund.

CXXII. And be it further enacted, That from and after the passing of this Act a Sum not less than Ten Pounds *per Centum per Annum* on the Amount of the Rates and Assessments to be received by virtue of this Act shall yearly and every Year be appropriated and paid out of the said Rates and Assessments, in order to form a Sinking Fund for the gradual Payment of One Moiety of the said Principal Monies borrowed and now due on the Credit of the said recited Acts, and for the Redemption of One Moiety of the Annuities granted by virtue thereof,

thereof, and for the Payment of any other Principal Monies and for the Redemption of any Annuities to be granted in pursuance of this Act; and after the Payment of any such Principal Monies or the Redemption of any such Annuities, the full Interest which would have been otherwise payable in respect of the Monies so paid off, or the Annuities which would have been payable in case the same had not been so redeemed, shall from thenceforth be appropriated and paid out of the said Rates and Assessments in aid of the said Sinking Fund; and so often as the said Sinking Fund shall amount to the Sum of Five hundred Pounds, that Sum, and such Part of the Balance of any other Monies in the Hands of the said Commissioners as they shall think proper, shall be applied in Payment of an equal Amount of the Principal Monies then remaining due or owing, or Redemption of any Annuities then subsisting, in the Manner herein-before directed with respect to paying off Mortgages and redeeming Annuities respectively.

CXXIII. And be it further enacted, That in all Cases in which any Commission of Bankrupt shall be awarded against, and in all Cases in which any Petition shall be presented to any Court or Tribunal for the Relief of Insolvent Debtors in *England* by any Person or Persons who is, are, or shall or may be indebted to the said Commissioners, or against whom the said Commissioners shall or may have any lawful Claim or Demand, it shall be lawful for the Treasurer or Clerk for the Time being of the said Commissioners, or any Person who shall from Time to Time in that Behalf be appointed by Writing under the Hands of the said Commissioners, to appear, and he is hereby authorized to appear and act on behalf of the said Commissioners in respect of any such Debt, Claim or Demand, before the Commissioners under any Commission of Bankrupt, or the Commissioners or Commissioner presiding in any Court or Tribunal for the Relief of Insolvent Debtors in *England*, either personally, or by his Affidavit to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Commission or Insolvency; and the said Treasurer or Clerk for the Time being, or such Person so to be appointed as aforesaid, shall in all Cases be allowed to make Proof or Claim under any such Commission or Insolvency, on behalf and for the Benefit of the said Commissioners for putting this Act in execution, in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees, and signing Certificates, and otherwise in respect of any Debt admitted to be proved on behalf of the said Commissioners for putting this Act in execution, as any other Person being a Creditor of such Bankrupt or Bankrupts or Insolvent Debtor or Insolvent Debtors in his own Right would have in respect of the Debt proved by him under such Commission or in or before such Court or Tribunal.

Debts may be proved in Cases of Bankruptcy or Insolvency.

CXXIV. And be it further enacted, That in all Cases wherein it shall or may be requisite or necessary for any Person or Persons or Party or Parties to serve upon the said Commissioners any Notice or Notices, Writ or Writs, or other legal Proceeding, or Proceeding in Equity, the Service thereof respectively upon the Clerk of the said Commissioners

Directing what shall be a sufficient Service of Notice, &c. on Commissioners.

Commissioners for the Time being, or leaving the same at the Office of such Clerk, or at his last or usual Place of Abode, or on any Two of the Commissioners, or at the Office of the said Commissioners, shall be deemed a sufficient Service of the same respectively on the said Commissioners; and in all Cases wherein it may be requisite or necessary for the said Commissioners to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person or Persons whomsoever, under the Provisions or Directions contained in this Act, such last-mentioned Notice shall be in Writing signed by any Five or more of the said Commissioners.

Penalty on obstructing the Execution of this Act.

CXXV. And be it further enacted, That if any Person or Persons shall obstruct, molest, hinder, or interrupt, either by the Use of insulting or abusive Language or otherwise, any of the said Commissioners, or any Treasurer, Clerk, Collector, Engineer, Surveyor, or other Officer, or any Workman or Agent, or other Person or Persons whomsoever, who shall be employed under or by virtue of this Act, in the Performance of his, her, or their Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, then every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons found in the Act of committing any Offence may be apprehended without a Warrant.

CXXVI. And be it further enacted, That in case any Person or Persons shall be found committing any Offence against any of the Provisions of this Act, it shall and may be lawful to and for any one of the said Commissioners, or any one of their Surveyors, or other Officers or Servants, or any other Person or Persons authorized by the said Commissioners, and such other Person or Persons as he or they, or any of them, shall call to his or their Assistance, without any Warrant or Authority other than this Act, to apprehend, seize, and detain all and every such Offender or Offenders, and forthwith take or convey, or cause to be taken or conveyed, him, her, or them before some Justice of the Peace for the County of *Kent*; and such Justice of the Peace is hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Damages, &c. in case of Dispute, to be settled by Justices.

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

CXXVIII. And



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

Compensation for Damages, &c. how to be recovered.

CXXIX. And be it further enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act by or with any pecuniary Fine, Penalty, or Forfeiture, shall be commenced within Six Calendar Months after the Commission of the Offence, and not otherwise; and all Fines, Penalties, and Forfeitures by this Act imposed, unless the same are herein directed to be otherwise applied, shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the Purposes of this Act.

Limitation as to summary Proceedings.

CXXX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying and recovering whereof is not herein-before particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One or more Justice or Justices of the Peace for the said County of *Kent*, on Complaint to him or

Recovery and Application of Penalties.

[*Local.*]

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them

them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath or Affirmation of or concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, (if any such there be,) shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the said Commissioners, or their Treasurer or Clerk or Clerks, to be applied for the Purposes of this Act, as the said Commissioners shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Commissioners, and then the same shall be paid to the Informer; and it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice and Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceeding before Justices shall be had and taken for the Recovery thereof before a less Number than Two Justices.

CXXXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

CXXXII. And be it further enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form, or in any other Form to the same Effect, as the Case shall require; that is to say,

Form of Conviction before a Justice.

‘ **B**E it remembered, That on the Day of  
 ‘ in the Year of our Lord at  
 ‘ in the County of *Kent*, is convicted before me,  
 ‘ One of His Majesty’s Justices of the Peace for  
 ‘ the said County of *Kent*, for that he the said  
 ‘ did [*here specify the Offence, and the Time and Place when and where*  
 ‘ *the same was committed*], contrary to the Statute made in the Tenth  
 ‘ Year of the Reign of King *George* the Fourth, intituled [*here set*  
 ‘ *forth the Title of this Act*], and I the said adjudge  
 ‘ the said for his said Offence to forfeit and pay  
 ‘ the Sum of [*here state the Penalty actually imposed, or state the*  
 ‘ *Penalty, and also the Amount of the Injury done, as the Case may be*],  
 ‘ and also to pay the Sum of [*here set forth the Sum allowed by the*  
 ‘ *Justice for Costs*] for Costs, and in default of immediate Payment  
 ‘ of the said Sums to be imprisoned in the for the  
 ‘ Space of , unless the said Sums shall be sooner  
 ‘ paid; and I direct that the said Sums shall be paid to the Treasurer  
 ‘ for the Time being to the Commissioners for putting the said  
 ‘ Statute in execution, to be by him applied according to the Direc-  
 ‘ tions thereof [*or and I the said* adjudge the  
 ‘ said for his said Offence to be imprisoned in the  
 ‘ , or to be imprisoned in the  
 ‘ and there kept to hard Labour for the Space of ].  
 ‘ Given under my Hand and Seal the Day and Year first above  
 ‘ written.’

CXXXIII. And be it further enacted, That no Person shall be disqualified from being a competent Witness or from being permitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever authorized by or relating to the Execution of this Act, by reason of paying or being charged with or liable to pay any of the Rates or Assessments hereby authorized to be levied, made, or assessed, or any other Rate or Assessment within the

Persons paying Rates, &c. may be Witnesses.

the said Parish of *Minster*, or by reason of being a Commissioner for putting this Act in execution, or holding or being engaged in any Office or Employment under the said Commissioners, or being an Annuitant under this Act, or a Mortgagee of the Rates and Assessments hereby authorized to be levied, made, or assessed, or a Farmer, Lessee, or Collector of such Rates and Assessments, or any of them, or any Part thereof, or a Creditor of the said Commissioners.

Penalty on  
Nonatten-  
dance of Wit-  
nesses.

CXXXIV. And be it further enacted, That if any Person shall be summoned as a Witness before any Justice of the Peace or before the said Commissioners, touching any Matter contained in any Information or Complaint of or relating to any Offence against this Act, either on behalf of the Prosecutor or Prosecutors or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his or her Costs and Expences, without a reasonable Excuse for his or her Neglect of appearing, or shall refuse to be examined upon Oath, or, in the Case of a Quaker, upon solemn Affirmation, and to give Evidence before such Justice of the Peace or before the said Commissioners, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Distress not  
to be avoided  
for Want of  
Form.

CXXXV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in such Distress or in any Proceeding relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Proceedings  
not to be  
quashed for  
Want of  
Form, nor  
removed by  
Certiorari.

CXXXVI. And be it further enacted, That no Order, Rate, Assessment, Judgment, Conviction, or other Proceeding, or any Adjudication or Determination made on Appeal therefrom, touching or concerning any Offence against this Act, shall be quashed or vacated for Want of Form, nor be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and no Warrant of Commitment shall be held to be void by reason of any Defect therein, provided it be therein alleged that the Party or Parties has or have been convicted, and there be a good and valid Conviction to sustain the same; any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not  
to recover  
without No-  
tice, nor after  
Tender of  
Amends.

CXXXVII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover  
in

in any such Action if Tender of Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, 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 such Action, by Leave of Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

CXXXVIII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance or under the Authority of this Act, after the Expiration of Six Calendar Months next after the Fact committed (except as may be herein otherwise directed); and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial it shall appear that such Matter or Thing shall have been so done, or that such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, or if such Action shall be proceeded in after sufficient Money shall have been paid into Court as herein-before authorized, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict being given, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Suit after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then and in every such Case the Plaintiff or Plaintiffs, Defendant or Defendants, shall have his, her, or their Costs, and shall have such and the like Remedy for recovering the same as any Plaintiff or Defendant hath for recovering Costs of Suit in any other Cases by Law; and though a Verdict shall be given for the Plaintiff or Plaintiffs in any such Action, such Plaintiff or Plaintiffs shall not have Costs against the Defendant or Defendants unless the Judge before whom the Trial shall be or take place shall certify his Approbation of the Action and of the Verdict obtained thereupon.

CXXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment made or assessed under or by virtue of this Act, or by any Determination or Judgment made or given by any Justice or Justices of the Peace in pursuance of this Act, or by any other Matter or Thing

[*Local.*]

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made

Limitation  
of Actions.

Appeal.

made or done in pursuance of this Act, for which no other Method of Relief is hereby particularly appointed, such Person or Persons may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden in and for the County of *Kent*, within Four Calendar Months next after the Cause of Appeal shall have arisen, such Appellant first giving Twenty-one clear Days Notice in Writing of his or her Intention to bring such Appeal, and the Matter thereof, to the Clerk to the said Commissioners, and within Seven Days next after such Notice given entering into Recognizance before some Justice of the Peace for the County of *Kent*, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of the said Justices at such General or Quarter Sessions, and to pay such Costs (if any) as shall be awarded against him or her by the said Justices at such Sessions; and the Justices at such Sessions, or at some Adjournment thereof, upon due Proof of the Notice having been given, and of the entering into Recognizance in the Manner herein-before mentioned, shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of the said Justices at such Sessions or Adjournment shall be final, binding, and conclusive to all Intents and Purposes.

Justices may relieve on Appeal from Rates without quashing the whole Rate.

CXL. And be it further enacted, That in any Appeal from or against any Rate or Assessment to be made by virtue of this Act the Justices at the General or Quarter Sessions to be holden for the said County, or at any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rate or Assessment with respect to other Persons mentioned therein; but if upon Appeal from or against any such Rate or Assessment, it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for such Justices to set aside the same, and order a new Rate or Assessment to be made in manner herein directed.

Expences of this Act.

CXLI. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act and incident thereto shall be paid and discharged by the said Commissioners by and out of the first Monies hereby authorized to be raised by them, or out of any Monies or Funds in the Hands of the Treasurer to the Commissioners under the said recited Acts, or at their Disposal at the Time of the passing of this Act, in preference to all other Payments whatsoever.

Commissioners not personally liable.

CXLII. And be it further enacted, That no Commissioner acting in execution of this Act shall be held or adjudged to have rendered himself personally liable to or for the Repayment of any Money, or the Interest thereof, or of any Annuity, borrowed, raised, or taken up or purchased under and by virtue of this Act, or under and by virtue of the said Two several Acts hereby repealed, or either of them, by reason of his having executed or signed any Mortgage or other Instrument for the Payment of any Sum, which such Commissioner shall not have bound

bound himself to pay personally as an Individual, independent of his Office of Commissioner under this Act or the said Acts hereby repealed, or either of them.

CXLIII. And be it further enacted, That this Act shall be deemed Public Act. 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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THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
530 SOUTH EAST ASIAN AVENUE  
CHICAGO, ILLINOIS 60607