



ANNO TRICESIMO OCTAVO

GEORGIUM III. REGIS.

Cap. 16.

An Act for paving, repairing, cleansing, lighting, and watching the Highways, Streets, and Lanes, in the Town and Port of *Hythe*, and Liberty thereof, in the County of *Kent*, and for removing and preventing Nuisances and Annoyances therein.

[5th April 1798.]

WHEREAS the Highways, Streets, and Lanes, within the Preamble.
Town and Port of *Hythe*, and Liberty thereof, in the County of *Kent*, are not properly paved, repaired, and cleansed, and are not lighted and watched; and the same are subject to various Nuisances and Annoyances; and are, in their present State, inconvenient and dangerous: And whereas it would tend greatly to the Benefit, Convenience, and Safety, of the Inhabitants of the said Town and Port, and Liberty thereof, and to all other Persons resorting thereto, or travelling through the same, if the said Highways, Streets, and Lanes, were properly paved, repaired, cleansed, lighted, and watched; and if all Nuisances and Annoyances therein were removed, and Provision made for preventing the like for the future: But as the several Purposes aforesaid cannot be effected and carried into Execution without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, the Right
[*Loc. & Per.*] *S J* Honourable

Commissioners.

Honourable *Matthew Lord Rokeby* of the Kingdom of *Ireland*, *Sir Charles Farnaby Radcliffe* Baronet, and *William Evelyn* Esquire, the present Barons in Parliament for the said Town and Port of *Hythe*, the Barons in Parliament for the said Town and Port for the Time being, *Richard Shipden* Esquire, the present Mayor of the said Town and Port, *Thomas Tournay*, *Henry Tritton*, *Robert Finnis*, *William Deedes*, and *William Tournay* Clerk, the Resident Jurats of the said Town and Port, the Mayor and Resident Jurats of the said Town and Port for the Time being, the Rector of *Saltwood* with *Hythe* for the Time being, *Robert Andrews*, *Edward Andrews*, *Robert Andrews* junior, *Henry Bridger*, *Nicholas Belfey*, *William Clark*, *Edmund Cork*, *John Friend*, *Ingram Hammon*, *Edmund Harrison*, *Robert Kirk*, *William Kemp*, *John Puckle*, *John Rayner*, *Robert Wadham Spragge*, *William Tritton*, *Edward Tournay*, *Isaac Tournay*, and *Thomas Woolley*, and their Successors, to be appointed in Manner herein mentioned, shall be, and they are hereby declared to be Commissioners for carrying this Act into Execution.

On Death, Refusal, or Removal of Commissioners, others to be appointed.

II. And be it further enacted, That when and so often as any of the Commissioners herein nominated or appointed, shall die, or refuse to act in the Execution of this Act, (such Death or Refusal being declared at a Meeting of the said Commissioners), then and in every such Case it shall and may be lawful to and for the surviving or remaining Commissioners, or the major Part of them who shall be present at a Meeting to be appointed, within Three Calendar Months next after such Death or Refusal to act shall be so declared, to elect One or more fit Person or Persons to be a Commissioner or Commissioners in the Place or Stead of him or them so dying or refusing to act; and all and every Person or Persons who shall be so elected, is and are hereby vested with the same Powers and Authorities for carrying this Act into Execution, as the Person or Persons in whose Place or Stead he or they shall succeed was or were vested with.

In case of neglecting to act for Twelve Calendar Months.

III. And be it further enacted, That if any Person or Persons nominated, appointed, or elected a Commissioner or Commissioners as aforesaid, shall neglect to act in the Execution of this Act during the Space of Twelve Calendar Months, such Neglect shall be, and be deemed to be a Refusal to act within the Intent and Meaning of this Act.

Qualification of Commissioners.

IV. Provided always, and be it enacted, That no Person (except the said *Matthew Lord Rokeby*, and the Barons in Parliament for the said Town and Port for the Time being) shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Oath herein-after mentioned, (which Oath the said Commissioners, or any Two or more of them, are hereby empowered to administer at their First or any subsequent Meeting to be holden in pursuance of this Act), unless he shall, at the Time of his acting, be a Resident Inhabitant within the said Town and Port, or within the adjoining Parish of *Saltwood*; and unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Receipt of the Rents and Profits of a Real Estate lying within the said Town and Port, or Liberty thereof, of the clear yearly Value of Ten Pounds; or be in the actual Possession of a beneficial Lease of Premises lying within the said Town and Port, or Liberty thereof, of the

the Annual Value of Twenty Pounds; or shall be possessed of a Real or Personal Estate of the Amount or Value of Four hundred Pounds; or be rated by virtue of this Act at Ten Pounds a Year; and unless every such Person shall have taken and subscribed the Oath following:

‘ I *A. B.* do swear, That I am duly qualified to act as a Commis- Oath.
 sioner in the Execution of an Act, made in the Thirty-eighth Year of
 the Reign of King *George* the Third, intituled, *An Act for paving, re-
 pairing, cleansing, lighting, and watching, the Highways, Streets, and
 Lanes in the Town and Port of Hythe, and Liberty thereof, in the County
 of Kent, and for removing and preventing Nuisances and Annoyances
 therein.* according to the Provisions and Directions of the said Act;
 and that I will truly and impartially, according to the best of my Skill
 and Judgement, execute and perform ail and every the Powers and
 Authorities reposed in me as a Commissioner in pursuance of the said
 Act.
 So help me GOD.’

And if any Person not being so qualified shall act as a Commissioner in the Execution of this Act, contrary to the true Intent and Meaning thereof, 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or any more than One Impar lance, shall be allowed; and the Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act. Penalty for acting if not qualified.

V. Provided also, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during the Time he shall hold any Office under the said Commissioners, (except the Office of Treasurer), or during such Time as he shall have any Share or Interest in any Contract or Work to be done in pursuance of this Act; but it shall and may be lawful to and for the Justices of the Peace for the said Town and Port to act as such in the Execution of this Act, notwithstanding their being Commissioners. Commissioners not to act if interested.
May act as Justices.

VI. And be it further enacted, That the said Commissioners shall meet and assemble in the Guildhall of the said Town and Port, on the *Saturday* Fortnight after passing this Act, between the Hours of Ten and Twelve in the Forenoon, for the Purpose of carrying this Act into Execution, and shall and may then, and from Time to Time afterwards, adjourn themselves to meet at the Place aforesaid, (so as such Time do not interfere with any other publick Meeting or Business of the said Town and Port), or at any other convenient Place in the said Town and Port, as they the said Commissioners, or the major Part of them present at such Meeting, shall appoint; and if it shall so happen that there shall not appear at any such Meeting of the said Commissioners, a sufficient Number to act or to adjourn to another Day (Three Commissioners to be deemed sufficient for the Purpose of Adjournment), or if they shall refuse or neglect to adjourn, or if a sufficient Number of Commissioners shall Meetings of Commissioners.

No Act to be
valid but at a
Meeting.

Power of this
Act to be ex-
ercised by
Majority of
the Commis-
sioners.

Chairman to
have a Calling
Vote.

shall not be present to adjourn, then and in every such Case the Clerk to the said Commissioners, or any Three or more of the said Commissioners, shall and may call a Meeting at the Place where the last Meeting was to have been holden, by Notice in Writing to be affixed or put up at the Market Place, or by publick Notice to be given by the Crier of the said Town and Port, at least Ten Days before such Meeting; and that at all Meetings to be holden in pursuance of this Act the said Commissioners shall defray their own Expences; and no Act of the said Commissioners shall be good or valid, unless made or done at some publick Meeting to be holden by virtue of this Act; and that all Powers and Authorities of this Act granted to or invested in the said Commissioners, shall and may from Time to Time, be exercised by the major Part of them present at any publick Meeting, the whole Number present at such Meeting not being less than Five; and at every such Meeting the Mayor of the said Town and Port (if present) shall be Chairman of such Meeting, and in case of his Absence the Deputy Mayor (if present) shall be Chairman, and if neither the Mayor or Deputy Mayor shall be present, then and in every of such Case any of the other of the said Commissioners (to be appointed by the Majority present shall be the Chairman; and when and as often as it shall so happen that there shall be an equal Number of Votes upon any Question (including the Chairman's Vote) the Chairman shall have the Decisive or Calling Vote.

Justice to ad-
minister
Oaths.

VII. And be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace for the said Town and Port to administer an Oath to any Person or Persons, for the more certain Information of the said Commissioners in any Matter of Business then depending; and if any Person or Persons shall upon his, her, or their Examination, upon Oath before the said Commissioners, wilfully and corruptly give false Evidence, such Person or Persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

No Order to
be revoked un-
less by a greater
Number of
Commission-
ers than made
it.

VIII. Provided always, That no Order made by the said Commissioners shall be revoked or altered unless at some Meeting to be holden for that Purpose, of which Seven Days Notice shall be given as aforesaid, and the Intention of such Meeting be declared, and unless a greater Number of Commissioners shall attend at such Meeting to revoke or alter the same than were present to make such Order; any Thing in this Act contained to the contrary thereof notwithstanding.

Entry of Pro-
ceedings, good
Evidence.

IX. And be it further enacted, That fair and regular Entries shall be made (in a Book or Books to be provided for that Purpose), of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Commissioners relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings; and the same shall be subscribed with the Name of the Chairman of each respective Meeting; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever in all Cases, Suits, and Actions, touching any Thing done in pursuance of this Act.

X. And

X. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk; and that no Action which may be brought or commenced by or against the said Commissioners, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Commissioners; but the Clerk to the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk 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 and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

Actions to be
in the Name
of the Clerk.

XI. And be it further enacted, That the said Commissioners shall and may, at their First or any subsequent Meeting, appoint One or more Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, and such other Officer or Officers for the Execution of this Act, and also such and so many Scavengers, Rakers, Cleansers of the Highways, Streets, Lanes, Markets, and other publick Places and Passages in the said Town and Port, and Liberty thereof, and also such and so many Keepers and Lighters of Lamps, as the said Commissioners shall think proper; and from Time to Time remove him or them, and appoint others, as they shall find necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, may and are hereby empowered to appoint and pay such Salary and Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners shall and are hereby required to take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid, as the said Commissioners shall think proper; and all such Officers and Persons so to be appointed as aforesaid shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers, and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath, if thereunto required by the said Commissioners, verify their said Accounts, and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Accounts, or to produce or deliver up the Receipts or Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by such Commissioners, all Books, Papers, and Writings in his or their Custody or Power relating

For appointing
Officers.

to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Commissioners, or as they shall direct or appoint, then and in either of the Cases aforesaid such Commissioners may and are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively, or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may, and are hereby authorized and required, upon Non-payment thereof by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons, shall persist in refusing or neglecting to deliver all such Books, Papers, and Writings as aforesaid to the said Commissioners, or as they shall appoint, then and in any of the Cases aforesaid such Justices shall commit every such Offender so appearing, or when found, to the Common Gaol or House of Correction for the said Town and Port of *Hythe*, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition, in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners.

Officer taking any Fee or Reward besides his Salary;

XII. And be it further enacted, That if any Person who shall be employed as a Clerk, Treasurer, or Collector, Receiver, or Surveyor, or any other Officer or Servant who shall be anywise employed by the said Commissioners for putting this Act into Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards as shall be appointed, allowed, and approved of by the said Commissioners, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act in Execution, or shall anyways be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners

or being concerned in Interest, in any

Commissioners for the Purpose of putting this Act into Execution, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, in which said Suit no Effoin, Protection, or Wager of Law, or more than One Imparance shall be allowed.

Bargain or Contract, shall forfeit 20 £.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to enter into any Contract for paying, repairing, cleansing, lighting, or furnishing Materials, or any other Matters or necessary Things whatsoever, or for any Purpose or Purposes in Execution of this Act; but before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given, in some One of the Publick Newspapers printed and circulated in the said County of *Kent*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

Commissioners may contract.

XIV. And be it further enacted, That no such Contract or Contracts shall be deemed good or valid, if the same shall have been made for a longer Space or Term than Two Years from the Time of entering into such Contract or Contracts.

Contracts not to be entered into for more than Two Years.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby directed, to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract or Contracts, or shall not be completed and finished at or within the Time or Times that the same is or are agreed to be completed by the said Contractor or Contractors, then the said Surveyor or Surveyors, or other Person or Persons, shall report the same to the said Commissioners at their next or any subsequent Meeting, who shall or may thereon cause an Action of Debt to be brought in any of His Majesty's Courts of Record at *Westminster*, against any Person or Persons so contracting and neglecting to perform any such Contract or Contracts, and for any Penalty or Penalties which shall be contained in such Contract or Contracts; and on Proof of the signing of the said Contract or Contracts, and Non-performance thereof at the Time or Times for that Purpose therein mentioned, the said Commissioners shall be entitled to, and shall recover such Penalty or Penalties, which when recovered shall be applied for the Purposes of this Act.

Contracts to be inspected.

XVI. 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 Times hereafter, to compound and agree with any Person or Persons on Account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained

Commissioners may compound with Persons for Breach of Contracts.

sustained by the Breach or Non-performance of such Contract or Contracts, and all Costs, Charges, and Expences which shall be occasioned thereby.

Contracts to be signed by the Commissioners.

XVII. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose, by the Clerk to the said Commissioners.

Commissioners may pave, &c.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to pave and keep in Repair, or cause to be paved and kept in Repair, from Time to Time, or to enter into any Contract for the paving and keeping in Repair, all or any Part or Parts of the said Highways, Streets, Lanes, Passages, and Places, whether Foot or Carriage Way, within the said Town and Port, and Liberty thereof; and for such Purposes may cause to be dug, carted, and carried out of or brought into the same, or any of them, or any Part or Parts thereof, such Gravel, Stones, and other Materials as they shall judge necessary; and may likewise cause the Ground thereof to be raised or lowered. the Course of the Channels running in or through the same to be turned or altered, new Grates to the Common Sewers to be added or replaced, and in what Numbers or Places they shall think proper, or to be taken up and new laid in such Places, Manner, and Form as they shall judge best; and proper Drains to be made for conveying and conducting the waste Water from and through the said Town and Port of *Hythe*, and the Lanes thereof, by the accustomed Channels, into the River or Watercourse there, and for that Purpose shall and may from Time to Time enter into and upon the Premises through which such Drains now do and have been accustomed to run, and at their Costs and Charges enlarge, alter, or repair the same, or any Part thereof, and may there have, take, and lay down all such Materials which may be necessary for so doing, they committing no wilful Hurt or Spoil, and making full Satisfaction to the Owner or Owners thereof for all such Damage as shall there happen to be done; and also shall and may cause all or any Posts, Rails, Pales, or Trees in such Highways, Streets, Lanes, Passages, or Places as they shall judge useless or to be a Nuisance or Obstruction either to Foot Passengers or to Carriages, to be taken up and removed, and likewise all Steps, Bulks, Stalls, Dung Holes, Saw Pits, Shew Glasses, and Shew Boards encroaching upon the Footway, as also all Steps and Doors opening or leading from the Footway or Carriage Way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the said Commissioners shall judge necessary.

Property of Pavements and other Materials, vested in the Commissioners.

XIX. And be it further enacted, That the Property of the Pavements, Stones, Bricks, Posts, Lamps, Carts, Horicks, Iron, Cranes, Machines, Engines, Timber, Furniture, and all other Materials and Things which shall be made use of for the Purposes of this Act, shall be and the same is hereby vested in the said Commissioners and their Successors, and they

they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or to prefer, and order and direct the preferring, of any Indictment or Indictments against any Person or Persons who shall steal, take, or carry away all or any Part of such Materials or Things; and if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage or spoil, any of the said Materials or Things, or of any of the Works done in pursuance of this Act, or of any Part or Parts thereof, every Person so offending therein, and being thereof convicted by the Oath of One or more Witnesses or Witnesses before any Justice or Justices of the Peace for the said Town and Port, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom such Conviction shall be made, and such Forfeiture shall be applied to the Purposes of this Act; and in case the Person or Persons so offending and convicted shall have no Goods or Chattels whereupon the same can be levied, then and in every such Case it shall and may be lawful to and for such Justice or Justices of the Peace as aforesaid, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Person or Persons respectively to the Common Gaol or House of Correction, there to remain for any Space not exceeding Three Calendar Months, to be reckoned from the Day of Commitment; and the Person or Persons so incurring, and being convicted of the said pecuniary Penalty, shall not be discharged until he, she, or they shall have paid the Sum forfeited as aforesaid, or until the Expiration of the said Time.

Penalty on
damaging
Works, &c.

to be levied by
Distress and
Sale.

For Want of
Distress Offen-
ders to be
committed.

XX. And be it further enacted, That the Property of all Stones, Posts, and all and every Part and Parts of the old Materials which shall belong to the old Pavement, as well of the Carriage as of the Footways within the said Town and Port, and Liberty thereof, shall be vested in the said Commissioners for putting this Act into Execution, and their Successors; and it shall and may be lawful to and for the said Commissioners, or their Surveyor or Surveyors for the Time being by their Order, to sell and dispose of the same, or of all or any Part or Parts thereof, to such Person or Persons who shall be willing to buy or purchase the same; and to apply the Purchase Money arising by such Sale to the Purposes of this Act; and if any Person or Persons to whom such Materials, or any Part or Parts thereof shall be sold, shall refuse or neglect to pay for the same within Five Days after Sale thereof to him, her, or them, it shall and may be lawful to and for the said Commissioners to bring, or cause to be brought, any Action or Actions for the Recovery of the Money due for such Materials so sold; in which Action or Actions no Essoign, Protection, or Wager of Law, or any more than One Imparance shall be allowed.

Old Materials,
&c. vested in
Commissioners.

Old Materials
may be sold.

XXI. Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners, to order all or any of the said Materials to be made use of in paving or repairing any Highway, Street, Lane, Passage, or Place within the said Town and Port, or Liberty thereof.

Old Materials
may be used.

When Materials for Paving may be lodged.

XXII. And be it further enacted, That during the Time any Highway, Street, Lane, Passage, or Place, shall be new paving or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Highway, Street, or Place, or Highways, Streets, or Places, according to their Discretion, as also to stop the Way through that or any adjacent Highway, Street, Lane, Passage, or Place, so long as they shall judge necessary; and all Persons acting under their Direction as aforesaid are hereby indemnified from any Prosecution or Action whatsoever.

Commissioners may dig Sea Beach.

XXIII. And be it further enacted, That the said Commissioners, or any Surveyor or other Person to be employed under or by them, are hereby authorized and empowered to dig and carry away, or cause to be dug and carried away, any Sea Beach, or other Materials, from the Sea Side within the said Town and Port, which they shall judge fit and proper for the amending and paving the said Highways, Streets, Lanes, Passages, or Places, or for any other the Purposes of this Act.

Paviours and Carters to be appointed, and Horses to be purchased.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to appoint such and so many Paviours, Artificers, Workmen, Labourers, Carters, and others, and also to purchase any Horses, Carts, Tools, and Implements as they shall judge necessary for the Purpose of carrying this Act into Execution.

Land to be provided for depositing Materials.

XXV. And be it further enacted, That the said Commissioners shall have full Power to purchase or rent Lands within the said Town and Port or the Liberty thereof, for depositing of Stone and other Materials for paving, Soil, Ashes, Cinders, and Rubbish, and for Water Drains, in case they shall think proper so to do, and the Purchase Money or Rent thereof shall be paid out of the Money arising by virtue of this Act, and the Property thereof shall be and is hereby vested in the said Commissioners for the Purposes of this Act.

Drains not to be altered.

XXVI. And be it further enacted, That if any Person or Persons shall alter, or cause to be altered, any Drain or Drains, Sewer or Sewers, or the Channel or Course of the Water flowing to the said River or Watercourse, or the Form of any of the said Highways, Streets, Lanes, Passages, or Places hereby directed to be paved or kept in Repair by the said Commissioners, or the Manner of the Pavement thereof, or shall in anywise encroach thereon, or put up any Post or Posts, Step or Steps, or erect any Bulks or Stalls so as to be an Encroachment, or make any Dung Holes or Saw Pits, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Expences of again altering such Drain or Drains, Sewer or Sewers, Channel or Course, and of relaying and reinstating such Pavements, or taking down such Posts, Bulks, or Stalls, or filling up such Dung Holes or Saw Pits, according to the Directions of such Commissioners.

Inhabitants to give Notice to Surveyors, when

XXVII. And be it further enacted, That if any Householder or Householders within the said Town or Liberty thereof, shall make Complaint in Writing under his, her, or their Hand or Hands, and shall leave the

the same at the last or usual Place of Abode of the Surveyor or Surveyors to the said Commissioners, of any Defect or Want of Repair in any of the Pavements of any of the said Highways, Streets, Lanes, Passages, or Places, either before or after the same shall have been new paved or repaired by virtue of this Act, Six Days before the next Meeting of the said Commissioners, then and in every such Case the said Surveyor or Surveyors shall view the said Pavement, and report the Condition thereof to the said Commissioners at their next Meeting; and if the said Surveyor or Surveyors to whom such Notice shall be given or left as aforesaid, shall upon such View find the Pavements complained of to be bad and defective, the said Commissioners shall or may order their Contractor or Contractors, Paviour or Paviours to repair the same, within such Time as they the said Commissioners shall judge necessary for the Repair thereof, which Time shall be specified in such Order; and if the Contractor or Contractors, Paviour or Paviours, to whom such Order shall be given, shall not repair and amend such Pavements within such Time as he or they shall be directed by the said Commissioners to repair and amend the same, then and in every such Case the said Contractor or Contractors, Paviour or Paviours, shall forfeit and pay any Sum not exceeding Ten Shillings for every Day that the same defective Pavement shall remain unrepaired after the Time limited by the said Commissioners in their said Order; and One Moiety of every such Penalty shall be applied and paid to such complaining Inhabitant for his or her Loss of Time and Trouble in and about the Premises, and the other Moiety shall be applied to the Purposes of this Act.

Pavements
want any Re-
pairs.

XXVIII. Provided always, and be it enacted, That if the said Surveyor or Surveyors shall, on any such View or Views, be of Opinion that the Pavement or Pavements mentioned to be bad and defective by such Householder or Householders in such Notice, is not bad and defective, then and in such Case the said Commissioners, or any Three or more of them, shall forthwith proceed to view the said Pavement, and their Opinion and Order concerning the same, after such View, shall be final and conclusive; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

If Surveyors
think such
Pavement not
defective,
Commis-
sioners to view
the same.

XXIX. And be it further enacted, That the said Commissioners shall cause all Signs which now are, or at any Time hereafter shall be placed or hung in any Part or Parts of the said Highways, Streets, Lanes, Passages, or Places, to be fixed and placed close to or on the Front of such Houses respectively whereunto the same shall belong, and shall and may cause all Signs, Sign Irons, Sign Posts, Penthouses, Spouts, Shop Windows, and Cellar Windows, or any other Windows or other Encroachments or Obstructions, Projections or Annoyances, in or upon the said Highways, Streets, Lanes, Passages, or Places, or any of them, to be removed or altered, in such Manner as they shall think fit, and shall and may cause all Water to be conveyed from the Roofs, Cornices, and Penthouses, by proper and sufficient Pipes or Trunks to be affixed on the Fronts or Sides of the Houses, Shops, Warehouses, or other Buildings whereunto the same belong, and to be brought down to the Pavement; and in case the Owner or Occupier of any House, Shop, Warehouse, or other Building in the said Town and Port, or Liberty thereof, to which any Sign, Sign Iron, Sign Post, Penthouse, Spout, Shop Win-

Penalty on al-
tering the
Form of the
Street, and
for removing
Obstructions.

dow,

dow, or Cellar Window, or any other Window, or other Encroachment now or hereafter may belong, shall not, at the Coſts and Charges of ſuch Owner or Occupier (as the Caſe may be) within Twenty-eight Days after Notice in Writing ſhall be given to them reſpectively, or left at their reſpective Dwelling Houſes, under the Hands of the ſaid Commiſſioners, remove or alter any ſuch Sign, Sign Iron, Sign Poſt, Penthouſe, Spout, Shop Window, Cellar Window, or other Window, and other Encroachments and Annoyances, in ſuch Manner as in ſuch Notice ſhall be expreſſed, it ſhall and may be lawful to and for the ſaid Commiſſioners, to cauſe the ſame to be done, and to levy or cauſe to be levied the Coſts and Charges attending the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Owner, Tenant, or Occupier of every ſuch Houſe, Shop, Warehouse, or other Building, to which the ſame may be attached or belonging, by Warrant under the Hand and Seal of any Juſtice of the Peace of the ſaid Town and Port of *Hythe*, rendering the Overplus (if any) when demanded, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, or it ſhall and may be lawful to and for ſuch Tenant or Occupier, to fix up Pipes and Trunks of ſufficient Length, and alſo to remove all ſuch Annoyances, Projections, and Encroachments, and to deduct and retain the Charges and Expences thereof, and alſo any Money which ſhall or may be levied upon the Goods and Chattels of any ſuch Tenant or Occupier as aforeſaid, out of his or her Rent, and every Owner, Proprietor, or Landlord, is hereby required to allow the ſame accordingly.

Weighing Engines to be erected.

XXX. And be it further enacted, That no Cart, Waggon, or other Carriage, ſhall be drawn upon any of the ſaid Highways, Streets, Lanes, Paſſages, or Places, with any other Tire, or with a greater Number of Horſes or Beaſts, or with a greater Weight, than that Number or Weight with which they may lawfully paſs upon any Turnpike Road, under the Penalty of forfeiting any Sum not exceeding Twenty Shillings for every ſuch Offence, to be paid by the Owner or Driver of ſuch Cart, Waggon, or Carriage, and it ſhall and may be lawful to and for the ſaid Commiſſioners, if they think fit, to build and erect, or cauſe to be built and erected, at ſome convenient Place within the ſaid Town and Port of *Hythe*, or Liberty thereof, a Crane, Machine, or Engine proper for weighing Carts, Waggons, and Carriages, and it ſhall and may be lawful to and for any of the ſaid Commiſſioners, or any Perſon or Perſons acting by and under their Authority, whenever they ſhall think fit, to cauſe any ſuch Cart, Waggon, or Carriage paſſing on the ſaid Pavement, or any Part thereof, together with the Loading thereof, to be weighed at any Crane, Machine, or Engine built, erected, or provided for that Purpoſe by the ſaid Commiſſioners within the ſaid Town and Port of *Hythe*, or Liberty thereof; and if any ſuch Owner of ſuch Cart, Waggon, or other Carriage, or the Driver thereof, ſhall reſuſe to permit any of the ſaid Commiſſioners, or ſuch Perſon or Perſons acting by and under the Authority of the ſaid Commiſſioners, to weigh any ſuch Cart, Waggon, or Carriage, or hinder, obſtruct, or interrupt any ſuch Perſon in the weighing thereof, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Power to purchaſe Houſes, &c. and to

XXXI. And whereas it would be of great Convenience if the ſaid Commiſſioners were enabled to purchaſe certain Houſes, Lands, and Tenements,

ments, for the Purpose of making a new Road from the said Town and Port, to a certain Place near the Sea there called *The Stade*, through a certain Close called *Marrowbone Park*, by shortening the Distance, and also of great Utility; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners to purchase, take down, and remove such Houses and Tenements, and to purchase such Lands, or such Part or Parts thereof as they shall think proper, by and with the Consent of the Owner or Owners thereof, for the Purpose of making the said new Road or Way.

make a new Road.

XXXII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunaticks and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, or Femes Covert, who are or shall be seised in their own Right, and all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in such Houses, Buildings, Erections, Projections, Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Commissioners, or to such Persons and their Heirs for ever as the said Commissioners shall direct, in Trust for them the said Commissioners for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made, by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Bodies Politick, etc. empowered to sell.

XXXIII. And be it further enacted, That if any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feme Covert, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any House, Building, Erection, or Projection whatsoever, or in any Doors of Cellars, or in any Steps belonging thereto, or in any Lands, Tenements, or Hereditaments which the said Commissioners may be enabled by this Act to purchase or treat for, or any Interest therein, or any other Person or Persons whomsoever, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or

On Refusal to treat, Value to be settled by a Jury.

[*Loc. & Per.*]

X x

otherwise

otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein, or whereunto they respectively shall be so seized, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent, and Meaning of this Act, or shall not produce or make out a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching such Purchase or Purchases, the said Commissioners are hereby empowered and authorized before any General or Quarter Sessions of the Peace to be holden for the said Town and Port of *Hythe*, or any Adjournment thereof, to give or cause to be given to such Owner or Owners, or the principal Officer or Officers of such Bodies Politick or Corporate, or to leave or cause to be left at the House of the Tenant in Possession of the Messuages, Buildings, Lands, Tenements, and Hereditaments intended to be purchased, Thirty Days Notice in Writing, denoting and particularly describing the same, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Sessions, or the Adjournment thereof; and the Justices of the said Sessions, or any Adjournment thereof, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Jury at such Sessions assembled, well and truly upon their Oaths to assess the Value of the said Messuages, Buildings, Lands, Tenements, or Hereditaments comprised in the said Notice, and the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein, (which Oath the said Justices are hereby required to administer to such Jury), and to which said Jury the said Commissioners, and all Persons interested in the said Messuages, Buildings, Lands, Tenements, and Hereditaments, shall have their lawful Challenges; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the said Messuages, Buildings, Lands, Tenements, or Hereditaments so to be sold and conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Justices upon the same, shall be final, binding, and conclusive to the said Commissioners, and to all Persons and Parties interested in the said Messuages, Buildings, Lands, Tenements, and Hereditaments; and such Verdict, and the Judgement of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said Town and Port of *Hythe*, and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words.

Jurors may be challenged.

Verdict of a Jury, &c. to be final.

Verdict not binding, unless Money paid within Three Calendar Months.

XXXIV. Provided always, That in case the said Sum or Sums so assessed by the said Jury, and ordered and adjudged by the said Commissioners to be paid as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, or left, according

according to the true Intent and Meaning of this Act, within Three Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties; any Thing herein contained to the contrary notwithstanding.

XXXV. And be it further enacted, That the Principal Money to arise from the Sale of any Houses, Buildings, Lands, Tenements, or Hereditaments, which shall be purchased for any the Purposes of this Act, of any Body Corporate or Ecclesiastical, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or of any Feme or Femes Covert, or of any other Person or Persons whose Lands, Tenements, or Hereditaments shall be limited in strict or other Settlement, shall (in case the same shall exceed the Sum of Twenty Pounds) be paid to such Person or Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed to be re-invested in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to and upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies as the Houses, Buildings, Lands, Tenements, or Hereditaments, which shall be purchased from them respectively by the said Commissioners as aforesaid were respectively settled, limited, or assured, at the Time of such the purchasing of the same, or so many thereof as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect.

Money be-
longing to
Corporations,
&c. to be re-
invested.

XXXVI. And it is hereby further enacted and declared, That every Sum of Money to be agreed for or assessed as aforesaid, shall be paid out of the Monies to be raised by virtue of this Act, to the Parties or Persons respectively entitled to such Monies, or their Agents, and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, on leaving the same in the Hands of the Treasurer for the Time being of the said Commissioners, for the Use of such Parties or Persons, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively for whose Use the same was paid, in, to, or out of such Houses, Buildings, Grounds, Tenements, and Hereditaments, shall vest in the said Commissioners for the only Uses and Purposes of this Act, and they shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes, as fully and effectually as if every Person having an Estate in the said Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery and Seisin, Fine and Recovery, or any other legal Conveyance whatsoever, and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use such Payment was made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person or Persons, and all Estates Tail, in Reversion or Remainder, and the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as a Recovery or Fine would do, if levied or suffered by the proper Parties in due Form of Law.

On Payment
of Purchase
Money, Pre-
mises to be
conveyed.

Premises vest-
ed in the said
Commis-
sioners.

XXXVII. And

Mortgagees to assign, on Tender of Principal, and Three Calendar Months Interest;

or on Three Calendar Months Notice.

XXXVII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any such Houses, Buildings, Erections, Lands, Tenements, or Hereditaments, which shall be purchased in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, shall, on Tender of the Principal Money and Interest due thereon, together with Three Calendar Months Interest of the said Principal Money, by the said Commissioners, or by such Person or Persons as they shall appoint, immediately assign such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint in Trust for them; or in case such Mortgagee or Mortgagees shall have Notice in Writing given to him, her, or them, from the said Commissioners, or any Person authorized by them, that they will pay off and discharge the Principal and Interest Money which, at the Expiration of the said Three Calendar Months, to be computed from such Notice given, shall be due on such Mortgage, that then at the End of the said Three Calendar Months, on Payment or Tender of the Principal and Interest Money so due, such Mortgagee or Mortgagees shall convey and assign his, her, and their respective Estates and Interests in the said mortgaged Premises to the said Commissioners, or to such Person or Persons as they shall nominate and appoint in Trust for them, and if any such Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do on such Tender or Payment, then all Interest on every such Mortgage shall cease and determine.

Tenants to quit on Notice given.

XXXVIII. And be it further enacted, That in case the said Commissioners, or any Person authorized by them, shall, after the said Houses, Buildings, Lands, Tenements, and Premises shall be purchased by them in pursuance of this Act, give Six Calendar Months Notice in Writing to the Tenants or Occupiers respectively of any such Premises so purchased, to quit or deliver up such Premises at the Expiration of such Six Calendar Months, then every such Tenant or Occupier shall, at the End of such Term, peaceably and quietly deliver up the Possession of the Premises so by him or her respectively occupied, whether upon Lease or otherwise, to the Person or Persons who shall be appointed by the said Commissioners to take Possession thereof; and if any Person or Persons so in Possession shall refuse to give up such Possession at the Expiration of such Six Calendar Months after every such Notice as aforesaid, it shall be lawful for the said Commissioners to issue a Precept or Precepts to the Town Serjeant of the said Town and Port of *Hythe*, (who is hereby required to execute such Precept or Precepts) to cause Possession thereof to be delivered to such Person or Persons as shall be in such Precept or Precepts nominated to receive the same, and to direct the said Town Serjeant to levy such Costs as shall accrue by Means of the Issuing and Execution of every such Precept, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall refuse or neglect to pay the same Costs, and the said Town Serjeant is hereby required to deliver Possession, and levy such Costs in Manner aforesaid.

Commissioners may purchase other Lands with

XXXIX. And be it further enacted, That if any other Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, shall be adjudged by the said Commissioners to project into or obstruct the Passage

of the said Highways, Streets, Lanes, Markets, Passages, and Places, within the said Town, or Liberty thereof, or that by taking down the same, or any Part thereof, the Passage of the same may be widened, bettered, or improved, and the Owner or Owners thereof shall be willing to sell the same, or so much of such Houses, Buildings, Lands, Tenements, or Hereditaments, as shall be so adjudged to project into or obstruct the Passage of the same, or that shall be necessary for the widening, bettering, or improving of the same, the said Commissioners shall and may, and they are hereby empowered to purchase the same for the Purposes aforesaid, and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Commissioners and the Owner or Owners thereof, out of the Money to arise by virtue of this Act, and to take down such Houses or Buildings, and lay the Sites thereof, and also such other Lands, Tenements, or Hereditaments, or so much thereof as they the said Commissioners shall think proper, into the said Highways, Streets, Lanes, Markets, Passages, and Places.

the Consent
of the Own-
ers, for widen-
ing the said
Streets.

XL. And be it further enacted, That if any Person or Persons shall, within any Highway, Street, Lane, Passage, or Place, within the said Town and Port of *Hythe*, or Liberty thereof, throw, cast, or lay, or cause, permit, or suffer to be thrown, cast, or laid, any Ashes, Dust, Dirt, Rubbish, Offal, Dung, Soil, Filth, or other Annoyance, (except for such Time and in such Manner as is herein-after directed), or shall set or place any Stall, Board, Basket, Wares, Merchandizes, Cask, or Goods of any Kind whatsoever, or set out, lay, or place, or cause, or procure, or permit, or suffer to be set out, laid, placed, or remain, any Coach, Chaise, Cart, Wain, Waggon, Dray, Sledge, or other Carriage, upon any of the said Carriage or Footways, (except for the necessary Time of loading or unloading any Cart, Wain, Waggon, Dray, Sledge, or other Carriage, or taking up or setting down Passengers, or harnessing or unharnessing the Horses or other Cattle from any Coach, Chaise, Cart, Wain, Waggon, Dray, Sledge, or other Carriage), and shall not immediately remove the same when required so to do by any Persons whomsoever, or if any Person or Persons shall set or place, or cause to be set or placed, in any of the Carriage or Footways, any Timber, Stones, Bricks, Lime, or other Materials, or Things whatsoever, unless the same shall be enclosed as in and by this Act is directed, and shall not immediately remove the same being thereto required by any Person whomsoever, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said Town and Port, upon Complaint made to him by One or more credible Witnesses or Witnesses, to issue a Warrant, requiring such Offender or Offenders to appear before him at such Time and Place as shall be in such Warrant specified, and every such Offender or Offenders shall for every such Offence, being thereof duly convicted upon the Oath of any credible Witnesses or Witnesses, (within Oath such Justice is hereby authorized and required to administer), forfeit and pay such Sum not exceeding Twenty Shillings; and it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners, to seize any such Stall, Board, Basket, Wares, Merchandize, Coach, Chaise, Cart, Wain, Waggon, Dray, Sledge, or other Carriage, together with the Horse or Horses, or other Cattle, if any shall be thereto belonging, with the Harness, Gears, and Accoutrements thereof, or any such Timber, or other Ma-

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

terials or Things aforefaid, and caufe the fame to be removed to fuch Place or Places as he or they fhall judge convenient and proper, giving Notice to the Owner or other Perfon having any Intereft in the Stall, Board, Basket, Wares, Merchandize, Goods, Coach, Chaise, Cart, Wain, Waggon, Dray, Sledge, or other Carriage, Horfes, or other Cattle, Materials, or Things fo removed, if he, ſhe, or they can be found, of the Place or Places whereunto the fame fhall be fo removed, and the fame fhall be there kept and detained until fuch Owner or other Perfon intereſted therein as aforefaid, fhall caufe to be paid the ſaid Penalty, together with the Charges of taking or removing the fame, and of keeping fuch Horſe or Horſes, or other Cattle, (if any); and in caſe the Stall, Board, Basket, Wares, Merchandize, Carriage, Horſes, or other Cattle, Materials, or other Things fo removed, fhall not be claimed, and the ſaid Penalty and Charges paid within Five Days next after fuch Removal thereof, then it fhall be lawful for any Juſtice of the Peace of the ſaid Town and Port of *Hythe*, by Warrant under his Hand and Seal to order the fame to be fold, and the Overplus of the Money ariſing by fuch Sale, fhall be returned to the Owner or Owners thereof on Demand, after deducting the ſaid Penalty, and the Coſts and Charges, and Expences attending fuch ſeizing, removing, keeping, and ſelling the fame; ſuch Coſts, Charges, and Expences, to be aſcertained and allowed by fuch Juſtice of the Peace.

Penalty for Annoyances.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall run, drive, carry, or place, on any of the Foot Paths or Cauſeways in any of the Streets, Lanes, Paſſages, and Places, within the ſaid Town and Port of *Hythe*, or Liberty thereof, any Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage whatſoever, or ſhall roll any Caſk for the Space of Forty Yards, or wilfully ride, drive, lead, or place, any Horſe, or other Beaſt or Cattle, on any of the Foot Paths or Cauſeways aforefaid, or ſhall kill, ſlaughter, ſinge, ſcald, dress, or cut up, any Beaſt or Swine, Calf, Sheep, Lamb, or other Cattle, in any of the ſaid Streets, Lanes, Paſſages, or Places, or ſhall permit or ſuffer any Blood, Filth, or Annoyance whatſoever, to run or drain from any Slaughter Houſe, Stable Yard, or Premises, into or upon any of the ſaid Streets, Lanes, Paſſages, or Places, or hew or ſaw, or caufe to be hewed or ſawed, any Stone, Timber, or Wood, or bind, make, or repair the Wheel of any Carriage, or ſhoe or bleed, or turn or drive looſe any Horſe, Mare, or Gelding, or ride or lead any Horſe, Mare, or Gelding, for the Purpoſe of airing or exerciſing the fame, or bring or ſhew, or caufe to be brought or ſhewn, any Stone Horſe or Stallion, (except whilſt the fame ſhall be paſſing in his Way or Road to or from the Place where ſuch Stallion or Stone Horſe ſhall be kept), in any of the ſaid Streets, Lanes, Paſſages, or Places, or ſhall hang up or expoſe to Sale any Goods, Wares, or Merchandize, or any other Matter or Thing, upon any Shop Window or otherwiſe, ſo as to obſtruct or incommode the Paſſage of any of the ſaid Foot Paths or Carriage Ways, or ſhall make or aſſiſt in the making any Fire or Fires, commonly called *Bonfires*, or ſet up or throw at any Cock or Fowl in the Manner of Cock Throwing, or ſhall ſet Fire to, let off, or throw any Squib, Serpent, Cracker, or Firework whatſoever, within the ſaid Town and Port, or Liberty thereof, every Perſon ſo offending in any of the Caſes aforefaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings,

Shillings, over and above such Penalties as are inflicted on any of the said Offences by any Law or Statute now in Force.

XLII. And be it further enacted, That if any Person or Persons whomsoever shall make any Mortar, or deposit any Bricks, Stones, Lime, Sand, or any other Materials for building or repairing any House, Shop, Warehouse, Coach House, Stable, or Tenement, or other Works, or for any other Purposes, or shall sift, screen, or slack any Lime (except within a Hoard or Inclosure to be erected for those Purposes) in any Highway, Street, Lane, Passage, or Place within the said Town and Port of *Hythe*, or Liberty thereof, or cause the same to be done, he, she, or they shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Hoads to be erected.

No Lime to be slacked in the Streets.

XLIII. And be it further enacted, That if any Person shall suffer any Sort of Swine to stray, wander, or go about any of the Highways, Streets, Lanes, Passages, or Places within the said Town and Port of *Hythe*, or Liberty thereof, every such Person shall for each Head of Swine forfeit and pay any Sum not exceeding Five Shillings, and it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners to seize and detain the same until such Penalty shall be paid; and in case the said Penalty shall not be paid within Five Days after such Seizure, it shall and may be lawful to and for any Justice of the Peace for the said Town and Port of *Hythe*, to order such Swine, by a Warrant under his Hand and Seal, to be sold, and the Overplus of the Monies arising by such Sale shall be paid to the Owner or Owners thereof on Demand, after deducting the said Penalty, and the Costs and Charges of seizing, detaining, and selling the same.

Swine not to stray in the Streets, &c.

XLIV. And be it further enacted, That in case any Hogstye, Carrion, Ordure, or Soil, being near any of the said Streets or Lanes, shall annoy or be offensive to Passengers, the same shall be deemed a Nuisance, and it shall and may be lawful to and for the said Commissioners, upon Complaint thereof made to them by any Person or Persons, by Notice in Writing under the Hands of the said Commissioners, or any Five of them, to order any such Nuisance to be removed; and in case the same shall not be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, he, she, or they shall forfeit and pay any Sum not exceeding Five Shillings for every Day that the same shall continue unremoved after the Expiration of the said Term.

Commissioners may deem Hogstyes, &c. that are offensive, to be a Nuisance.

XLV. And be it further enacted, That the Person or Persons acting by and under the Authority of the said Commissioners, for the Purpose of cleansing the said Highways, Streets, Lanes, Passages, and Places, or any Part thereof, shall, and he is hereby empowered to lodge and lay any Dirt, Dust, Ashes, Filth, Cinders, or Rubbish, upon such Part or Parts of the Beachy Outlands belonging to the Mayor, Jurats, and Commonalty of the said Town and Port of *Hythe*, as shall be from Time to Time by the said Mayor, Jurats, and Commonalty appointed for that Purpose.

Dirt, &c. to be laid on the Beachy Outlands.

XLVI. And

For regulating
the emptying
of Privies.

XLVI. And be it further enacted, That if any Person or Persons whomsoever shall begin to empty any Beghouse or Doghouses, or to take away any Night Soil from any House or Place within the said Town and Port, or Liberty thereof, before the Hour of Eleven of the Clock in the Night, or shall continue to take away the same after the Hour of Six of the Clock in the Morning, or if any Person or Persons shall put or cast, or cause to be put or cast, out of any Tub, Cart, or otherwise, in or near any of the Highways, Streets, Lanes, Passages, or Places in the said Town and Port of *Hythe*, or Liberty thereof, or in the said River or Watercourse, any such Night Soil, every such Person shall for every such Offence, being thereof duly convicted on the Oath of any One or more credible Witnesses or Witnesses, before some Justice of the Peace for the said Town and Port, forfeit and pay any Sum not exceeding Forty Shillings.

Names of
Streets to be
affixed up, and
Houses num-
bered.

XLVII. And be it further enacted, That the said Commissioners shall and may cause to be painted or described in Stone or Wood, or otherwise, and to be affixed on a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of each of the said Streets, Lanes, Passages, and Places, the Name by which each respective Street, Lane, Passage, and Place is properly or usually called or known, and may also cause every House, Shop, and Warehouse in the same to be marked and numbered in such Manner as they shall judge most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, pull down, injure, obliterate, or deface any such Names, Descriptions, Marks, or Numbers, or any Part or Parts thereof, or cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on
destroying the
Numbers, &c.

Penalty on
Persons not
restoring
Numbers.

XLVIII. And be it further enacted, That when any Number or Numbers painted or put on any House, Shop, Warehouse, or other Premises within the said Town and Port of *Hythe*, and Liberty thereof, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of any such House, Shop, Warehouse, or other Premises, when the Number or Numbers shall have been so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at his, her, or their last or most usual Place of Abode by the Clerk to the said Commissioners, or by such other Person or Persons as the said Commissioners shall appoint, cause the same Number or Numbers to be in the same or like Manner painted or put on such House, Shop, Warehouse, or other Premises, within Six Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Ten Shillings.

Provisions to
be avoided.

XLIX. And be it further enacted, That all Houses and Buildings hereafter to be built or new fronted in the said Highways, Streets, Lanes, Passages, and Places, or any of them, shall be erected perpendicular from the Foundation; and if any Person or Persons shall at any Time or Times build or cause to be built a new House or other Building perpendicular from the Foundation, it shall and may be lawful to and for the said Commissioners, by Warrant under their Hands and Seals, to cause the

ame to be pulled down and removed, the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners, or to their Order by the Owner or Owners of such Houses or Buildings.

L. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, and at any Time or Times hereafter, to purchase, provide, affix, set up, alter, take down, and renew, such and so many Lamps of such Sizes and Sorts, in such Places and in such Manner as they shall think fit, and also to contract with any Person or Persons for lighting the said Lamps, and to cause the same to be lighted at such Seasons of the Year, and in such Hours of the Evening, and to continue burning for as many Hours as shall to them seem necessary or proper for the well and sufficiently lighting of all or any of the said Streets, Lanes, Passages, and Places within the said Town and Port, and Liberty thereof.

Lamps to be set up.

LI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to order and direct Lamp Irons to be put or affixed against the Walls of all or any of the several Houses or Tenements within the said Town and Port, and Liberty thereof, or in such Manner and in such other Place as the said Commissioners shall think proper and convenient; and if any Person or Persons shall wilfully take away, break, throw down, or damage, any Lamp that shall be set up for the Purposes of enlightening any of the said Highways, Streets, Lanes, Passages, or Places, or wilfully extinguish the Light or Lights within the same, or throw down or damage the Irons or other Furniture thereof, it shall and may be lawful to and for any Person or Persons whomsoever, who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey and 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 for the said Town and Port of *Hythe*; and such Justice shall proceed to examine upon Oath any Witnesses or Witnesses, who shall appear or be produced to give Information or Evidence touching such Offence, (which Oath the said Justice is hereby authorized and required to administer), and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, he, she, or they so convicted, shall forfeit and pay any Sum not exceeding Ten Shillings for each Lamp or Lamp Iron so broken, thrown down, and damaged, or for every Light so extinguished as aforesaid, and moreover shall make full Satisfaction to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the House of Correction for the said Town and Port, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Lamp Irons to be affixed against Walls, etc.

Penalty on wilfully damaging Lamps, etc.

On Non-payment Offender to be committed.

Persons acci-
dentally da-
maging
Lamps, etc.
to make Satis-
faction.

LII. And be it further enacted by the Authority aforesaid, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any One Justice of the Peace in and for the said Town and Port of *Hythe*, upon Complaint to him made by One or more credible Witnesses or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by Way of Satisfaction to the Owner of such Lamp or Lamps, or to the said Commissioners, as the Case shall be, for such Damages, as such Justice shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded within Five Days after Demand, to cause the same to be levied and applied as Fines, Penalties, and Forfeitures are by this Act directed to be levied and applied.

On Non-pay-
ment, may be
levied.

For choosing
Watchmen.

LIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any Meeting, to appoint what Number of Watchmen they shall judge necessary to patrole and guard the said Streets, Lanes, Passages, and Places, and shall appoint such honest and able-bodied Men to be employed in that Service as they shall think best qualified for the same; and the said Commissioners shall from Time to Time direct and set down in Writing at what Stands the said Watchmen shall be placed, in what Manner and how often it is required of them to go their Rounds, how they ought to be armed, how long they are to watch, what Wages and Allowances shall be given to them for their Attendance, and all such other Orders and Regulations for the Government and Direction of the Watchmen, and for the due Execution of this Act, as they shall think proper; and if any of the said Watchmen, so appointed as aforesaid, shall die, or shall be negligent in his or their Duty, or guilty of any Misbehaviour, or if it shall be found necessary to repeal, amend, or alter any of the said Nominations, Orders, and Regulations, it shall and may be lawful to and for the said Commissioners to nominate and appoint One or more Person or Persons, fitly qualified, in the Room and Stead of him or them so dying, and to displace him or them who shall be guilty of Neglect of Duty or Misbehaviour, and to impose any Fine not exceeding Ten Shillings for every such Neglect or Misbehaviour, (such Fine to be deducted out of his or their Wages or Allowance), and also to make such further Orders and Regulations for the better Government and Direction of the said Watchmen as they shall think proper.

Commission-
ers to make
Orders con-
cerning
Watchmen.

Watchmen
dying or mis-
behaving.

Orders may be
varied.

Commission-
ers to nomi-
nate other fit
Persons, and
make new
Regulations.

Watchmen's
Power and
Duty, etc.

LIV. And be it further enacted, That it shall and may be lawful to and for the said Watchmen, or any of them, and they are also hereby authorized and required in their several Stations, during the Time of their keeping Watch and Ward as aforesaid, to apprehend and detain in the Watch House, or any other Place of Security, within the said Town and Port, any Malefactors, Rogues, Vagabonds, or other disorderly Persons whom they shall find disturbing the publick Peace, or have just Cause to

ſuſpect of any evil Deſigns, and to carry him, her, or them, as ſoon as conveniently may be, before One or more Juſtice or Juſtices of the Peace for the ſaid Town and Port, to be examined and dealt with according to Law.

L.V. And be it further enacted, That if any Viſtualler or Keeper of a Publick Houſe or Cellar ſhall knowingly and willingly harbour or entertain any Watchman belonging to the ſaid Town and Port, or permit or ſuffer any ſuch Watchman to remain in ſuch his or her Publick Houſe or Cellar during any Part of the Time appointed for their being on Duty as aforeſaid, every ſuch Viſtualler or Keeper of a Publick Houſe or Cellar ſhall for the Firſt Offence, being thereof duly convicted, forfeit and pay any Sum not exceeding Forty Shillings, and for the Second and every other Offence any Sum not exceeding Five Pounds.

Viſtuallers not to ſuffer Watchmen, &c. to be in their Houſe during the Hours of Duty.

L.VI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to give ſuch Rewards in Money to Watchmen as may be diſabled, wounded, or hurt in the Execution of their Duty, as they the ſaid Commiſſioners ſhall think reaſonable, ſuch Money to be paid out of any Money to be raiſed for the Purpoſes of this Act.

Commiſſioners may reward Watchmen;

L.VII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to build and keep in Repair, or cauſe to be built and kept in Repair, any Number of Watch Boxes, as they from Time to Time ſhall judge proper; and if any Perſon or Perſons ſhall take down or remove any ſuch Watch Box, without the Conſent of the ſaid Commiſſioners at any Meeting, or ſhall wilfully break or damage any ſuch Watch Box, every ſuch Perſon ſhall for every ſuch Offence, being thereof duly convicted before any Juſtice of the Peace for the ſaid County, forfeit and pay any Sum not exceeding Five Pounds.

and build Watch Boxes.

L.VIII. And be it further enacted, That all and every Perſon and Perſons inhabiting within the ſaid Town and Port of *Hythe*, ſhall, from and after the Firſt Meeting of the ſaid Commiſſioners to be held after the paſſing of this Act, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Foot-paths within the ſaid Town and Port, before or on the Sides of their reſpective Houſes, Warehouſes, Shops, Stables, or other Buildings, on the *Saturday* in every Week, between the Hours of Six in the Morning and Twelve at Noon, or at ſuch other Times as the ſaid Commiſſioners ſhall appoint, upon Pain of forfeiting and paying for every Offence or Neglect any Sum not exceeding Five Shillings; and the Scavenger or Scavengers, or other Perſon or Perſons to be from Time to Time appointed for that Purpoſe, ſhall and he and they is and are hereby commanded to ſweep and cleanſe all and ſingular the Streets, Lanes, or Paſſages within the ſaid Town and Port of *Hythe*, at ſuch Times as ſhall be appointed by the ſaid Commiſſioners, and ſcrape, collect, and put together the Dirt and Soil thereof; and ſuch Scavenger or Scavengers, or other Perſon or Perſons as aforeſaid, ſhall, on the *Saturday* in every Week, or on ſuch other Days and Times as the ſaid Commiſſioners ſhall appoint, come into ſuch Parts of the ſaid Town and Port as ſhall be appointed, and bring or cauſe to be brought a Cart or Carts, and by Bell, loud Voice, or otherwiſe, ſhall give Notice of his or their coming, and abide and ſtay a convenient Time, ſo that the Inhabitants or Perſons concerned reſpectively

Rules for cleaning the Streets.

tively may bring such their Ashes or Rubbish, Dust, Dirt, Dung, and Filth (except any Filth from any Boghouse or Boghouses) to such Cart or Carts, or other Conveniencies all which Ashes, Rubbish, Dirt, Dust, Dung, and Filth (except as aforesaid), as well as all such Dirt and Soil as shall be swept up and collected together as aforesaid, the said Scavenger or Scavengers, or other Person or Persons appointed for that Purpose, shall then immediately, or as soon as may be, carry away or cause to be carried away *gratis*, upon Pain of forfeiting and paying any Sum not exceeding Five Shillings, for every Offence or Neglect; and no Person or Persons whomsoever shall take or carry away, or cause to be taken or carried away, any Ashes, Dirt, Dust, Muck, Dung, or Manure out of the said Highways, Streets, Lanes, and Passages, besides such Scavenger or Scavengers, or other Person or Persons to be appointed by the said Commissioners for that Purpose as aforesaid (except such Ashes, Dirt, Dust, Dung, Muck, or Manure, as any Person or Persons shall bring or cause to be brought into the said Highways, Streets, Lanes, or Passages, from their respective Dungholes or Dung-hills for the Convenience of loading and carrying away the same), on Pain of forfeiting and paying any Sum not exceeding Five Shillings for every such Offence; and no Inhabitant of the said Town and Port of *Hythe*, or any other Person, shall permit or suffer any such Ashes, Dirt, Dust, Dung, Muck, or Manure, by them or any of them brought or caused to be brought into the said Streets, Lanes, or Passages, as aforesaid, in order to be laden or carried away, to continue or remain therein above the Space of Four Hours, on Pain of forfeiting and paying any Sum not exceeding Five Shillings for every such Offence.

Commis-
sioners
may com-
pound
with
the Inhabi-
tants.

LIX. Provided always, and be it enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time as they shall think proper, to compound and agree with the Inhabitants, or any of them, of any Highway, Street, Lane, or Passage within the said Town and Port of *Hythe*, or Liberty thereof respectively, by the Year, for such Sum or Sums of Money as they the said Commissioners shall think proper, for the sweeping and cleansing to be done by such Inhabitants respectively by virtue of this Act, provided such Composition Money be always paid down in Advance.

Commis-
sioners
may re-
gulate
the
Markets.

LX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make and ordain such Orders, Rules, and Regulations, as to them shall from Time to Time seem requisite and necessary for the ordering, directing, and appointing the particular Time or Times, Hour or Hours, at which all Meat, Fish, Poultry, Butter, Eggs, Fruit, Herbs, Roots, Garden Stuff, and other Food, Wares, and Commodities, shall be offered and exposed to Sale in the Market Place of the said Town and Port of *Hythe*, and how long the same shall continue, and shall from Time to Time cause such Rules, Orders, and Regulations to be proclaimed in open Market, and the Times of beginning and concluding such Market to be announced by the ringing of a Bell, or by such other Ways and Means, as to the said Commissioners shall from Time to Time seem meet.

General High-
way Act to
remain in
Force.

LXI. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to repeal, abolish, or in any-
wise

wife alter the Provisions of an Act, made in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preservation of the publick Highways within that Part of Great Britain called England, and for other Purposes*, or of any other Act or Acts for the Amendment and Preservation of the Highways of and in the Town and Port of *Hythe*, or the Liberty thereof, or to repeal, abolish, or in anywise alter the Remedies, Powers, and Authorities for enforcing and recovering such Provisions; but that the Commissioners for carrying this Act into Execution shall be, and are hereby invested with all and singular the Powers and Authorities created and given by the said recited Act, or any other Act or Acts now in Force, to the Surveyors of the Highways in all Cases whatsoever.

LXII. And be it further enacted, That the Surveyors of the Highways for the said Town and Port of *Hythe*, and Liberty thereof, shall, on a certain Day to be appointed by the said Commissioners, within One Calendar Month after the First Meeting of the said Commissioners, produce their Accounts for the Highways, from the Time of their entering into the said Office of Surveyors to the said Day, to the said Commissioners, for their Inspection, and the said Commissioners are hereby authorized and directed to peruse and examine such Accounts, and if they shall appear to be just and fair to the said Commissioners, they the said Commissioners are hereby directed to sign and pass the said Accounts, and such signing and passing the said Accounts by the said Commissioners shall be final and conclusive, and they the said Surveyors shall not from that Time be liable to any Demand or Appeal from any Person or Persons whomsoever; and the said Surveyors are hereby directed to pay into the Hands of the Treasurer to the said Commissioners, or of such other Person or Persons as the said Commissioners shall direct or appoint, for the Uses and Purposes of this Act, whatsoever Balance, or Sum or Sums of Money may remain in the Hands of the said Surveyors after passing and signing the said Accounts, and at the same Time shall deliver or cause to be delivered all Accounts, Books, and Papers, relative to the Highways, which shall be in their Custody, and all Tools, Implements for working in the Highways, and which at any Time shall have been purchased with the Money collected for the amending the Highways, to such Person or Persons as the said Commissioners shall appoint to receive the same.

Surveyors of the Highways to produce their Accounts to the Commissioners.

LXIII. And whereas several of the Highways, Streets, Passages, Lanes, and Places intended to be paved by virtue of this Act, have usually been repaired out of the Money arising from the Highway Rate; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners to appropriate the Money to be raised by the said Highway Rate to the Repairs of the said Highways, and the Pavement intended to be made pursuant to this Act, and that from the Time of passing the said Accounts and Payment of the said Balance, the Office or Appointment of Surveyor of the Highways within the said Town and Port, and Liberty thereof, shall cease and determine, except as to their making and collecting as heretofore the Rate or Assessment for the amending and repairing the Highways within the said Town and Port, and Liberty thereof, and paying the Sum or Sums of Money to be by them collected annually to the said Commissioners, and they are hereby required to pay the

The Highway Rate to be paid to the Commissioners.

[*Loc. & Per.*]

3 A

same

same accordingly; any Thing contained in this or any former Act or Acts to the contrary notwithstanding.

Commissioners to appoint Assessors.

LXIV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, once in every Year, by Writing under their Hands, to nominate and appoint Two or more Inhabitants of the said Town and Port, not being Justices of the Peace thereof, to be Assessors of the Money herein directed to be raised, on all Houses, Buildings, Yards, Gardens, and Hereditaments.

Houses, etc. where the Pavement extends to be assessed.

LXV. And be it further enacted, That the Houses, Buildings, Yards, Gardens, and Hereditaments within the said Town and Port of *Hythe*, and which shall adjoin unto or abut upon any of the Highways, Streets, Lanes, Markets, Passages, or Places, directed to be paved or repaired by this Act, shall be assessed at the Rate of Sixpence in the Pound, according to the Annual Value of such Houses, Buildings, Yards, Gardens, and Hereditaments respectively, such Annual Value to be from Time to Time settled and affixed according to the respective Rents which such Houses, Buildings, Yards, Gardens, and Hereditaments are or shall be taxed at for the Relief of the Poor; but if in any such Poor Rates any Person or Persons shall be omitted to be rated, then and in every such Case the Name or Names of such Person or Persons so omitted, shall be added to the Rate or Assessment thereby directed to be made, and he, she, or they shall be rated and assessed according to the letting, or if the same be not let, according to the just and true Annual Value of the Premises by him, her, or them occupied; and where any Lands or Hereditaments shall be intermixed and jointly assessed with other Messuages, Lands, or Hereditaments in such Poor Rates, then such Parts thereof as are liable to be assessed under this Act, shall be rated at such Annual Sums as the said Commissioners shall think just and reasonable; and the First Year for which such Rate or Assessment shall be made shall commence on the Fifth Day of *April* One thousand seven hundred and ninety-eight; and the Monies to be rated and assessed shall be paid from Time to Time, by equal Half-yearly Payments, to the Collector or Collectors herein directed to be appointed, and shall be paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, or to such Person or Persons as the said Commissioners shall from Time to Time appoint to receive the same; and in order to make such Rates or Assessments, the Churchwardens and Overseers of the Poor of the said Town and Port, shall, and they are hereby required, at all seasonable Times, to permit the Treasurer, Clerk, or Assessors to the said Commissioners, or any other Person to be appointed by the Commissioners, to peruse and inspect the Rates or Assessments made at any Time within Seven Years then next preceding, for the Relief of the Poor of the said Town, and to take any Copies thereof, or Extracts therefrom; and if any such Churchwarden or Overseer of the Poor shall refuse or neglect to permit any such Perusal or Inspection, or the taking of any such Copy or Extracts, he or they shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Five Pounds.

To be rated according to the Poor Rate.

Assessors to inspect Poor Rate, etc.

Rate may be amended.

LXVI. And be it further enacted, That every Rate and Assessment which shall be made in pursuance of this Act, shall be allowed and signed by

by the said Commissioners; and they shall and may have Power to amend any such Rate or Assessment, by inserting or striking out the Name or Names of any Person or Persons who ought or ought not to have been rated or assessed, and the said Assessors shall, and they are hereby required to rate and assess the Person or Persons whose Name or Names shall be so inserted, according to the Tenor, true Intent, and Meaning of this Act; and the said Assessors shall appear at the Time and Place mentioned and appointed in the Order from the said Commissioners, and then and there produce and deliver to them a Copy or Duplicate of the Assessment, fairly written and subscribed by them, and shall from Time to Time, upon Two Days Notice to them given by the said Commissioners, or their Clerk, attend upon them at any of their Meetings in pursuance of this Act, and at any Court or Courts of Sessions held in and for the said Town and Port of *Hythe*, or any Adjournment thereof, or otherwise, as there shall be Occasion, then and there to explain, amend, and justify such their Rates or Assessments; and after the said Rates or Assessments shall have been made and confirmed, the said Commissioners shall and may, and are hereby authorized and required to cause the same to be collected and received, as soon as may be, of and from the Person or Persons respectively on whom the same shall be respectively rated, charged, or assessed; and shall and may yearly and every Year nominate and appoint the said Assessors, or any Two or more of the Inhabitants or Residents in the said Town and Port, to be Collectors of the said Rates or Assessments, and shall and may from Time to Time, as soon as may be after such Rates or Assessments shall be made and confirmed as aforesaid, issue their Order to the said Collectors for the Time being, requiring them jointly or severally to collect and receive the same, and the said Collectors are hereby ordered and required to collect and receive the respective Sums of Money expressed and contained in such Rate or Assessment accordingly, within Twenty Days from the Date thereof, Duplicates of which Assessments, under the Hands of the said Commissioners, shall be delivered, together with the said Order, to any One of the said Collectors, and such Collector or Collectors to whom any Order or Orders from the said Commissioners shall from Time to Time be directed, shall obey and execute the same in all Respects whatsoever; and the said Commissioners shall and may from Time to Time, as they shall see Occasion, remove any Collector or Collectors, and appoint any other Inhabitant or Inhabitants of, or Resident or Residents in the said Town and Port, in his or their Stead; and the said Collectors shall, and they are hereby required to pay the Money so collected and received by virtue of this Act, when and so often as he or they shall have collected the Sum of Ten Pounds, to the Clerk or Treasurer acting under the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, to be applied for the Uses and Purposes of this Act, and shall and are hereby required, at the Time of making every such Payment, to deliver to the Person or Persons empowered to receive the same, a true and exact Copy or Duplicate of the Rate or Assessment whereby the same was collected, together with an Account thereof, and also of all and every Sum and Sums of Money rated or assessed in such Rates or Assessments as shall remain uncollected, together with the Reasons why the same shall not have been collected, in order that it may appear whether the Non payment hath happened through the Insolvency of the Parties rated, or through the Default of the Collector or Collectors; and

Assessors to appear and justify their Rates.

Rates to be collected.

Collectors to be appointed.

Collectors to pay the Money to the Commissioners Clerk.

Penalty on re-
fusing to exe-
cute the O-
ffice of Assessor
or Collector.

and in case any Person or Persons shall refuse or neglect to take upon him or them the Office of Assessor or Assessors, Collector or Collectors under this Act respectively, or duly to execute the same, according to the true Intent and Meaning hereof, then and in every such Case every such Person shall forfeit and pay any Sum not exceeding Five Pounds.

Collectors not
to be appoint-
ed Twice in
Three Years.

LXVII. Provided always, and be it enacted, That no Person who shall be nominated and appointed, and shall serve either of the said Offices of Assessor or Collector, or have paid the said Fine for not serving the same, shall be again appointed to serve the same Office in less than Three Years after the End of such Service, or Payment of such Fine.

Tenants to
pay Rates.

LXVIII. And be it further enacted, That the several and respective Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, and Hereditaments in the said Town and Port, who shall be rated by this Act, are hereby required to pay such Sum or Sums of Money to the Collector or Collectors of the said Commissioners, as shall be rated upon such Houses, Buildings, Yards, Gardens, and Hereditaments, and are hereby empowered to deduct the same out of their respective Rents, and their respective Landlords are hereby required to allow such Deductions and Payments accordingly.

Undertenants,
&c. liable to
the Rates.

LXIX. And whereas there are many Houses, Buildings, Tenements, Hereditaments, and Premises, within the said Town and Port, which are taken on Leases for Years or otherwise, and by the Lessees or Tenants, and also by Landlords or Owners thereof, are let out in Parts or separate Apartments to Undertenants, and other Houses and Premises are let ready furnished; be it therefore enacted, That the several Lessors, Lessees, Landlords, Owners, or Proprietors of all such Houses, Buildings, Tenements, or Hereditaments so let, or which shall hereafter be so let out in Parts or separate Apartments, or ready furnished, shall respectively be deemed and taken as the Occupier thereof, and shall be liable and subject to the Payment of the Rate or Assessment directed by this Act to be made, raised, levied, and recovered, according to such Proportion of the yearly Rent or Value of such Premises as afore said.

For re im-
bursing the
Tenant.

LXX. And, for the more easy Recovery of such Rates or Assessments respectively, be it further enacted, That each and every Person so renting or occupying any such Part or separate Apartment as afore said, shall be liable and compellable to the Payment of the said Rate or Assessment, and all Arrears due thereon, to be recovered in Manner herein directed, and the respective Occupiers who shall pay such Rate or Assessment, or any Arrears due thereon, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent, or any other Rent due and payable from him, her, or them, to such respective Lessor or Landlord. Owner or Proprietor, and the Receipt for such Payment shall be a sufficient Discharge for all and every such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or shall be levied and recovered on the Goods and Chattels of him, her, or them respectively, by virtue of this Act.

LXXI. And

LXXI. And be it further enacted, That in case any Person shall remove out of or from, or quit the Possession of any House, Building, Tenement, Ground, or Hereditament, before the Rate or Assessment charged thereon by virtue of this Act shall be paid, or if any Person shall enter into the Occupation of any House, Building, Tenement, Ground, or Hereditament out of or from which any other Person shall have so removed, before Payment of the said Rate or Assessment, or which at the Time of rating or assessing the same as aforesaid shall be empty or unoccupied, then the Person so removing out of or from, or quitting the Possession, and the Person entering into the Occupation of any such House, Building, Tenement, Ground, or Hereditament, shall be respectively liable to the Payment of the Rate or Assessment in Proportion to the Time such Persons possessed or occupied the same respectively, in like Manner as if the Person so removing or quitting as aforesaid, had remained in the Possession and Occupation of such House, Building, Tenement, Ground, or Hereditament, or the Person so entering into the Occupation thereof had been originally rated or assessed, which Proportion (in case of Dispute) shall be ascertained by any Two or more of His Majesty's Justices of the Peace for the said Town and Port of *Hythe*.

Persons quitting Houses or Premises before Payment of the Rate, and Persons entering in such Houses or Premises, to be subject to the Payment thereof for the Times of their occupying the same.

LXXII. And be it further enacted, That when and as often as the Goods, Chattels, and Effects, of any Person or Persons liable to pay the said Rate or Assessment by virtue of this Act, shall be taken in Execution within the said Town and Port, before such Rate or Assessment shall have been paid, then the Officer taking such Goods, Chattels, and Effects in Execution, upon Demand made by the Collector or Collectors for the Time being to the said Commissioners, shall, and he is hereby directed and required, in the First Place, to pay to such Collector or Collectors such Rate or Assessment so made as aforesaid, and which shall not have been paid by such Person or Persons, and all Arrears due thereon: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to charge such Officer with the Payment of more than One Year's Rate, or of a larger Sum of Money than the Value of the Goods, Chattels, and Effects so taken in Execution.

Rates to be paid where Goods are taken in Execution.

LXXIII. And be it further enacted, That in case any of the Inhabitants or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Lessor or Lessors, Lessee or Lessees, of any Land, Ground, House, Shop, Building, Tenement, or Hereditament within the said Town and Port, and herein made liable to pay the Rate or Assessment made, laid, and assessed by virtue of this Act, shall refuse or neglect to pay the Money rated and assessed upon him, her, or them respectively, and all Arrears due thereon, within Five Days after personal Demand made thereof by the said Collector or Collectors, or in Writing, signed with the Name or Names of the said Collector or Collectors, and left at the last or usual Place of Abode of such Person or Persons, it shall and may be lawful to and for the said Collector or Collectors to collect and levy such Rates or Assessments, by Warrant under the Hands and Seals of Two of His Majesty's Justices of the Peace for the said Town and Port, and all Arrears due upon the said Rate or Assessment, by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either in the said Town and Port, or Liberty thereof, or

On Refusal to pay Rate, how to be recovered.

in any other County, City, or Liberty (such Warrant being first backed or countersigned by some Magistrate for the County, City, or Liberty, where the Distress is to be made, which Warrant such Magistrate is hereby required to back or countersign without Fee or Reward); and if within Five Days next after such Distress shall be made, the said Rate or Assessment, together with all Arrears due thereon, shall not be paid, together with the reasonable Charges of taking and keeping the same, the said Collector or Collectors shall cause the said Goods to be appraised and sold, or such Part thereof as shall be sufficient to pay the said Rate or Assessment, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively.

No Tythes,
Meadows,
Arable or
Pasture Land
to be rated.

LXXIV. Provided always, That nothing in this Act shall extend, or be construed to extend, to rate or assess any Person or Persons for any Tythe or Tythes, nor for any Meadow, Pasture, or Arable Land.

Rate upon
Coals.

LXXV. And be it further enacted, That for all Sorts of Coals, Coke, and Cinder, which, from and after the *Monday* Fortnight after the passing of this Act, shall be landed, carried, or delivered, within the said Town and Port of *Hythe*, or the Liberty thereof, or through any Part of the said Town and Port, or Liberty thereof, there shall be paid by Way of Imposition thereon, over and above all other Impositions and Duties due and payable for Coals, Coke, or Cinder, by virtue of any Law or Statute now in Force, the Rate herein-after mentioned; (that is to say), For such Coals, Coke, or Cinder, as are or shall, or may be usually sold by the Chaldron, for every Chaldron thereof containing Thirty-six Bushels *Winchester* Measure, the Sum of One Shilling, and so in Proportion for any less Quantity than a Chaldron; and for all such Coals, Coke, or Cinder, as are or shall, or may be usually sold by the Ton, for every Ton thereof containing Twenty hundred Weight, the Sum of One Shilling, and so in Proportion for any less Quantity than a Ton; which said Imposition of One Shilling for every Chaldron or Ton of Coals, Coke, or Cinder respectively, shall from Time to Time be paid to such Person or Persons as the said Commissioners shall from Time to Time appoint to collect and receive the same; and such Person or Persons as the said Commissioners shall from Time to Time appoint as aforesaid, is and are hereby authorized and empowered to demand, collect, receive, and take of and from the Masters and Owners, Master and Owner, or other Person or Persons having the Rule or Command of every Ship, Bark, or other Vessel, and of and from all and every Person and Persons bringing or causing to be brought within the said Town and Port, or Liberty thereof, any Coals, Coke, or Cinder, by Land Carriage, upon which no Rate shall have been before paid by virtue of this Act, the Sum of One Shilling for each and every Chaldron or Ton of Coals, Coke, or Cinder, and so in Proportion for any less Quantity than a Chaldron or Ton, which shall be landed, delivered, or discharged, out of any Ship, Bark, Vessel, Waggon, Cart, or other Carriage, within the said Town and Port of *Hythe*, or Liberty thereof, or brought and delivered within, or carried through the said Town and Port, or Liberty thereof.

LXXVI. And

LXXVI. And be it further enacted, That no Collector, Customer, Collector of His Majesty's Customs, Comptroller, or Receiver of Entries of Ships, Surveyor, or Searcher, or other Officer of the Customs whosoever, belonging to the said Town and Port of *Hythe*, or the Town and Port of *Dever*, shall give or make out any Cocket or other Discharge, or take any Report outwards for any Ship, Bark, or other Vessel, from which, at any Time after the *Monday* Fortnight after the passing of this Act, shall have been landed or delivered any Coals, Coke, or Cinder, within the said Town and Port of *Hythe*, or Liberty thereof, to go out of the said Town and Port of *Hythe*, or the Liberty thereof, until the Master or Owner, or other Person or Persons having the Rule or Command of any such Ship, Bark, or other Vessel, shall produce a Certificate from such Collector or Collectors that the said Rates on Coals, Coke, and Cinder are paid, or secured to be paid; which said Certificate the said Collector or Collectors, Receiver or Receivers, is and are hereby required to give without Fee or Reward.

Rates to be collected before Ships are permitted to depart from the Place of lading.

LXXVII. And be it further enacted, That in case any Owner or Master, or other Person having the Rule or Command of any Ship, Bark, or other Vessel, laden with Coals, Coke, or Cinder, charged and chargeable with the said Rates, or any Person or Persons bringing, or causing to be brought, into the said Town and Port, or Liberty thereof, or through the said Town and Port, any Coals, Coke, or Cinder, charged and chargeable with the said Rates, shall refuse to pay the same, then and in such Case it shall and may be lawful to or for any such Person or Persons as the said Commissioners shall appoint, to collect or receive the said Rates from Time to Time, to go on board such Ship, Bark, or other Vessel, and to stop any Waggon, Cart, or other Carriage, and to demand, collect, and receive the same, and for Nonpayment of the same to take and detain every such Ship, Bark, or other Vessel, and all her Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and also such Waggon, Cart, or other Carriage, and the Horses, or other Cattle, Harnes, and Furniture thereof, or all or any Part of the said Coals, Coke, or Cinder, charged and chargeable with the said Rates, either on board of or in such Ship, Bark, or other Vessel, or on Land, or in such Waggon, Cart, or other Carriage, or unloaded, and the same to detain until he or they be paid or satisfied the said Rates, and the Expences of taking and detaining the same; and in case of any Delay or Neglect in Payment of the said Rates, and such Expences as aforesaid, for the Space of Five Days next after any Distress so taken as aforesaid, then and in that Case it shall and may be lawful to and for any such Collector or Collectors to cause the same to be appraised, and afterwards to sell the said Distress, and therewith to satisfy himself or themselves, as well concerning the said Rates so neglected or delayed to be paid, and for which such Distress shall be taken as aforesaid, as also for their or his reasonable Charges in taking, keeping, appraising, and selling such Distress, paying to the Owner or Owners, or the Person or Persons under whose Command or Rule, or in whose Custody or Care such Ship, Bark, Vessel, Waggon, Cart, Carriage, Horses, or other Cattle, Harnes, Tackle, Apparel, Furniture, Coals, Coke, Cinder, or other Thing, was or were at the Time of the said Detainer or Distress being made, the Overplus (if any) upon Demand.

Power for Collectors to detain Vessels for the Payment of Rates.

LXXVIII. And

To prevent
evading the
Payment of
the Rates.

LXXVIII. And be it further enacted, That if any Master or Owner, or other Person or Persons having the Rule or Command of any Ship, Bark, or other Vessel laden with Coals, Coke, or Cinder, charged or chargeable with the said Rates, or the Owner or Driver of any Waggon, Cart, or other Carriage, or any other Person or Persons whomsoever, shall bring, or cause to be brought within the said Town and Port, or Liberty thereof, or through the said Town and Port, and there sell, dispose of, or consume any Coals, Coke, or Cinder, for which the said Rates hereby imposed shall not have been first paid, or if any Person or Persons shall purchase, or cause to be purchased, any Coals, Coke, or Cinder, for which the said Rates hereby imposed shall not have been paid, and knowing the said Rates hereby imposed have not been paid, then and in any of the said Cases every such Person, upon being duly convicted thereof before any Justice of the Peace acting in and for the said Town and Port of *Hythe*, upon the Oath of any One of the said Commissioners, or their Clerk, Treasurer, Collector, or Receiver, or of any other credible Witness, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Power to bor-
row Money
not exceeding
2,000^l.

LXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money for the Purposes of this Act, upon the Credit of the said respective Rates, and Composition for Statute Duty, and all other Sums of Money authorized by Law to be raised for the Amendment and Preservation of the Highways, Streets, Lanes, Passages, and Places within the said Town and Port of *Hythe*, and Liberty thereof, not exceeding in the Whole the Sum of Two thousand Pounds; and by Writing under their Hands and Seals to assign all or any Part of the said respective Rates, Compositions, and other Money, to such Person or Persons as shall lend or advance any Money thereon, as a Security for the Principal Money to be advanced, with legal Interest for the same, the Expence of such Assignment to be from Time to Time defrayed by the said Commissioners; and every such Assignment shall be in the Words or to the Effect following:

‘ BY virtue of an Act of Parliament, passed in the Thirty-eighth Year
‘ of the Reign of King *George* the Third, intituled, [*set forth the*
‘ *Title of the Act*], We of the Commissioners appointed by and
‘ in pursuance of the said Act, in Consideration of the Sum of
‘ advanced and lent by *A. B.* upon the Credit and for the Purposes of
‘ this Act, do grant, bargain, sell, and demise, unto the said *A. B.* his
‘ Executors, Administrators, and Assigns, such Proportion of the Rates,
‘ Composition, or other Money arising by virtue of the said Act, as the
‘ said Sum of doth or shall bear to the whole Sum which
‘ may at any Time be borrowed or become due and owing, or charged
‘ upon the Credit of the said Act; to be had and holden from this
‘ Day of until the said Sum of with
‘ Interest at *per Centum per Annum* for the same, shall be repaid
‘ and satisfied.’

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof,
and

and to all Profit and Advantage thereto, according to the true Intent and Meaning of this Act; provided the same be not for a greater or less Sum than Fifty Pounds.

LXXX. And be it further enacted, That in case the said Commissioners shall think it advisable or more advantageous to raise all or any Part of the Money authorized to be borrowed under this Act by the granting of Annuities for Lives instead of Assignments as aforesaid, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by, or on the Behalf of such Contributor, at the Time of the Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship, as the said Commissioners shall think proper, so as that no such Annuity do exceed the Rate of Ten Pounds for One hundred Pounds for a Year; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Money may be raised by Annuities.

‘ WE of the Commissioners appointed by or in pursuance
 ‘ of an Act of Parliament, made in the Thirty eighth Year of the
 ‘ Reign of King George the Third, intituled, [*set forth the Title of the*
 ‘ *Act*], in Consideration of the Sum of paid by *A. B.* to *C. D.*
 ‘ the Treasurer appointed in pursuance of the said Act, do hereby grant
 ‘ unto the said *A. B.* his Executors, Administrators, and Assigns, an
 ‘ Annuity or Yearly Sum of out of the Rates, Com-
 ‘ position, and other Money granted or arising by virtue of the said
 ‘ Act; which Annuity or Yearly Sum of
 ‘ shall be paid to the said *A. B.* his Executors, Administrators, and
 ‘ Assigns, at the Guildhall of the said Town and Port of *Hythe*, upon
 ‘ the Day of in every Year,
 ‘ during the natural Life of and the First Payment
 ‘ thereof shall be made upon the now next ensuing
 ‘ the Date hereof. In Witness whereof we have hereunto set our Hands
 ‘ and Seals, the Day of

And every such Grant shall be good, valid, and effectual in the Law; and every Annuity so to be granted as aforesaid shall be, and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Commissioners out of the said Rates, Composition, and other Money, according to the Grant of such Annuity.

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

Securities for Money lent, and Annuities may be transferred.

[*Loc. & Per.*]

3 C

‘ *I. A. B.*

‘ I *A. B.* being entitled to the Sum of [or, an
 ‘ Annuity of secured to *C. D.*, his Executors,
 ‘ Administrators, and Assigns, by virtue of an Agreement, [or, Grant of
 ‘ Annuity], bearing Date the Day of
 ‘ under the Hands and Seals of of the Commis-
 ‘ sioners acting in the Execution of a certain Act of Parliament, made
 ‘ in the Thirty-eighth Year of the Reign of King *George* the Third,
 ‘ intituled, [*set forth the Title of the Act*], upon the Credit, or arising
 ‘ out of the Rates, Composition, and other Money, granted or payable
 ‘ by the said Act, do hereby transfer all my Right and Title in and to
 ‘ the same, and all Interest, and other Money due and owing there-
 ‘ on, unto *E. F.* his Executors, Administrators, and Assigns. Dated
 ‘ the Day of

Securities to
be entered in
a Book.

And Copies of all such Securities, Assignments, and Grants of Annuities which shall be made in pursuance of this Act, and Extracts or Memorials of all Transfers thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; which Extracts or Memorials shall specify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred, to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Two Shillings and no more; and after such Entry made of any such Transfer, every such Transfer shall entitle the Person to whom the same shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Creditors to
be paid by
Ballot.

LXXXII. And, in order that no Preference may be given to any of the Persons who have advanced and lent, or who may advance and lend, Money upon the Credit of the Rates or Assessments made by virtue of this Act; be it further enacted, That the said Commissioners, if more Creditors than One, shall cause the Numbers of all the Bonds, Assignments, or Securities granted, and then in Force, for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Manner, as near as may be, and put into a Box or Wheel, and the Number or Numbers of the said Bonds, Assignments, or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given or left at the usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there is only One Creditor, to give Six Calendar Months Notice to such Creditor of the said Commissioners Intention to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid at a Place mentioned in such Notice, at the Expiration of Six Calendar Months from the Day of giving or leaving the same as aforesaid; and the Interest of the Principal Money so to be paid off shall, from and after the End of the said Six Calendar Months, cease and be no longer paid or payable, unless

Notice to be
given to the
Persons whose
Bonds are to
be paid off.

unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof, to the End of the said Six Calendar Months, shall nevertheless be payable on Demand.

LXXXIII. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in Force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, not exceeding the said Sum of Two thousand Pounds, and the Interest thereof, at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

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

LXXXIV. And be it further enacted, That out of the First Money to arise by virtue of this Act, the said Commissioners shall in the First Place pay and defray all the Charges and Expences incident to and attending the obtaining and passing this Act; and after Payment thereof, all the Money to arise by or from the said respective Rates and Composition, and other Money hereby granted and made payable, and which may be borrowed on the Credit thereof, or advanced for Annuities thereupon as aforesaid, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of this Act, and not hereby otherwise disposed of, shall be paid to the Treasurer to the said Commissioners, to be applied and disposed of for and towards the defraying the Charges and Expences of repairing, paving, and cleansing, lighting, and watching the Highways, Streets, and Lanes in the said Town and Port of *Hythe*, and Liberty thereof, in Manner hereby directed, and for carrying the several other Purposes of this Act into Execution, and to and for no other Use, Intent, or Purpose whatsoever.

Application of the Money.

LXXXV. Provided always, and be it further enacted, That when and so soon as the said Sum of Two thousand Pounds, herein-before authorized to be borrowed, or such Part thereof as shall be borrowed by virtue of this Act, and the Interest thereof, shall be paid off and discharged, and the Annuities to be granted as aforesaid shall be determined, and the said Rates and Duties shall be more than sufficient for the Purposes of this Act, then and in such Case the said Rate or Duty on Coals, Coke, and Cinder, shall cease and determine, or the said Rate or Duty on Coals, Coke, and Cinder shall be so lowered and reduced by the said Commissioners to such Sum as shall, together with the Rate hereby granted on Houses, Buildings, Yards, Gardens, and Hereditaments, and the present subsisting Highway Rate, be sufficient for the Purposes of this Act; and it shall and may be lawful to and for the said Commissioners, at any Time or Times after such Cessation and Determination, again to demand and take such Rate or Duty, on Coals, Coke, and Cinder, or after such Reduction again to raise the said Rate or Duty to such Sum, not exceeding One Shilling *per* Chaldron, or One Shilling *per* Ton, as they the said Commissioners shall judge necessary for the Purposes of this Act, giving Thirty Days Notice of such Intention again to demand and take, or to

When the Money borrowed is paid off, the Rate may be reduced.

raise (as the Case may be) the said Rate or Duty on Coals, Coke, and Cinder, in some Newspaper or Newspapers printed or circulated in the said County of *Kent*; and in case the said Rate on Houses, Buildings, Yards, Gardens, and Hereditaments shall, together with the present subsisting Highway Rate, be more than sufficient for the Purposes of this Act, then and in such Case the said Commissioners shall, and they are hereby required to lower and reduce such Rate to such Sum as shall be sufficient for the Purposes of this Act; and it shall and may be lawful to and for the said Commissioners again to raise the same when and as often as they shall judge necessary for the Purposes of this Act; and such reduced Rates and Duties shall be collected, levied, and recovered by the same Ways and Means as the respective Rates and Duties herein-before granted can or may be collected, levied, and recovered: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to enable the said Commissioners to make any Reduction in the Rate hereby granted on Houses, Buildings, Yards, Gardens, and Hereditaments, or in the present subsisting Highway Rate, during such Time as any Rate or Duty shall be levied or collected for the Purposes of this Act, on Coals, Coke, or Cinder.

Penalty on obstructing the Execution of this Act.

LXXXVI. And be it further enacted, That if any Person shall obstruct, hinder, or molest any of the said Commissioners, or their Collector or Collectors, Clerk, Surveyor, Workmen, or other Person or Persons whomsoever, who is or are or shall be employed to carry this Act into Execution, in the Performance or Execution of his or their Duty, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Accounts to be made up annually, and be open to Inspection.

LXXXVII. And be it further enacted, That on the First Monday in the Month of *July* in every Year, a fair and just Account shall be made in Writing, of all the Money received and paid by virtue or in pursuance of this Act, and how, and to whom, and for what Purposes the same have been laid out and expended; and a Copy or Duplicate of such Account, signed by the said Commissioners, shall be deposited with the Clerk to the said Commissioners, who shall permit any Person so rated as aforesaid, or any other Person or Persons on his or her Behalf, to inspect the same at reasonable Times, paying 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 the Rate of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words.

Recovery of Penalties by Distress and Sale;

LXXXVIII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred, (for the Recovery and Application whereof no particular Method is already directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the said Town and Port of *Hythe*, which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or Parties, or upon the Evidence of One or more credible Witness or Witnesses upon Oath; and such Penalties and Forfeitures, when recovered, after rendering the Overplus, (if any), when demanded, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, shall be paid

paid to the Treafurer or Clerk of the faid Commissioners, and be applied for fuch of the Purpofes of this Act as the faid Commissioners fhall think fit; and in cafe fuch Distrefs fhall not be found, or fuch Penalties and Forfeitures fhall not be paid forthwith, it fhall be lawful for fuch Juftice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to caufe the Offender or Offenders to be committed to the Common Gaol or Houfe of Correction of the faid Town and Port, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unlefs fuch Penalties and Forfeitures, and all reafonable Charges attending the fame, fhall be fooner paid and fatisfied.

or Offenders may be committed.

LXXXIX. And be it further enacted, That in all Cafes where any Conviction fhall be had for any Offence or Offences committed againft this Act, or againft any Order of Seflions, or any Matter in purfuance of this Act, the Form of Conviction fhall be in the Words or to the Effect following; (that is to fay),

Form of Conviction.

‘ **B**E it remembered, That on this Day of in
‘ the Thirty-eighth Year of the Reign of A. B. is
‘ convicted before of His Majesty’s Juftices of the
‘ Peace for the [or, County, as the Cafe fhall happen], of
‘ having [as the Offence fhall be] and I [or We] the faid
‘ do adjudge him [her, or them] to forfeit and pay for the fame the
‘ Sum of Given under my Hand and Seal [or our Hands
‘ and Seals] the Day and Year aforefaid.’

XC. And be it further enacted, That in all Actions, Profecutions, Informations, Caufes, and Proceedings whatfoever, relating to or concerning the Execution of this Act, any Inhabitant within the faid Town and Port, or Liberty thereof, fhall be, and be deemed to be a good and competent Witnefs, notwithstanding his or her being charged with and liable to pay any Rate or Affeffment by virtue of this Act; any Law, Statute, or Ufage, to the contrary thereof notwithstanding.

For allowing the Inhabitants to give Evidence.

XCI. Provided always, and be it enacted, That if any Perfon or Perfons fhall think himfelf, herfelf, or themfelves aggrieved by any Rate or Affeffment to be made, or Penalty impofed by or in purfuance of this Act, fuch Perfon or Perfons may appeal to the Juftices of the General Seflions of the Peace, or any Adjournment thereof, to be holden for the faid Town and Port of Hytbe, next after the Expiration of Four Calendar Months from the Time fuch Matter of Appeal fhall have arifen, the Perfon or Perfons appealing having firft given Ten Days Notice at the leaft of his, her, or their Intention to bring fuch Appeal, and of the Matter thereof, to the Clerk to the faid Commissioners; and the Juftices in fuch Seflions are hereby authorized and required to hear and determine the Matter of fuch Appeal in a fummary Way, and to make fuch Determination therein, and to award fuch Cofts, as they fhall judge proper; and fuch Determination fhall be final, binding, and conclufive to all Parties, and to all Intents and Purpofes whatfoever.

Perfons aggrieved may appeal to the General Seflions.

XCI. And be it further enacted, That where any Distrefs fhall be made for any Sum or Sums of Money to be levied by virtue of this Act,
[Loc. & Per.] 3 D the

Distrefs not to be deemed unlawful for Want of Form.

the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall afterwards be done by the Party or Parties distraining, and the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damage in an Action on the Case.

Plaintiff not
to recover
after Tender
of Amends.

XIII. Provided always, That no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, or for any Trespas or other wrongful Proceeding, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, or 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 the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of
Actions.

XIV. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Ten Days Notice in Writing, signed by the Attorney for the Plaintiff or Plaintiffs, be thereof given to the Defendant or Defendants, specifying the Cause of such Action or Suit, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Kent*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his, her, or their Election, plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or such Action or Suit shall be brought before Ten Days Notice shall be given as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his or her Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath in other Cases by Law.

Proceedings
not to be re-
moved by
Certiorari.

XV. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

XVI. And

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1798.