



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 21.

An Act for amending, altering, and enlarging the Powers of an Act, passed in the Forty-third Year of His present Majesty, for paving and otherwise improving the Borough of *King's Lynn*, in the County of *Norfolk*. [21st April 1806.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for paving, cleansing, lighting, watching, and improving the Borough of King's Lynn, in the County of Norfolk, and for removing Nuisances and Annoyances therein; and for holding the Saturday and Beast Markets within more convenient Parts of the said Borough*: And whereas the Commissioners appointed by or in pursuance of the said Act, have made great Progress in the Execution of the Powers thereby granted, and have expended the Whole of the Money borrowed on the Security of the Rates authorized to be levied under the said Act, and have incurred a considerable Debt, which now remains due: And whereas the Provisions of the said Act have been found defective, and further Powers are wanted to enable the Commissioners to finish and complete the necessary Improvements, and to discharge the Debt already contracted, and for amending and making the said Act more effectual: 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,

[Loc. & Per.]

bled,

Power to lay
a Rate not
exceeding
Three Shil-
lings in the
Pound on the
Rental of
Messuages,
&c. in lieu of
the former
Rate of Two
Shillings.

bled, and by the Authority of the same, That in lieu of the Annual Sum or Rate of Two Shillings in the Pound authorized by the said recited Act to be raised and levied, it shall be lawful for the Commissioners authorized to put the said recited Act and this Act into Execution, once or oftener in every Year as they shall see Occasion, to cause such Sum or Sums of Money to be raised by a Rate or Assessment upon the several Tenants or Occupiers of all and every the Messuages, Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Brewing Offices, Granaries, Malt Houses, Storehouses, and Buildings, now erected or to be hereafter erected within the said Borough, and of all and every the Gardens, Yards, Orchards, Paddocks, Clofes, Lands, Tenements, and Hereditaments, situate, lying, and being within the said Borough, according to the Annual Rent or Value of the same Premises respectively, not exceeding in any one Year the Sum of Three Shillings in the Pound upon such Annual Rent or Value, as the said Commissioners shall think proper and necessary; such Rate or Assessment to be from Time to Time rated and assessed according to the Rules in the said recited Act contained for ascertaining the Annual Rent or Value, and computing the Rate thereon, and according to the other Rules, Regulations, Powers, Restrictions, and Provisions, and subject to the Exemptions in the said recited Act contained in relation to the Rate or Assessment thereby authorized, and in such and the like Manner and Form in every respect as if all the Clauses and Provisions in that Behalf contained in the said recited Act were or had been severally and respectively repeated and re-enacted in the Body of this Act, except so far as the same Rules, Regulations, Powers, Restrictions, Provisions, Exemptions, and Clauses, or any of them, or any Part of the same respectively, are altered, varied, or repealed by this Act: Provided always, That nothing herein contained shall exempt or discharge any Person or Persons whomsoever, from any Rate or Assessment made in pursuance of the said recited Act, and at the Time of the passing of this Act remaining due or unpaid, or from any Part thereof; but that the Payment of such Rate and every Part thereof shall and may be compelled or enforced by the same Ways and Means, and as completely and effectually to all Intents and Purposes, as if the same had been assessed and imposed by virtue of this Act.

Exemptions
from Rates.

II. Provided always, and be it further enacted, That nothing in this or the said recited Act contained shall empower the said Commissioners to rate or assess any Person or Persons, or Body or Bodies Politick or Corporate, for or in respect of any Tythes, Impropration or Appropriation of Tythes, Modus, or customary Payment in lieu of Tythes, or for or in respect of any other incorporeal Hereditament, or for or in respect of any Messuage or Building situate South of the South Gate of the said Borough, or situate East of the Scite of the Old Guanock Gate, and to which Messuages or Buildings respectively the Pavement shall not at the Time extend, or to empower the said Commissioners to rate or assess any Person or Persons, or Body or Bodies Politick or Corporate for or in respect of any Garden, Meadow, Pasture, or Arable Land or Ground, not being occupied with and adjoining to some rateable Messuage, House, or other Building, or not abutting upon or adjoining to some Street, Lane, or other publick Passage or Place which was paved at the Time of passing the said recited Act, or which shall be paved by virtue of the said recited Act or of this Act.

III. And

III. And be it further enacted, That such Rate or Assessment shall be made by the said Commissioners, or by some Person or Persons to be employed by them for that Purpose, and shall be signed by the Chairman of the Meeting at which the same Rate or Assessment shall have been ordered, or by any Five or more of the said Commissioners; and the Money so to be rated and assessed shall from Time to Time be demanded, levied, collected, and paid at such Time or Times, and by such Half Yearly, Quarterly, or other Portions, as the said Commissioners shall direct, and to the Person or Persons whom the said Commissioners shall appoint to be Collector or Collectors of the same; and shall and may in Default of Payment be recovered by such Ways and Means, or by such Mode or Modes of Proceeding as is in the said recited Act or this Act contained or provided for the Recovery of the Rate or Rates assessed by or according to Rental; and all such Money when collected shall be paid over by such Collector or Collectors to the Treasurer or Treasurers for the Time being of the said Commissioners.

Rates to be signed and collected as Commissioners shall direct.

IV. And whereas by the said recited Act a Power is given to the said Commissioners to rate and assess a yearly Sum or Sums of Money, not exceeding Eight-pence for every square Yard of Pavement belonging to or in the Charge of the Churchwardens and Chapelwardens of the respective Churches and Chapels, of the Feoffees, Guardians, or Trustees of or for the respective Meeting-houses or Places of Divine Worship, and of the Governors of the respective Hospitals or Alms-houses and Workhouses within the said Borough, for or in respect of such Churches, Chapels, Meeting-houses, Hospitals, Alms-houses, and Workhouses respectively, and of the Yards thereto respectively belonging; and it is expedient that the said Rate should be increased; be it therefore further enacted, That it shall be lawful for the said Commissioners to charge, rate, and assess the Churchwardens, Chapelwardens, Feoffees, Guardians, Trustees, Governors, and Treasurers respectively, of the respective Churches, Chapels, Meeting-houses, Hospitals, Alms-houses and Workhouses within the said Borough, with such yearly Sum or Sums of Money as they the said Commissioners shall judge reasonable to be paid, not exceeding One Shilling and Eightpence for the first Three Years after the Twenty-fourth Day of *June* next, and after the Expiration of the said Three Years, with such yearly Sum or Sums of Money as the said Commissioners shall judge reasonable to be paid, not exceeding One Shilling for every square Yard of Pavement which the said Commissioners shall ascertain and determine to have belonged to or to have been in Charge for or in respect of such Churches, Chapels, Meeting-houses, Hospitals, Alms-houses and Workhouses respectively, at or immediately before the passing of the said recited Act; and such yearly Sum or Sums to be so rated, and assessed, shall be paid to the Collector or respective Collectors to be appointed in that Behalf, in such Portions, and shall be levied and recovered in Default of Payment thereof in such Manner as is prescribed by the said recited Act for the Recovery of the said yearly Sum or Sums not exceeding Eight-pence.

Power to increase the Rate on Churches, Meeting-houses, etc.

V. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think it expedient, to bring or cause to be brought any Action or Actions of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, for all or any of the Rates or Assessments

Additional Remedy for enforcing Payment of Rates.

Assessments made or to be made under the said recited Act and this Act respectively, in which Action or Actions it shall be sufficient for the Commissioners, Plaintiffs in any such Action or Actions, to style themselves, "The Commissioners for the Improvement of the Borough of King's Lynn," without particularly naming such Commissioners, or any of them, and under that Style to declare generally that the Defendant or Defendants is or are indebted to the Plaintiffs in the Sum or Sums of Money claimed to be due for such Rates or Assessments as aforesaid, without any further or more particular Statement; and in every such Action the Defendant or Defendants may be held to special Bail on the Affidavit of the Collector for the Time being, that the Sum or Sums claimed doth or do amount to the Sum of Ten Pounds or upwards, and is or are unpaid; and in case the said Commissioners shall in any such Action or Actions recover the Sum or Sums declared for, or any Part thereof, they shall have and recover full Costs, to be levied and recovered as other Monies upon Judgements may now by Law be levied and recovered; and in such Action or Actions, no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Provision for
increase of
Annual Sum
to be paid by
Mayor and
Burgesses.

VI. And whereas by the said recited Act, Provision is made for rating assessing, and charging the Mayor and Burgesses of the said Borough with a gross annual Sum or Sums of Money, for or in respect of their Liability to repair the Pavement of, in, or upon the Market Places and Bridges, and divers void Spaces of Ground within the said Borough, and of, in, or upon the Streets adjoining to divers publick Buildings within the said Borough, and for or in respect of their Liability to the Repair of divers Sewers, Drains, Grates, Sinks, Gutters, and Watercourses used for cleansing the said Market Places and Streets, and divers Lanes and other publick Passages and Places within the said Borough, such gross annual Sum or Sums of Money to bear a fair Proportion to the Rates or Assessments to be from Time to Time assessed and charged for or in respect of Property belonging to the several other Persons to be rated by virtue of the said Act: And whereas such Proportion hath not yet been fixed by the said Commissioners, nor can the same be fixed until the Completion of the Works, intended to be done under the said recited Act and this Act; be it therefore further enacted, That the said Commissioners shall and they are hereby authorized and required, in ascertaining and fixing the Gross Annual Sum or Sums to be paid by the said Mayor and Burgesses as aforesaid, to take into their Consideration the additional Rates or Assessments which shall from Time to Time be made in pursuance of this Act, and in Proportion to the Increase or Addition of Rate for or in respect of Property belonging to other Persons, to increase the Amount of the gross annual Sum or Sums of Money to be so paid by the said Mayor and Burgesses as aforesaid.

Dir. King. that
the Commis-
sioners Ac-
counts, etc.
shall be open
to Inspection.

VII. And be it further enacted, That the Accounts to be annually made by the said Commissioners, according to the Directions of the said recited Act, as also the Contracts which may from Time to Time be made in pursuance of the said recited Act or this Act, shall be kept by the Treasurer or by the Clerk to the said Commissioners, and such Treasurer or Clerk shall permit any Person or Persons rated and paying under the said recited Act or this Act, to inspect such Accounts and Contracts at all seasonable Times, without Fee or Reward; and that the
Collector

Collector for the Time being of the Rates or Assessments under the said recited Act and this Act, shall permit any Person or Persons rated and paying as aforesaid, to inspect all or any of such Rates or Assessments or Duplicates thereof, at all seasonable Times, without Fee or Reward.

VIII. And be it further enacted, That if any Person whomsoever, shall, after the passing of this Act, cause or suffer any House, or other Building within the said Borough, to be made, erected, built, rebuilt, or new-fronted, in such Manner or Form as to suffer any Water to drip from the Top, Roof, Eave, or Cornice of any such House or other Building, into any Market Place, Street, Lane, or other publick Passage or Place, or shall make or affix to or upon any House or other Building already built, or hereafter to be built, next to any Market Place, Street, Lane, or other publick Passage or Place, any Pipe, Trunk, or Gutter for conveying Water from such House or other Building, other than such as shall wholly and effectually prevent Water from dripping from the Top, Roof, Eave, or Cornice thereof respectively, into such Market Place, Street, Lane, or other publick Passage or Place as aforesaid, or as shall sufficiently convey the Water by proper Pipes or Trunks to be affixed flat to the Fronts or Sides of such House or other Building down to the Ground, and thence by proper Drains into the common Channels or Drains, the Owner or Owners of every such House or other Building so made, erected, built, rebuilt, or new-fronted, or to which any such Pipe, Trunk, or Gutter shall be made or affixed contrary to the Provision of this Act, shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings for every Day such House or other Building shall continue in such State as is herein provided against, or any such Pipe, Trunk, or Gutter, other than as aforesaid, shall be or remain affixed as aforesaid; and that it shall be lawful for the said Commissioners (whether any such Penalty or Penalties shall be levied or not) to cause such Water-drip to be wholly and effectually prevented by such Pipes, Trunks, and Gutters respectively, as the said Commissioners or their Surveyor for the Time being shall judge proper, and to cause all Pipes, Trunks, and Gutters, which they the said Commissioners or their Surveyor shall judge not conformable to this Act, to be taken down, removed, or altered in such Manner as they or he shall think proper, and the Charges and Expences of the said Commissioners, or of their Surveyor in that Behalf, when ascertained by some Justice of the Peace for the said Borough, shall and may be recovered from the Person or Persons so offending in like Manner as any Penalty is authorized by this Act to be recovered.

For prevent-
ing Water
from dripping
from new-
built or new
fronted Houses
and for pre-
venting Water
Spouts, &c.

IX. And be it further enacted, That no Surveyor, Master-builder, Mason, Carpenter, Workman, or other such Person, shall hereafter make, erect, build, rebuild, new front, or alter, or cause to be made erected, built, rebuilt, new fronted, or altered, any House or other Building in such Manner, as to project into or over any Market Place, Street, Lane, Creek, Fleet, or other publick Passage or Place within the said Borough, or in any other than a perpendicular Line or Direction upwards from the Foundation of such House or Building, or in such Manner as to suffer any Water to drip from the Top, Roof, Eave, or Cornice of any such House or other Building into such Market Place, Street, Lane, or

For prevent-
ing Projec-
tions in the
Streets, &c.

[Loc. & Per.]

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other

other such publick Passage or Place; nor shall make or affix to or upon any House or other Building, next to any publick Street, Lane, or Passage, any Spout, Pipe, Trunk, or Gutter for conveying Water from such House or other Building, other than such as by the said recited Act or this Act is prescribed; nor shall, in rebuilding or new fronting any old House or other Building or any Wall or Fence situate in or near any publick Street, Lane, or Passage, bring or carry the Foundation thereof forward beyond the old Foundation, or the ancient Story Posts supporting the Fronts thereof, so as to project into or obstruct or narrow the Passage through such Street, Lane, or Passage; nor shall erect any Balcony or other Projection to extend over or beyond a Line drawn perpendicularly from the lower Story of the Building next the Street (except with the previous Consent in Writing of the said Commissioners) upon Pain that every such Surveyor, Master Builder, Mason, Carpenter, Workman, or other such Person who shall offend in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and the Owner of such House or other Building shall forfeit and pay any Sum not exceeding Forty Shillings, for every Week during which such House or other Building, Wall or Fence, Balcony or other Projection as aforesaid shall wholly or in Part remain; and that it shall be lawful for the said Commissioners to order the same to be taken down, altered, or regulated in such Manner as they shall think proper, at the Expence of the Owner; such Expence, when ascertained by some Justice of the Peace for the said Borough, to be recovered in like Manner as any Penalty is by this Act authorized to be recovered.

For preventing Obstructions of publick Drains.

X. And be it further enacted, That if any Person shall hereafter erect or build any Privy, Necessary House, or other such Building upon or over any publick Drain or Sewer made or used by the said Commissioners for carrying off the Water, from any of the Market Places, Streets, Lanes, or other publick Passages or Places, into any publick Fleet or into the publick River or Haven, or so near to any such publick Drain or Sewer that any of the Soil or Filth of such Privy, Necessary House, or other such Building, shall fall into such publick Drain or Sewer, or if the Owner of any Privy, Necessary House, or other such Building already erected or built upon or over such publick Drain or Sewer, or so near thereto as aforesaid, shall for the Space of One Calendar Month after Notice from the said Commissioners or their Surveyor to remove such Privy, Necessary House, or other such Building, suffer the same to remain, or if any Person shall hereafter place or erect any Building of any Kind upon or over any Part which is now open or uncovered of any such publick Drain or Sewer as aforesaid, without the previous Consent in Writing of the said Commissioners, every such Person and Owner respectively so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and that it shall be lawful for the said Surveyor to cause such Privy, Necessary House, or other such Building, and also such Building of any Kind as aforesaid to be removed, and the Expence of the Removal, when ascertained by some Justice of the Peace for the said Borough, shall be paid by the Person liable to the Payment of the Penalty, and in case of Non-payment on Demand be recovered in like Manner as any Penalty is by this Act authorized to be recovered.

XI. And

XI. And be it further enacted, That if any Person shall run, drive, or place, or cause to be run, driven, or placed, any Coach, Chaise, Carriage, or any Waggon, Cart, Drug, Dray, or any other Carriage whatever, upon or over any of the Foot Pavements or Footpaths of any of the said Market Places, Streets, Lanes, or other publick Passages or Places, or shall carelessly or wilfully break or damage any Part of such Foot Pavement or Footpath, or if any Person shall in any of such Market Places, Streets, Lanes, or other publick Passages or Places, turn loose any Horse, Ass, or other Beast, or if any Person shall hang out to dry any Linen or wearing Apparel, in any of such Market Places, Streets, or Lanes, or in any of the Church or Chapel Yards, or if the Driver of any Waggon, Cart, Dray, Drug, Sledge, or other such Carriage, shall in any Part of the said Borough ride on the Shafts, or in or on any Part of such Waggon, Cart, Dray, Drug, Sledge, or other such Carriage, without Reins, or on any of the Horses or Cattle drawing the same, or leave such Waggon, Cart, Dray, Drug, Sledge, or other such Carriage, so as not to have the Command of the Horses or Cattle drawing the same, the Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings over and besides the Damage which shall or may have been occasioned by any such Offence; such Damage when ascertained by a Justice of the Peace for the said Borough, to be levied and recovered in like Manner as any Penalty is by this Act authorized to be recovered.

For preventing Annoyances.

XII. And whereas Doubts have arisen how far the Occupiers of Houses and other Premises within the said Borough are authorized to dispose of Cinders, Cinder Dust, or Ashes, under the Clause of Exception in the said recited Act contained; for obviating such Doubts be it further enacted and declared, That nothing in the said recited Act contained shall extend or be construed to extend to authorize any Occupier as aforesaid to sell, give, or otherwise dispose of any of such Cinders, Cinder Dust, or Ashes, to any Person whomsoever; but every such Occupier shall permit the publick Scavenger, or the Person or Persons employed by or contracting with the said Commissioners as or for the publick Scavenger or Scavengers, or those employed under such Contractor or Contractors, to take away at reasonable Times all such Cinders, Cinder Dust, and Ashes, except such Part thereof as the Occupier shall think proper to preserve and keep for his or her own immediate Use in or upon Buildings, Lands, or Premises, in his or her own Occupation; and except Cinders or Coke made or produced from Coals in any Cinder Oven, or Kiln, for the Purpose of Sale, as an Article of Trade or Merchandize; and if the Occupier of any Dwelling House, Building, Yard, or other Premises within the said Borough, shall make any Sale, Gift, or other Disposition of any such Cinders, Cinder Dust, or Ashes, or permit any such to be taken away contrary to the Directions of this Act; or if any Person or Persons whatsoever not being the publick Scavenger or Scavengers, or the Person or Persons employed by or contracting with the said Commissioners as or for the publick Scavenger or Scavengers, or employed under such Contractor or Contractors, shall by himself, herself, or themselves, or by his, her, or their Apprentice or Apprentices, Servant or Servants, on any Pretence whatever, go about to collect or gather, or shall ask for, receive, take, or carry away any Cinders, Cinder Dust, or Ashes, from any Dwelling House, Building, Yard,

For explaining a Clause in the former Act respecting taking away Cinder Ashes, &c.

Yard, or other Premises (either with or without the Consent of the Occupier thereof,) contrary to such Directions as aforesaid, every such Occupier or Person or Persons, Apprentice or Servant respectively, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and moreover it shall be lawful for any Justice of the Peace for the said Borough, upon Complaint to him made, to grant a Warrant to bring before him, at the Time and Place in such Warrant to be specified, any Person whomsoever, who, not being the publick Scavenger nor the Person employed by or contracting with the said Commissioners as or for the publick Scavenger, nor employed under such Contractor, shall on any Pretence whatever go about to collect or gather, or shall ask for, receive, take, or carry away, any Cinders, Cinder Dust, or Ashes from any Dwelling House, Building, Yard, or other Premises, contrary to the Directions of this Act; or it shall be lawful for any Person or Persons who shall see such Offence committed, to seize, and also for any other Person or Persons to assist in seizing the Offender or Offenders, together with any of the Horses, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages or Implements, made use of for carrying away the same, and by the Authority of this Act and without any other Warrant, to convey such Offender or Offenders before some Justice of the Peace for the said Borough, to be dealt with according to Law for such Offence; and if such Offender or Offenders shall not immediately on Conviction pay the Penalty to be imposed on him, her, or them, on such Conviction, such Justice is hereby required to direct the Horses, Asses, Cattle, Carts, Trucks, Wheelbarrows, and other Carriages or Implements which shall have been so seized, to be appraised and sold, and after deducting out of the Monies to arise from such Sale, the Penalty incurred, together with the reasonable Charges and Expences of the Seizure and Sale, the Overplus thereof shall be returned to the Party or Parties whose Horses, Asses, Carts, or other Goods shall have been so appraised and sold; and in case there shall have been no such Seizure as aforesaid, or if the Horses, Asses, Carts, or other Goods which shall be so appraised and sold shall not produce a sufficient Sum of Money to pay the said Penalty, Charges, and Expences, and such Offender or Offenders shall not immediately upon Conviction pay the said Penalty, or such Part or Parts of the said Penalty and Expences as shall remain over and above the Produce of the Horses, Asses, Carts, and other Goods so seized and sold, then such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of and for the said Borough, as provided by this Act in other Cases of Non-payment of Penalties, and want of sufficient Goods of the Offender to levy the same.

For amending
a Clause in
former Act
respecting
Walls for pre-
venting Fire,
and respect-
ing thatched
Buildings.

XIII. And whereas the Provisions in the said recited Act contained requiring that new Houses and other Buildings shall not be erected without Walls of a certain Thickness to guard against Fire, and that Houses and other Buildings within the said Borough shall not be covered with Thatch or Straw, have been found ineffectual for answering the Purposes intended; be it therefore further enacted, That after the passing of this Act no Person shall erect, build, or rebuild, or cause to be erected, built, or rebuilt any House or Building, or Part of a House or Building within the said Borough, without making all the external Walls thereof respectively entirely of Brick or Stone of the Thickness of Nine Inches at the least, nor without making

making at the Gables, Ends, and Sides thereof respectively, a separate Wall or separate Walls entirely of Brick or Stone, upon his or her own Ground or Soil, against every adjoining House or other Building, and against every Part thereof so adjoining; every such separate Wall to be of the Thickness of Nine Inches at the least, and to extend from the Ground Floor through the Roof; and that no Person shall hereafter erect, build, or rebuild, or cause to be erected, built, or rebuilt, any Row of Houses, Tenements, or Dwellings within the said Borough, adjoining to each other, without making a Partition or Division Wall entirely of Brick or Stone between every Two Houses, Tenements, or Dwellings of or in every such Row; such Partition or Division Wall to be of such Thickness as aforesaid, and to extend from the Ground Floor through the Roof; and that no Person shall hereafter cover or cause to be covered any House or other Building of any Kind within the said Borough in the Whole or in Part with Thatch or Straw, on Pain that the Owner and Owners of every such House or Building, or Part of a House or Building, or Row of Houses, Tenements, or Dwellings so erected, built, or rebuilt as aforesaid, without such Wall or Walls respectively as aforesaid, and the Owner and Owners of every House or other Building of any Kind, covering the same wholly or in part with Thatch or Straw as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds for every Month such House or Building, or Part of a House or Building, or Row as aforesaid, shall continue without such Wall or Walls respectively, or with such Covering of Thatch or Straw as aforesaid; and that the Head or Master Workman employed in erecting, building, or rebuilding, or covering any House or Building, or Row of Houses, Tenements, or Dwellings, contrary to the Provisions aforesaid in this Act contained, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XIV. And be it further enacted, That before any House or Building, or any Wall on new or old Foundations, or on Foundations partly new and partly old, within the said Borough (and which House, Building, or Wall shall be subject to any Rule or Regulation contained in the said recited Act or this Act) shall after the passing of this Act be begun to be built or rebuilt, the Master Workman, or other Person causing such House, Building, or Wall to be built or rebuilt, shall give Twenty-four Hours Notice thereof in Writing, to the Surveyor appointed by the said Commissioners; and such Surveyor shall view the said House, Building, or Wall, and see that all the Rules and Regulations in the said recited Act and this Act respectively contained are well and truly observed; and if any Person shall after the passing of this Act begin any such House, Building, or Wall, or presume to cut into any Wall now built or to be hereafter built under the Authority or in compliance with the Directions of this Act, without first giving such Notice as aforesaid to the said Surveyor, or shall refuse such Surveyor Admittance from Time to Time at seasonable Hours for the Purpose of viewing the same, then every Person so neglecting to give such Notice, or so refusing such Admittance, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and also every such House, Building, or Wall so begun to be built or rebuilt without such Notice having been given, or without Admittance having been given or granted to such Surveyor as aforesaid, in case the

[Loc. & Per.]

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same

For prevent-
ing building
contrary to
the Provisions
of the Acts.

same be not built or rebuilt in every respect agreeably to the Regulations of the said recited Act and of this Act respectively, shall be demolished or amended by Order of any Two Justices of the Peace for the said Borough, by the Builder and Owner, or such One of them as the said Justices shall require, which Order the said Justices are hereby empowered to make within Three Calendar Months after the House, Building, or Wall shall be finished, and for Disobedience to any such Order the Party disobeying may be proceeded against by Indictment in the same Manner as if such Order had been an Order of the Court of Quarter Session of the Peace.

For allowing the Commissioners to contract for the Purchase of Lands, &c.

XV. And be it further enacted, That for the Purpose of continuing and maintaining the new Road, which has been made from the South Gates of the said Borough into *Saint James's Street*, under the Powers of the said recited Act; and for the Purpose also of making the narrow Parts of the said Streets, Lanes, and other publick Passages and Places, safe and commodious for Carriages and Passengers, and for opening proper Communications between the said new Road, and the said Streets, Lanes, and other publick Passages and Places, or any of them, and for altering, widening, and improving such Communications, or any of them, and for otherwise improving the said Borough, in Manner by the said recited Act and this Act directed, it shall be lawful for the said Commissioners to contract and agree with any Person or Persons, or Body or Bodies Politick, or Corporate (Spiritual or Lay) respectively, who shall be, or be deemed to be Owners of or interested in any Lands, Buildings, Bridges, Tenements, or other Hereditaments within the said Borough for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively in the Execution, or for the Purposes of the said recited Act and this Act; and to take down or alter all or any of such Buildings, Bridges, Houses, or Tenements, to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Scites thereof respectively, and also to appropriate all or any of the Lands to be so purchased, for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

For extending the Purchasing Clauses to overhanging Projections.

XVI. And whereas the several Powers contained in the said recited Act for removing Projections or Encroachments upon the Footways, have been found insufficient for the Purposes thereby intended; be it therefore enacted, That the said recited Act, and the several Clauses, Powers, and Provisions therein and in this Act contained, so far as the same relate to Buildings and Erections projecting into or upon Footways, or to Projections or Encroachments upon such Footways, shall extend and be construed to extend to such Stories or Parts of Messuages, Houses, and other Buildings as shall overhang or in any Manner project into or over any publick Street within the said Borough, or shall project upwards, over, or beyond the perpendicular Line from the lowest Part or Ground Floor Wall of such Messuages, Houses, or other Buildings next to such publick Street.

Repeal of Parts of former Act relating to Expence of Securities for Money, and

XVII. And, for facilitating the raising of Money on the Credit of the Rates or Assessments arising under the said recited Act and this Act, be it further enacted, That such Part of the said recited Act as directs the Expence of every Assignment or Grant thereby prescribed, by way of Security for Money borrowed by the said Commissioners on the Credit of the

the Rates or Assessments laid and collected under the said recited Act, and of the Copy of such Assignment or Grant respectively, to be from Time to Time defrayed by the said Commissioners, and the Lender of the Money, or Contributor in equal Shares, and also such Part of the said recited Act as restrains the said Commissioners from granting any Annuity for or in Consideration of any Sum advanced to them for the Purposes of the said recited Act, to any greater annual Amount than that of a Sum equal to the annual Interest computed at the Rate of Five Pounds *per Centum per Annum* of the whole Sum to be advanced, shall be and the same is and are hereby repealed.

respecting the
per. Centage
on Annuities.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required in the Execution of their future Works under the Powers of the said recited Act and this Act, in the First Place to complete the Pavement of such of the said Streets and Lanes as remain unpaved and are intended to be paved, with proper Footways, removing at the same Time, if judged necessary by the said Commissioners, in pursuance of the said recited Act and this Act such Corners and Parts of Houses and other Projections in or next narrow Streets as will make those Streets sufficiently wide to admit Two Four-wheel Carriages to pass each other at the same Time between such Footways; but no Footway in such narrow Streets shall be more than Three Feet in Width.

Direction
respecting the
future Works
under the
Act.

XIX. And be it further enacted, That all the Money to arise by or from the Rates or Assessments granted by the said recited Act and this Act, or to be levied or received from Time to Time by virtue of the said recited Act and this Act, or either of them respectively, and all the Money which may be borrowed at Interest or upon Annuities, on the Credit of the said Act or this Act, shall be applied in the First Place in paying and defraying the Costs and Expences of the said Commissioners which shall be incident to and attending the obtaining and passing of this Act, and the Interest of Money which shall have been advanced by any One for defraying such Costs and Expences; and in the next Place in paying from Time to Time the Interest of the Principal Money already borrowed and to be borrowed, and the Annuities to be granted as aforesaid, and then in paying off and discharging the Debt already incurred or contracted by the said Commissioners as mentioned in the Preamble of this Act, together with Interest for the same; and afterwards in defraying the Costs, Charges, and Expences of carrying the several other Trusts and Purposes of the said recited Act and of this Act into complete Execution, in such Order and Manner as the said Commissioners shall judge expedient, all which Monies to be raised in Manner aforesaid shall become and be considered as One consolidated aggregate Fund, and shall be vested in the said Commissioners for the Trusts and Purposes herein-before expressed and referred to.

Direction
respecting the
Application
of the Money
to be raised
under the
Acts.

XX. Provided always, and be it further enacted, That the Surplus Money, if any, which may arise from Time to Time from the Rates granted by the said recited Act and this Act respectively, shall subject to the Trusts and Purposes herein-before expressed and referred to, be applied in or towards paying off or discharging the Money already borrowed or to be borrowed at Interest as aforesaid; and that the Rate or Rates shall thereupon be reduced from Time to Time, in such Proportion as shall be equal to the Interest of the Money so paid off, or as near there-

Directing Ap-
plication of
Surplus Mo-
ney.

to as may be ; but such Reductions shall not take place until so much Money shall have been paid off as will enable the said Commissioners from Time to Time to reduce the said Rate or Rates in the Sum of Two-pence in the Pound.

Power to take additional Toll in case of any Alteration in the Place of holding the Beast Market.

XXI. And whereas by the said recited Act the Mayor, Aldermen, and Common Council of the said Borough in Council assembled, are empowered to appropriate from Time to Time a proper Piece or Parcel of Ground within the said Borough, or the Liberties thereof, as or for the Place of holding a publick Beast Market on every *Tuesday*, and to be used as such instead of the Place now used for that Purpose, and to take the same Tolls as are or may be taken in the present Beast Market ; but the Power given as aforesaid hath not yet been exercised on account of those Tolls being inadequate to defray the Expence attendant on such a distinct and additional Market Place : And whereas Application hath been lately made by several Farmers and others frequenting the said Market to the said Mayor, Aldermen, and Common Council, requesting them to exercise the Power vested in them by the said recited Act, and in such Manner as to admit of a publick Beast Market of greater Extent than the present, stating in such Application the publick Convenience which will thence arise, and offering to pay Tolls adequate to the Loss and Expence which will be sustained by the Mayor and Burgeses of the said Borough in the proposed Improvement ; but inasmuch as such Tolls cannot be legally demanded, nor properly collected, nor the necessary Regulations in this Behalf effectually made without the Authority of Parliament ; be it therefore further enacted, That when and so soon as the said Mayor, Aldermen, and Common Council, shall have judged it expedient to exercise the Power vested in them by the said recited Act, of appropriating and making fit a proper Piece or Parcel of Ground within the said Borough or the Liberties thereof, as and for a publick Beast Market as in the said Act mentioned, in lieu of the present Beast Market, or in lieu of any other Place which having been used as and for a Beast Market, it may be judged expedient to discontinue as such, Notice thereof shall be given in all the publick Newspapers printed in the County of *Norfolk* and City of *Norwich* ; and that on the *Tuesday* Market Day next following the Publication of such Notice, and for ever thereafter, the said Beast Market shall be held at or in such Place in the said Borough or the Liberties thereof, as the said Mayor, Aldermen, and Common Council shall from Time to Time so appropriate, and no where else within the said Borough or the Liberties thereof ; and that it shall be lawful for the Mayor and Burgeses of the said Borough and their Successors, to demand, receive, and take, by themselves, their Servants, Officers, and Farmers, for and in respect of live Cattle brought to any such new Market Place (to be so from Time to Time appropriated and made fit as in the said recited Act mentioned) for Sale, the following Tolls ; (that is to say),

For every Horse, Mare, or Gelding, the Sum of One Shilling ;

For every Colt, Filly, or Foal, the Sum of Sixpence ;

For every neat Beast, the Sum of Sixpence ;

For every Sheep or Lamb, the Sum of Two-pence ;

For every Pig, or Head of Swine, the Sum of One Penny :

Power to let the Market Tolls.

And that it shall be lawful for the said Mayor and Burgeses and their Successors, from Time to Time, if they shall think fit, to let to farm the
Whole

Whole or any Part of the said Tolls to any Person or Persons willing to take the same for any Term of Years, and from Time to Time to reduce the said Tolls or any of them, and to raise the same again to any Sum or Sums not exceeding the respective Sums before mentioned: Provided always, that such Reduction shall not be made during the Continuance of any Letting without the Consent of the Lessee or his Assigns, unless a Clause authorizing such Reduction shall be contained in the Lease or Contract for letting the same; and every such Lessee shall and may demand, receive, and collect the same Tolls by himself or by some Person or Persons to be authorized by him for that Purpose.

XXII. Provided always, and be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Common Council, to make Order from Time to Time as they shall judge most convenient to the Publick, that the said new Beast Market shall be kept either on the *Tuesday* in every successive Week, or only on the *Tuesday* in every alternate Week, or on or at some other stated Day or Time instead of a *Tuesday* in every successive or alternate Week; such Order when made to be from Time to Time published in some publick Newspaper circulated in the said County of *Norfolk*; any Thing in the said recited Act or this Act contained, or any former Law or Custom, to the contrary notwithstanding.

For holding
Beast Market
Weekly, or
only once a
Fortnight.

XXIII. And be it further enacted, That if any Person or Persons shall drive or put any live Cattle whatsoever into the said new Market Place without the Consent of some Person appointed to collect and receive the Tolls hereby granted, before the Toll or Tolls hereby payable for the same Cattle shall be duly paid, or shall assault, hinder, or obstruct any Person authorized to receive such Tolls, or any of them, or to superintend and regulate such Market Place in the Receipt or Collection of such Tolls, or any of them, or in the Execution of his Duty or Office, or shall expose to Sale on a Market Day, and during the Continuance of the Market Hours in any Place within the said Borough or the Liberties thereof, except in the said new Beast Market Place, any live Cattle whatsoever, or shall expose to Sale on a Market Day before or after the stated Market Hours in any Place, whether open or private, within the said Borough or the Liberties thereof, any live Cattle whatsoever, without having first paid the Toll or Tolls which would be due and payable if the same had been taken to the said new Market Place for Sale, or shall do any Act, Matter, or Thing whatsoever, with Intent to avoid the Payment of any Toll or Tolls hereby granted and made payable, or shall expose to Sale any Cattle in any Part of the said new Market Place appropriated for the Sale of a different Sort or Kind of Cattle, although the Toll or Tolls shall have been paid for such Cattle, or shall at any Time after the passing of this Act, at any Place within the said Borough or the Liberties thereof, on a Market Day, or at any other Time misbehave himself, herself, or themselves in the Driving, Care, or Management of any Cattle committed to his, her, or their Care, by the improper driving, treating, or using of such Cattle, or leave any such Cattle without a sufficient and proper Person or Persons to take the Charge and Care thereof; or shall shew and exhibit within the View of any publick Street or Row of Houses within the said Borough or the Liberties thereof, any Stallion or Stone Horse; or if any Person authorized to collect or receive the Tolls payable by virtue of this Act or any of them, shall ask, demand, or receive for any Cattle brought to such Market as aforesaid for Sale, a greater

For punishing
Offences in
the Beast
Market.

[Loc. & Per.]

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Sum

Sum of Money than the Amount of the Toll or Tolls due and payable for such Cattle, each and every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding the Sum of Five Pounds, and if any Person or Persons whatsoever shall take away, remove, damage, or destroy any Gate, Rail, Post, Pale, Board, Lamp, Fence, Wall, or Building; or any Window, Glass, or other Part of or belonging to any Building to be made or erected by virtue of this or of the said recited Act, or which shall belong to or be a Part of the said new Market Place, or shall deface or obliterate, break, damage, destroy, remove, or take away any Table of Tolls, or other Inscription to be set up in the said new Market Place, or elsewhere within the said Borough or the Liberties thereof, by the Mayor and Burgeses of the said Borough, or by the Mayor of the said Borough, concerning or relating to the said new Market Place, or of any Rule, Order, Bye Law, or Regulation to be made by virtue of this Act, each and every Person so offending in any of the Cases last aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings, over and besides the Amount of the Damage occasioned by any such Offence; which Amount, when ascertained by any Justice of the Peace before whom the Offender shall have been convicted, shall be paid to or for the Use of the said Mayor and Burgeses, over and besides the said Penalty, and in case of Non-payment shall be levied and recovered in like Manner as any Penalty is authorized by this Act to be recovered; and the Penalty shall in every of such last mentioned Cases, be also paid and applied to or for the Use of the said Mayor and Burgeses; and that it shall be lawful for any Person or Persons who shall see any such Offence, or any Offence against any Order, Rule, or Bye Law to be made by virtue of this Act committed, forthwith to arrest the Offender or Offenders by Authority of this Act, and without any other Warrant to convey him, her, or them before a Justice of the Peace, or to deliver him, her, or them into the Custody of a Constable or other Peace Officer, to be taken before a Justice of the Peace to be dealt with according to Law.

Power to appoint Collectors and make Bye Laws for the Regulation of the Beast Market, &c.

XXIV. And be it further enacted, That it shall be lawful for the Mayor, Aldermen, and Common Council of the said Borough in Council assembled, or for the Mayor for the Time being of the said Borough, from Time to Time to appoint the Deputy Clerk of the other Markets of the said Borough, or One or more other fit and proper Person or Persons to collect and receive the Tolls hereby granted, and to superintend and regulate the said new Market Place, and also to make and establish such reasonable Orders, Rules, and Bye Laws, for the better Regulation, Maintenance, and Management of the said new Market Place, and all Erections, Buildings, Works, Matters, and Things which shall belong to and be a Part thereof; and also for the better regulating the driving, placing, and Sale, and Hours of Sale, of all Manner of Cattle within the said new Market Place, and also within the said Borough or the Liberties thereof, and for the better collecting and enforcing the Payment of the Tolls hereby granted, and the preventing the Sale of Cattle out of the said new Market Place on a Market Day, as to the said Mayor, Aldermen, and Common Council, or to the said Mayor, shall seem just and reasonable; and also from Time to Time to repeal, alter, or amend such Orders, Rules, and Bye Laws, or any of them, as shall be thought meet and requisite; and to affix and appoint reasonable Penalties, not exceeding Forty Shillings each for the Non-observance, Non-performance, or other
Breach

Breach of such Orders, Rules, and Bye Laws or any of them; such Penalties to be recovered in the same Manner as the other Penalties expressly imposed by this Act; all which Orders, Rules, and Bye Laws shall be printed and fixed up in some conspicuous Part of the said new Market Place; and when so printed and fixed up shall be good and binding upon all Persons concerned, provided the same be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom called *England*, or inconsistent with or repugnant to the Provisions and Directions in this Act or the said recited Act contained; and the same Orders, Rules, and Bye Laws shall be subject to Appeal in such and the like Manner as any Order or Determination of the said Commissioners may be appealed against by virtue of the said recited Act.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, Buildings, or other Hereditaments purchased, taken, or used, by virtue of the Powers of the said recited Act or this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Priuity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing the said recited Act and this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, Buildings, or other Hereditaments in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Buildings, or other Hereditaments, or affecting other Lands, Tenements, Buildings, and other Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, Buildings, or other Hereditaments which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, Buildings, or other Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Buildings,

Application
of Compensation
Money
when amount-
ing to 200 l.

Buildings, or other Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application when the Compensation Money is less than 200 l. and above 20 l.

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

Application where the Money does not exceed 20 l.

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as next before mentioned, shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments so purchased, taken, or used for the Purposes of the said recited Act and this Act, in such Manner as the said Commissioners or any Three or more of them shall think fit, or in case of Infancy or Lunacy then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, Buildings, or other Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, Buildings, or other Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said

Lands, Tenements, Buildings, or Hereditaments (*describing them*), subject to the Order, Controul, and Disposition of the said Court of Chancery, which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Subject to the Order of the Court of Chancery on Motion or Petition.

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

Respecting disputed Titles.

XXX. Provided also, and be it further enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, Buildings, or other Hereditaments to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, Buildings, or Hereditaments to be settled to the like Uses in pursuance of the said recited Act or this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or this Act, or so much of such Expences as the said Court shall deem reasonable to be paid by the said Commissioners, out of the Monies to be received by

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

[*Loc. & Per.*]

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virtue

virtue of the said recited Act and this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Mode of Recovery and Application of Penalties and Forfeitures under the former Act and this Act.

XXXI. And be it further enacted, That all and every the Penalties and Forfeitures by the said recited Act or this Act imposed or incurred, for the Recovery whereof no other Mode is directed by the said recited Act or this Act, shall, on the Conviction of the Offender or Offenders, by or before any Justice of the Peace for the said Borough, upon his own View, upon the Confession of the Party accused, or upon the Oath of One Witness, be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and the Overplus of the Money (if any) arising by such Distress and Sale shall be returned to such Offender on Demand, the Costs and Charges of the Distress and Sale being first deducted; and all such Penalties and Forfeitures when recovered shall, if not by the said recited Act or this Act directed to be otherwise applied, be paid to the Treasurer of the said Commissioners, and be applied by them to such of the Purposes of the said recited Act and this Act as they the said Commissioners shall think fit; or in case it shall be made appear to such Justice by the Oath of One Witness, or by the Confession of the Offender or Offenders, that such Offender or Offenders hath or have not any Goods or Chattels within the said Borough, whereof the Penalty or Forfeiture, and the Charges of levying the same can be levied and raised, or in case after such Warrant of Distress hath been issued, no sufficient Distress can be found, then it shall be lawful for such Justice (and in case of a Warrant of Distress issued and no sufficient Distress found, for any other Justice of the Peace for the said Borough) if such Penalty or Forfeiture shall not have been paid, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of and for the said Borough, there to be kept to hard Labour, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid: Provided always, that no Objection shall be allowed to the Competency of any Person to be a Witness to prove any Offence against this or the said recited Act, or other Matter or Thing relating thereto, or to the Punishment of the Offender, on the Ground of such Witness being a free Man or free Burges of the said Borough, or other Member of the Corporation of the Mayor and Burgeses of the said Borough, or an Officer appointed under the Authority of this or the said recited Act.

Provisions of the former Act extended to this Act, except, &c.

XXXII. And be it further enacted and declared, That all and every the Clauses, Provisoes, Powers, Authorities, Directions, Regulations, Limitations, Restrictions, Indemnities, Protections, Exemptions, Punishments, Penalties, Forfeitures, Matters, and Things contained in the said recited Act (save and except such Parts thereof respectively as are repealed, altered, or varied by this Act) shall continue in full force, and shall be exercised and put in Execution, and shall be applicable and applied in all and every Cases and Case which shall or may arise under this as well as under the said recited Act, by all Persons whomsoever, in such and the like Manner, and as fully and effectually to all Intents and Purposes whatsoever, and in all Respects (as far as the Circumstances of the Case will admit) as if the said several Clauses, Provisoes, Powers, Authorities, Directions, Regulations,

lations, Limitations, Restrictions, Indemnities, Protections, Exemptions, Punishments, Penalties, Forfeitures, Matters, and Things, were or had been particularly repeated and re-enacted in the Body of this Act.

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

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