



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 43.

An Act for improving the Navigation from the *Hythe* at *Colchester* to *Wivenhoe* in the County of *Essex*; and for better paving, lighting, watching, cleansing and improving the said Town of *Colchester*.

[6th May 1811.]

WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of His Majesty King *William* the Third, intituled, *An Act for cleansing and making navigable the Channel from the Hythe at Colchester to Wivenhoe*: And whereas another Act was passed in the Fifth Year of the Reign of His Majesty King *George* the First, intituled, *An Act for enlarging the Time granted by an Act of the Ninth and Tenth Years of King William, for cleansing and making navigable the Channel from the Hythe at Colchester to Wivenhoe, and for making the said Act more effectual*: And whereas another Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for further enlarging the Term granted by an Act of the Ninth and Tenth Years of the Reign of King William the Third, for cleansing and making navigable the Channel from the Hythe at Colchester to Wivenhoe; and for making the said Act, and another Act of the Fifth Year of the Reign of His late Majesty King George the First, for enlarging the Term granted by the said Act of the Ninth and Tenth Years of the Reign of King William the Third more effectual*: And whereas another Act was passed in the Twenty-third

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c. 19.

5 G. 1. c. 31.

13 G. 2. c. 30.

[Loc. & Per.]

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Year

Year of the Reign of His said late Majesty King George the Second, intituled, *An Act for making more effectual several Acts of Parliament passed for cleansing and making navigable the Channel from the Hythe at Colchester to Wivenhoe in the County of Essex, and for repairing and cleansing the Streets and Lanes of the Town of Colchester*: And whereas another Act was passed in the Twenty-first Year of the Reign of His present Majesty, intituled, *An Act for continuing and making more effectual several Acts of Parliament passed for cleansing and making navigable the Channel, from the Hythe at Colchester to Wivenhoe in the County of Essex; and for repairing and cleansing the Streets of the Town of Colchester, and also for lighting the Streets and Lanes, and for preventing Annoyances in the said Town*: And whereas the Powers given in and by the said several Acts, have been found defective and insufficient to effect the Purposes thereby intended, and it would be convenient if the same were to be repealed, and further and more effectual Powers granted: And whereas it would tend greatly to the Benefit and Advantage of the Inhabitants of the said Town, and of all Persons trading to and from the said Place called the *Hythe*, if the Channel of the River *Colne* leading therefrom to the Town of *Wivenhoe* was more effectually cleansed and made navigable, and the Streets, Highways, and Avenues leading thereto, repaired and paved: And it would likewise contribute much to the Safety, Accommodation, and Convenience of the said Inhabitants, and of all Persons resorting to the said Town of *Colchester*, if the publick Streets, Lanes, Highways, Passages, and Places therein were properly paved, lighted, cleansed, and watched, and all Incroachments, Obstructions, Annoyances, and Nuisances therein removed: But as the several Purposes before mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Powers, Provisoes, Clauses, Matters and Things therein contained shall, from and after the Meeting of the Commissioners herein-after appointed to carry this Act into Execution be and the same are hereby repealed.

Recited Acts repealed.

Vesting Money, &c. in Commissioners under this Act.

II. And be it further enacted, That all Sum and Sums of Money's Estate or Effects vested in the Commissioners for putting the said recited Acts into Execution, or remaining in the Hands of their Treasurer, Collectors, or any other Person or Persons whatsoever, shall become vested in the Commissioners for putting this Act into Execution, and be applied for the Purposes of this Act.

Commissioners appointed.

III. And be it further enacted, That the High Steward, the Mayor, Recorder, Aldermen, Assistants, and Town Clerk of the Borough of *Colchester*, and the Magistrates for the County of *Essex*, residing within the Hundred of *Winstree*, and Half Hundred of *Laxden*, in the said County for the Time being; *Francis Tillet Abell, Thomas Andrews, John Bawtree, Samuel Bawtree, Philip Bayles Clerk, Daniel Oathwaite Blyth, William Betts, James Barker, James Blatch, Samuel Cooke, Horatio Cock, William Cook, John Cooke, Thomas Catchpool, Samuel Puplett Carr, John Dunnage, Samuel Daniel, William Francis, Phillip Gretton, Charles Hewitt Clerk, William Hawkins, Richard Hoblyn Clerk, James Halls, Nathaniel*
H. dge,

Hedge, Thomas Hedge, John Keeling, William Keymer Junior, Charles Great Keymer, John King, James Lovett, Charles Matthews, Richard Mills, Richard Duncan Mackintosh M. D. John Mann, Thomas Maberly, Alexander Fordyce Miller, Roger Nunn, Robert Richardson Newell M. D. Richard Neville, Charles Parker, John Patrick, Richard Patmore, John Round, George Round, John Round the Younger, John Rudd, William Ralton, George Savill, Peter Bernard Scale, Yorick Smythies Clerk, John Smythies Clerk, William Smith, Daniel Sutton, Benjamin Strutt, John Graham Sarjeant, Henry Topping M. D. John Collins Tabor, Thomas Tayspill, James Thorn, Robert Tabor, Henry Thorn, Sazuel Tabor, Joseph Verlander, Charles Whaley, Charles White, Joseph Wallis, and the several Owners for the Time being, of the Lands, Meadows and Marshes on both Sides of the said Channel and River, below the Lock to *Wivenhoe* aforesaid; and all and every Person and Persons who now are or hereafter shall be an Inhabitant or Inhabitants of, and resident in the said Town or Borough of *Colchester*, within the Limits of this Act, who shall qualify himself or themselves in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into Execution: And in case it shall happen that the Mayor and Commonalty of the said Borough of *Colchester* shall be disabled to act in their Corporate Capacity by Judgements of Ouster or otherwise, that the then High Steward, Mayor, Recorder, Aldermen, Assistants, and Town Clerk of the said Borough, each and every of them shall, notwithstanding such Disability, remain, continue, and be Commissioners to put this present Act into Execution.

IV. Provided always, and be it further enacted, That no Person, except such as shall be a Commissioner by virtue of his Office, or as Owner of Land adjoining the Channel or River, shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be resident in the said Town of *Colchester* or the Liberties thereof, and shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, situate and being within the Limits of this Act, and rated and assessed for the Purposes thereof, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of or entitled to a Personal Estate of One thousand Pounds, and a Householder within the Limits of this Act; and if any Person, except as aforesaid, not being so qualified, shall presume to act in the Execution of this Act, then and in every such Case every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, on Proof given of his having acted as a Commissioner in the Execution of this Act.

Qualification
of Commis-
sioners.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (save and except in the appointing the First Meeting to be holden in pursuance of this Act, in case the same shall not be holden on the Day herein appointed, and in administering the Oath or Affirmation herein-after mentioned to

Commission-
ers to take
the Oath
contained in
the Schedule.

the other Commissioners), until he shall have taken and subscribed such Oath or Affirmation as is set forth in the Schedule hereunto annexed before any Two or more of the said Commissioners, at a publick Meeting to be holden by virtue of this Act, who are hereby authorized and required to administer the same.

Commissioners holding Places of Profit not to act.

VI. Provided always, and be it further enacted, That no Commissioner shall be capable of acting or voting as such during the Time he shall hold any Office of Profit under the said Commissioners, or be concerned in any Contract made by virtue of this Act, or in any case wherein he shall be personally interested; and that at all Meetings to be holden in pursuance of this Act, the Commissioners shall defray their own Expences: Provided always, that it shall and may be lawful to and for such of the said Commissioners as shall be Justices of the Peace for the said Borough and Town of *Colchester*, to act as Justices in the Execution of this Act within their several and respective Jurisdictions, notwithstanding their being Commissioners.

Meetings of Commissioners.

VII. And be it further enacted, That the said Commissioners shall meet and assemble at the Moot Hall of the said Town of *Colchester*, or at any other convenient Place in *Colchester* aforesaid, upon the First Monday next after passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Ten and Twelve in the Forenoon, in order to put this Act into Execution; and shall afterwards meet at the same Place, or at any other convenient Place within the said Town or Borough of *Colchester*, as shall by the said Commissioners be at the preceding Meeting appointed, between the Hours aforesaid, on the first Monday in every Month, for the Purpose of carrying this Act into Execution, without any Notice being given to the said Commissioners of such Meeting: And that at all such Meetings to be holden as aforesaid, there shall be present at the least Nine of the said Commissioners, and that no Act of the said Commissioners shall be, or be deemed to be good or valid unless made and done at a Meeting to be holden as aforesaid by virtue of this Act; and that the Powers and Authorities by this Act granted, shall from Time to Time be exercised by the major Part of the Commissioners present at any publick Meeting; and at every such Meeting One of the Commissioners to be appointed by a Majority of Commissioners present, shall be Chairman; and in all Cases the said Commissioners shall vote by Ballot, in case the same shall be desired by any Three or more of the Commissioners then present; and in case of an equal Number of Votes upon any Question, including that of the Chairman, such Chairman shall have the decisive or casting Vote.

Proceedings to be entered in Books.

VIII. And be it further enacted, That there shall be provided and kept a proper Book or Books, in which fair and regular Entries shall be made of all Acts, Orders and Proceedings relative to the Execution of this Act, and the Names of the Commissioners who shall be present at the respective Meetings to be holden in pursuance of this Act; and such Entries being signed by the Chairman of each respective Meeting, or by the Clerk to the said Commissioners, shall be deemed Originals, and shall be read in Evidence in all Cases, Suits and Actions touching or concerning any Thing done in pursuance of this Act; and such Book and Books shall, at all the Meetings of the said Commissioners, be open to the Inspection of all Persons interested, without Fee or Reward.

IX. And

IX. And be it further enacted, That in the Month of *July* in every Year, a true Account shall be made and stated of all Monies received and paid during the preceding Year, ending upon the Thirtieth Day of *June*, by virtue of this Act; and stating to and from whom the same has been paid or received, and for what Purposes; and a Copy or Duplicate of such Account shall be deposited with the Clerk to the said Commissioners, who shall permit any Person or Persons who shall pay any Duty, Rate, or Assessment to be levied and collected by virtue of this Act, or any Person on his, her, or their Behalf, to inspect the same at seasonable Times, paying the Sum of One Shilling and no more, for every such Inspection; and the said Clerk shall, upon Demand, forthwith give Copies of the same, or any Part thereof, upon being paid at the Rate of Three-pence for every One hundred Words, and so in Proportion for a less Number of Words; and an Abstract of such Account shall be yearly printed, and one Copy thereof sent to each of the said Commissioners, and to the Churchwardens of the several Parishes in the said Town and Borough of *Colchester*, for the Inspection and Perusal of the Inhabitants.

Yearly Accounts to be made out.

X. And be it further enacted, That the said Commissioners shall at their first Meeting after the passing of this Act, and thenceforward annually at their first Meeting in the Month of *May*, by Writing under their Hands, appoint and employ a Treasurer and Clerk, and Assessor or Assessors, Collector or Collectors of the Duties, Rates and Assessments herein mentioned; and also a Surveyor or Surveyors, and such other Officer and Officers, Person or Persons, for the Execution of this Act, as they the said Commissioners shall think proper, and from Time to Time remove them or any of them, and appoint others in the Room of those removed or that shall die; and out of the Money to be raised by virtue of this Act, pay them and each of them such Salaries, Wages or Allowances, as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take in the Names of any Three or more of the said Commissioners, such Security from such Treasurer, Collector, and other Officers, as they shall think sufficient; and all such Officers so to be appointed shall, under their Hands (at such Time and Times, and in such Manner as the said Commissioners shall direct) deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing, of all Matters and Things committed to their Charge, and of all Money which shall have been received by such Officers and Persons respectively, by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and all the said Officers so accounting shall upon Oath (which Oath the said Commissioners, or any Three or more of them, are hereby empowered and required to administer) verify their said Accounts; and if any such Officer or Person shall refuse or wilfully neglect to make and render, or to verify upon Oath, any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by the said Commissioners, or any Five or more of them, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power, relating to the

For appointing Officers,

who are to give Security.

and account upon Oath.

[*Loc. & Per.*]

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Execution

Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or any Five or more of them, or by any Person or Persons whom they shall appoint for that Purpose of any such Neglect or Refusal as aforesaid, to Two or more Justices of the Peace for the County, City, Borough, or Place wherein such Officer or Person so neglecting or refusing shall reside, such Justices may, and they are hereby authorized and required, by Warrant under their Hands and Seals, to cause the Officer or Person so refusing or neglecting to be brought before them, and upon his appearing, or having been summoned and not appearing, or sufficient Excuse not being given for such Non-appearance, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Person, such Justices may and they are hereby authorized and required upon Non-payment thereof, by Warrant 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 Person; and if no Goods or Chattels of such Officer or Person can be found, sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if it shall in Manner aforesaid, appear to such Justices that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relative to the Execution of this Act, shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver after Demand made, or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid, such Justices shall commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed by virtue of this Act on Account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than One Calendar Month: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety and Sureties, shall still remain liable to the Payment thereof, in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

Treasurer to
account.

XI. And be it further enacted, That the Treasurer to the said Commissioners for the Time being shall and may, and he is hereby authorized and required, out of the Money to be collected and received by him under and by virtue of this Act, to pay all such Sums of Money which the said Commissioners at any General Meeting shall draw upon him for, or which they shall order him to pay; and the said Treasurer shall and he is hereby

required

required to keep regular and clear Entries in a Book or Books to be for that Purpose provided, of all and singular his Receipts and Payments, on account of or in pursuance of this Act, and shall Twice at least in every Year produce the said Accounts, to be audited by the said Commissioners at some Meeting to be holden in pursuance of this Act.

XII. And be it further enacted, That the said Commissioners shall have full Power and Authority, and they are hereby authorized from Time to Time and at all Times hereafter, to cleanse and make more navigable the said Channel and River, leading from a certain Place called the *Hythe Bridge*, in *Colchester* aforesaid, to the Town of *Wivenhoe* in the County of *Essex*, and to remove or cause to be removed all Shoals and Banks of Mud and Gravel, or other Accumulations and Obstructions in the said Channel and River, and to deepen the same where it may be necessary; and such Shoals of Mud and Gravel to lay and deposit upon the Banks or Walls of the said Channel and River, in such Places and in such Manner as the said Commissioners shall direct for raising or supporting the same: And also to keep up and repair the Lock or Locks now erected in the said River, and all the Banks, Walls, Sluices, Bridges, Gates, Stiles, and Footways, on both Sides of the said Channel or River, or such of them as have heretofore been made, kept up and repaired under the Authorities of the herein-before recited Act or Acts; and that each and every of the Owners or Proprietors of the Land adjoining the said River, shall from Time to Time and at all Times hereafter, at their respective Costs and Charges, find and provide Two Third Parts of such rough Timber as may be necessary to be used in repairing so much of the Banks and Walls of the said Channel as extend the Length of their Land, and that the Owner or Proprietor of the Land nearly opposite a Place in the said River called *Glebe Sluice*, shall find and provide the whole of the rough Timber that may from Time to Time be necessary to be used in repairing so much of the said Banks and Walls opposite the said Sluice as extends in length Sixty-six Yards or thereabouts, as hath heretofore been done under the Directions of the herein-before recited Acts or any of them; and that all such Timber so to be provided as aforesaid, shall be assigned by the Land Owners to the said Commissioners within One Month after Demand made at any Distance from the respective Places where such Timber shall be wanted for Use, not exceeding Four Miles, under the Penalty of Twenty Pounds, to be recovered as herein-after mentioned.

Empowering the Commissioners to improve the Navigation of the Channel and River.

XIII. Provided always, That nothing in this Act contained shall extend or be construed to extend to enable the said Commissioners to widen the said Channel or River, or to cut through any Land not already inclosed within the Banks and Walls of the same, or to lay any Mud, Gravel, or Soil upon the Back of such Banks or Walls more than shall be sufficient to keep the same in Repair, and of sufficient Width and Strength, without the Licence and Consent of the Owner and Occupier of the Lands adjoining.

Commissioners not to widen the Channel, or take Land without Consent.

XIV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously do any Damage to the said Lock or Locks, or to the said Banks, Walls, Sluices, Bridges, Gates, Stiles and Footways belonging to the said Channel or River directed by this Act to be kept in Repair by the said Commissioners, such Person or Persons doing such Damage as aforesaid shall be liable in Treble Damages to the said Commissioners.

For punishing Persons damaging the Works.

missioners, with Costs of Suit, to be recovered by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance shall be allowed: And in case such Damage shall not be wilful or malicious, the Person or Persons doing the same shall be liable to double Damages to be recovered as aforesaid, unless the same is repaired within One Month.

Regulations
for taking
Ballast.

XV. And be it further enacted, That all Ships and Vessels coming into the said Channel and River, and going thence in Ballast, shall take such a Quantity of Ballast as they may have Occasion for at the Assignment of the said Commissioners, (which Ballast shall be got and taken in or from the said Channel or River, and not elsewhere), and the Master or Masters or other Person or Persons having Charge of any such Ship or Vessel, shall pay to the said Commissioners for every such Ton of Ballast, any Sum not exceeding Two Shillings *per* Ton.

XVI. Provided always, That if any such Master or Person having Charge or Command of any such Ship or Vessel shall be minded or desirous to take Ballast from any other Persons or Place, it shall be lawful so to do, paying One Shilling *per* Ton to the said Commissioners, to be applied for the Purposes of this Act; and in case of Neglect or Default to take Ballast or to pay for the same as aforesaid, shall for every such Neglect or Default forfeit and pay the Sum of Five Pounds, to be applied for the Purposes aforesaid, and to be recovered in such Way and Manner as the Duties herein-after imposed upon Vessels in respect to Tonnage are directed to be recovered.

XVII. And whereas in and by the said recited Acts, or One or more of them, it was enacted, that the Sum of Sixpence *per* Chaldron on all Coals landed at the several Places herein-after mentioned, should be paid to the said Commissioners in such Act or Acts named and their Successors, for the Purposes expressed in such Acts or Act, and which Sum hath hitherto been found insufficient to effect the cleansing and making navigable the said Channel and River to the Extent required; and inasmuch as the Streets, Highways, and Avenues herein-after mentioned leading to the said Channel and River at the *Hythe* aforesaid are in a State of great Ruin and Decay, and the Trade to and from the same much decreased and injured, and in Danger of being lost by their not being put into such a State and Condition as that the heavy Goods and Merchandizes which are brought to or carried from the said *Hythe* Channel and River may be conveyed with more Safety and Convenience; be it therefore further enacted, That from and after the first Meeting to be held by the said Commissioners under this Act, there shall be paid unto the said Commissioners, by the Owners or Masters having the Command of Vessels who shall land any Coals, Culm, or Cinders at *Wivenhoe*, or at the *Hythe* at *Colchester* aforesaid, or in any Place or Places between *Wivenhoe* and the *Hythe* aforesaid, or between *Wivenhoe* aforesaid and the Sea, (provided the same Coals, Culm, or Cinders so landed at or between *Wivenhoe* aforesaid and the Sea, come to or pass through the said Town of *Colchester* or the Liberties thereof), the Sum of One Shilling *per* Chaldron for every Chaldron of Coals, Culm, or Cinders so landed or brought to or carried through the said Town or the Liberties thereof; and from and after the first Meeting to be held by the said Commissioners,

under

Rates and
Duties on
Coals, Culm,
Cinders, and
on Tonnage.

under this Act, there shall be paid unto the said Commissioners, by the Owners or Masters of all Ships and Vessels, (except Vessels laden with Coal, Culm, or Cinders), coming into or going out of the said Channel or River, the Rates and Duties following; namely, Two-pence *per* Ton on all Ships and Vessels belonging to the Port of *Colchester* not exceeding Fifty Tons Burthen, going out or coming into the said Channel or River laden with Goods, Wares, and Merchandizes; Three-pence *per* Ton on all such Ships and Vessels above Fifty Tons Burthen, going out or coming into the said Channel or River laden with Goods, Wares, and Merchandizes; Four-pence *per* Ton on all Ships and Vessels not belonging to the Port of *Colchester*, and not exceeding Fifty Tons Burthen, coming into or going out of the said Channel or River laden with Goods, Wares, and Merchandizes; Sixpence *per* Ton on all such Ships and Vessels above Fifty Tons Burthen coming into or going out of the said Channel or River laden with Goods, Wares, and Merchandizes; Sixpence *per* Ton on all Ships and Vessels of the United Kingdom, whether belonging to the Port of *Colchester* or not, trading to or from Foreign Parts, for every Voyage in or out; Sixpence *per* Ton on all Foreign Ships and Vessels not exceeding Fifty Tons Burthen coming into or going out of the said Channel or River laden with Goods, Wares, or Merchandizes; One Shilling *per* Ton on all such Foreign Ships and Vessels above Fifty Tons Burthen coming into or going out of the said Channel or River laden with Goods, Wares, and Merchandizes.

XVIII. And be it further enacted, That all Ships, Vessels, Boats, or other Craft coming into the River *Colne*, at and below the said Town of *Wivenhoe*, the Cargoes of which shall be delivered or afterwards brought into the said River or Channel, in any Place between *Wivenhoe* and the *Hythe Bridge* aforesaid, or that shall take in any Cargoes from the said Channel or River by Boats, Barges, Lighters, or other Craft, shall be subject and liable to the same Rates and Duties as Ships and Vessels are made liable to which shall come into the said Channel and River; and if only Part of their Cargoes are delivered or brought into or carried from the said Channel and River, the Boats, Barges, Lighters, or other Craft, which shall be employed therein, shall be subject to such Rate of Tonnage as the Ship or Vessel laden with such Cargoes would have been liable to, had it been navigated into or up the said Channel or River.

Vessels coming into the River *Colne* to pay Duties in certain Cases.

XIX. Provided always, That all Vessels belonging to His Majesty, the Commissioners of the Customs, Excise, or Post Office, or that shall be driven or come into the said River and Channel through Strefs of Weather, shall be exempted from the Payment of all and every the Rates and Duties hereby granted.

Vessels belonging to His Majesty to be exempt.

XX. And be it further enacted, That all Ships and Vessels that shall be liable to the Duties of Tonnage by this Act imposed, shall pay the said Duties according to the Admeasurements contained in the Certificate of Registry belonging to such Ship or Vessel, and the said Duties of Tonnage shall be thereby computed and collected accordingly; and all Foreign Vessels shall be measured by the Surveyor of the Customs at the Port of *Colchester*, and the several Duties shall be computed and collected according to such Admeasurements; and that such Surveyor shall be paid out of the Rates and Duties herein-before granted such Sum or

Regulations as to the Payment of Duties.

[*Loc. & Per.*]

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Sums

Sums of Money as the said Commissioners at any General Meeting shall think a proper Compensation for the Trouble such Surveyor may have.

Masters of Vessels to conform thereto.

XXI. And be it further enacted, That the Masters and Owners of all Ships or Vessels entering and using the said Channel and River, and liable to the Payment of the Rates and Duties by this Act imposed, that shall be unregistered, or who shall refuse or decline to produce their Registers, shall suffer and permit the said Ships or Vessels to be measured by the said Surveyor, and shall pay the Rates and Duties aforesaid according to such Measurement, and that every Owner or Master aforesaid, who shall refuse to produce such Register, or to have his, her, or their Ship or Vessel measured as aforesaid, shall, for every such Offence respectively, forfeit and pay any Sum not exceeding Twenty Pounds to the said Commissioners.

For Recovery of Rates and Duties.

XXII. And be it further enacted, That on any Neglect or Refusal to pay any of the Rates and Duties aforesaid by this Act granted, it shall be lawful for the Person entitled or employed by the said Commissioners to collect or receive such Rates or Duties, to seize and detain the Ship, Vessel, Boat, Barge, Lighter, Craft, or Raft, with all her Tackle, Apparel, and Furniture, or any Goods, Wares, or Merchandizes where-with the same shall be laden, and if within Fourteen Days such Rates or Duties shall not be paid and satisfied, it shall be lawful for such Person to sell such Ship, Vessel, Boat, Barge, Lighter, Craft, Raft, Tackle, Apparel, Furniture, Goods, Wares, or Merchandizes, or so much thereof as shall be sufficient for the raising and paying such Rates or Duties, and the Expences of compelling Payment thereof, rendering the Overplus (if any) to the Owner or Owners, Consignee or Consignees of such Ship, Vessel, Boat, Barge, Craft, Lighter, Raft, Goods, Wares, or Merchandizes.

To prevent Evasion in Payment of Rates.

XXIII. And for preventing any Delay or Evasion in the Payment of the Rates or Duties aforesaid, be it further enacted, That there shall be produced to the Collector or other proper Officer of His Majesty's Customs, at the Port of *Colchester*, by the Master or Owner of every Ship or Vessel coming into or going out of the River *Colne*, or Channel and River aforesaid, and liable to the Rates or Duties in this Act granted, a Receipt or other sufficient Voucher for the Payment of the said Rates or Duties, by such Masters or Owners, from the Person appointed by the said Commissioners to receive the same; and until the same is produced, the said Collector or other proper Officer shall not take or receive, or grant or issue any Entry, Report, Cocket, Permit, Sufferance, or other Dispatch, inwards or outwards, for any such Ship or Vessel, Foreign or British, liable or subject to the Payment of the said Rates or Duties, under the Penalty of any Sum not exceeding Fifty Pounds, to be paid to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same.

Directing the Application of the Rates.

XXIV. And be it further enacted, That all and every the Sum and Sums of Money that shall be raised and received by the Rates and Duties aforesaid, or recovered for any Forfeitures or Penalties in respect thereof by this Act imposed, other than so much thereof as shall be necessarily expended in collecting and managing the said Rates and Duties, or for
the

the Charges of recovering such Forfeitures or Penalties, shall be applied and disposed of in the first Place in paying the Charges and Expences of obtaining and passing of this Act, and in the next Place for and towards the better cleansing and making navigable the said Channel and River from the Place called the *Hythe Bridge* aforesaid, to *Wivenhoe* in the said County of *Essex*, and in repairing the Lock or Locks, and all and every the Sluices, Banks, Walls, Gates, Stiles, Bridges, and Footways of and belonging to the said Channel and River, and in deepening the same where necessary, and also in repairing and paving the Streets, Highways, and Avenues leading thereto; that is to say, from the End of the present Pavement in *Gutter Street*, through *Stanwell Street* to the Pavement in *Botolph Street*, and from the End of the present Pavement in *Magdalen Street*, through the same Street to the present Pavement in the Parish of *Saint Leonard*, and from the Salt Office at the *Hythe* to and over the *Hythe Bridge*, and in removing Annoyances and Obstructions in such Streets, Highways, and Avenues: And from and after the said Channel and River shall be so cleansed and made navigable, and the said Lock and Locks, Sluices, Banks, Walls, Gates, Stiles, Bridges, and Footways shall be repaired, and the said Streets, Highways, and Avenues repaired and paved, the said Rates, Duties, Forfeitures, and Penalties, or so much of the same as shall be necessary, shall from Time to Time be applied by the said Commissioners in keeping the said Channel and River cleansed and navigable, and the said Lock and Locks, Sluices, Banks, Walls, Gates, Stiles, Bridges, and Footways in Repair, and the said Streets, Highways, and Avenues repaired and paved.

XXV. And be it further enacted, That the said Commissioners may and they are hereby authorized to apply the Sum of Fifty Pounds arising out of the said Rates and Duties annually towards the Costs and Charges of finding and providing Lamps and lighting the Streets, Highways, and Avenues aforesaid, and in watching the same, in the same Manner and under the same Rules and Regulations as are herein-after contained respecting lighting and watching the Streets and Lanes of the said Town.

XXVI. And be it further enacted, That if it should happen that any Surplus of the said Rates and Duties should arise or remain in the Hands of the said Commissioners at the Time of their settling their annual Accounts, the same shall be placed out and invested in the Publick Funds, in the Names of the said Commissioners, or any Five of them, until the same shall amount to the Sum of Three Thousand Pounds, to be thence drawn when necessary for the Purpose of answering any Emergency through Accidents that may arise and happen to the said River and Channel, or the Locks, Banks, and Walls of the same: And that the Dividends and Annual Interest thereof shall from Time to Time be received by the said Commissioners, and be by them applied to and for the Purposes aforesaid.

XXVII. And be it further enacted, That from and after the said Sum of Three Thousand Pounds shall be so raised, placed out, and invested, the said Commissioners shall, and they are hereby required to reduce the said Rates and Duties herein-before by this Act granted, in such Proportion and Manner as they shall think expedient, so as the same shall

A certain Sum to be applied annually towards lighting, watching, and improving the Streets and Avenues to the Channel.

Directing how the Surplus remaining, after settling the Accounts, shall be disposed of.

Commissioners to reduce the Rates and Duties after the Sum of Three Thousand Pounds funded.

not,

not, with the Dividends and annual Interest arising from the said Sum of Three thousand Pounds, exceed the Costs, Charges, and Expences which the said Commissioners shall yearly lay out and expend in executing the several Matters and Things which by this Act they are herein-before required and authorized to perform and do; and that all and every the Sum and Sums of Money arising from the said Rates and Duties, and collected and received as aforesaid, shall by the said Commissioners be applied as herein-before directed, and for no other Purpose whatsoever.

Commissioners may contract for the Works.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to enter into any Contract or Contracts for cleansing the said Channel or River, and paving, flagging, repairing, cleansing, and lighting the several Streets, Lanes, Highways, publick Passages, and Places within the said Town, or any of them, or for furnishing Materials, or any other Matters or necessary Things whatsoever, or for any other the Purposes of this Act; but before any such Contract or Contracts shall be entered into Twenty-eight Days Notice at the least shall be given in some publick Newspaper printed in the County of *Essex*, 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; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his or her Contract: Provided always, that no such Contract or Contracts shall be good or valid if made for any longer Space or Term than One Year from the Date thereof; and in every such Contract or Contracts the several Works to be done shall be specified, and the Prices to be received or paid for the same, and the Time or Times when the said Works are to be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, or any Five or more of them, 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.

For vesting the Pavements, Materials, Lamps, &c. in the Commissioners.

XXIX. And be it further enacted, That all the present and future Pavements in the several paved Streets, Lanes, Highways, and other publick Passages and Places within the said Town, and the Stones, Gravel, and other Materials, of which as well the Footways as Carriageways of such paved Streets, Lanes, Highways, and other publick Passages and Places do and shall consist, and also all the Dirt, Filth, and Soil to be swept, gathered, and collected in or from those Places or any of them; and also all Lamps, Lamp Irons, (except Lamps and Lamp Irons of private Persons), Lamp Posts, Watch Boxes, Watch Houses, and other Houses and Buildings which now are or shall hereafter be used, erected, or fixed up by virtue of this Act, and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall immediately from and after the passing this Act belong to and be the Property of, and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, as the Case may require,

against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for the Improvement of the Town of *Colchester*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners.

XXX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by and out of the Monies to be raised by virtue of this Act, to pay and allow unto such Person and Persons, and to every of them as shall before the passing of this Act have paved with York, Purbeck, or other flat Paving, any Part or Parts of the Footways in any of the Streets, Lanes, Highways, public Passages, or Places of the said Town, such Sum or Sums of Money as the said Commissioners shall judge reasonable for such Foot Pavements, in case the same shall be deemed by the said Commissioners complete, and proper to remain without Alteration, or as the Materials used in such Foot Pavement, in case it shall be deemed by the said Commissioners necessary to be taken up and relaid, shall be worth; and also for any Watch Boxes, being public or private Property; and in case of any Difference between the said Commissioners and such Person or Persons respecting the Sum or Sums of Money so to be paid by the said Commissioners, then and in every such Case it shall and may be lawful to and for any Two of the Justices of the Peace for the said Town of *Colchester*, on Seven Days Notice in Writing given by the said Commissioners to such Person or Persons, or left at his, her, or their last or usual Place or Places of Abode, or given by such Person or Persons to the Clerk to the Commissioners, to hear, settle, and determine the Sum or Sums of Money to be paid by the said Commissioners, for or on Account of such Foot Pavements and Watch Boxes; and the Judgement and Order of the said Justices therein shall be final and conclusive upon all Parties.

Allowances to be made to Persons who have already paved their Foot-ways; and for Watch Boxes.

XXXI. 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, when they shall think proper, to order and direct such of the several Streets, Lanes, Highways, and public Passages of the said Town, or any Part or Parts thereof as are now unpaved, to be well and sufficiently paved with Stone and flagged, and such Part or Parts thereof as are already paved to be new paved, flagged, repaired, and amended, and the Ground thereof to be raised, lowered, or altered from Time to Time, in such Manner as they shall think fit; and to cause to be cut or made in, through, over or under any such Streets, Lanes, Highways and public Passages, any new Sewers, Drains, Sinks, Gutters or Watercourses, or open any old ones that may be now stopped, and Grates to be placed for conveying the Water from such Streets, Lanes, Highways, and public Passages into the Lands adjoining, in such Manner as they shall think proper; and it shall and may be lawful to and for the said Commissioners to take up and remove, or cause to be taken up and removed, all or any of the Posts,

For empowering the Commissioners to complete the Pavement of the Streets, &c.

Rails, Pales, or Trees, in such Streets, Lanes, Highways and public Passages, or any of them, as the said Commissioners shall judge useless, or to be an Obstruction or Nuisance either to Foot Passengers or Carriages.

For making
Drains and
Water-
courses.

XXXII. And be it further enacted, That it shall and may be lawful for the said Commissioners to make or cause to be made proper Cess-pools, Sinks, Gutters, Drains, and Watercourses for conveying the Water off and from the several Streets, Lanes, Highways, and public Passages, and the several Houses and Buildings within the said Town, into the present public and private Sewers, making good any Damage that may be occasioned thereby, but the said present public and private Sewers shall be from Time to Time and at all Times repaired and renewed by the Person and Persons, and by and out of such Fund or Funds as is and are now liable to and chargeable with the repairing and renewing the same.

Penalty on
Persons tak-
ing up, or
altering the
Pavement,
&c.

XXXIII. And be it further enacted, That if any Person or Persons, except such as shall be legally authorized and directed by the said Commissioners, shall take up or cause to be taken up, or make or cause to be made, any Alteration in the Manner of laying the Pavement or Flagging, or of any Part thereof, in any of the said Streets, Lanes, Highways, public Passages or Places within the said Town, every such Person so offending shall for every such Offence upon Conviction forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as any Penalty is by this Act directed to be levied and recovered.

Persons
breaking up
Pavements
for laying
Water Pipes,
to make good
the same.

XXXIV. And be it further enacted, That whenever the Pavement or Flagging of any of the said Streets, Lanes, public Passages or Places within the said Town, shall be broken up for the Purpose of laying, altering, or repairing any Water Pipe or Pipes, Plug or Plugs, or other Water Works, or by the Defect or Decay thereof, or for the Purpose of making or repairing any Vault, Drain, or Sewer, under the said Streets, Lanes, Highways, public Passages or Places, or any of them, or for any other lawful Purpose, the Person or Persons breaking up the same, or liable to the Repair of such Water Pipe or Pipes, Plug or Plugs, or Water Works, Vault, Drain or Sewer; and the Person or Persons for whom or by whose Order the same shall be so done, shall, and he, she or they is and are hereby required, at their own proper Cost and Charges, to alter, lay, make or repair such Water Pipe or Pipes, Plug or Plugs, or other Water Works, Vault, Drain or Sewer, without Delay, and forthwith afterwards to relay, amend, and repair the Pavement of the said Street, Lane, Highway, public Passage or Place so broken up, in a good and substantial Manner, to the Satisfaction of the said Commissioners, or their Surveyor appointed for the Purposes of this Act; and in Default thereof, it shall and may be lawful to and for the Surveyor to the said Commissioners, or any Person or Persons acting by or under the Authority of the said Commissioners, to repair, amend, and make good the same, and the Costs and Charges thereof shall be borne and paid by the Person or Persons by whom or by whose Order such Street, Lane, Highway, public Passage or Place or any Part thereof shall have been so broken up; and in Default of Payment thereof for Seven Days next after Demand made by such Surveyor, or other Persons acting by or under the Authority of the said Commissioners, such Costs and Charges, together with any Sum not exceeding Twenty Shillings, shall and may be levied and recovered in such

Manner

Manner as any Penalty can or may be levied and recovered by virtue of this Act.

XXXV. And be it further enacted, That if it shall at any Time or Times be deemed necessary or expedient by the said Commissioners to raise, sink, or otherwise alter the Situation of any Water Pipe or Pipes, Plug or Plugs, or other Water Works within the said Town, it shall and may be lawful to and for the said Commissioners to cause the same to be done, when and as often, and in such Manner and in such Place or Places as they the said Commissioners, or any Nine or more of them shall think proper: Provided that the Water Pipe or Pipes, Plug or Plugs, or other Water Works be not injured thereby, or the Water prevented from flowing in its proper Channel.

Empowering Commissioners to alter the Situation of Water Pipes where necessary.

XXXVI. Provided always, and be it further enacted, That if in the paving or repairing any of the said Streets, Lanes, Highways, public Passages or Places, any Damage or Injury shall be done to any Pipe or Pipes used or to be hereafter used for the Conveyance of Water for the Use of the Inhabitants of the said Town, or to the Plug or Plugs, or any other Work belonging thereto, then and in every such Case such Damage or Injury shall be made good as soon as Circumstances will admit, by and at the Expence of the said Commissioners; and in case any Damage or Injury shall be done to the Pavement or Flagging in any of the said Streets, Lanes, Highways, public Passages or Places, by the Failure of repairing, or by the repairing of any of the said Water Pipes, Plugs, or other Water Works, such Damage or Injury shall be made good as soon as the Circumstances will admit, and such Repairs shall be done and performed by the Surveyor to the said Commissioners, or by such Person or Persons as shall be appointed by the said Commissioners for such Purpose, and the Costs, Charges, and Expences thereof shall be borne and paid by the Person or Persons who shall occasion such Damage or Injury; and in Default of Payment thereof on Demand made by the said Surveyor, or other Person acting by or under the Authority of the said Commissioners, such Costs, Charges, and Expences shall and may be levied and recovered in such Manner as any Penalty can or may be levied or recovered by virtue of this Act.

Satisfaction to be made for Injury done to Water Pipes, &c.

XXXVII. And be it further enacted, That if any Householder within the Limits of this Act, shall by Writing under his or her Hand, to be left at the usual Place of Abode of the Clerk, Surveyor, or Inspector for the Time being to the said Commissioners, make Complaint of any Defect or Want of Repair in the Pavement in any of the Streets, Lanes, or other public Passages or Places, the said Clerk, Surveyor, or Inspector, in every such Case shall enquire into and examine the Matter of Complaint, and report thereupon to the said Commissioners at their next Meeting, and if by such Report it shall appear that the Pavement complained of is out of Repair, or defective or incommodious, the Commissioners or any Five of them, shall give Notice to their Contractor or Paviour to repair the same within such Time as the said Commissioners shall judge necessary, which Time shall be specified in such Order; and if the Contractor or Paviour to whom such Order shall be given, shall not repair and amend the same within the Time directed by such Order, he shall in every such Case upon Conviction forfeit and pay any Sum not exceeding Forty Shillings

On Notice being given of defective Pavements, the Commissioners are to order the same to be done.

Shillings for every Day that the said defective Pavement shall remain unrepaired after the Time limited by such Order; One Moiety of every such Penalty shall be paid to the Inhabitant so making such Complaint, and the other Moiety shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

Streets to be
named, and
Houses
numbered.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby empowered to paint, engrave, or describe, or cause to be painted, engraved, or described on a conspicuous Part of any House or other Building, at or near the Corner of every Street, Lane, Highway, public Passage and Place within the said Town, the Name by which the same now is or heretofore hath been called, and may order and direct the several Houses, Shops, Warehouses and Buildings within the said several Streets, Lanes, Highways, public Passages and Places, or any of them, to be numbered with Figures painted or placed on the Door of every such House, Shop, Warehouse, or other Building, or such other Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully destroy, obliterate, or deface any such Number or Numbers, Name or Names, or any Part 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 Forty Shillings: And whenever it shall happen that any such Number or Numbers, Figure or Figures, painted or put on any House, Shop, Warehouse, or other Building within the said Town, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Shop, Warehouse, or other Building, where the Number or Numbers, Figure or Figures, shall have been so defaced or rubbed out, shall upon Notice in Writing left at such House, Shop, Warehouse, or other Building, or affixed on the outside thereof, signed by the Clerk to the said Commissioners, cause the said Number or Numbers, Figure or Figures, to be in the same or like Manner painted or put upon such House, Shop, Warehouse or other Building, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall upon Conviction forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

For provid-
ing Lamps.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, from Time to Time to purchase and provide such and so many Glass Lamps, Lamp Irons, and Lamp Posts, and Matters and Things for lighting such Lamps, as they shall judge necessary, and to direct the same to be affixed or set upon or against the Walls or Pallisadoes of all or any of the Houses, Tenements, or Buildings, or against any other Wall within the said Town, or in any other Manner as they shall think proper and convenient, and the same to take down, alter or renew, when and as often as they shall think fit; making Satisfaction to the Owner of such House, Tenement, Building or Wall, for any Injury thereby done; and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and such Hours of the Evening, and to be kept burning for so many Hours as to them the said Commissioners shall seem necessary or proper for the well and sufficient lighting of all or any of the said Streets, Lanes, Highways, public Passages or Places within the said Town.

XL. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected, or which shall be erected, by or by Order of the said Commissioners, or by any Person or Persons at his, her or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Highways, publick Passages or Places, or any Post, Iron, Cover, or other Matter or Thing belonging thereto, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall and may be lawful to and for any Justice of the Peace of the Town of *Colchester*, and he is hereby required, upon Complaint to him made, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed, to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Custody of a Peace Officer, to be secured and conveyed before some Justice of the Peace for the said Town of *Colchester*, and on the Party or Parties accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses touching such Offence; and if the Party or Parties accused shall be convicted thereof, either by his, her or their Confession, or upon such Evidence as aforelaid, then and in every such Case he, she or they shall for each and every such Offence respectively, and if more than one, shall severally forfeit and pay any Sum not exceeding Five Pounds, nor less than Twenty Shillings, and shall also make full Satisfaction (to be ascertained by such Justice) to the said Commissioners or other Party injured for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her or them incurred, and make such Satisfaction as aforelaid, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said Town, there to be kept to hard Labour for any Time not exceeding Two 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 Penalty and Satisfaction as aforelaid shall be sooner paid and given: And if any Person or Persons shall carelessly or negligently break, throw down, or otherwise destroy or damage any such Lamp or Lamps, or any Post, Iron, Cover or other Matter or Thing respectively, and shall not upon Demand make Satisfaction for the Damage so done, 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 he is hereby required, upon Complaint thereof made, by Warrant under his Hand to summon before him the Party or Parties complained of; and upon his, her or their appearing, or making Default to appear, or sufficient Excuse not being given for such Non-appearance, (Oath having been made that the Party complained against had been served with such Summons, or that the same had been left at his, her or their usual Dwelling House or Place of Abode), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party, or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made to the said Commissioners, or other Owner or Owners of such Lamp or Lamps, by the Person or Persons against whom such Complaint shall have been made, as to such Justice shall appear just and reasonable; and in case the Sum so awarded, shall not be paid forthwith, it shall and may

Penalty on
Persons in-
juring the
Lamps, &c.

[*Loc. & Per.*]

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be

be lawful to and for such Justice, and he is hereby required to cause the same to be levied and recovered in such Manner as any Penalty can or may be levied and recovered by virtue of this Act.

For appoint-
ing Watch-
men.

XLI. And be it further enacted, That the said Commissioners may, and they are hereby authorized and required from Time to Time to appoint such Number of able-bodied Men, not exceeding the Number of Twelve, to be employed as Watchmen and Patroles within the said Town, during the Night Time, under such Regulations and for such Wages as the said Commissioners shall think proper, and to provide them with proper Arms, Ammunition, Weapons, and Clothing for the Discharge of their Duty, and also to provide proper Watch-houses, Watch-boxes, or Places for the Reception of such Watchmen and Patroles, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patroles while on Duty, and also to impose any Fine not exceeding Ten Shillings on any such Watchmen and Patrole for every Neglect of Duty or other Misbehaviour (such Fine to be deducted out of the Wages of such Watchmen or Patrole), and from Time to Time to make such Orders and Regulations as they the said Commissioners shall judge expedient for the better Government of the Watchmen and Patroles to be so appointed; and it shall and may be lawful to and for such Watchmen and Patroles, and they are hereby respectively authorized and required, in their respective Stations, to apprehend and secure in some proper Place or Places of Security, to be for that Purpose appointed within the said Town, all Malefactors, Rogues, Vagabonds, and Disturbers of the publick Peace, Lamp-breakers, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons as soon as conveniently may be before some Justice of the Peace for the said Town, to be examined and dealt with according to Law: And if any Victualler or Keeper of any Publick House shall knowingly harbour or entertain, or suffer to remain in his or her Publick House, any such Watchmen or Patrole as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall on Conviction forfeit and pay any Sum not exceeding Twenty Shillings.

Commission-
ers may pur-
chase Carts,
&c.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to purchase any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses to be used for the Purpose of cleansing the several Streets, Lanes, Highways, Passages and Places within the said Town, and of carrying away the Dust, Dirt, and Soil thereof; or it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for cleansing the same, and for carrying away the Dust, Dirt, and Soil thereof.

For remov-
ing Obstruc-
tions and
Annoyances.

XLIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to take down, take away, remove, alter, or regulate in such Manner as they shall from Time to Time judge proper, all projecting Signs or other Emblems used to denote the Trade, Occupation or Calling of any Person or Persons, and all Sign-Irons, Sign-Posts and other Posts, Sheds, Pent Houses, Spouts, Gutters, Steps, Stairs, Window Shutters, Stumps, Trees, Rails, Pales, Pallisades, Porches, Bulks, Shew Glasses and Shew Boards, Pools, Cess Pools, Cisterns and Reservoirs

Reservoirs for Water, and other Encroachments, Projections and Annoyances belonging to any House or Houses, or other Buildings, and which do or shall in the Judgement of the said Commissioners obstruct the free and commodious Passage along the Carriage or Footways, of any of the said Streets, Lanes, Highways, publick Passages or Places of or within the said Town; and also to cause the Water to be conveyed from the Roofs, Cornices, Eaves and Pent Houses of or belonging to such Houses or other Buildings respectively, by proper Pipes or Trunks to be affixed to the Sides of such Houses or other Buildings respectively, and to be brought down to the Ground; and that the Costs, Charges and Expences attending the taking down, taking away, removing, altering or regulating such Signs, Sign Irons, Sign Posts and other Posts, Sheds, Pent Houses, Spouts, Gutters, Steps, Stairs, Window Shutters, Stumps, Trees, Rails, Pales, Pallisades, Porches, Bulks, Shew Glasses, Shew Boards, Pools, Cess Pools, Cisterns and Reservoirs for Water, and other Encroachments, Projections or Annoyances, or any of them, shall be borne and defrayed out of the Money to be raised by virtue of this Act; but the Costs, Charges and Expences of making and affixing such Pipes or Trunks as aforesaid, shall be borne and paid by the Owner or Occupier of such House or Building to which the same shall be so affixed; and in case such Owner or Occupier shall refuse to pay the Costs, Charges and Expences thereof upon Demand made, the same shall and may be recovered by Distress and Sale of his, her or their Goods and Chattels, in Manner herein-after mentioned.

XLIV. And be it further enacted, That whenever any Bow or projecting Window, Portico, Porch, Step or Steps affixed to or standing before any House, Shop or Building in the Streets, Lanes, Highways, publick Passages and Places of the said Town, shall become so decayed as to require a general Reparation or Renewal, such Bow or projecting Window shall be removed and taken away, and the Place thereof supplied with a Window, or otherwise made flat or even with the Front of such House, Shop, or Building; and such Portico, Porch, Step or Steps shall be reduced so as that the same shall not exceed in the whole the Space of Eighteen Inches from the Front of any such House, Shop or Building, in the several Streets called *Head Street*, *North Street*, and *High Street*, to *East Bridge*, and not more than Ten Inches from the Front of any such House, Shop or Building situate in any of the other Streets, Lanes, Highways, publick Passages and Places of the said Town, under a Penalty of Ten Pounds; and that no such Bow or projecting Window, Portico, Porch, Step or Steps, shall in the mean while by Continuance give the Owner or Owners thereof a Right to renew the same, or to the Soil or Space it occupied; any Law, Statute, or Usage to the contrary notwithstanding.

Bow Windows, &c. to be re-formed when decayed or renewed.

XLV. And be it further enacted, That if any House or other Building in or near any Street, Lane, Highway or other publick Passage or Place within the said Town, shall, after the passing of this Act, be made, erected or built in such Manner or Form as that the Front, Gables, or any other Part thereof shall project into or over such Street, Lane, Highway or other publick Passage or Place, or in any other Manner or Form than in a perpendicular Line or Direction upwards from the Foundation of such House or Building; or if any Spout, Pipe or Trunk for conveying Water from the Roof, Eaves or Cornices of any House or other Building in any Street,

To prevent the erecting of Houses, Buildings, &c. contrary to the Directions of this Act.

Street, Lane or other publick Passage or Place in the said Town, shall be affixed otherwise than from the Roofs, Eaves, or Cornices thereof, by such Spouts, Pipes or Trunks on the Fronts or Sides of such Houses or Buildings respectively, and so brought down to the Ground, or if any Sign, Sign Iron, Sign Post or other Post, Shed, Pent House, Step, Stair, Bow Window or other projecting Window, Window Shutter, Stump, Rail, Pale, Pallifade, Porch, Bulk, Shew Glass, Shew Board, Pool, Cess Pool, Cistern or Reservoir for Water, or any other Encroachment or Projection against or in the Front or Outside of any House or other Building within or adjoining to any Street, Lane, Highway, publick Passage or Place within the said Town shall be renewed, made, erected or built, then and in any such Case the Owner and Owners of every such House and other Building, Sign, Sign Iron, Sign Post or other Post, Shed, Pent House, Step, Stair, Bow or other projecting Window, Window Shutter, Stump, Rail, Pale, Pallifade, Porch, Bulk, Shew Glass, Shew Board, Pool, Cess Pool, Cistern or Reservoir for Water, or other Encroachment or Projection so made, erected or built as aforesaid, or of every such Spout, Pipe or Trunk so to be renewed, made, or affixed otherwise than as aforesaid contrary to this Act, shall for every such Offence upon Conviction forfeit and pay any Sum not exceeding Twenty Shillings a Day for every Day such House or other Building, Sign, Sign Iron, Sign Post or other Post, Shed, Pent House, Step, Stair, Bow, or other projecting Window, Window Shutter, Stump, Rail, Pale, Pallifade, Porch, Bulk, Shew Glass, Shew Board, Pool, Cess Pool, Cistern or Reservoir for Water, Spout, Pipe or Trunk, or other Encroachment or Projection shall continue in such State as is herein provided against; and it shall and may be lawful to and for the said Commissioners, (whether any such Penalties or Forfeitures shall be levied or not), by Order under the Hands of any Five or more of them, to cause all such Houses and other Buildings, Signs, Sign Irons, Sign Posts, Sheds, Pent Houses, Steps, Stairs, Bow Windows or other projecting Windows, Window Shutters, Stumps, Trees, Rails, Pales, Pallifades, Porches, Bulks, Shew Glasses, Shew Boards, Pools, Cess Pools, Cisterns and Reservoirs for Water, Spouts, Pipes, Trunks and other Encroachments and Projections, or any of them, to be taken down, removed and taken away.

That Porticos and Steps may project to a certain Extent.

XLVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the Owner of any House, Shop or Building situate in the said Streets called *Head Street*, *North Street*, and *High Street*, to *East Bridge*, to affix to the Door-way or Entrance thereof, any Pilasters, Pillars or Columns with Architraves and Pediment, or other Ornaments thereon, and to place any Step or Steps before or at such Door-way or Entrance, so as that the Whole, do not project more than Eighteen Inches from the Front Line of such House, Shop or Building, and not more than Ten Inches from the Front Line of any House, Shop or Building situate in any of the other Streets, Lanes, Highways, publick Passages and Places in the said Town; any Thing hereinbefore expressed to the contrary thereof notwithstanding.

Portico may be erected for publick Use.

XLVII. Provided always, That nothing in this Act contained shall extend, or be construed to extend to prevent the erecting or setting up any Portico to any Building for the Use or Accomodation of the Publick
in

in any Part of the said Borough, in such Manner as that Foot Passengers may at all Times pass under or through the same without Annoyance or Obstruction; and provided the same be approved by the Mayor and Justices of the said Borough for the Time being, or the major Part of them.

XLVIII. And be it further enacted, That if any Person or Persons shall upon any of the Footways or Foot Pavements within the said Town, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary Loading or Unloading thereof, into, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled, (such Premises adjoining to or having immediate Communication with such House or Building from or to which such Cask or Tub shall be rolled), or if any Person shall wilfully ride, lead, or drive any Horse or other Beast, or any Cattle whatever, on any of the said Footways or Foot Pavements, or set any Cask, Tub, Bench or any other Matter or Thing, so as in any Manner to cause any Obstruction or Impediment in the Footway or on the Foot Pavement, or shall in any Street, Lane, Highway, or other publick Passage or Place within the said Town, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, except for Repairs to be done on the Spot, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident, and which cannot be conveniently removed for that Purpose); or if any Person shall hang out, or cause to be hung out, any dyed or other Cloth or Linen for the Purpose of airing or drying the same upon or from any Window, other than Garret or Attic Windows, within any Street, Lane, Highway, publick Passage or Place within the said Town; or if any Person shall, in any Street, Lane, Highway, or other publick Passage or Place within the said Town, shoe, bleed, or farry any Horse, or other Beast or Cattle (except in Cases of Accident); or if any Person shall make, or assist in the making of any Bonfire, or let off or fire any Gun, Pistol, Serpent, or Rocket, or throw any Cracker, Squib, or other Firework; or if any Person or Persons shall kill, slaughter, scald, singe, dress, hang, or cut up any Animal, either wholly or in part, in any of such Streets, Lanes, Highways, publick Passages or Places, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shamble, into the same, or any of them, or shall hang up, place, or expose to Sale any Goods, Wares or Merchandize whatsoever, or any Fruit, Vegetables or Garden Stuff, Butcher's Meat, or other Matter or Thing projecting over or in or upon the Footway or Carriage Way of any of such Streets, Lanes, Highways, publick Passages or Places; or shall cause any Privy or Necessary House within the said Town to be emptied, or the Contents thereof carried through any such Street, Lane, Highway, publick Passage or Place, except between the Hours of Eleven of the Clock at Night and Five of the Clock in the Morning, or shall commit any other Kind of Obstruction or Annoyance in any such Street, Lane, Highway, publick Passage or Place within the said Town, then and in every such Case every Person so offending in any of such Cases, shall, for every such Offence, upon Conviction forfeit and pay any Sum not exceeding Forty Shillings: Provided nevertheless, that nothing herein contained shall extend or be construed to extend, so as to prevent or hinder any Person or Persons from placing any Stall, Booth, Stool, Bench or Form for the

For preventing Nuisances.

Obstructions
not to be left
in the Streets.

Exposure and Sale of Goods or Wares, Meat, Poultry, Vegetable, Fruit or any other Matter or Thing thereon, in any Market-Place within the said Town, or in the usual Place of holding any annual Fair, on the usual Day and Days of holding such Market and Fair; and that if any Waggon, Cart, Dray, Coach or other Carriage, shall be left to stand or remain in any publick Street, Lane, Highway, Passage, or Place within the said Town, with or without Horses or other Cattle, for any Time longer than shall be necessary for unloading or loading or changing the Horses thereof, except on the Market-Day of *Saturday*, and Fair Days, and on the Days of Election of Representatives for the said Town, and then in such Places only, and under and subject to such Orders, Rules and Regulations as the said Commissioners shall from Time to Time appoint, make, establish, and direct, and of which publick Notice shall be given by affixing the same, on the Door of the Moothall of the said Town; or if any Timber, Bricks, Lime, Stone, Slate, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandizes, or other Materials or Things whatsoever, shall be laid or placed, and left to remain in any of the said Streets, Markets, Lanes, Passages or Places, for any longer Time than shall be necessary for moving and housing the same; or if any Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance whatsoever, shall be wilfully thrown or cast into or laid in any of the said Streets, Markets, Lanes, publick Passages, or Places, then and in every such Case, the Owner or Driver of every such Waggon, Cart, Dray, Coach, or other Carriage, and the Owner of any such Timber, Bricks, Lime, Goods, Wares, and Merchandize, Materials and other Things, which shall be so left or suffered to remain in any of the said Streets, Markets, Lanes, or publick Passages or Places, and the Person or Persons who shall wilfully throw, cast, or lay, or cause to be thrown, cast, or laid, any Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance, into any of the said Streets, Lanes, Highways, publick Passages or Places, shall upon Conviction for every such Offence, in any of the Cases aforesaid, forfeit and pay any Sum not exceeding the Sum of Twenty Shillings.

XLIX. Provided nevertheless, That no Person shall be subject to any Penalty by virtue of this Act on Account of any Building Materials, Rubbish or Dirt being in the said Streets, Lanes and Highways, publick Passages or Places, before the House or Tenement of such Person occasioned by the building or pulling down, rebuilding or repairing such House or Tenement, or for placing any Ladder, Steps, Bench, Stool or Chair in the Footway for the Purpose of painting, cleaning, or washing the Front thereof, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, by the Person laying or occasioning such Building Materials, Rubbish, or Dirt to be laid, and so as the Owner or Occupier of such House or Tenement do cause such Materials, Rubbish, or Dirt to be removed out of such Street, Market or Place, within a reasonable Time, or immediately upon Notice to be given to him or her, or left at such House or Tenement for that Purpose in Writing, signed by the Clerk to the said Commissioners.

Commissioners
may purchase certain
Buildings.

L. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, Spiritual or Lay, as shall be or deemed to be Owner or Owners, Proprietor or Proprietors,

or otherwise interested in any Gateway, Building or Buildings, Erection or Erections, projecting into, over, or upon any of the Footways within the said Town, or of any Door or Doors of any Cellar or Cellars, or of any Steps belonging thereto, or in any other Projection or Encroachment in, over or upon any such Footway, or in any Lands, Tenements, or Hereditaments which the said Commissioners shall judge necessary and proper to be purchased for the improving and widening any of the said Streets, Lanes, Highways, publick Passages or Places, or for opening any Communication between them, for the absolute Purchase of all such Gateways, Buildings, Erections, Cellars, Steps, Projections, Encroachments, Lands, Tenements, Hereditaments, or any of them.

LI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their respective *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert; and also to and for all Femmes Covert, who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Houses, Erections, Projections, Encroachments, Tenements, or other Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase 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 and their Successors, 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 the 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 notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Empowering
Bodies Cor-
porate, &c.
to sell.

LII. And be it further enacted; That if any Body Politic, Corporate, or Collegiate, or any Corporation, whether Aggregate or Sole, Spiritual or Lay, or any Femme Covert, any Tenant for Life, or Tenant in Tail, General or Special, or for Years determinable on any Life or Lives, Owner or Owners, Occupier or Occupiers, or other Person or Persons whatsoever, interested in any Building or Buildings, Erection or Erections, projecting into or upon any of the Footways within the said Town, or

In case Par-
ties do not
agree, a Jury
to settle the
Value.

of any Door or Doors of Cellars, or of any Steps belonging thereto, or in any other Projection or Encroachments upon any such Footway whatsoever, or in any Lands, Houses, or other Buildings, Tenements, or other Hereditaments, which the said Commissioners are enabled by this Act to purchase or treat for, shall refuse to treat, contract, or agree, as aforesaid, or by reason of Absence or 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, or cannot 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, then and in every such Case, the said Commissioners are hereby empowered and authorized, before any General or Quarter Sessions of the Peace to be holden for the said Town, 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 Politic or Corporate, or to leave or cause to be left at the House of the Tenant in Possession, One Month's Notice in Writing, denoting and particularly describing the Lands, Buildings, Houses, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof should be adjusted and settled by a Jury at the said Sessions, or Adjournment thereof; and the Justices at 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 Grand Jury at such Session assembled, or the Jury to try Prisoners at such Sessions, well and truly, upon their Oaths, to assess the Value of the said Lands, Buildings, Houses, Tenements, or other Hereditaments, comprised in the Notice so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interest therein; and to which said Jury the said Commissioners, and all Persons interested in the said Lands, Buildings, Houses, Tenements, or other 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 Lands, Houses, Buildings, Tenements, or other 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, Occupier or Occupiers thereof, according to their respective Interest therein; and also for Good Will, Improvements, or any Injury or Damage whatsoever, that may affect any such Occupier or Occupiers either as Leaseholder or Tenant at Will; and such 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 Person and Persons interested in the said Lands, Buildings, Houses, Tenements, and other 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 the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or
Equity

Equity whatsoever, and all Persons may have Recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every Seventy-two Words, and so on in Proportion for any greater or less Number of Words: Provided always, that in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners, as a Satisfaction to the Owners, Occupiers, or others, for their respective Interest in the said Premises, shall not be paid, tendered, left, or deposited 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 thereof in anywise notwithstanding.

LIII. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered by or on the Behalf of the said Commissioners, for any such Lands, Houses, Buildings, Tenements, or other Hereditaments, or Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereon, and recording or entering the Verdict and Judgement thereupon, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if a Verdict shall be given for no greater, or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such case such Expences shall be paid by the Owners of or Persons interested in the Premises in Question: Provided, that whenever by reason of Absence any Person or Persons shall have been prevented from treating with the said Commissioners, the whole of such Costs and Expences shall be borne and paid by the said Commissioners, and whenever any Costs or Charges shall or may be payable to the said Commissioners, such Costs and Charges shall and may be deducted out of the Sum to be paid by the said Commissioners to the said Owners or Persons respectively interested, and the Payment or Tender of the Remainder of such Monies, or disposing of the same in Manner by this Act directed, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment, Tender, or Disposal of the whole Sum or Sums so assessed and adjudged.

Directing by whom the Expences of the Jury shall be paid.

LIV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other *Cestuique* Trusts, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made

Application of Compensation Money when amounting to 200l.

[*Loc. & Per.*]

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upon

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, or Hereditaments, in the Purchase or Redemption of the Land Tax, or 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, or Hereditaments, or affecting other Lands, Tenements, or 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, and 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, or 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 said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased by virtue of this Act, in Case such Purchase or Settlement were made.

Application
of Compenfa-
tion under
200l.
and not less
than 20l.

LV. Provided always, and be it enacted, That if any Money so agreed and awarded to be paid for any Lands, Tenements, and Hereditaments to be purchased, taken, or used, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, of *England* in the Name and with the Privy 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-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in 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.

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

Application
of Compen-
sation under
20l.

LVII. 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, or Hereditaments to be purchased by virtue of 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 awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, and Hereditaments, be not known and discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, 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 Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, 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 Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto; and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give 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 of *England* as aforesaid.

In case of not
making out
Titles.

LVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends and Interests of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time

Respecting
disputed
Titles.

of

of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

LIX. 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, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, to be paid by the said Commissioners, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Form of Conveyance.

LX. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, and Hereditaments to be made to the said Commissioners and their Successors, shall be made in the Form or Effect following; viz^t.

‘ I of in Consideration of the Sum of
 ‘ to me paid by the Commissioners acting by virtue of an Act of Par-
 ‘ liament made in the Fifty-first Year of the Reign of King *George* the
 ‘ Third, intituled, [*here set forth the Title of this Act*] do hereby grant
 ‘ and convey to the said Commissioners and their Successors, all [*here*
 ‘ *describe the Premises to be conveyed*] and all my Right, Title, and In-
 ‘ terest to and in the same and every Part thereof, to hold to the said
 ‘ Commissioners and their Successors for ever. In Witness whereof I
 ‘ have hereunto set my Hand and Seal, this Day of in the
 ‘ Year of our Lord .’

And every such Sale, Conveyance, and Assurance so made, shall be valid and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage, and Custom to the contrary thereof notwithstanding.

For Payment of Purchase Money, &c. and for vesting Property in the Commissioners.

LXI. And be it further enacted, That every Sum of Money to be agreed for, awarded or assessed as aforesaid, shall be paid out of the Monies to be received by virtue of this Act, and upon Payment thereof to the Party or Persons respectively entitled to such Monies or to their Agents, or depositing the same in the Bank of *England* (as the Case may be) in Manner by this Act directed and required, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons respectively, to whose Credit or Use the same shall

shall have been paid into and out of such Lands, Buildings, Houses, Tenements, and other Hereditaments, shall vest in the said Commissioners and their Successors in Trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale, inrolled Feoffment with Livery of Seizin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance whatsoever, and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also to extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

LXII. And be it further enacted, That if any Person or Persons who-
soever shall sustain any Damage in his or their Lands, Tenements, or other Hereditaments, by Reason of the Execution of any Powers given by this Act, then and in every such Case, Satisfaction and Compensation shall be made by the said Commissioners to such Persons respectively, out of the Monies to be raised by virtue of this Act, and in Case of any Difference or Dispute between such respective Persons and the said Commissioners, respecting the Amount of such Damages, such Damages shall be settled and ascertained by a Jury in such and the like Manner as the Sum or Sums of Money to be paid by the said Commissioners for the Purchase of Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained in Case of any Difference or Dispute about the same, and shall be recovered, levied, and applied in such and the like Manner.

Damages how-
to be ascer-
tained and
settled.

LXIII. And be it further enacted, That all and every Person and Per-
sons, Body and Bodies Politic, Corporate and Collegiate, in Possession of any Houses or Buildings, Lands, Tenements, or Hereditaments, which shall be purchased by virtue of this Act by the said Commissioners, or any Part thereof, shall on Compensation being made or offered to such of them as may be Tenants at Will, for any Interest they may have therein, at the End of Three Months next after Notice shall be given to him or her for that Purpose, under the Hands of Five or more of the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises, with such Fixtures as are or shall be the Property of the Landlord, to such Person or Persons as shall be authorized by the said Commissioners to take Possession thereof; and in case any such Person or Body Politic, Corporate or Collegiate, shall refuse to give up such Possession as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, by Writing under their Hands to require the Mayor of the said Borough to issue his Precept or Warrant to the Serjeants at Mace of the said Town of *Colchester*, (and which Precept the said Mayor is hereby required to grant), to deliver up Possession of the Premises to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same, and the said Serjeants are hereby

Possession to
be delivered.

[*Loc. & Per.*]

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required.

required to deliver such Possession accordingly, and to levy such Costs as shall accrue upon the Issuing and Execution of such Precept or Warrant, on the Person so refusing to give Possession as aforesaid, by Distress and Sale of his, her, and their Goods, returning the Overplus (if any) to the Owner thereof on Demand.

Commissioners may sell Ground, &c.

LXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners to sell, dispose of, and convey the Whole or any Part or Parts of any Building or Buildings, Lands, Tenements, or Hereditaments, by them purchased by virtue of this Act, in Case the same shall appear to them to be unnecessary for the Purposes of this Act, as they shall judge advantageous and convenient, to any Person or Persons whomsoever.

In Case of Re-sale the Person of whom the same purchased to have the first Offer.

LXV. Provided always, and be it further enacted, That in all such Cases of Re-sale by the said Commissioners, the Person or Persons of whom the same had been purchased, shall have the first Offer thereof, at such Price or Prices as the said Commissioners shall think adequate to the Value; and if any Dispute or Difference shall arise touching the Sum required for such Re-purchase, and on Proof made by Affidavit, (to be sworn before the Mayor or any Justice of the Peace for the said Borough,) that such Building, Land, Tenements, or Hereditaments, so proposed to be re-sold, have or hath been offered to the Person or Persons of whom the same had been purchased, then and in such Case the same shall be settled by a Jury in like Manner as is herein-before directed concerning Purchases to be made by the said Commissioners under this Act.

Rates.

LXVI. And be it further enacted, That the said Commissioners shall once in every Year rate and assess the several Landlords and Owners, and the several Tenants and Occupiers of all Houses, Buildings, Yards, Gardens, and Orchards, within the said Town of *Colchester*, (except the Four outlying Parishes of *Beerchurch*, *Greenstead*, *Lenden*, and *Mile End*), in such Sum or Sums of Money as the said Commissioners, or any Nine or more of them shall judge necessary, so as such Rate or Rates, Assessment or Assessments, shall not exceed One Shilling and Three-pence in the Pound by the Year, to be computed on the Annual Rent or Value thereof respectively, One Moiety whereof shall be charged upon the Landlords or Owners, and the other Moiety thereof upon the Tenants or Occupiers of such Houses, Buildings, Yards, Gardens, and Orchards.

Public Buildings to be rated according to the Number of Square Yards of Paving belonging thereto.

LXVII. Provided always, and be it further enacted, That the Rates or Assessments to be made and laid by virtue of this Act, upon or in respect of any Church, Chapel, Meeting-house, Hospital, School, or other public Building, or any Wall or void Space of Ground, shall be ascertained according to the Number of square Yards of Pavement, paved or repaired, cleansed, lighted, or watched under or by virtue of this Act, belonging to such Church, Chapel, Meeting-house, Hospital, School, or other public Building, Wall, or void Space of Ground, measuring the same from such Church, Chapel, Meeting-house, Hospital, School, public Building, Wall, or Space of Ground to the Middle of the Street, Lane or Place on which the same shall respectively abut, and the same shall never exceed in any One Year the Sum of Sixpence for every square Yard; and such Rates or Assessments to be made and laid upon such

Church, Chapel, Meeting-house, Hospital, School, or other public Building, Wall or void Space of Ground, shall be paid by the Church-wardens, Chapel-wardens, Trustees, Owners, or Proprietors thereof respectively.

LXVIII. Provided always, and be it further enacted, That the Rates or Assessments to be made and laid by virtue of this Act, shall not be levied upon, or construed to extend to any Buildings, the Property of His Majesty, being upon, within, or a Part of the Barracks lying and being within the said Town of *Colchester*; but that the said Barracks, and all Buildings being a Part of the same, or standing and being within the Barrack Ground, shall be and are declared to be wholly exempt from the Rates and Assessments hereby authorized to be laid, and shall only remain liable to the Rate which such Buildings have heretofore been and now are liable to, called the Lamp Rate.

Barracks not to be rated, nor any Buildings therein, at a greater Rate than heretofore.

LXIX. And whereas several Houses within the said Town of *Colchester*, are or may be by the Landlords or Owners thereof let out in Lodgings or Tenements to divers Tenants, whereby it may be difficult to rate or assess such Houses, and to recover such Rates or Assessments when made: For Remedy thereof, be it enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized to rate or assess the Landlord or Owner of any House which shall be let to or occupied by any Lodger, or Two or more Tenants (whether such Tenants have a distinct or joint Occupation or not), in the full Amount of the Rate intended by this Act to be imposed on Landlords or Owners, and Tenants or Occupiers, and such Landlord or Owner shall be liable to pay the whole Amount of such Rate on such House so let as aforesaid, in the same Manner as if he were the actual Tenant or Occupier of the House so rated, and whether the Name of such Landlord or Owner be inserted in such Rate or not as the actual Tenant or Occupier thereof.

Landlords to pay the Rates in certain Cases.

LXX. Provided always, That nothing herein contained shall extend or be construed to extend to enable the said Commissioners to rate or assess the Landlords or Owners, Tenants or Occupiers of any Houses, Buildings, Yards, Gardens and Orchards, which shall be situate and being more than One Furlong from the End or Termination of any of the Streets or Lanes of the said Town, and in the Parishes aforesaid, by this Act made liable thereto, or of any Land or Ground which shall be held and occupied by Gardeners in their Way of Trade or Business, but such Persons shall be totally exempt from the Rates or Assessments by this Act to be imposed and every of them.

Houses, &c. more than One Furlong distant not to be rated, nor Garden Ground occupied in the Way of Trade.

LXXI. Provided always, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, to exempt or omit to assess the Tenant or Occupier of any House, Building, Yard, Garden, and Orchard as by this Act is or are liable thereto, which shall be of a less annual Rent or Value than Six Pounds.

Commissioners may omit to rate Houses, &c. under Six Pounds a Year.

LXXII. And be it further enacted, That the said Rates and Assessments herein-before by this Act directed to be laid and assessed on Houses, Buildings, Yards, Gardens, and Orchards, shall, by the said Commissioners be applied in paving, lighting, watching, and improving the several Streets, Lanes, Highways, Passages, and publick Places in the said

Application of the Rates.

faid Town, (save and except in the paving and improving the Streets called *Magdalen Street* and *Stanwell Street*, and the other immediate Highways and Avenues leading to the faid River and Channel in this Act before mentioned and described,) and for no other Purpose or Purposes whatsoever; and the faid Commissioners shall and they are required, with all possible Diligence to carry into Execution the several Purposes in this Act expressed, relating to the flagging, paving, or improving any of the faid Streets, Lanes, Highways, Passages, or publick Places; and from and after the same shall be effected, to reduce the Rate or Assessment on Houses, Buildings, Yards, Gardens, and Orchards by this Act directed to be made, so as that the same shall not exceed the Sum of One Shilling in the Pound in any One Year, to be computed in Manner herein-before directed: Provided nevertheless, that in case it shall hereafter happen that the annual Costs and Charges of paving, lighting, cleansing, and watching of the Streets, Lanes, Highways, public Passages and Places aforesaid, shall from any Cause whatever exceed the Sum which the faid reduced Rate is intended to defray, it shall and may be lawful to and for the faid Commissioners so to increase the faid Rate as that it shall be sufficient to defray such annual Costs and Charges, and all other incidental Expences attending the making and collecting such Rate or Rates, but so as the same do not exceed in any One Year the aforesaid Sum of One Shilling and Three-pence in the Pound herein-before granted.

Affessors to
be appointed.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the faid Commissioners, when as often as they shall see Occasion, to nominate and appoint One or more of the Inhabitants of the faid Town, or of each Parish or Ward within the faid Town, to be the Assessor or Assessors of such Rates or Assessments, and such Assessor or Assessors is and are hereby authorized and required to make such Rates and Assessments from Time to Time accordingly, and to appear at such Time and Place as the faid Commissioners shall by Writing under their Hands order and appoint, and then and there produce and deliver to them Two Copies or Duplicates of the Rates and Assessments made and subscribed by such Assessor or Assessors, and also from Time to Time, upon reasonable Notice to him or them given by the faid Commissioners, to attend them the faid Commissioners at any of their Meetings, to explain the respective Rates and Assessments; and the faid Commissioners shall from Time to Time, as soon as may be after such Rate or Assessment shall be made and delivered to them by such Assessor or Assessors, settle and sign the same, and cause a Duplicate thereof, also signed by them, to be delivered to the Collector or Collectors to be appointed in that Behalf, and shall also issue their Orders to such Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment; and such Collector or Collectors is and are hereby authorized and required to collect and receive the same accordingly, and also Once at least in every Quarter, or oftener, if directed so to do by the faid Commissioners, by Writing signed by their Clerk for the Time being, to pay the Money so to be collected and received by virtue of this Act to the Treasurer for the Time being to the faid Commissioners, or to such Person or Persons as the faid Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes of this Act, and all and every such Collector or Collectors shall and is and are hereby required
at

at the Time of making every such Payment of the Money so by them respectively collected as aforesaid, to deliver to such Treasurer or other Person or Persons empowered to receive the same, a true and exact Account of all Sums of Money received by them respectively, and also of such Sums of Money, Rates or Assessments (if any) as shall remain uncollected, together with the Reasons why the same have not been collected; and if any Person who shall be appointed to the Office of Assessor by virtue hereof, shall refuse or neglect to take upon himself such Office, without shewing some reasonable Cause to the Satisfaction of the said Commissioners for such Refusal or Neglect, or shall wilfully make Default in the Performance of the Duty of his said Office, he shall, for every such Refusal, Neglect or wilful Default, upon Conviction forfeit and pay any Sum not exceeding Fifty Pounds, to be recovered as other Penalties are hereinafter directed to be recovered.

LXXIV. Provided always, and be it further enacted, That no Person so nominated or appointed an Assessor, and who shall have served such Office, or shall have paid such Penalty as aforesaid for not serving the same, shall be again compellable to serve the said Office in less than Two Years after the End of such Service, or Payment of such Penalty.

Assessors not to be appointed twice in Two Years.

LXXV. And be it further enacted, That the said Rates and Assessments herein-before authorized to be made, shall commence upon the First *Tuesday* in the Month *July* in every Year, and the Money so to be rated and assessed, shall from Time to Time be levied and paid by Quarterly, Half Yearly, or Yearly Payments, to such Person or Persons as the said Commissioners shall nominate and appoint to be Collector or Collectors of the same, as herein mentioned, and all such Sum or Sums of Money shall be paid over by such Collector or Collectors to the Treasurer to the said Commissioners, provided that no Rate or Assessment to be made in pursuance of this Act, shall be valid, until the same shall be signed by Nine of the said Commissioners; and the said Commissioners are hereby empowered to amend any such Rate or Assessment after the same shall have been so signed, by inserting the Name of any Person who ought to have been rated or assessed, or striking out the Name of any Person who ought not to have been so rated or assessed, or to raise or lower the Assessment or Assessments on any Person or Persons who shall be under-rated or over-rated in the said original Rates or Assessments.

When Rates are to commence and how payable.

LXXVI. And be it further enacted, That the said Commissioners may, and they are hereby required, Yearly and every Year, and as often as there shall be Occasion, to grant and issue their Warrants under the Hands and Seals of any Five or more of them, thereby to authorize and require such Person or Persons as the said Commissioners shall have appointed to be Collectors of the said Rates and Assessments to collect the same; and that all the said Rates and Assessments shall be paid to the said Collectors by the respective Tenants or Occupiers of the said respective Houses, Buildings, Lands, Grounds, and other Hereditaments rateable by virtue of this Act; and that if any Neglect or Refusal of Payment of any Rate or Assessment as aforesaid, shall be made to any such Collector or Collectors, upon Demand made by any such Collector or Collectors, on the Occupier or Occupiers of such Houses, Buildings, Lands, Grounds, or other Hereditaments as aforesaid, either in Person, or by Writing left at the usual Place of Abode of such Occupier or Occupiers, by the Space of

Collectors.

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Seven Days, it shall be lawful to and for any Justice of the Peace of the said Town of *Colchester*, upon Proof made upon Oath of such Demand and Non-payment, by Warrant under his Hand and Seal (which he is hereby empowered to grant) to authorize and direct the said Collector or Collectors to levy such Rate or Money so in Arrear, together with the Costs and Charges attending the same, (to be ascertained by such Justice), by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay as aforesaid, and to sell and dispose of the Goods and Chattels so distrained, for and towards the Payment of the said Rates and Assessments, and the Costs and Charges attending the same, rendering the Overplus, if any, to the Owner or Owners thereof on Demand.

For Recovery
of Tenant's
Proportion of
Rates in Cases
of Removal.

LXXVII. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of any House, Building, Land or other Hereditaments, before such Rate or Rates, and Assessment or Assessments shall be paid by him, her or them, and shall not reside within the said Town of *Colchester*, then and in every such Case, if he, she or they shall neglect or refuse to pay the same for the Space of Fourteen Days next after the same shall be demanded by the Collector, or by any Person authorized by the said Commissioners for that Purpose, such Part and Parts of such Rate or Rates, Assessment or Assessments, as is and are herein before imposed on such Tenant and Tenants, Occupier or Occupiers, and which are not to be reimbursed, or allowed to him, her or them, by his, her or their respective Landlord or Landlords, shall and may be levied by Distress and Sale of the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, Division or Place where such Tenant or Occupier shall reside; which Warrant such Justice or Justices is and are hereby empowered and required to grant, upon Proof made before him or them upon Oath of such Demand and Non-payment, together with the Costs and Charges attending the same, such Costs and Charges to be ascertained by such Justice or Justices; and the Goods and Chattels so distrained, shall and may be sold and disposed of, for and towards Payment of the said Rates and Assessments, Costs and Charges, rendering the Overplus (if any) to the Owner or Owners thereof on Demand.

For Recovery
of Landlord's
Proportion of
Rates. when
Tenants re-
move or quit.

LXXVIII. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of any such Houses, Buildings, Lands, Grounds, or other Hereditaments, before such Rate or Rates, Assessment or Assessments shall be paid by him, her, or them, or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to pay such Rate or Rates, Assessment or Assessments, or if any such Tenant or Tenants, Occupier or Occupiers, shall in the Judgement of the said Commissioners be unable through Poverty to pay the same, or if it shall happen that any of the Houses, Buildings, Lands, Grounds, or other Hereditaments within the said Town, of which the Landlord or Landlords, Owner or Owners, is or are reatable or assessable to the said Rates and Assessments, shall be and remain untenanted, then and in every such Case, such Houses, Buildings, Lands, Grounds, or other Hereditaments, shall be, and they are hereby made a Security for and chargeable with such Part and Parts of the said Rates and Assessments respectively, as is and are hereby imposed and laid on the respective Landlord and Landlords, Owner and Owners thereof respectively, and the same

same shall and may be raised and levied by Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough and Town of *Colchester*, of any Goods or Chattels which shall be found in or upon the same Houses, Buildings, Lands, Grounds or other Hereditaments, or of the Goods and Chattels of the Landlord or Landlords, Owner or Owners of such Houses, Buildings, Lands, Grounds and other Hereditaments respectively, in case such Landlord or Landlords, Owner or Owners, shall reside within the said Town, or the Liberties thereof, and shall neglect or refuse to pay the same for the Space of Fourteen Days next after the same shall be demanded by the Collector of the said Rates and Assessments, or other Persons acting by or under the Authority of the said Commissioners, of him, her or them, either personally, or by Writing left at the usual Place or Places of Abode of such Landlord or Landlords, Owner or Owners, together with the Costs and Charges attending the same, such Costs and Charges to be ascertained by such Justice or Justices; and the Goods and Chattels so distrained, shall and may be sold and disposed of for and towards the Payment of the said Rates and Assessments, Costs and Charges, rendering the Overplus (if any) to the Owner or Owners thereof on Demand.

LXXIX. And be it further enacted, That in all Cases where any Person or Persons shall remove from, or quit any House, Building, Land, Ground, or other Hereditaments, the Tenant or Occupier whereof shall be rated or assessed or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from, or quitting the same, shall be liable to pay such Rate or Assessment in Proportion to the Time that such Person or Persons occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Land, Ground, or other Hereditaments, rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming in or occupying the same, shall be liable to pay such Rate or Assessment, although his, her or their Name or Names may not be inserted in such Rate or Assessment, in Proportion to the Time that such Person or Persons shall occupy the same respectively; and in like Manner as if such Person or Persons had been originally rated or assessed by Name, in such Rate or Rates, Assessment or Assessments, which said Proportion, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Persons removing to pay in Proportion.

LXXX. Provided always, and be it enacted, That all such Part and Parts of the Rates and Assessments hereby directed and authorized to be made, as shall under the Provisions in this Act contained, be charged on and payable to the Landlord or Landlords, Owner or Owners of all and every the said Houses, Buildings, Lands, Grounds, and other Hereditaments, shall be paid or allowed by such Landlord or Landlords, Owner or Owners, to the Tenants or Occupiers respectively who shall pay the same, and such Tenants or Occupiers are hereby authorized and empowered, to deduct and retain out of their respective Rents, such Sums of Money as they shall respectively pay for and on the Behalf of the respective Landlords or Owners of such respective Premises, and the said Payments shall be considered as Money actually paid

Landlord's Rates to be paid or allowed to the Tenants.

paid for Rent due or to become due to such Landlords or Owners, who shall allow the same to the respective Tenants or Occupiers out of their Rent accordingly: And provided always, that no Landlord or Owner shall be compelled or compellable to pay or allow any greater Part of such Rate or Assessment than shall be estimated upon the Rent he, she, or they shall have actually let such Houses, Buildings, Yards, Gardens and Orchards for respectively.

Agreements
not to be
made void by
this Act.

LXXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed, deemed or taken to extend, so as to alter, impeach, or make void any Contract, Covenant, or Agreement, made between Landlord and Tenant, expressed in any Lease already granted, or to be expressed in any Lease hereafter to be made pursuant to any Contract or Agreement for a Lease now subsisting, touching or concerning the paving the said Streets, Lanes, or publick Passages, or any Part of them, but that every Person, who by virtue of any Lease already granted, or any Lease hereafter to be made, pursuant to any Contract or Agreement for a Lease now subsisting, is, are or ought to be obliged or liable to pave and keep in Repair any Part of the said Streets, Lanes, publick Passages or Places, shall in lieu thereof be obliged to pay the Rates hereby directed to be assessed on the several Landlords, Owners or Proprietors of the said Houses, Buildings, Lands and Grounds, and other Hereditaments respectively, or so much thereof as by the said Commissioners shall be deemed just and reasonable, according to the true Meaning of such Lease, Contract or Agreement, for and during such Time as such Lease, Contract or Agreement shall remain in Force or ought to have Continuance, and in case any Dispute shall arise concerning any such Lease, Contract or Agreement, the said Commissioners shall, and they are hereby authorized and required to hear and determine the same.

Power to bor-
row Money.

LXXXII. And in order to enable the said Commissioners to carry the several Purposes of this Act into immediate Execution, be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time, at any General Meeting, to borrow and take up at Interest such Sum or Sums of Money, upon the Credit of the said Rates and Duties on Coals, Culm and Cinders, and on Tonnage to be levied and collected as aforesaid, so as that the Sum borrowed thereon shall not at any one Time exceed in the Whole the Sum of Six thousand Pounds: And also such Sum or Sums of Money upon the Credit of the said Rates and Assessments on Houses, Buildings, Yards, Gardens and Orchards, to be made and collected as aforesaid, so as that the Sum borrowed thereon shall not at one Time exceed in the Whole the Sum of Eight thousand Pounds, as they shall judge necessary for the several Purposes of this Act; and by Writing under their Hands and Seals, to assign all or any Part of the said Rates and Duties or Assessments to such Person or Persons who shall lend and advance any Money thereon, or to his, her or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Charges and Expences of such Assignment thereof to be made as hereafter mentioned, shall from Time to Time be defrayed by the said Commissioners out of the Monies so borrowed, and every such Assignment shall be in the Words or to the Effect following:

WE

WE of the Commissioners acting in Execution of an Act of Parliament made in the Fifty-first Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*] in Consideration of the Sum of advanced and lent by upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said [or *his Trustee or Trustees, as the Case may require*] his Executors, Administrators and Assigns, such Proportion of the Rates and Duties or Assessments [*as the Case may be*] to be laid, levied and collected by virtue of the said Act, on Coals, Culm, Cinders and Tonnage, or on Houses, Buildings, Yards, Gardens and Orchards, [*as the Case may be*] 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 be charged upon the Credit of the said Rates and Duties, or Assessments [*as the Case may be*] 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. In Witness whereof, We the said Commissioners have hereunto set our Hands and Seals, the Day of in the Year

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, 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 to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

LXXXIII. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, and their respective Executors, Administrators or Assigns, [*as the Case may be*] at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, and every such Transfer may be in the Words or to the Effect following:

Power of transferring Assignments in a prescribed Form.

I being entitled to the Sum of secured to and his Assigns [*as the Case may be*] by virtue of an Assignment bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of an Act of Parliament made in the Fifty-first Year of the Reign of King George the Third, intituled, [*set forth the Title of this Act*] upon the Credit of the Rates and Duties or Assessments [*as the Case may be*] granted or payable by the said Act, on Coals, Culm, Cinders and Tonnage, or on Houses, Buildings, Yards, Gardens and Orchards [*as the Case may be*] do hereby transfer all my Right and Title in and to the same Sum and all Interest and other Money now due and arising thereon unto his Executors, Administrators and Assigns. Dated this Day of

[*Loc. & Per.*]

9 T

And

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

Justices may impose Fines on Juries and other Persons for Non-attendance, and refusing to give Evidence.

LXXXIV. And be it further enacted, That the Justices of the Peace of the said Town and Borough of *Colchester*, or any Three or more of them, shall have Power from Time to Time to impose any reasonable Fine, not exceeding the Sum of Five Pounds, on any Person who shall be summoned and returned on any Jury or Juries, and without sufficient Excuse shall not appear, or appearing shall refuse to be sworn, or being sworn shall not give his Verdict; and also on any Person who shall be summoned to give Evidence touching any of the Matters and Things in this Act contained, and shall not attend, or make sufficient Excuse, or attending shall refuse to be sworn, or being a Quaker to affirm, or who shall refuse to give his or her Evidence; and on any Person who shall in any other Manner wilfully neglect his or her Duty in the Premises, contrary to the true Intent and Meaning of this Act; and to levy such Fine or Fines, if not paid upon Demand thereof made, or within a reasonable Time, in such Manner as is in and by this Act herein-after directed; and that all and every Person or Persons who in any Examination to be taken under and by virtue of this Act, or in any Matter or Thing herein directed, where an Oath is required, shall give false Evidence, or swear or affirm falsely, shall be subject and liable to such Penalties and Disqualifications as Persons are who are guilty of wilful and corrupt Perjury.

Inhabitants may be Witnesses.

LXXXV. And be it further enacted, That no Person shall in any Action, Prosecution, Information, or other Proceeding whatsoever, relating to or concerning the Execution of this Act, be deemed an incompetent Witness on Account of his or her being charged with or liable to pay any Rate, Duty or Assessment to be raised, levied, and collected by virtue of this Act.

No Proceedings to be removed by Certiorari.

LXXXVI. And be it further enacted, That no Conviction, Order, Rate or Assessment, Judgement, or other Proceeding whatsoever, 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 Writ of *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

LXXXVII. And

LXXXVII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, and that all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of the said Clerk, and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Clerk, done or suffered without the Consent or Direction of the said Commissioners, but the Clerk to the said Commissioners for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit (*as the Case may be*), except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Suit any one of the said Commissioners shall or may be Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk or Commissioner, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences, as such Clerk or Commissioner shall be put to, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein; and no such Clerk or Commissioner shall be personally answerable or liable for the Payment of the same, or any Part of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced without the Order or Direction of the said Commissioners, or any Nine or more of them.

Provision for the bringing and defending Actions in the Name of the Clerk.

LXXXVIII. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder, or molest the said Commissioners, or their Collector or Collectors, Treasurer, Surveyor, or other Officer or Officers, or any Workmen, or other Person or Persons whomsoever, who shall be employed by virtue of this Act, or in any Manner concerned in the Execution thereof, in the Performance or Execution of his or their Duty or Work, every Person so offending shall, upon Conviction for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Obstructing Commissioners.

LXXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby particularly directed) shall, if not paid upon Demand, be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the City, Borough, County, or Place where such Person shall be or reside, which Warrant such Justice is hereby empowered and required to grant upon the Confession of the Party or Parties, or upon the Oath of One or more credible Witness or Witnesses, (which Oath such Justice is hereby empowered to administer), rendering the Overplus (if any) of the Money arising by such Sale upon Demand to the Party or Parties whose Goods and Chattels shall be so distrained and sold, after deducting the Charges of such Distress and Sale; and all such Penalties and Forfeitures when recovered shall, if not herein directed to

Penalties how to be recovered.

be otherwise applied, be paid to the Treasurer to the said Commissioners, and applied to the Purposes of this Act; or in case it shall appear to such Justice, by the Oath of any credible Witness, (which Oath such Justice is hereby empowered to administer), or on the Confession of the Offender or Offenders, that such Offender or Offenders hath or have not sufficient Goods and Chattels within the Jurisdiction of such Justice, whereon the Penalty, Forfeiture, and Charges of levying the same can be raised, or in case sufficient Distress cannot be found after such Warrant shall have been issued, and if such Penalty and Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said City, Borough, Town, County, or Place, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Nine Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Distress not
unlawful for
Want of
Form.

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

Plaintiff not
to recover
after Tender
of Amends,
in any Ac-
tion.

XCI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender or sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall be advised, whereupon such Proceeding, 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.

Form of
Conviction.

XCII. And be it further enacted, That all and every Justice and Justices before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause such Conviction to be drawn in the Form or to the Effect following; *videlicet*,

BE it remembered, That on the _____ Day of _____ in the _____
Year of our Lord _____ is con-
victed before _____ of His Majesty's Justices of the Peace
for _____

incurred by the Party or Parties appealing, and the Determination of the said Justices in their said General Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Justices may relieve on Appeal from Rates, without quashing the whole Rates, and if the whole Rate is set aside Commissioners may make a new one.

XCV. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them to be made for the Purposes of this Act, the Justices at the General Quarter Sessions to be holden for the said Town and Borough of *Colchester*, or County of *Essex*, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon appeal against the whole Rate or Assessment it shall be found necessary they may quash the same, and thereupon a new Rate or Assessment shall be forthwith made in Manner herein-before directed.

Limitations of Actions.

XCVI. And be it further enacted, That the Statute made in the Twenty-fourth Year of the Reign of his late Majesty King *George the Second*, intituled, *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants, so far as the said Act relates to rendering Justices of the Peace more safe in the Execution of their Office*, shall extend and be construed to extend to the said Justices respectively acting under the Authority of this Act, and that no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be given to the Person or Persons against whom the same is to be brought, or after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the said Town of *Colchester*, or in the County of *Essex*, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall have been brought before the Expiration of Fourteen Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiff shall be nonsuited, or discontinue his or their Action or Suit after the Defendant or Defendants shall have appeared, or upon any Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Cost, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

For preserving the Rights of the Corporation of *Colchester*.

XCVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to take away, lessen or diminish the Right of the Mayor and Commonalty of the said Town of *Colchester* to the Freehold of the said River and Channel, and the Creeks and Fleets of the same, or their Right of Fishery therein, or the Right of any Person or Persons duly licensed by the said Mayor and Commonalty

Commonalty to dredge for Oysters in the River *Colne*, or any Lessee or Lessees of the said Mayor and Commonalty to take Fish in the said River and Channel, or to lessen or diminish their Right to make, erect, set or place Booths, Stalls, Benches, Forms, and other Things within the Market Places in the said Town on Market Days, or within any of the Market Places, Streets, or other publick Places, during the usual Time of holding any Fair within the said Town, nor the Right to any Rents, Customs, Tolls, Duties or Profits whatsoever, heretofore payable to them for or in respect of any Markets or Fairs, or of any Booths, Stalls, Benches, Forms, or other Things to be there made, erected, set or placed as aforesaid, nor any other Right, Liberty, or Franchise whatsoever belonging to the said Mayor and Commonalty; but that the said Mayor and Commonalty, and their Successors, shall continue to enjoy the said River, Creeks, Fleets, and all such Rights, Liberties and Franchises, and to have, receive and enjoy all such Rents, Tolls, Duties and Profits, in like Manner as they could or might, or ought to have done, in case this Act had not been made.

XCVIII. And be it further enacted, That this Act shall be deemed Publick Act. and 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.

FORM of Oath or Affirmation to be taken and subscribed
by the Commissioners.

‘ I do swear [*or being one of the People called Quakers do*
‘ affirm] that I am in my own Right [*or in the Right of my Wife,*
‘ *as the Case may be*] in the actual Possession or Receipt of the Rents and
‘ Profits of Lands, Tenements or Hereditaments, situate and being in
‘ some or one of the Parishes of the Town of *Colchester*, and within the
‘ Limits of this Act, of the clear yearly Value of Fifty Pounds, above Re-
‘ prizes [*or possessed of or entitled to a Personal Estate of One thousand*
‘ Pounds, *as the Case may be*], and that I will truly and impartially, according
‘ to the best of my Skill and Judgement, execute and perform all and
‘ every the Powers and Authorities vested in me, in and by an Act of
‘ Parliament made in the Fifty-first Year of the Reign of King *George* the
‘ Third, intituled, An Act [*here insert the Title of this Act*] without
‘ Malice or Prejudice, Favour or Affection, to any Person or Persons
‘ whomsoever. ‘ So help me GOD.’

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