



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 82.

An Act for more effectually paving, lighting, watching, and improving the Town of *Margate* in the County of *Kent*. [21st *May* 1813.]

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of His present Majesty, intituled *An Act for rebuilding the Pier of Margate in the Isle of Thanet in the County of Kent; for ascertaining, establishing, and recovering certain Duties, in lieu of the ancient and customary Droits, for the Support and Maintenance of the said Pier; for widening, paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Highways, and public Passages in the Town of Margate and Parish of Saint John the Baptist in the said Isle of Thanet; for settling the Rates of Porters, Chairmen, Carters, and Carmen within the said Town; and for preventing Encroachments, Nuisances, and Annoyances therein:* And whereas an Act was also passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled *An Act to amend and render more effectual an Act passed in the Twenty-seventh Year of the Reign of His present Majesty, for rebuilding the Pier of Margate in the Isle of Thanet in the County of Kent, and for other Purposes mentioned in the said Act:* And whereas another Act was passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act to amend and render more effectual Two Acts, for the Maintenance and Support of the Pier and Harbour, and paving and lighting the Town of Margate in the County of Kent:* And whereas an Act was passed in the Fifty-second Year of the Reign of His present Majesty, intituled *An Act for separating the Management of the Harbour of Margate in the County*

27 G. 3. c. 45.

39 G. 3. c. 2.

49 G. 3. c. 117.

52 G. 3. c. 186.

[*Loc. & Per.*]

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of

of Kent from the paving and lighting of the Town of Margate, and for besting the future Management of the said Harbour in a Joint Stock Company of Proprietors : And whereas by the said last-recited Act the Management of the Pier and Harbour of Margate, and all the Rates and Duties arising therefrom, were vested in a Joint Stock Company of Proprietors, and the said Rates and Duties were appropriated exclusively to the Support of the said Pier and Harbour ; and it is therefore necessary that the Commissioners appointed under the Three first-recited Acts should be enabled to raise Money by Rates on the said Town to carry the same into execution, so far as they relate to the paving, lighting, and watching the said Town : And whereas it is expedient that some further Provisions should be made for paving, lighting, watching, and improving the said Town of Margate : 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 several Persons appointed by the said recited Act of the Forty-ninth Year of the Reign of His present Majesty as Commissioners to carry the said Act and the said Acts therein recited into execution, and now continuing to be Commissioners, and their Successors, to be chosen in Manner directed by the said Act of the Forty-ninth Year of the Reign of His present Majesty, shall be and they are hereby appointed Commissioners for putting in execution all the Powers and Authorities by the said former Acts and by this Act given and granted with regard to the paving, lighting, watching, and improving the said Town of Margate and Parish of Saint John the Baptist, and the Property of all and every the present and future Pavements in the Highways, Streets, and Lanes within the said Town of Margate, as well as Footways and Carriage-ways, and of all Lamps, Lamp Irons, and Posts, erected and fixed, or to be erected and fixed, and of all Materials, Implements, and Things heretofore vested in the said Commissioners, saving and except such as are by the said recited Act of the Fifty-second Year of the Reign of His present Majesty vested in the said Company, shall belong to and are hereby vested in the said Commissioners and their Successors for the Time being, with the same Powers and Authorities in regard thereto as are given by the said former recited Acts of the Twenty-seventh, Thirty-ninth, and Forty-ninth Years of His present Majesty's Reign ; and the said Commissioners shall have the same Powers and Authorities with regard to the paving, lighting, watching, and improving the said Town of Margate, and in all other respects not repealed by the said Act of the Fifty-second Year of the Reign of His present Majesty, as have been heretofore possessed and enjoyed by the said Commissioners under the Authority of the said recited Acts.

Commissioners
acting as a
Commission
the Oath

the Town

New Oath to
be taken by
the Commis-
sioners.

II. Provided always, and be it further enacted, That so much and such Part of the said Act passed in the Forty-ninth Year of the Reign of His present Majesty as relates to the taking of an Oath by the said Commissioners, and prescribes the Form of such Oath, shall be and the same is hereby repealed ; and the said Commissioners shall and they are hereby required, previous to acting as Commissioners after the passing of this Act, to take and subscribe an Oath or Affirmation in the Words or to the Effect following ; (that is to say)

I A. B.

I *A. B.* do swear, *for being one of the People called Quakers*, do solemnly affirm, That I am truly and *bond fide* in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment, or in the Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes, or possessed of a Real and Personal Estate of the annual Value together of Sixty Pounds above Reprizes (*as the Case may be*), and that I will truly and faithfully execute the Trusts, Powers, and Authorities vested in me by an Act of Parliament passed in the Fifty-third Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act*], to the best of my Skill and Knowledge, without Favour or Affection to any Person whomsoever. So help me GOD!

And if any Person shall, after the passing of this Act, act as a Commissioner for putting the said recited Acts, or any of the Powers therein or by this Act contained or referred to, in execution, and shall, previous to his acting as a Commissioner, refuse or neglect to take such Oath or make such Affirmation as aforesaid, contrary to the Intent or Meaning hereof, every such Person shall for every such Offence or Omission forfeit and pay the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparance, shall be allowed, and every Person so sued and prosecuted shall prove that he had at the Time of acting taken and subscribed such Oath, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Suit or Prosecution than that such Person had acted as a Commissioner in the Execution of the said recited Acts or this Act; and the Money so to be recovered shall, after Payment of the extra Costs and Expences attending the Recovery thereof, be applied, one Moiety to the Informer or Prosecutor, and the other Moiety to the Purposes of this Act.

Penalty on acting as a Commissioner without taking the Oath.

III. And for raising Money to defray the Expence of paving, lighting, and watching the said Town of *Margate*, and effecting the other Purposes of the said recited Acts and this Act, in regard thereto, by the said Commissioners, be it further enacted, That the said Commissioners shall and they are hereby authorized and required, once in every Year, to rate and assess the several Sums of Money herein-after mentioned upon the several Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, Lands, Rents, Revenues, and Hereditaments within the said Town of *Margate*, to the Extent of the Limits herein-after defined, according to the annual Value of the same respectively, such annual Value to be from Time to Time settled and fixed according to the respective Rents which such Houses, Buildings, Yards, Gardens, Lands, Rents, Revenues, and Hereditaments are or shall be taxed at for the Relief of the Poor within the said Town and Parish; but if in any of such Poor Rates any Person or Persons shall be omitted to be rated, then the Name or Names of such Person or Persons so omitted shall be added to the Rate and Assessment hereby ordered to be made, and he, she, or they shall be rated and assessed according to the true annual Value or Letting of the Premises by him, her, or them occupied; and where any Lands or Hereditaments herein-after

For raising Rates upon the Town.

as above

herein-after exempted, or not rateable under this Act, shall be intermixed, or jointly assessed with other Messuages, Lands, or Hereditaments in such Poor Rates, then such Parts thereof as are liable to be assessed under this Act shall be rated at such annual Sums as the said Commissioners shall think just and reasonable; and the first Year for which such Rate or Assessment shall be made shall commence from the Sixth Day of *July* One thousand eight hundred and thirteen, and the Monies so to be rated and assessed shall from Time to Time be paid by equal Payments to the Collector or Collectors to be appointed by the said Commissioners, and to be paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, or to such Person or Persons as the said Commissioners shall from Time to Time appoint to receive the same; and in order to make such Rates and Assessments the Churchwardens and Overseers of the Poor of the Town and Parish aforesaid shall and they are hereby required, at all seasonable Times, to permit the Treasurer, Clerk, or Collector to the said Commissioners, or any other Person to be appointed by the said Commissioners, to peruse and inspect the Rates or Assessments made at any Time within Three Years then next preceding for the Relief of the Poor of the said Town, and to take One or more Copy or Copies thereof, and Extract or Extracts therefrom; and if any such Churchwardens and Overseers of the Poor shall refuse or neglect to permit any such Perusal or Inspection, or the taking of any such Copy or Copies, Extract or Extracts, he or they shall for every such Refusal or Neglect forfeit and pay the Sum of Ten Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, in which Suit no Essoin, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed: Provided always, that nothing herein contained shall extend or be construed to extend to enable the said Commissioners to rate and assess any Meadow, Pasture, or Arable Land within the same Town.

Ascertaining
the Rate.

IV. And be it further enacted, That no such Rates or Assessments so to be made as aforesaid shall, in the first instance, exceed the annual Sum of One Shilling in the Pound of the annual Value or Rent as aforesaid, and so in proportion for any Sum less than a Pound, unless it shall appear that the Sum of Money raised by any such Rate is insufficient for the Purposes to which the same is to be applied, and then and in such Case it shall be lawful for the said Commissioners to raise a further Rate in addition to such Rate of One Shilling in the Pound, provided that such additional Rate shall in no Case exceed the annual Sum of Sixpence in the Pound, and so in proportion for every less Sum than a Pound.

Tenants to
deduct the
Rate levied
on them out
of their Rent.

V. And be it further enacted, That the whole of all and every the Rates and Assessments hereby granted and ordered to be made shall be allowed by the Owner and Owners of all and every the said Houses, Buildings, Gardens, Lands, Rents, Revenues, and Hereditaments to the Tenants or Occupiers thereof 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 behalf of the respective Landlords or Owners of such respective Premises; and the Payments of such Rates and Assessments by the said Tenants or Occupiers shall be considered as Money

Money actually paid for Rent due or to become due to such Owners of the said Estates, Hereditaments, and Premises, who shall allow the same to their respective Tenants out of their Rents accordingly.

VI. Provided always, and be it further enacted, That for and in respect of such Houses, Lands, Tenements, and Hereditaments in the said Town, whereof the said Tenants or Occupiers shall, on account of their Poverty, be excused from paying the Poor Rates, or any of them, it shall be lawful for the said Commissioners to rate and assess the Owners thereof according to the Rents which such Tenants or Occupiers shall respectively pay for the same, and in such Manner as Tenants and Occupiers are in and by this Act directed to be rated and assessed; and the Tenants or Occupiers whose Landlords or Owners shall be so rated and assessed shall stand charged with and pay such Rates and Assessments, and shall and may from Time to Time deduct the same out of their respective Rents as Money paid in Part of such Rents.

Houses not paying Poor's Rates to be assessed.

VII. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, Garden, Lands, Tenements, or Hereditaments rated or assessed or liable to be rated and assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate and Assessment in proportion to the Time during which he, she, or they shall have 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, Garden, Lands, Tenements, or Hereditaments, rated and assessed or liable to be rated and assessed as aforesaid, out of or from which any other Person or Persons who shall have been rated and assessed for the same shall be so removed, or which at the Time of making any such Rate and Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate and Assessment in proportion to the Time that such Person or Persons shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed for such House, Building, Garden, Lands, Tenements, or Hereditaments; which said respective Proportions in case of Dispute shall be settled and ascertained by the said Commissioners.

Regulating the quitting of Houses.

VIII. And be it further enacted, That in case any Person or Persons who shall be rated or assessed, or be subject or liable to the Payment of any Rate or Assessment to be imposed or made payable by virtue of this Act, shall refuse or neglect to pay any such Rate or Assessment to any Collector to be appointed as aforesaid, or other Person or Persons acting by or under the Authority of the Commissioners for the Time being, for the Space of Ten Days after Personal Demand thereof made, or Demand thereof in Writing left at the usual or last Place of Abode of such Person or Persons, it shall be lawful for any Justice of the Peace of the Town, County, or Place wherein such Person or Persons so neglecting or refusing shall be or reside, or whereto he, she, or they shall have removed, upon Proof made upon Oath of such Demand and Nonpayment, which Oath such Justice is hereby empowered and required to administer, without Fee or Reward, by Warrant under the Hand and Seal of such Justice, which he is hereby empowered to grant, to authorize and direct the said

Recovery of Rates.

[Loc. & Per.]

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Collector

Collector to levy such Rate or Monies 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 refusing or neglecting to pay as aforesaid, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels on Demand.

Directing how Rates are to be levied in Houses let as Lodgings.

IX. And whereas several Houses and Buildings liable to be rated and assessed under this Act may be by the Owners thereof let out into Lodgings or Tenements to divers Tenants, whereby it may be difficult to rate such Houses, and to recover such Rates and Assessments when made; for Remedy whereof, be it further enacted, That the said Commissioners shall and may rate and assess the Landlord or Owner of any Houses or Buildings which shall be let to or occupied by Two or more Tenants, and the same shall be deemed as One House or Tenement, and such Rates and Assessments shall be paid by One or more Occupiers of any Part or Parts of such Houses or Buildings, who is and are hereby required to pay such Sum or Sums of Money as shall be so rated and assessed upon every such Landlord or Owner in pursuance of this Act, and to deduct the same out of his, her, or their Rent; and the said Occupier or Occupiers paying such Rate and Assessment, or any Part thereof, shall be acquitted and discharged of and for so much Money as he, she, or they shall have so paid, as if the same had been actually paid to the Landlord or Owner to whom his, her, or their Rent shall be due and payable, and every such Landlord or Owner is hereby required to allow such Deduction upon the Receipt of the Residue of his, her, or their Rent; but no such Tenant or Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, or Arrears thereof, than the Amount of the Rent actually due and payable to the Landlord or Landlords, Owner or Owners, Lessee or Lessees of the Premises so occupied by him, her, or them.

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Allowing Appeal to a Meeting of the Commissioners.

X. And be it further enacted, That in case any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons may apply to the said Commissioners at any Meeting to be holden within Ten Days next after Demand of such Rate or Assessment, but if no Meeting shall be holden within such Time, then at the Meeting which shall be holden then next after; and the said Commissioners are hereby authorized and empowered, if they shall think fit, to give to such Person or Persons aggrieved such Relief in the Premises as to them shall seem reasonable.

Power to reduce the Rates, and to raise them again if necessary.

XI. And be it further enacted, That after any Money which may be from Time to Time borrowed on the Credit of the Funds granted under or by virtue of this Act shall be from Time to Time paid off and discharged, and the Annuities (if any) which may be granted in pursuance of this Act shall have ceased, it shall be lawful for the said Commissioners at a Meeting to be holden for that Purpose, whereof Twenty-one Days Notice at the least shall be given in the Newspapers published in the said County of Kent, and circulating in the said Town of Margate, and also affixed at the Market Place of the said Town from Time to Time as they shall see Occasion, to lessen and reduce the Rates and Assessments by this Act granted, and afterwards to raise the same again so as not to exceed the respective Sums hereby granted; and such Rates and Assessments so lessened

lessened and reduced, or raised again shall be collected and recovered in such Manner as the Rates or Assessments hereby granted are respectively directed to be collected and recovered.

XII. And for the more effectually enabling the said Commissioners to execute the Purposes of the said recited Acts and of this Act by them to be executed, be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time when they shall think necessary, for the Purpose of carrying the said recited Acts and this Act into execution, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Sum of Five thousand Pounds upon the Credit of the said Rates and Assessments herein-before granted and authorized to be laid, collected, and received, and by any Writings under their Hands and Seals to mortgage, demise, and grant over the said Rates and Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or his or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be in the Words or to the Effect following:

Power to borrow Money.

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BY virtue of an Act of Parliament passed in the Fifty-third Year of the Reign of King George the Third, intituled [here set forth the Title of this Act], we, Five of the Commissioners appointed by and in pursuance of an Act passed in the Forty-ninth Year of the Reign of King George the Third, intituled [here set forth the Title of the Act of the Forty-ninth Year], in consideration of the Sum of ... advanced and lent by A. B. upon the Credit of the said Act of the Fifty-third Year, and for the Purposes of the said Acts, do grant, bargain, sell, and demise unto the said A. B., his Executors, Administrators, and Assigns, such Proportion of the Rates and Assessments arising by virtue of the said Act, intituled An Act [here set forth the Title of this Act], as the said Sum of ... doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or charged upon the Credit of the said Rates, to be had and holden from the Day of ... in the Year ... until the said Sum of ... with Interest at Five Pounds per Centum per Annum for the same, shall be repaid and satisfied.

Form of Mortgage.

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And the Person or Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be in proportion to the Sums therein respectively mentioned Creditors on the said Rates and Assessments herein-before granted, equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Date of any such Mortgages or Assignments.

XIII. And be it further enacted, That in case the said Commissioners shall think it advisable or more advantageous to raise all or any Part of the Money authorized to be borrowed under this Act by the granting of Annuities for Lives instead of Mortgages or Assignments as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities

Commissioners may grant Annuities on the Rates.

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to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, so as that no such Annuity do exceed the Rate of Ten Pounds for One hundred Pounds for a Year; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of Annuity.

WE, Five of the Commissioners appointed by or in pursuance of an Act of Parliament made in the Forty-ninth Year of the Reign of King George the Third, intituled *An Act [set forth the Title of that Act]*, in consideration of the Sum of ... paid by the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said Executors, Administrators, and Assigns, an Annuity or yearly Sum of ... out of the Rates and Assessments granted or arising to us the said Commissioners by virtue of a certain Act of Parliament passed in the Fifty-third Year of the Reign of King George the Third, intituled *An Act [set forth the Title of this Act]*, which Annuity or yearly Sum of ... shall be paid to the said Executors, Administrators, and Assigns, at the Town of Hall of the said Town of Margate, upon the ... in every Year during the natural Life of ... and the First Payment thereof shall be made upon the ... next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals the ... Day of ... in the Year ... of our Lord ...

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And every such Grant shall be good, valid, and effectual in the Law, and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid out of the said Rates and Assessments; and every Purchaser of every such Annuity, his or her Executors, Administrators, and Assigns, shall have, receive, and be entitled to such Annuity out of the said Rates or Assessments, during the Term of the natural Life of the Person for whose Life such Annuity shall be purchased; and every such Annuity shall be payable and paid by the Treasurer to the said Commissioners at or in the Town Hall of the said Town of Margate by equal Quarterly Payments, the First Payment thereof respectively to be made at the Expiration of Three Calendar Months next after the Date of the respective Securities.

Securities may be transferred.

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

Form of Transfer of Security.

I ... being entitled to the Sum of ... (or an Annuity of ...) secured to ... Executors, Administrators, and Assigns, by virtue of Mortgage or Assignment (or Grant of Annuity); bearing Date the ... Day of ... under the Hands and Seals of Five of the Commissioners acting in the Execution of a certain Act of Parliament ... passed

passed in the Forty-ninth Year of the Reign of King George the Third, intituled *An Act* [set forth the Title of the Act] upon the Credit, or arising out of certain Rates granted and payable to the said Commissioners by a certain other Act of Parliament passed in the Fifty-third Year of the Reign of King George the Third, intituled [set forth the Title of this Act], do hereby transfer all my Right and Title in and to the same, and all Interest and other Money now due and owing thereon, unto Executors, Administrators, and Assigns. Dated this _____ Day of _____

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

XV. And be it further enacted, That there shall be provided by the said Commissioners a Book or Books in which shall be fairly written in Words at Length the Names and Surnames, with the proper Addition and Places of Abode of all such Persons as shall advance any Sum or Sums of Money at Interest, or shall be Proprietors of any of the Annuities aforesaid upon the Credit of this Act, and also the Sum advanced at Interest, or paid for the Purchase of such Annuities, and the respective Days of Payment thereof, and also of the Transfers of the respective Securities, with the Names, proper Additions, and Places of Abode of all Persons to whom such Transfers shall be made; which Book and Books it shall and may be lawful for the said respective Persons and their Assigns, at every Meeting of the said Commissioners, to have recourse to and inspect without Fee or Reward, and for the Entry of every such Transfer shall be paid to the Clerk by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more.

A Book to be kept for entering the Names of all Creditors on the Rates.

XVI. And be it further enacted, That all the Money to arise by or from the said Rates and Assessments hereby granted, or to be levied or received by the said Commissioners by virtue of this Act, or which may be borrowed by them on the Credit thereof, or advanced for Annuities as aforesaid, shall be paid to the Treasurer to the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of from Time to Time, for and towards defraying the Charges and Expences of paying, repairing, cleansing, lighting, and watching the Streets, Lanes, Highways, and public Passages in the said Town of Margate, and improving the said Town in Manner by the said recited Acts and this Act directed, and in paying and defraying all the Expences and Charges the said Commissioners shall necessarily be put to in carrying the

Application of Money borrowed and levied by Rate.

said recited Acts and this Act into execution, or in prosecuting or defending any Actions or Suits for or concerning any of the Revenues granted or arising by the said recited Acts (except the Revenues of the said Pier and Harbour) or by this Act, and for such other Uses and Purposes as are therein expressed, and to and for no other Use, Intent, or Purpose whatsoever.

Town of Margate to be bounded as described.

XVII. And be it further enacted, That the said Town of *Margate* shall, from and after the passing of this Act, be limited and bounded as follows; (to wit,) from the *Fort Point* to the West End of the Pier, and thence to a Place called *Horn Corner*; thence to the West Side or End of the *New Terrace*, and keeping on the East Side of the *Margate Brooks*, to a certain Place called *Frog Cottage*; and thence, including that Cottage, in a straight Line to a Stone called *The Vicarage Mark Stone*, which divides the North Side of the public Carriage Road leading from the Vicarage to *Saint Peter's*, and from that Mark Stone, in a Direction due North, to the Footway leading from the Workhouse to *Northdown*; and thence, turning Westward, and keeping along the North Side of the Workhouse Wall, to *Long Mill Lane*; and from that Point, turning Northward, to the House and Garden of *John Cowell Esquire*, in the *Dane*, and including the same; thence to the East Side of a certain House and Garden belonging to the Reverend *Richard Jeffreys*, and at present in the Occupation of *Mary Peacock*, and in a Line thence due North to the Sea; and thence along the Cliff to the *Fort Point* aforesaid; and all and every Place and Places within the said Bounds and Limits shall be and be considered to be within the said Town of *Margate* for the Purposes of this Act.

Clause in 39 G. 3. directing the Appointment of Four Surveyors of Highways repealed, and only Two appointed.

XVIII. And be it further enacted, That so much of the said recited Act of the Thirty-ninth Year of the Reign of His present Majesty as directs the Commissioners annually to nominate and elect Four Persons of their own Body to act as Surveyors of the Highways within the said Town of *Margate* and Parish of *Saint John the Baptist*, shall be and the same is hereby repealed; and that from and after the passing of this Act the said Commissioners and their Successors shall annually, at a yearly Meeting between the Thirty-first Day of *August* and the First Day of *November*, nominate and elect Two Persons who shall be Commissioners, one of whom shall be resident within the Town, and the other in the Country, to act as Surveyors of the Highways within the said Town of *Margate* and Parish of *Saint John the Baptist*, whose Office shall commence on and from the First Day of *November* in each respective Year, any thing in this or the said former recited Acts to the contrary notwithstanding.

Highway Rate to be applied to the Highways throughout the Parish.

XIX. And be it further enacted, That notwithstanding any thing herein contained the general Highway Rate of the said Parish of *Saint John the Baptist* shall continue to be applied to the general Purposes of the unpaved Streets and Highways in and throughout the said Town and Parish without Distinction, at the Discretion of the Surveyors to be appointed by the said Commissioners as aforesaid for the Time being.

Streets may be watered.

XX. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause the Streets, Lanes, and other public Passages and Places within the said Town to be watered as often

as

as they shall think fit; and for that Purpose may cause a Well or Wells to be made, and Pumps thereon to be set up at convenient Places in any of the said public Streets, Lanes, or Passages, and the Expences thereof shall be defrayed out of the Rates herein-before directed to be imposed.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Ten or more of them, to sell or dispose of, assign and convey, so much and such Part or Parts of any Messuages, Lands, Tenements, or Hereditaments which have been or which may be purchased for the Purposes of the said Town, under the said Acts of the Twenty-seventh, Thirty-ninth, and Forty-ninth Years of the Reign of His present Majesty, and this Act, as shall not be wanted; and all and every such Assignments and Conveyances shall be good and valid in the Law, and the Purchase Monies to be received in respect thereof shall be applied to the Purposes of this Act.

Power to sell such Parts of the purchased Premises as they do not want.

XXII. Provided always, and be it further enacted, That the Offer of the Purchase of such Messuages, Lands, Tenements, or Hereditaments shall be first made to the former Owner thereof; and in case such Owner shall be desirous of becoming the Purchaser of such Messuages, Lands, Tenements, or Hereditaments, and cannot agree with the said Commissioners for the Price to be paid for the Purchase of the same, then the Value thereof shall be settled and ascertained by a Jury in such Manner, as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by the said Acts and this Act, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury to be the Value thereof; and in case such Owner shall refuse to pay such Money upon Demand thereof by the Treasurer or Clerk of the said Commissioners, and Tender of the Conveyance of such Messuages, Lands, Tenements, or Hereditaments; the same shall and may be recovered by the said Commissioners by Action of Debt in any of His Majesty's Courts of Record; and in case any such Owner shall not agree, or shall refuse to purchase any such Messuages, Lands, Tenements, or Hereditaments, it shall be lawful for any Person or Persons (not interested in the Premises) to make an Affidavit to be sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Kent*, or for the Liberty of the Cinque Ports, stating that such Offer has been made by or on behalf of the said Commissioners, and that such Owner has not agreed or has refused to purchase such Messuages, Lands, Tenements, or Hereditaments (as the Case may be); and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to or refused by such Owner.

Offer of Repurchase.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners to cause a Reservoir for Water, for the Purpose of scouring and cleansing the Town Drain, to be made upon any of the Lands adjoining or near to the same, now belonging to *William Mussared*, the Reverend *William Abbot* and *Jane* his Wife, *Sarah Friend* Widow, *Mary Taddy* Widow, *James Taddy* Gentleman, and *Edward Taddy* Gentleman, and *Ann Elizabeth Benezet* Spinster, respectively, in the several Occupations of the said *William Mussared*; and of *James Dyson*, *Thomas Janett*, *William*

For making a Reservoir for Water to cleanse the Town Drain.

William Fox, Steven Ovendon, and Amadis and Edward Surfien respectively, in such Situation as to the said Commissioners shall seem most expedient, not exceeding One Quarter of an Acre, making Compensation to the respective Owners and Occupiers of the Ground to be taken for that Purpose, in manner prescribed by the aforesaid Act of the Forty-ninth Year of the Reign of His present Majesty: Provided always, that nothing herein contained shall authorize the said Commissioners to take or purchase any House or Tenement for the Purposes of the said Acts and this Act, without the Consent of the Owner thereof signified by Writing under his Hand and Seal.

Power to
make Bye
Laws.

XXIV. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Commissioners, at any General Meeting of such Commissioners for the Time being, to make, constitute, ordain, and provide from Time to Time such Bye Laws, Rules, and Orders, as well in regard to the opening and closing of the Market within the said Town, as for the better Regulation of the said Market, as they the said Commissioners shall think fit, such Bye Laws, Rules, or Orders not being repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions of the said former Acts or this Act; and the said Commissioners at any such General Meeting may from Time to Time, as they shall think fit, repeal, alter, or amend and new make such Bye Laws, Rules, and Orders, or any of them, and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or avoiding the same, or any of them; provided that no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for any one Offence: Provided always, that the said Bye Laws, Rules, and Orders shall be printed, and shall be subject to Appeal in the Manner directed by the aforesaid Act of the Forty-ninth Year of the Reign of His said present Majesty: Provided also, that a Copy of the said Bye Laws, Rules, and Orders shall be painted on a Board, and affixed in some conspicuous Part of the said Market Place.

For preserv-
ing the Jetty
at the End
of the High
Street.

XXV. And whereas it is necessary, for the better Preservation of the Stone Wall or Jetty erected at the West Side of the lower End of the High Street, and to prevent the Encroachments of the Sea at or near the South Extremity of that Wall or Jetty in the said Town of *Margate*, that the said Stone Jetty should be extended, and further Embankments made; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to contract for and purchase so much and such Parts as they shall deem requisite of the Ground in that Part of the said Town lying at or near the Southern Extremity of the said Stone Wall or Jetty, and to take Conveyances of the Ground so to be purchased to them the said Commissioners in Fee, upon Trust and to the Intent that the said Commissioners shall and may cause the said Stone Wall or Jetty to be extended and erected to such Distance as they shall direct, and to cause such further Walls and Embankments to be made for the Protection and Improvement of that Part of the said Town as they shall deem necessary; and the Expence of continuing such Stone Wall or Jetty, and making such additional Embankments, shall be borne, defrayed, and paid, One Third Part thereof out of the Rates herein-before authorized to be made and raised under the Provisions of this Act, or out of any Money to be raised

raised under any of the before-mentioned Provisions of this Act, and the remaining Two-third Parts to be charged on the Houses and Property to be benefited thereby, rateably and in proportion to the Value thereof, and rateably and in Proportion to the Benefit to be derived; such respective Rates and proportions to be ascertained by a Jury to be impanelled as by the said former Acts directed with regard to Disputes in the Purchase of Lands and Premises by the said Commissioners.

XXVI. And whereas it would greatly improve that Part of the said Town of Margate in which Hawley Square Pleasure Ground is situate if Provision were made for more effectually maintaining the present Fence which now separates the said Pleasure Ground from the Highways surrounding the same, and also for enabling the Proprietors of Houses or Buildings in the said Square to cause the same to be removed when they shall deem it necessary, and a more substantial and durable one erected in its Stead; be it therefore enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them in Writing, and signed by a Majority consisting of not less than Three-fifths in Number of the Freehold Proprietors of Houses and Buildings in the said Square (such Proprietors, if more than One, in respect of any House or Building to be considered as One only) assembled at a General Meeting of such Proprietors in Margate aforesaid, by printed Notices, with the Names affixed thereto, of the Proprietors of at least Five of the said Houses or Buildings, specifying the Time, Place, and Object of the said Meeting, and to be left or fixed at or upon the respective Houses or Buildings of all the said Proprietors, at least Seven Days before such Meeting, at any Time or Times after the passing of this Act, to remove and take away such Part or Parts of the said Fence as to the said Majority shall seem necessary to be removed, and to repair and make good the said Fence, in a substantial and workmanlike Manner, and as reasonable as may be; and also (in case the said or a like Majority, consisting of not less than Three-fifths in Number of the Proprietors so assembled or to be assembled as aforesaid, upon Fourteen Days like Notice, shall judge expedient, and shall make such Request in Writing to the said Commissioners as aforesaid) wholly to remove and take away the then existing Fence, and to dispose of the Materials thereof by public or private Sale, and instead thereof to erect an Iron or such other durable and ornamental Fence, for separating the said Pleasure Ground from the Highways surrounding the same, as such Majority shall in their own Discretion think fit and direct.

For erecting a new Fence in Hawley Square,

Lower
Upper
Lower

XXVII. And, for defraying the Expences as well of repairing and maintaining the said present Fence as aforesaid, as of wholly removing the same and erecting such new Fence, when the same shall become necessary, be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to borrow and take up at Interest, from Time to Time, such Sum and Sums of Money as to such or a like Majority so assembled, as last aforesaid shall seem necessary, not exceeding in any One Year the Sum of One hundred Pounds for any extraordinary Repairs which may become necessary, nor at any other Time the Sum of One thousand Pounds for the Erection of an entire new Fence as aforesaid; and for paying off the Principal Money so to be borrowed, with lawful Interest thereupon, in the

and defraying the Expences thereof.

meantime to impose, assess, and levy an annual Rate sufficient for such Purposes on the Proprietors of the several Houses and Buildings already or hereafter to be erected in the said Square (having or who shall have any Share of or Right or Interest in the said Pleasure Ground); such Rate to be levied, assessed, and recovered in such and the same Manner as the other Rates authorized to be raised by this Act are to be levied, assessed, and recovered; so that the Principal Monies to be borrowed as aforesaid shall be paid off annually by Instalments, not exceeding in any One Year the Sum of One hundred Pounds; and in the meantime the said Commissioners are hereby authorized and empowered to charge the Monies so to be borrowed, and the Interest to become due thereon, upon the Rates so to be levied and assessed on the Houses and Buildings in the said Square as aforesaid.

To recover
the same
from the
said
Proprietors

Monies to be paid by Proprietors of Houses and Buildings rateably, in proportion to annual Value.

XXVIII. And be it further enacted, That all Monies payable by or raisable amongst the said Proprietors, towards the Repairs or Maintenance of the said Pleasure Ground and Fence, shall be paid by and recoverable from all the said Proprietors of Houses or Buildings already or hereafter to be erected in the said Square, having or who shall have any such Share of or Right or Interest in the said Pleasure Ground as aforesaid, rateably and in proportion to the annual Value of such Houses or Buildings as is herein-before mentioned.

For punishing Persons damaging the Fence, Trees, or Shrubs.

XXIX. And be it further enacted, That if any Person or Persons shall wilfully break, cut, throw down, spoil, or damage any Part of the present or any future Fence surrounding the said Pleasure Ground, or any of the Trees or Shrubs there growing, every Person so offending, upon being convicted thereof before any Justice of the Peace for the Town and Port of *Dover*, or of the Cinque Ports, upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer), or on his or her own Confession, and whether such Person shall appear or not appear before the said Justice, on being summoned in that Behalf, Oath being made of the Service of such Summons, by leaving the same at the usual Dwelling House or Place of Abode of the Party complained against, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, whereof one Half shall go to the Informer, and the other Half to the said Commissioners for the Purposes of the said Pleasure Ground and Fence; and such Offender shall also make such full Satisfaction as to the said Justice shall seem meet for the Damage done by him or her; and in case such Offender shall not upon Conviction pay the Forfeiture by him or her incurred, and also make such Satisfaction as aforesaid, it shall and may be lawful for the Justice before whom he or she shall be convicted, and such Justice is hereby authorized, to commit the said Offender to the Common Gaol of the Town and Port of *Dover*, there to be kept to hard Labour for any Time not exceeding Six Weeks, and such Offender shall not be discharged before the Expiration of the Time for which he or she shall be committed, or until such Penalty and Satisfaction shall be paid and made as aforesaid.

Act not to take away any prior Right of Action

XXX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to lessen or prejudice any Right or Authority that may have existed prior to the passing of this Act, amongst the said Proprietors, for enforcing, by Action at Law, or by Bill, Plaint, Suit,

Suit, or otherwise, the Payment of any Sum or Sums of Money heretofore due or payable, or at any Time hereafter to become due and payable, by and from them, or any of them, for and towards the common and ordinary Support and Maintenance of the said Pleasure Ground and Fence; any thing herein before contained to the contrary thereof notwithstanding.

XXXI. And be it further enacted, That the Sum to be advanced for defraying the Expences of obtaining and passing this Act shall be paid and discharged by the said Commissioners out of the Monies arising and accruing to them from the Rates hereby authorized or directed to be levied, assessed, and raised within the Space of Four Years from the passing of this Act, with lawful Interest for the same.

Expences of obtaining this Act how defrayed.

XXXII. And be it further enacted, That all Clauses, Powers, and Provisions in the said recited Acts or any of them contained (except such as are by the said Act of the Fifty-second Year of the Reign of His present Majesty or by this Act altered, varied, or repealed), shall extend and be construed to extend to this Act as fully and effectually to all Intents and Purposes as if the same had been repeated and re-enacted in this Act.

Former Acts to extend to this Act.

XXXIII. And whereas by the said Act made in the Thirty-ninth Year of the Reign of His present Majesty it was enacted, that in case the Owner or Owners of, or other Person or Persons interested in any Messuages, Buildings, Lands, or Hereditaments to be purchased by virtue of the said Act of the Twenty-seventh Year of the Reign of His present Majesty, or of the said recited Act, should be desirous of investing their respective Purchase Monies on Mortgage of the Rates and Duties granted by the said Acts, or of having a Mortgage in lieu thereof, then it should be lawful for the Commissioners and their Successors to grant and execute One or more Mortgage or Mortgages of the said Rates and Duties to such Owner or Owners, Person or Persons, for the Messuages, Buildings, Lands, or Hereditaments, Estate or Interest, so to be purchased for securing the Payment thereof to him, her, or them of a Sum equal to the Amount of the Purchase Monies agreed to be paid for the said Messuages, Buildings, Lands, Hereditaments, Estate, and Interest, together with such Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*, as the said Commissioners and their Successors should think proper, and such Mortgage or Mortgages should be made and taken in full Satisfaction of the Purchase Monies, or Consideration for such respective Premises, and at all Times be deemed equal to the Payment thereof: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repealing Sect. 28. of 39 G. 3. c. 2. that Commissioners may mortgage Rates.

XXXIV. And whereas by the said Act made in the Twenty-seventh Year of the Reign of His present Majesty it was enacted, that upon the Death or Bankruptcy or Insolvency of any Treasurer, Clerk, Collector, Officer, or other Person to be appointed for executing the Purposes of the said Act, before he shall have paid and delivered up all the Monies which he shall have received by virtue thereof, the respective Executors or Administrators, in case of the Death of any such Officer, or the Assignee or Assignees of his Estate or Effects, or other Person or Persons possessing the same,

Repealing Sect. 11. of 27 G. 3. c. 45. how Money to be paid in case of the Death, Bankruptcy, or Insolvency of any Officer.

same, or in whom the same shall or may be vested, in case of Bankruptcy or Insolvency, should, within Two Calendar Months next after such Decease or Bankruptcy or Insolvency, deliver to the Commissioners an Account in Writing under his, her, or their Hand or Hands of the Monies and Effects which such Person or Persons so deceased, or become Bankrupt or Insolvent, had been by virtue of the said Act appointed to collect or receive, and which should then have been collected or received by such Person deceased, or become Bankrupt or Insolvent, and should also pay, previous to the Payment of any other Debts or Sums of Money, all such Monies as were in the Hands of such Persons respectively at the Time of his or their Death, or at the Time of his or their Insolvency, or at the Time of the issuing of any Commission of Bankruptcy against him or them, and not paid over, or so much thereof as the said Estate will extend to pay, and should deliver all Books, Papers, and Things concerning his Office to such Person or Persons as the said Commissioners by Writing under their Hands should appoint to receive the same; and every Executor or Administrator, Assignee, or other Person or Persons possessed of Monies, Estate, or Effects as aforesaid, might plead such Payment in any Action or Suit which might be brought against him, her, or them for or on account of such Estate or Effects, or give the same in Evidence; and in case of Nonpayment of such Monies, or Nondelivery of such Books, Papers, Writings, and Things, for the Space of Ten Days after the same should be demanded by any One of the said Commissioners, it should be lawful for the said Commissioners to commence, maintain, and prosecute any Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators, Assignee or Assignees, or other Person or Persons possessing the Estate and Effects which did belong to such deceased Person, or such Bankrupt or Insolvent, for Recovery thereof, or for Recovery of Damages in lieu of such Books, Papers, Writings, and Things respectively: And whereas it is expedient that so much of the said Act as relates to Bankrupts or Persons becoming Insolvent should be repealed; be it therefore enacted, That so much of the said recited Act of the Twenty-seventh Year of His present Majesty as relates to the Bankruptcy or Insolvency of any Treasurer, Clerk, or other Officer appointed or to be appointed under the Authority of the said recited Act or this Act, shall be and the same is hereby repealed.

In witness whereof
I have signed
and sealed
with my hand
and the Great Seal
of Great Britain
in the
Tenth Year
of His Majesty's
said Majesty's
said Majesty's
said Majesty's

Repealing
Sect. 69. of
27 G. 3. c. 45.
Annuities not
liable to
Taxes.

XXXV. And whereas by the said Act of the Twenty-seventh Year of the Reign of His present Majesty it is enacted, that the Monies to be lent and the Annuities to be purchased by virtue thereof should be charged upon and paid out of the Duties thereby granted; and that all and every the Lenders of Monies, and also the Purchasers of the said Annuities duly paying the Monies to be lent at Interest, and the Consideration and Purchase Money for any such Annuity or Annuities as aforesaid, or such Person or Persons as he, she, or they should appoint, his, her, or their respective Executors, Administrators, or Assigns, should be entitled to have and receive the Principal Money so to be lent, and the Interest thereof, and the respective Annuity or Annuities so to be purchased out of the said Duties; and that all and every such Lender and Lenders, Purchaser and Purchasers, and their Executors, Administrators, or Assigns respectively, should have a good, absolute, and indefeasible Estate and Interest in the Monies and Annuities so by them respectively to be lent and purchased, and that none of the said Annuities should be subject or liable to any Tax laid or to

be laid by Authority of Parliament or otherwise howsoever. And whereas it is expedient that so much of the said Act as directs that the said Annuities should not be subject to any Tax should be repealed; be it therefore enacted, That so much of the said last-recited Act as directs that none of the Annuities to be purchased under the said Act should be subject or liable to any Tax laid or to be laid by Authority of Parliament, or otherwise howsoever, shall be and the same is hereby repealed.

XXXVI. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the said Town of Dover, or any Justice of the Peace of the Cinque Ports appointed under an Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act to facilitate the Execution of Justice within the Cinque Ports*, which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or Parties, or upon the Evidence of any One or more credible Witness or Witnesses upon Oath, and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and the Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Commissioners, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner fully paid and satisfied.

Recovery of Penalties by Distress and Sale.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time to mitigate, compound, or lessen any of the Forfeitures incurred under this Act, so as the Mitigation of the said Forfeitures as aforesaid do not extend to remit above One Moiety of the said Forfeitures respectively.

Commissioners may compound for Penalties.

XXXVIII. And be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn in the following Form, or to the like Effect; (that is to say)

Form of Conviction.

BE it remembered, That on the _____ Day of _____ Year of the Reign of His Majesty, A. B. is convicted before _____ of His Majesty's Justices of the Peace for _____ by virtue of an Act of Parliament made in the Fifty-third Year of the Reign of His Majesty King George the Third, intituled *Act for the Title of the Act, and specify the Offence, and Time and Place when and where the same was committed, as the Case shall be* Given under our Hands and Seals (or my Hand and Seal) the Day and Year aforesaid.

[Loc. & Per.]

16 K

XXXIX. And

Inhabitants may be Witnesses. XXXIX. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Inhabitant within the said Town and Parish of *Saint John the Baptist* aforesaid shall be deemed incompetent to give Evidence by reason of his or her being charged with and liable to pay any Rate or Assessment by virtue of this Act.

Persons aggrieved may appeal to the General Sessions.

XL. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Bye Law, Rule, or Order made, or by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices at the First General Sessions of the Peace to be holden for the said Town and Port of *Dover*, and the Limits and Precincts of the same, next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Commissioners; and the Justices in such Session are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein as they shall judge proper, and such Determination shall be final, binding, and conclusive to all Parties, and to all Intents and Purposes whatsoever.

Distress not unlawful for Want of Form.

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

Plaintiff not to recover after Tender of Amends.

XLII. Provided always, That no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, or for any Trespass or other wrongful Proceeding, unless Notice in Writing shall be given Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quashed for

XLIII. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceedings made touching or concerning any of the

Matters

Matters aforesaid, nor touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, nor be removed, or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, any Law or Statute to the contrary hereof in anywise notwithstanding.

Want of Form, or removable by Certiorari.

XLIV. Provided always, and be it further enacted, 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 be thereof given to the Treasurer or Clerk to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of Kent, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may at his or their Election plead specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act; and if the same shall appear so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of the Law.

Limitation of Actions.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, lessen, or abate any Power, Jurisdiction, or Authority which the Corporation of the Town and Port of Dover hath, or may have or legally claim to have, in and over the said Town of Margate and Parish of Saint John the Baptist.

Act not to take away the Jurisdiction of the Corporation of Dover.

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

Public Act.

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And be it further enacted, That no Judgment or other Proceedings made touching or concerning any of the Matters aforesaid, shall be quashed or vacated for Want of Form only, nor be removed, or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, any Law or Statute to the contrary hereof in anywise notwithstanding.

Want of Form, or removable by Certiorari.

