



ANNO QUINQUAGESIMO NONO

GEORGI III. REGIS.

Cap. cxviii.

An Act for paving, cleansing, lighting, and watching the Town of *Harwich*, in the County of *Essex*, and supplying the same with Water.

[2d July 1819.]

WHEREAS the Streets, Lanes, and other public Passages and Places within the Town of *Harwich*, in the County of *Essex*, are not properly paved, cleansed, lighted, or watched, and are subject to various Encroachments, Obstructions, Nuisances, and Annoyances, and are very incommodious and unsafe for Travellers and Passengers : And whereas the Inhabitants of the said Town are not at present well or sufficiently supplied with Water, and are in consequence subject to much Inconvenience, and would be liable to great Danger and the most calamitous Consequences in Cases of Accidents by Fire : And whereas it would be of great Benefit, Safety, and Convenience to the Inhabitants of the said Town, and to all Persons resorting to or travelling through the same, if the said Streets, Lanes, and other public Passages and Places were properly paved, cleansed, lighted, and watched, and if all Encroachments, Obstructions, Nuisances, and Annoyances therein were removed, and Provision made for preventing the like in future, and the said Town properly supplied with Water : But as the several Purposes aforesaid cannot be effected and carried into Execution without the Aid and Authority of Parliament, may it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of

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Commissioners.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Aldermen, and Capital Burgesses, the Recorder, the Steward, and the Town Clerk of the Borough of *Harwich* for the Time being, and *Nathaniel Garland*, General *Slater Rebow*, *Richard W. Cox*, the Reverend *William Whinfield* Clerk, the Reverend *Samuel Nevill Bull* Clerk, *John Cobbold*, *Thomas Hammond*, *George Deane*, *Robert Sherlock*, *William Norris* the younger, *Ethelbert Lyne*, *Samuel Billingsley Love*, *Albert Parry*, Lieutenant Colonel *Dickins*, the Reverend *William Hordle*, *Francis Stevens* the elder, *Joseph Seager*, and *Isaiah Deck*, shall be and they are hereby appointed Commissioners for putting this Act in Execution.

On Death, Refusal, or Neglect of Commissioners, others to be chosen.

II. And be it further enacted, That when any of the Commissioners herein named, or hereafter to be elected, shall die, or shall, for the Space of One Year, refuse or neglect to act, such Death, Refusal, or Neglect being declared at a Meeting of the said Commissioners, then and in every such Case the surviving and acting Commissioners, or any Five or more of them, by virtue of this Act, being assembled at the Guildhall of the said Borough, on the First *Monday* in the Month of *September* in every Year after the Year of passing this Act, shall and may nominate, elect, and choose such and so many fit Persons, qualified as herein-after mentioned, to be Commissioners to fill up the Vacancies occasioned by Death or otherwise; and every Person so elected is hereby vested with the same Powers for putting this Act in Execution, as if he had been expressly named and appointed a Commissioner in and by this Act.

Qualification.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall really and *bonâ fide* be possessed of a Personal Estate to the Amount or Value of Two thousand Pounds, and be a Householder within the Limits of this Act; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before One of the said Commissioners (who is and are hereby empowered to administer the same) an Oath or Affirmation in the Words or to the Effect following; (that is to say,)

Oath to be taken by Commissioners.

‘ I *A.B.* do swear [or, being one of the People called *Quakers*, do solemnly affirm], That I am really and *bonâ fide*, by virtue of an Act made in the Fifty-ninth Year of His present Majesty, intituled [*here insert the Title of this Act*], possessed of a Personal Estate of the Value of Two thousand Pounds, over and above what will pay my just Debts; and that I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities vested and reposed in me as a Commissioner, by virtue of the said Act. So help me GOD.’

Penalty on Persons not qualified acting as Commissioners.

And if any Person not qualified in Manner herein-before mentioned to act as a Commissioner shall presume to act as such in the Execution of the Powers hereby given or any of them, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*,

minster, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was, at the Time of acting, qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified, shall, previous to his or their being so convicted, be as valid and effectual as if such Person or Persons had been duly qualified as aforesaid.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office or Place of Profit under the said Commissioners, or during such Time as he shall have any Share or Interest in any Contract to be performed relating to the Execution of any of the Powers of this Act. Commissioners not to act if interested.

V. And be it further enacted, That all Acts, Proceedings, Matters, and Things in or relative to the Execution of this Act, may be done and executed by any Five or more of the Commissioners appointed, or to be appointed by or under this Act, except only in Cases herein particularly directed to be done and executed by any greater or less Number of them Orders and Proceedings may be made by Five Commissioners.

VI. And be it further enacted, That the said Commissioners shall meet at the Guildhall aforesaid, on the Third *Monday* after the passing of this Act, between the Hours of Ten and Eleven in the Forenoon, in order to put this Act in Execution; and shall and may from Time to Time afterwards, by Adjournment, meet at the Place aforesaid, or at any other convenient Place within the said Town, as they, or the major Part of them present at such Meeting, shall appoint; and if it shall happen that there shall not appear at any such Meeting of the said Commissioners a sufficient Number to act, or to adjourn to another Day (Three Commissioners to be deemed sufficient for the Purpose of Adjournment), or if the said Commissioners shall refuse or neglect to adjourn, or if there shall be any special Occasion for any Meeting between the last Meeting and the Time of any Adjournment, or at any other Time, then and in every such Case any Five or more of the said Commissioners may call a Meeting at such Time and Place as they shall think proper; and the said Commissioners, at all their Meetings, shall defray their own Expences. Meetings of Commissioners.

VII. Provided always, and be it enacted, That previous to any Meeting of the said Commissioners in pursuance of this Act, subsequent to such First Meeting as aforesaid, there shall from Time to Time be delivered or sent to each of the Commissioners, or left at each of their Houses or last Place of Abode, a Notice in Writing or printed, signed by their Clerk, or by Three or more Commissioners, of the Time and Place of every such intended Meeting, which Notice shall be so delivered, sent, or left Three Days at least before every such Meeting; and no Act of the said Commissioners Notice to be given of Meetings.

missioners shall be valid, unless made or done at some Meeting to be held by virtue of this Act.

Chairman to be appointed.

VIII. And be it further enacted, That at every such Meeting of the said Commissioners One of the Commissioners present shall be appointed Chairman; and in case of Equality of Voices or Votes of the Commissioners at such Meeting (including his own), such Chairman shall, upon all Occasions, have the casting Vote; and that no Act, Order, or Determination to be made or done at any of the said Meetings shall be good or valid, unless a Majority of the Commissioners then present shall concur therein.

Restriction as to revoking Orders.

IX. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered, unless at some Meeting to be afterwards held for that Purpose, of which Three Days Notice shall be given as aforesaid, expressing the Occasion of such Meeting, and unless a greater Number of Commissioners shall attend at such Meeting, to revoke or alter the same, than were present to make such Order; any thing contained in this Act to the contrary thereof notwithstanding.

Proceedings to be entered.

X. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all their Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and shall be allowed to be read in Evidence in all Cases, Suits, and Actions touching any thing done in pursuance or by virtue of this Act; and such Book or Books shall, at any of the Meetings of the said Commissioners, be open and liable to the Inspection of all and every the said Commissioners, and of all and every the Persons rated and assessed for the Purposes of this Act.

Books may be inspected.

Commissioners may appoint Officers, and may remove them.

XI. And be it further enacted, That the said Commissioners shall and may, from Time to Time, whenever they shall think necessary, appoint and employ a Treasurer and Clerk, and Collector or Collectors of the Rates or Assessments herein-after mentioned, and also a Surveyor and all such other Officers and Persons for the Execution of this Act as the said Commissioners shall think proper; and from Time to Time remove him or them, and appoint others in the Room of such of them as shall be so removed, or shall otherwise relinquish or discontinue such Office, and out of the Monies to be raised by virtue of this Act pay such Salaries, Wages, and Allowances to the said Officers and other Persons as they the said Commissioners shall think reasonable; and the said Commissioners shall and are hereby required to take such Security from such Treasurer and other Officers, for the due Execution of their respective Offices, as they shall think proper; 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

Treasurer and other Officers to give Security.
Officers to account.

Person

Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer and Person respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer shall neglect or refuse to make and render any such Account, 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 as they shall appoint, within Thirty Days next after being thereunto required by the said Commissioners, by Notice in Writing given or to be left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in any of the Cases aforesaid the said Commissioners may and are hereby authorized and empowered to cause an Action to be brought against the Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the County, Riding, or Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so neglecting or refusing to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Complaint of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and is hereby authorized and required, upon Nonpayment thereof, by a Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of distraining and selling the same, or if it shall, in Manner aforesaid, appear to such Justice that such Officer shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol for the County, Riding, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall deliver up

Penalty on Officers refusing to account.

If Balance not paid, it may be levied by Distress.

On failure of Distress, &c. the Offender to be committed.

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such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners as aforesaid: Provided always, that no such Person who shall be committed for Want of sufficient Distress alone shall be committed by virtue of this Act for any longer Space of Time than Six Calendar Months.

Treasurer to pay Money as ordered by Commissioners.

XII. And be it further enacted, That the Treasurer to the said Commissioners shall and may, and he is hereby authorized and required, out of the Monies to be received by him by virtue of this Act, to pay all Sums of Money which the said Commissioners shall from Time to Time draw upon him for or order him to pay; and the said Treasurer shall and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose by him provided and kept, of all and singular his Receipts and Payments on account or in pursuance of this Act; and shall, on the First *Monday* in the Month of *September* yearly after the Year of passing of this Act, or at the First Meeting of the said Commissioners then next following, lay the said Accounts before the said Commissioners, to be audited, passed, and allowed.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Commissioners, &c.

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

Same Person not to be Clerk and Treasurer.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the same Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer, for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or
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on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, nor Wager of Law, or more than One Imparlance, shall be allowed.

XV. And be it further enacted, That the said Commissioners may sue or be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, in the Name of their Clerk for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Commissioners by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by any Act or Default of any such Clerk done or suffered without the Consent or Direction of the Commissioners; but the Clerk to the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant in such Action or Suit (as the Case may be): Provided always, that all Costs and Expences to be incurred by or on Behalf of the said Commissioners, or any Person or Persons employed by them in prosecuting or defending any Action or Suit touching the Execution of this Act, shall be defrayed out of the Money arising by virtue of this Act, unless such Action or Suit shall arise in consequence of the wilful Neglect or Default of such Clerk, or unless it shall have been brought, commenced, or defended without the Order or Direction of the said Commissioners: Provided always, that such Clerk shall not on that Account be deemed an inadmissible Witness in any such Action or Suit.

XVI. And, for defraying the Charges and Expences of paving, cleansing, lighting, and watching the said Streets, Lanes, and other public Passages and Places, and for removing Encroachments, Obstructions, Nuisances, and Annoyances therein, and for supplying the said Town with Water, be it enacted, That from and after the Twenty-fourth Day of *June* One thousand eight hundred and nineteen, One or more Rate or Rates, Assessment or Assessments, shall, Twice in every Year (or oftener if it shall be thought needful by the Commissioners), be made, laid, and assessed, by the said Commissioners, upon all and every Person and Persons who do or shall inhabit, hold, or occupy any House, Shop, Warehouse, Wharf, Cellar, Vault, Stable, Coach House, Brewhouse, Brewing Offices, Granaries, Malt Houses, Store Houses, and other Buildings within the Limits of this Act, and the Lands, Yards, and Gardens attached to and with any of the before-mentioned Buildings respectively occupied (save and except any Houses, Buildings, or other Hereditaments used and occupied for the Purposes of any public Charity, and also all Churches and Chapels, which are not intended to be made liable to the Rates hereby imposed), and in such competent Sum and Sums of Money as the said Commissioners shall yearly and every Year order and direct, so as such Rates or Assessments do not exceed in the whole the Sum of One Shilling and Sixpence in the Pound in any one Year, of the yearly Value of such Houses, Shops, Warehouses, Wharfs, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Brewing Offices, Granaries, Malt Houses, Store Houses, and other Buildings, Yards, and Gardens as aforesaid; such yearly Value to be ascertained by such Ways and Means as the said Commissioners shall think proper.

XVII. Pro-

Commissioners may amend Rates.

XVII. Provided always, That the said Commissioners shall and may, if they think proper, at any Meeting, amend any such Rate or Assessment, Rates or Assessments, after the same shall have been made and signed, by inserting the Name of any Person who ought to have been but who has not been rated or assessed, or by striking out the Name of any Person who hath been but ought not to have been rated or assessed, or by altering the Sum or Sums charged in any such Rate or Assessment on any Person or Persons, or in any other Manner in which the said Commissioners shall think proper for making the same a just and equal Rate or Assessment, without wholly setting aside or quashing the same.

Lands belonging to His Majesty not to be assessed.

XVIII. Provided always, and be it enacted, That no Lands, Tenements, or Hereditaments, in the said Town, belonging to and in the actual Occupation of His Majesty, His Heirs or Successors, shall be assessed by the said Commissioners in pursuance of this Act.

Rates to be signed by Two Justices, who are to grant Warrants to collect and levy the same.

XIX. And be it further enacted, That no Rates made by virtue of this Act shall be deemed good or valid, until the same shall be allowed and signed by Two Justices of the Peace, acting in and for the Borough of *Harwich* aforesaid; and the said Rates, after the same shall be so allowed and signed by the said Justices, shall be collected Half-yearly, or oftener if the said Commissioners shall think necessary, by the Collector or Collectors or other Person or Persons to be appointed as aforesaid, and be paid over by such Collector or Collectors as aforesaid, into the Hands of the Treasurer of the said Commissioners; and if any Person or Persons shall refuse, neglect, or omit to pay the Sum or Sums of Money which he, she, or they shall be rated or assessed at by virtue of this Act, for the Space of Ten Days after personal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of such Person or Persons, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said Borough, by Warrant under his Hand and Seal, to authorize and direct the said Collector or Collectors, or any other Person or Persons, to levy such Rate or Assessment by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting, refusing, or omitting to pay the same, rendering the Overplus (if any), after deducting the Sum or Sums due in respect of such Rates or Assessments, and all Costs and Charges attending the Recovery thereof, to the Owners of such Goods and Chattels, upon Demand.

Receivers or other Persons authorized by the Commissioners to be allowed to inspect and take Copies from the Books of Land Tax, &c.

XX. And be it further enacted, That it shall and may be lawful for the Receiver or Receivers of any Rate or Assessment to be made by virtue of this Act, or for any other Person or Persons authorized by the said Commissioners, at all convenient Times (first having an Order under the Hands of the said Commissioners for that Purpose), to inspect the Books of Assessment of the Land Tax, and also the Books or Rates made for raising Money for the Relief and Maintenance of the Poor of the Parish of *Saint Nicholas*, in *Harwich* aforesaid, which may be affected by this Act, in order to ascertain the Rates and Assessments to be raised by virtue hereof, and also to take Copies thereof, and to make Extracts therefrom; which Inspection, Copies, and Extracts, the Vestry Clerk or other Officer or Person having the Custody of such Book, Assessment, and Rate, Books, Assessments, and Rates, are hereby required to permit and suffer to be made,

made, without Fee or Reward, by such Receiver or Receivers, Person or Persons appointed as aforesaid, on their producing an Order under the Hands of the said Commissioners for that Purpose; and in case any Vestry Clerk, or other such Officer or Officers, Person or Persons, shall neglect or refuse so to do, within Ten Days after such Order shall be produced and shewn to him or them, or a Copy thereof left at his or their last or most usual Place of Abode, then and in every such Case he or they so refusing or neglecting shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds.

XXI. And whereas several Houses within the Limits of this Act may be by the Landlords or Owners thereof, or by some other Person or Persons having the Possession of the same, 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 enacted, That the said Commissioners shall and may rate or assess the Landlord or Owner of any House, or other Person or Persons as aforesaid, which shall be let to or occupied by Two or more Tenants, and the Landlord or Owner of every such House, or such other Person or Persons as aforesaid, shall pay the said Rate or Assessment accordingly.

Rates on Houses let to divers Tenants to be paid by the Landlord.

XXII. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay any Rate or Assessment to be made under the Authority of this Act, for or in respect of any Messuage, House, or other Building, or of any Yard or Garden, which shall be unoccupied during the whole of a Quarter of a Year, in or for which the quarterly Portion of Rate or Assessment demanded shall have become or accrued due.

Houses, &c. unoccupied, not rateable.

XXIII. And be it further enacted, That One-third of the Rates and Assessments to be made by virtue of this Act shall be borne and defrayed by the respective Owners or Landlords, and the other Two-thirds thereof by the respective Tenants or Occupiers; but all and every Tenant or Tenants, Occupier or Occupiers, are and shall be liable to all and every the Rates and Assessments that shall have been rated and assessed by virtue of this Act, for or in respect of the Lands, Tenements, or Hereditaments, by him, her, or them respectively occupied, and shall be subject to such Distress as aforesaid, in case of Nonpayment thereof; and such Tenant or Tenants, and Occupier or Occupiers, shall be at Liberty, and is and are hereby authorized to deduct and retain out of his, her, and their Rents, such Proportion of such Rates as he, she, or they shall respectively pay for or on account of the several Owner or Owners, Landlord or Landlords of such Lands, Tenements, or Hereditaments, who are hereby respectively required to allow such Deductions upon the Receipt of the Remainder of their respective Rents: Provided always, that no such Tenant or Occupier shall be subject or liable to pay for any such Rate or Assessment any Sum or Sums of Money beyond the Amount of the Rent which shall be then actually due or accruing due to such Landlord or Owner, in respect of the said Premises from Tenant or Occupier.

Tenants and Occupiers to pay the Rates and Arrears due by the Landlord, and deduct them out of the Rent.

Occupiers
quitting with-
out paying
Rates may
be followed.

XXIV. And be it further enacted, That when any Person or Persons who have or hath been rated and assessed by virtue of this Act shall quit their, his, or her Dwelling, Warehouse, Wharf, Shop, Vault, Cellar, Yard, or Tenement, whereupon such Rate or Assessment has been made, before he, she, or they shall have paid the same, and shall afterwards refuse to pay the same, when due and demanded as aforesaid by the Person or Persons authorized and appointed to collect and receive the same, then and in every such Case it shall and may be lawful to and for such Person or Persons as shall be appointed by the said Commissioners, by Warrant under the Hand and Seal of One or more Justice or Justices of the Peace acting in and for the said Borough of *Harwich*, or for the County, Riding, Division, City, Liberty, Town, or Place, where such Person shall remove to or reside, or where any Goods or Chattels of such Person shall be found, (which Warrant such Justice or Justices is or are hereby required to grant, upon Proof made of the Sum so due before him or them, upon the Oath of One or more credible Witness or Witnesses,) to levy such Rate or Rates by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting or refusing, rendering the Overplus (if any), after Payment of the Money due in respect of such Rate or Assessment, and the reasonable Charges and Expences of such Distress and Sale, unto the Person whose Goods and Chattels shall have been so distrained and sold; and if sufficient Distress cannot be found in the said County of *Essex*, then, upon Oath thereof made before any Justice of the Peace of any other County, City, Liberty, or Place in which any of the Goods and Chattels of such Person or Persons shall be found or suspected to be, (which Oath any such Justice is hereby authorized and required to administer and certify, by indorsing, in his Hand-writing, his Name on the Warrant granted for making such Distress,) the Goods and Chattels of the said Person or Persons so neglecting or refusing to pay shall be subject and liable to such Distress and Sale in such other County, City, Liberty, or Place where the same shall be found, and may, by virtue of such Warrant and Certificate, be distrained in the same Manner as if the said Goods and Chattels had been found in the said Borough of *Harwich*, or elsewhere in the said County of *Essex*.

Rates appor-
tioned be-
tween Occu-
piers quitting
and coming
into any
House, &c.

XXV. 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, Tenement, or Hereditament rated or assessed, or liable to be rated or assessed, by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Garden, Tenement, or Hereditament rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall have removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment, in proportion to the Time that such Person or Persons occupied the same, in like Manner as if he, she, or they had been originally rated or assessed for such House, Building, Garden, Tenement, or Hereditament; which said respective Proportions, in
case

case of Dispute, shall be settled and ascertained by the said Commissioners.

XXVI. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and nineteen, all and every the said Streets, Lanes, and other public Passages and Places, shall be forever maintained, supported, repaired, amended, and kept in repair by the said Commissioners, by and out of the Rates and Duties to be raised by virtue of this Act; and the Inhabitants of the said Town shall not be liable or subject to the Performance of the Labour or Duty commonly called Statute Labour, or to the Payment of any Composition Rates or Duties for repairing, maintaining, supporting, and keeping such Streets, Lanes, and other public Passages and Places in repair (other than and except the Rates, Duties, Assessments, and Payments by this Act imposed and authorized to be raised, collected, and paid); and it shall be lawful for the said Commissioners, and they are authorized and empowered, immediately after the passing of this Act, to cause the said several Streets, Ways, and other public Passages and Places to be paved with proper Paving Stones, Flag Stones, or other Stones, in such Manner as they shall from Time to Time think proper; and to make and cause to be made such and so many Common Sewers, Tunnels, Cuts, Drains, Sinks, and Channels, in, under, and through the said several Streets, Ways, and other public Passages and Places; and also to make such open Gratings and other Openings to the same, as they may think sufficient and necessary for the carrying and conveying away all Filth, foul and waste Water, and other Nuisances from the said Town, and from all Houses and Buildings therein built; and from Time to Time to alter and amend such Pavement, and alter and vary, lessen or increase such Common Sewers, Gutters, Tunnels, Cuts, Drains, Sinks, and Channels, and make such new Opening or Openings to the same, as the said Commissioners shall from Time to Time think proper and necessary.

Commissioners to keep Streets, &c. in repair.

XXVII. 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 paving, cleansing, and lighting the said several Streets, Lanes, and other public Passages and Places, or any of them, or for laying Pipes for carrying and distributing Water, erecting Wells, Reservoirs, and other Works, and for maintaining the same, 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, Seven Days Notice at the least shall be given in some public Newspaper circulated in the said Town, 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.

Commissioners may contract.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to compound and agree with any Person or Persons against whom any Action or Suit shall be brought, commenced,

Commissioners may compound for Breach of Contract.

menced, or prosecuted for any Penalty contained in any Contract to be entered into as aforesaid for any Breach or Non-performance thereof, for such Sum of Money as the said Commissioners shall think proper, so as the Sums so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Non-performance of any such Contract, and all the Costs and Expences which shall be occasioned thereby.

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

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

Surveyors to inspect Works.

XXX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby directed to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint.

Penalty on Persons obstructing Officers.

XXXI. And be it further enacted, That if any Person or Persons shall at any Time obstruct, hinder, or molest any Surveyor or other Officer, Workman, or Person employed by virtue of this Act, in the Performance or Execution of his Duty, every such Person so offending shall, for every such Offence, forfeit any Sum not exceeding Ten Pounds.

Footways to be swept.

XXXII. And be it further enacted, That the respective Occupiers of Houses or other Buildings, with the Appurtenances, within the said Streets, Lanes, and other Public Passages and Places; the Churchwardens and Chapelwardens of every Church and Chapel, or any one or more of them; the Owner or Owners and Proprietor or Proprietors of every dead Wall and vacant Piece of Ground, or any one or more of them; the Proprietor and Proprietors, Trustee and Trustees, Treasurer and Minister of every Meeting House, or other Place of Public Worship, or any one or more of them; and the Person or Persons who for the Time being shall be the ostensible Director or Directors, Manager or Managers of every Hospital, Prison, School, and other Public Building respectively, situate or being in the said several Streets, Lanes, and other Public Passages and Places, shall and they are hereby required to cause to be well and sufficiently swept, scraped, and cleansed the Foot Ways and Foot Pavements the whole Length of the Front of their respective Houses, Buildings, Churches and Church Yards, Chapels and Chapel Yards, dead Walls, vacant Pieces of Ground, Meeting Houses, Hospitals, Prisons, Schools, and other public Buildings, Tenements, Yards, Gardens, or other Hereditaments, and the Channel and Watercourse opposite the same respectively, to the full Extent of the said Foot Ways and Foot Pavements, before, behind, and on the Side or Sides of the same respectively, previous to the Hour of Ten of the Clock in the Morning on every *Wednesday* and *Saturday* in every Week, and on such other Days and at such other Times as the said Commissioners shall from Time to Time order or require the same; and shall also cause the Dirt and Soil to arise from such sweeping and cleansing to be collected and put together, (so as not to obstruct either the Carriage or Foot Way,

or

or the Channel or Watercourse aforesaid), in order that the same may be removed by the public Scavenger or other Person to be employed for that Purpose, upon Pain of forfeiting any Sum not exceeding Ten Shillings for every Neglect therein: Provided always, that the Owner or Owners and Proprietor or Proprietors of any dead Wall or vacant Piece of Land shall not be required to sweep and cleanse the Foot Ways and Foot Pavements opposite the same respectively to a greater Extent than Fifty Yards in length.

XXXIII. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time as they shall think proper, to compound with any of the Inhabitants of any Street, Lane, or other public Passage or Place by the Year, for such Sum or Sums of Money as such Commissioners shall think proper, for the sweeping and cleansing to be done by such Inhabitants respectively by virtue of this Act, provided such Composition Money be always paid in advance.

Power to compound with Inhabitants for cleansing Streets, &c.

XXXIV. And be it further enacted, That for the better carrying this Act into Execution, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time as they shall see Occasion, to paint, engrave, or describe, or cause to be painted, engraved, or described, on a conspicuous Part of some House or other Building, at or near the Corner of every such Street, Lane, or other public Passage or Place, the Name by which such Street, Lane, and other public Passage or Place now is or shall be called; and may order and direct the several Houses, Shops, Warehouses, and Buildings within the said Streets, Lanes, and other 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 of such Names or Numbers, 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 Twenty Shillings.

Streets to be named.

XXXV. And be it further enacted, That when any such Number or Numbers, Figure or Figures, painted or put on any House, Shop, Warehouse, or other Building, or on the Door or Doors thereof, within the said Town, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Shop, Warehouse, or Building where the Number or Numbers; Figure or Figures, shall have been so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Shop, Warehouse, or other Building, signed by the said Commissioners, cause the same Number or Numbers, Figure or Figures, to be in the same Manner painted or put on such House, Shop, Warehouse, or other Building, or on the Door thereof respectively, within Three Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

When Numbers or Figures defaced, fresh Numbers and Figures shall be painted, &c.

[*Local.*]

35 Y

XXXVI. And

For regu-
lating Sca-
vengers.

XXXVI. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the said several Streets, Lanes, and other public Passages and Places, or the Person or Persons employed by or acting under the Directions of such Person or Persons so contracting with the said Commissioners, shall Twice in every Week, (that is to say,) on every *Wednesday* and *Saturday*, between such Hours of those respective Days, and also on such other Days, and at or between such Hours, as the Commissioners aforesaid shall from Time to Time appoint, sweep and collect together all Dust, Dirt, Filth, or Rubbish in such Streets, Lanes, and other public Passages and Places where a Cart or other Carriage can pass; and shall, at or before his or their Approach, by Sound of Bell or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass; and such Person or Persons aforesaid shall immediately take the Dust, Dirt, Rubbish, Cinders, Ashes, and other Filth (except Filth from any Privy or Necessary-house), from the respective Premises in such several Streets, Lanes, and other public Passages and Places, and put the same into such Cart or Carriage; all which Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except as aforesaid), as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or as soon as may be, carry away, or cause to be carried away, to the Place or Places appointed for depositing the same, upon Pain of forfeiting any Sum not exceeding Forty Shillings for every Offence or Neglect therein; and the Person or Persons so employed as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters on the Front, or on some other conspicuous Part of every Cart or Carriage used for the Purposes aforesaid, and shall likewise cause every such Cart or Carriage to be numbered, on Pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein; and if any such Person so employed as aforesaid shall wilfully sweep or throw any Dust, Dirt, Dung, Ashes, or Filth into any Drain, Sewer, Sink, or Watercourse within the Limits of this Act, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Preventing
Ashes or Dirt
being thrown
into the
Streets.

XXXVII. And be it further enacted, That if any Person or Persons shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Coal Ashes (except in Time of Frost, and to prevent Accidents), or any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, into any Street, Lane, or other public Passage or Place within the Limits of this Act (except the Dust, Dirt, Ashes, and Filth to be collected and put together and placed as aforesaid, and except as is herein-after mentioned), every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

No Person to
carry away
Ashes, &c.
except Con-
tractors.

XXXVIII. And be it further enacted, That no Person shall take or carry away any Ashes, Dust, Muck, Dung, or Manure out of the said Streets, Lanes, or other public Passages and Places, other than the Persons contracting or to be appointed or employed by or under the Authority of the said Commissioners for such Purposes as aforesaid, upon Pain of forfeiting

forfeiting and paying the Sum of Twenty Shillings for every such Offence: Provided always, that nothing herein contained shall extend to any Ashes, Dust, Dirt, Filth, Dung, or Rubbish which any of the Inhabitants within the Limits of this Act shall think fit to reserve and keep within their respective Houses, Yards, or Gardens, but the same shall respectively belong to the Person or Persons so reserving the same, so as such Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish be not laid down or placed in any of the said Streets, Lanes, or other public Passages or Places for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person or Persons so reserving such Ashes, Dust, Dirt, Filth, Dung, or Rubbish, shall permit or suffer the same to become a Nuisance to any of the said Inhabitants, and shall not remove the same for the Space of Seven Days after Notice in Writing given to them or him under the Hands of the said Commissioners, or left at such Person's Dwelling House, to remove the same, such Person or Persons shall forfeit and pay the Sum of Ten Shillings for every Day such Annoyances shall be permitted to remain next after such Notice given as aforesaid.

Persons may reserve their Ashes, &c. for their own Use;

but to remove the same on Notice.

XXXIX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to subject any Person whomsoever to any Penalty by this Act inflicted, for or on account of any Rubbish or Dirt being laid or placed in any such Street, Lane, or other public Passage or Place as aforesaid, occasioned by the building, pulling down, altering, or repairing of his or her House or other Building, so as there be full and sufficient Space, in the Opinion of the said Commissioners, or of their Surveyor for the Time being, left in or at the Side of the Street, Lane, or other public Passage or Place where such Rubbish or Dirt shall lie or be placed, for such Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers, by the Person or Persons laying or causing such Rubbish or Dirt to be laid or placed; and so as a sufficient Light be at his, her, or their Expence set up and maintained at the Place where such Rubbish or Dirt shall be so laid or placed, from Sun-set to Sun-rise, to prevent any Mischief happening to Passengers or Cattle; and so as the same be inclosed and fenced about in such Manner and within such Time as the said Commissioners shall, by any Notice to be by their Order given to or left with such Person or Persons, direct and appoint; and so as such Rubbish or Dirt be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within a Time to be expressed in a Notice to be in like Manner given by the said Commissioners.

Penalty not to extend to Rubbish or Dirt occasioned by building or repairing Houses.

XL. And be it further enacted, That the said Commissioners shall have full Power to purchase or rent any Quantity of Land, not exceeding Half an Acre, for depositing Dirt, Dung, Soil, Ashes, Cinders, and Rubbish; and the Purchase Money or Rent thereof shall be paid out of the Money raised or to be raised by virtue of this Act; and the Property thereof shall be and is hereby vested in the said Commissioners for the Purposes of this Act.

Land to be provided for depositing Dirt, &c.

XLI. And

Penalty on
causing An-
noyances in
the Streets.

XLI. And be it further enacted, That if any Person or Persons shall run, draw, drive, carry, or place on any of the Footpaths in any of the said Streets, Lanes, or other public Passages or Places, any Wheel, Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage; or shall roll any Tub or Wheel for the Space of Twenty Yards, or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle on any of the Footpaths aforesaid; or shall kill, slaughter, singe, scald, dress, or cut up any Beast or Swine, Calf, Sheep, Lamb, or other Cattle, or shall misuse or ill-treat any Horse or other Beast or Cattle in any of the said Streets, Lanes, or other public Passages or Places; or shall hoop, cleanse, wash, or scald any Cask, or hew or saw, or cause to be hewn or sawn, any Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or shall shoe, bleed, or farry (except in Cases of Accident), or ride any Horse, or drive any Cart or Carriage at an improper Rate, or shew or expose any Stallion or Stone Horse in any of the said Streets, Lanes, or other public Passages or Places; or hang any Horse or other Beast across the Footpavement; or shall place or expose to Sale, or cause, permit, or suffer to be placed or exposed to Sale, any Goods, Wares, or Merchandise, or any Fruit, Vegetables, or Garden Stuff, or other Matter or Thing, either on the Footpaths or Carriageways of any of the said Streets, Lanes, or other public Passages or Places (except during the Time of holding any public Fair or Fairs in the said Town); or shall hang up or expose to Sale any Goods, Wares, or Merchandise, or any other Matter or Thing upon any Flap Window or otherwise, or fix any Window or other Shade, or tie up any Line, Rope, or Cord, so as to obstruct or incommode the Passage of any Footpath or Carriageway; or shall leave open any Cellar Window in the Evening or in the Night, without the same being sufficiently lighted to prevent Accidents happening therefrom; or shall carry any Boats, Oars, Masts, or Spars, after Sun-set in the Evening, upon any of the Footpaths of any of the said Streets, Lanes, or other public Passages or Places; or shall make or assist in the making of any Fire or Fires commonly called *Bonfires*, or shall set fire to or let off any Gun, Pistol, Blunderbuss, or other Fire Arms, except in case of Self-defence, or throw any Squib, Serpent, Cracker, or Firework whatever, or play at Football or any other Game, to the Annoyance of any Passenger, or shake or clean any Mat, Rug, or Carpet, or commit any other Nuisance or Annoyance whatsoever in any of the said Streets, Lanes, or other public Passages or Places, or shall bathe naked (except in Machines) on any Part of the Shore or Beach between the Custom House of the Port of *Harwich* and the Cliff situate to the Eastward of the Barracks near the said Town; every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on
Carriages
being left in
the Streets,
&c.

XLII. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage shall be left to stand or remain in any of the said Streets, Lanes, or other public Passages or Places, with or without Horses or other Cattle, for any Time longer than shall be necessary for the loading or unloading thereof, or in case the same shall not during such Time be standing as near to the Side of such Street, Lane, Passage, or Place as conveniently may be (except in such Places as the said Commissioners shall appoint for that Purpose); or if any Stage Coach, Diligence, Post Chaise,
or

or other Carriage let to Hire, shall be left to stand or remain in any of the said Streets, Lanes, or other public Passages or Places as aforesaid, with or without Horses, any longer Time than shall be necessary for the taking up or setting down of the Passengers, and for loading or unloading their Baggage; or if any Swine or other Beast or Cattle shall be permitted to wander or be at large in or about any of the said Streets, Lanes, or other public Passages or Places; or if any Timber, Bricks, Lime, Mortar, Sand, Stone, Slates, Hay, Straw, Wood, Faggots, Tiles, Coals, Boards, Tubs, Goods, Wares, Merchandize, or other Materials or Things whatsoever shall be laid or placed, and left to remain in any of the said Streets, Lanes, or other public Passages or Places for any longer Time than shall be necessary for moving or housing the same; then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, Coach, Diligence, Post Chaise, or other Carriage, and the Owner of any such Swine or other Beast or Cattle, and of any such Bricks, Goods, Wares, Merchandize, Materials, or Things which shall be left or suffered to remain in any of the said Streets, Lanes, or other public Passages or Places as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

XLIII. And be it further enacted, That if any Person driving any Waggon, Wain, Cart, Dray, Truck, or other Carriage for the Conveyance of Goods in, upon, or through any of the Streets, Lanes, or other public Passages or Places within the Limits of this Act, shall leave the Horses drawing the same, so as not to have the Command thereof, on any Pretence whatsoever, or if any Person shall turn out or drive loose any Horse or Horses in or along any of the said Streets, Lanes, or other public Passages or Places, without being haltered, and having some Person to lead the same, every such Person for every such Offence shall forfeit and pay any Sum not exceeding Twenty Shillings.

Persons driving any Waggon, &c. not to leave their Horses, &c.

XLIV. And be it further enacted; That if any Person or Persons shall wilfully set fire to or permit or suffer the Chimney of any House, Workshop, Outhouse, or other Building within the Limits of this Act to be on fire, the Owner or Occupier of every such House, Workshop, Outhouse, or other Building shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Penalty on firing Chimnies.

XLV. And be it further enacted, That if any Person or Persons shall cause any Privy or Necessary-house within the Limits of this Act to be emptied at any Time, except between the Hours of Twelve of the Clock in the Night and Seven of the Clock in the Morning, or shall lay or cause to be laid the Soil thereof in any of the said Streets, Lanes, or other public Passages or Places, or shall wilfully or negligently spill or throw down any such Soil in any of the said Streets, Lanes, or other public Passages or Places, every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Regulations for emptying Necessary Houses.

XLVI. And be it further enacted, That if any Hogstye, Cowhouse, Slaughter-house, or Necessary-house, or any Pond or Pool of stagnant
[Local.] 35 Z Water

Annoyances by Hogstyes, &c. to be removed.

Water within the said Town, shall be fairly made to appear to and be considered by the said Commissioners an Annoyance to any of the Persons residing therein, the same shall be deemed a Nuisance and an Offence against this Act; and it shall and may be lawful to and for the said Commissioners, upon Complaint thereof to them made by any Person or Persons, to order the Person or Persons keeping such Hogstye, Cowhouse, Slaughter-house, or Necessary-house, or the Person or Persons making such Pond or Pool of Water, to remove or fill up the same within Fourteen Days next after due Notice of such Order; and in case the same shall not be removed or filled up in that Time, then the Person or Persons offending therein shall forfeit and pay the Sum of Ten Shillings for every Day that the same shall continue unremoved or unfilled up after the Expiration of the said Fourteen Days, but subject to Appeal in Manner herein-after mentioned.

Penalty on altering the Form of the Streets, and for removing Obstructions.

XLVII. And be it further enacted, That the said Commissioners shall cause all Signs which now are or at any Time hereafter shall be placed or hung in any Part or Parts of the said Streets, Lanes, or other public Passages or Places, to be fixed or placed close to or on the Front of such Houses respectively whereunto the same shall belong; and shall and may cause all Signs, Sign Irons, Sign Posts, Penthouses, Spouts, Steps, Stairs, Scrapers, Shop Windows, Shew Glasses, Shew Boards, and Cellar Windows, or any other Windows, or other Encroachments, Obstructions, or Annoyances in or upon the said Streets, Lanes, or other public Passages or Places, or any of them, to be removed, filled up, or altered in such Manner as they shall think fit; and shall and may cause all Water to be conveyed from the Roofs, Cornices, and Penthouses by proper and sufficient Gutters, Pipes, or Trunks, to be affixed on the Fronts or Sides of the Houses, Shops, Warehouses, and other Buildings whereunto the same belong, and to be brought down to the Pavement; and in case the Owner or Occupier of any House, Shop, Warehouse, or other Building within the Limits of this Act, to which any Sign, Sign Iron, Sign Post, Penthouse, Spout, Steps, Stairs, Scrapers, Shop Windows, Shew Glasses, Shew Boards, or Cellar Windows, or other Encroachment, Obstruction, or Annoyance, now or hereafter may belong, shall not at the Costs and Charges of such Owner or Occupier (as the Case may be), within Ten Days after Notice in Writing shall be given to them respectively, or left at their respective Dwelling Houses, under the Hands of the said Commissioners, remove, fill up, or alter every such Sign, Sign Iron, Sign Post, Penthouse, Spout, Steps, Stairs, Scrapers, Shop Windows, Shew Glasses, Shew Boards, Cellar Windows, and other Encroachments, Obstructions, and Annoyances, in such Manner as in such Notice shall be expressed, it shall and may be lawful to and for the said Commissioners to cause the same to be done, and to levy, or cause to be levied, the Costs and Charges attending the same by Distress and Sale of the Goods and Chattels of the Owner, Tenant, or Occupier of every such House, Shop, Warehouse, or other Building to which the same may be attached or belong, by Warrant under the Hand and Seal of any Justice of the Peace of the said Borough, rendering the Overplus (if any) when demanded, to the Person whose Goods and Chattels shall have been so distrained or sold; or it shall and may be lawful to and for such Tenant
or

or Occupier to fix up Gutters, Pipes, and Trunks of sufficient Length, and also to remove all such Annoyances, Obstructions, and Encroachments, and to deduct and retain the Charges and Expences thereof, and also any Money which shall or may be levied upon the Goods and Chattels of any such Tenant or Occupier as aforesaid, out of his or her Rent; and every Owner, Proprietor, or Landlord is hereby required to allow the same accordingly: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to enable any Tenant or Tenants for any Life or Lives, or for any Term of Years, whose Term remaining in his, her, or their Lease or Leases shall be equal to or exceed Seven Years, to make any such Deduction or Deductions out of his, her, or their Rent or Rents, for or on account of any such Purposes as aforesaid.

XLVIII. And be it further enacted, That all the present and future Pavements in the several Streets, Lanes, and other public Passages and Places in the said Town, all the Lamps and Lamp Irons, with the Appendages, which may be set up by them for the Purposes of this Act; and all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected under or by virtue of this Act; and all Watch Boxes, Watch Houses, and other Matters and Things which shall be used, erected, or fixed up by virtue of this Act; and also the Springs, Engines, Cisterns, Basins, Feeders, Pumps, Pipes, and other Works to be purchased or erected by the said Commissioners for supplying the said Town with Water, as herein-after mentioned; and all Bricks, Stone, Timber, Lead, and all other Materials, Tools, and Implements which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of and the same are hereby vested in the said Commissioners, which Commissioners shall be known by the Name of "The Commissioners for the Improvement of the Town of *Harwich* in the County of *Essex*;" 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 or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part thereof; and in all such Actions and Bills of Indictment respectively it shall 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 *Harwich* in the County of *Essex*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part of the same respectively, to such Person or Persons and in such Manner as the said Commissioners shall think proper.

Lamps, &c.
vested in
Commission-
ers.

XLIX. And be it further enacted, That it shall and may be lawful to the said Commissioners, and they are hereby authorized and empowered from Time to Time, and at any Time or Times hereafter, to purchase, provide,

Commis-
sioners may
purchase and
setup Lamps.

Persons acci-
dentally
damaging
Lamps to
make good
the Damage.

provide, affix, set up, alter, take down, and renew such and so many Lamps, of such Sizes and Sorts, in such Places and in such Manner, and to cause the same to be lighted at such Seasons of the Year, and at such Hours of the Evening, as to them shall seem necessary or proper for the well and sufficiently lighting of all or any of the said Streets, Lanes, or other public Passages or Places; and if any Person or Persons shall wilfully throw down, take, carry away, spoil, or damage any Lamps now set up or to be set up within the Limits of this Act, or any of the Irons, Posts, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each Offence, One Moiety of which shall go to the Informer, and the other Moiety to the said Commissioners for the Purposes of this Act or to the Contractor who shall have furnished such Lamps, and such Offender shall moreover make full Satisfaction to the said Commissioners or to such Contractor for the Damage done thereby, such Damage to be recovered in like Manner as any Penalty is hereafter authorized or directed to be recovered; and in case any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise spoil or damage any of the said Lamps, or the Irons, Posts, or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, then and in such Case it shall be lawful for any Justice of the Peace for the County of *Essex*, upon Proof thereof made by the Oath of One or more Witness or Witnesses, or on the Confession of the Party, to award such Sum of Money by Way of Satisfaction for such Damage as such Justice shall think reasonable; and in case of Refusal or Neglect to pay such Sum of Money upon Demand, to cause the same to be levied and recovered in like Manner as the said Rates or Assessments can or may be levied and recovered.

Authorizing
the laying of
Pipes for
Gas Lights.

L. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time to lay down Mains or Pipes in and along the Streets, Lanes, Public Passages, and Places in the said Town of *Harwich*, and to place and affix Pipes against the Houses, Tenements, Walls, or Buildings within the said Town, after obtaining the Consent in Writing of the Owners and Occupiers thereof, for the conducting Gas or Gas Lights for the Purpose of lighting such Streets, Lanes, Public Passages, or Places.

Watchmen
to be ap-
pointed.

LI. And be it further enacted, That the said Commissioners may and they are hereby authorized from Time to Time to establish and appoint such and so many able-bodied Watchmen as they shall judge necessary and proper to be kept and employed in the said Streets, Lanes, and other public Passages and Places for that Service, and shall likewise order and direct in Writing how, where, and in what Manner they shall be stationed and armed, and how often they shall go their Rounds, how long they shall continue on Duty, and under what Allowance or Wages for their Attendance; and may also erect, hire, or otherwise provide proper Watch Houses and Watch Boxes, or Places for the Reception of such Watchmen; and that it shall be lawful for the said Commissioners to remove any One or more

more of such Watchmen on Misbehaviour or Neglect of Duty, and to impose any Fine or Sum of Money not exceeding Twenty Shillings for every Neglect or Misbehaviour of such Watchmen, such Fine to be deducted out of his Wages or Allowance; and also to make such further Orders and Regulations for the better Government and Direction of the said Watchmen as they shall think proper.

LII. And be it further enacted, That it shall be lawful for the said Watchmen, or any of them, and they are hereby respectively authorized and required, during the Time of their keeping Watch, to apprehend and secure in the Watch House or Watch Houses all such Malefactors, Disturbers of the King's Peace, and all other suspected and disorderly Persons who shall be found wandering or misbehaving themselves, and to carry such Person or Persons, as soon as conveniently may be, before some Justice of the Peace for the said County, to be examined and dealt with according to Law.

Watchmen empowered to apprehend suspected and disorderly Persons.

LIII. And be it further enacted, That if any Victualler or Keeper of any Public House or Liquor Shop shall knowingly and willingly harbour or entertain any Watchmen employed by the said Commissioners, or permit or suffer any such Watchman to remain in his or her Public House or Liquor Shop during any Part of the Time appointed for his being on Duty as aforesaid, every such Victualler or Keeper of a Public House or Liquor Shop shall, for the First Offence, being thereof duly convicted, forfeit and pay any Sum not exceeding Ten Shillings, and for the Second and every other Offence any Sum not exceeding Twenty Shillings.

Victuallers not to suffer Watchmen to be in their Houses during the Hours of Duty.

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

Commissioners may compensate Watchmen.

LV. And whereas, in order to raise a sufficient Sum of Money for effecting the Purposes of this Act, it is expedient that a Duty be charged on Coals imported and landed at the said Town; be it therefore enacted, That from and after the passing of this Act there shall be paid to the said Commissioners, or to their Collector or Collectors, or to such Person or Persons as they shall from Time to Time appoint to collect and receive the same, any Rate or Duty which the said Commissioners shall think fit to order and direct, not exceeding the Sum of Two Shillings for every Chaldron of Sea Coal, Culm, or other Coal which shall or may be imported and landed at the said Town, or otherwise brought or delivered within the Limits of the said Town.

Duty on Coals imposed.

LVI. And, to the Intent that the said Rate or Duty may be duly paid, be it further enacted, That no Collector, Customer, Collector of His Majesty's Customs, Comptroller, Receiver of Entries, or Ship's Surveyor or Searcher, or other Officer of the Customs whatsoever, belonging to the

No Ship to leave the Port till the Master produces a Cer-

ificate that
the Duty is
paid.

Port or Harbour of *Harwich*, in the said County of *Essex*, shall, at any Time after the Commencement of this Act, give or make out any Discharge, or make any Report outwards for any Ship or Vessel that shall have imported Coals into the said Harbour, to sail from, leave, or go out of the said Port, until the Master or Owner, or other Person or Persons, having the Rule, Government, or Command of any such Ship or Vessel, shall produce a Certificate from the Collector or Collectors to be appointed in pursuance of this Act as aforesaid, that the last-mentioned Rate or Duty granted by this Act as aforesaid hath been paid or secured to be paid, which said Certificate the said Collector or Collectors is and are hereby required to give without Fee or Reward to the Person requiring the same; and that any Collector, Customer, Collector of His Majesty's Customs, Comptroller, Surveyor, or other Officer of the Customs whatsoever, making Default in any of the Premises enjoined by this Act, shall forfeit and pay any Sum not exceeding Ten Pounds, to be recovered and applied as hereafter mentioned.

Ships or
Coals may
be distrained
for Payment
of the Duty.

LVII. And that the said Rate or Duty may be the more effectually collected and levied, be it further enacted, That in case any Owner or Master, or other Person having the Rule, Government, or Command of any Ship or Vessel laden with Coals, charged and chargeable with the aforesaid Rate or Duty, shall refuse to pay the same, then and in such Case it shall and may be lawful to and for the said Commissioners, or such Person or Persons as they shall appoint, from Time to Time to go on board such Ship or Vessel, to demand, collect, and receive the said Rate or Duty, and on Nonpayment thereof to take and detain every such Ship or Vessel, with all her Tackle, Apparel, and Furniture, or any Part thereof, or all or any Part of the said Coals or Culm chargeable with the said Rate or Duty, either on board such Ship or Vessel or on Land, and the same to detain until he or they shall be fully paid the said Rate or Duty; and in case of any Neglect or Delay in Payment of the said Rate or Duty for the Space of Three Days after any Distress or Distresses so taken as aforesaid, then and in such Case it shall and may be lawful to and for the said Commissioners, and such Person or Persons as they shall appoint as aforesaid, to cause the same to be appraised, and afterwards to sell the said Distress and Distresses, and therewith to satisfy him or themselves as well for and concerning the Rate or Duty so neglected or delayed to be paid, and for which such Distress or Distresses shall be taken as aforesaid, as also for his or their reasonable Charges in taking, keeping, appraising, and selling such Distress, rendering to the Master or other Person having the Rule, Government, and Command of the Ship or Vessel, in, to, or from which such Distress shall be so taken or belong, the Overplus, if any there shall be.

Principal
Coast Officer
of the Cus-
toms residing
in the Town
to be Col-
lector of the
Coal Duty

LVIII. And be it further enacted, That from and after the passing of this Act, until some other Person or Persons is or are appointed by the said Commissioners to collect and receive the aforesaid Rate or Duty on Coals or Culm imported or brought into the said Town, and when and as often as no other Person or Persons is or are appointed by the said Commissioners for that Purpose, the Collector or Comptroller, or other principal Officer of His Majesty's Customs for the Time being, residing within the said

said Town, shall be the Collector of the said Rate or Duty (having the Approbation and Authority of the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, and being allowed by the said Commissioners a reasonable Salary for his Service in that Behalf); and such Officer shall well and truly, when and as often as required thereto by the said Commissioners, account, upon Oath or Affirmation, for the said Rate and Duty to the said Commissioners, at any Meeting to be held under this Act, the Chairman of the said Meeting being hereby authorized and required to administer such Oath to the said Officer, and shall, as far as regards such Collection, be considered as an Officer of the said Commissioners, subject and liable to all the Rules, Regulations, and Penalties herein-before provided with respect to such Officer, as fully and effectually, to all Intents and Purposes, as if he had been appointed such Collector by the said Commissioners, by Writing or otherwise, under this Act.

until another Person is appointed.

LIX. Provided also, and be it enacted, That in every Case where any Coals or Culm shall have been landed or unloaded within the said Town, and which shall have paid the Rate or Duty hereby imposed, and which shall have been so landed or unloaded for the Purpose of being forwarded to any other Place or Places, and not to be consumed within the said Town of *Harwich*, then and in every such Case the Collector or Collectors of the said Rate or Duty is and are hereby directed and required to return and pay, on Demand, to the Owner or Owners, or other Person or Persons on his, her, or their Behalf, a Drawback of the whole Rate or Duty paid for every Chaldron of Coals so landed or unloaded, and which shall have been forwarded to any other Place for Sale or Consumption.

Drawback of Duty on Coals consumed out of the Town.

LX. And be it further enacted, That if the Collector of the said Rate or Duty shall refuse or neglect to return and pay, on Demand, to any Person or Persons entitled to the same, the Drawback hereby directed to be allowed; or if any Person or Persons shall fraudulently obtain, or endeavour to obtain, the Allowance of the said Drawback, not being legally entitled to the same, every such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Collectors compelled to return the Drawback.

LXI. And be it further enacted, That if any Person or Persons shall after Allowance or Drawback made or paid by virtue of this Act for the Coals or Culm put on board or loaded as aforesaid, bring back, re-land, unload, or deliver the said Coals or Culm, or any of them, in or to the said Town, then and in such Case every Person or Persons so offending shall repay to the said Collector or Collectors, Receiver or Receivers, the Duties of all such Coals or Culm as shall be brought back, re-landed, unloaded, or delivered as aforesaid, and also forfeit and pay the Sum of Twenty Shillings for every Chaldron of Coals or Culm that shall be brought back, re-landed, unloaded, or delivered in the said Town as aforesaid, and so proportionably for a greater or less Quantity than a Chaldron; One Moiety thereof to be to the Use of the Informer, and the other

Coals not to be brought into the Town after Allowance of Drawback.

other Moiety thereof to be paid to the said Commissioners, to be applied for the Purposes of this Act.

Power to
bring Water
into the
Town.

LXII. And, for better supplying the Inhabitants of the said Town with Water, be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby directed and required, by themselves, their Officers, Agents, Servants, and Workmen, to make, complete, and maintain Waterworks, Aqueducts, Pipes, and other Works, from the Parish of *Dovercourt*, in the said Borough, necessary for the Purpose of supplying the said Town with Water, and to make, erect, and set up such and so many Sluices, Engines, and other Machines, for supplying the said Waterworks with Water, and for any other Purposes for the making, maintaining, and using of such Waterworks, as the said Commissioners shall from Time to Time think proper and expedient; and it shall and may be lawful for the said Commissioners, and to and for their Agents, Officers, Workmen, and Servants, to dig and break up the Soil and Pavement of any of the Roads, Highways, Footways, Streets, Lanes, Passages, and public Places, within, adjacent, and near unto the said Town, and to sink and lay Pipes, Trunks, and other Conveniences for the Purposes aforesaid, and do all such Matters and Things as the said Commissioners shall from Time to Time and at any Time think necessary and convenient for completing, amending, repairing, improving, and using the Works hereby authorized to be done, provided, and maintained, for supplying the said Town with Water, according to the true Intent and Meaning hereof; and the said Commissioners are hereby empowered to make such Engines and other Works, and all such Cisterns, Ponds, Basins, Main Pipes, Feeders, and Pumps, as they shall think requisite for the several Purposes aforesaid, in Manner by this Act directed; and also from Time to Time to divert, alter, repair, widen, enlarge, amend, and discontinue the same; they the said Commissioners, their Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the Powers hereby granted to them, and making full Satisfaction for any Damages to be thereby occasioned.

Map or Plan
deposited
with the
Clerk of the
Peace shall
lie open to
Inspection.

LXIII. And whereas a Map or Plan, describing the Line of the said Works, hath been deposited with the Clerk of the Peace for the County of *Essex*; be it therefore enacted, That such Map or Plan shall remain in the Custody of the said Clerk of the Peace for the Time being or his Deputy; and that all Persons interested therein shall, at all reasonable Times, have Liberty to inspect and peruse the same, and take a Copy thereof, or any Part thereof, paying a reasonable Compensation to the Clerk of the Peace or his Deputy for every such Inspection; and that the said Commissioners shall not make any other Reservoir, Aqueduct, or Tunnel, or have any Right or Authority to take any other Land for making any other Reservoir, or for making any other Aqueduct or Tunnel, for the supplying of any Water from the said Place as aforesaid, than the Reservoir, Aqueduct, or Tunnel in the said Map or Plan described, nor in making any Reservoir, Aqueduct, or Tunnel deviate more than One hundred Yards from the Place or Places, Line or Course, described in the said Map or Plan.

LXIV. Pro-

LXIV. Provided always, and be it enacted, That it shall be lawful for the said Commissioners to make the said Reservoir, Aqueduct, or Tunnel into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners, Occupier or Occupiers, of Lands and Premises over which the same is or are set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan or List, in case it shall appear to any Two or more Justices of the Peace for the said County of *Essex*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Commissioners to make the Aqueduct notwithstanding Errors.

LXV. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners to take or pull down, injure or damage, any Dwelling House or other Building, or to make use of any Land which on the First Day of *January* One thousand eight hundred and nineteen was an Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Houses, &c. not to be injured.

LXVI. And be it further enacted, That if any Person shall wash any Dog or other Animal, or any Cloth, Wool, Leather, or the Skins of any Sheep, Lamb, or other Animal, or any noisome or offensive Thing, or throw or cast any Dog or Cat, or any Filth, Dirt, or other noisome or offensive Thing, in any Reservoir or Aqueduct, Tunnel or Waterway, made or to be made for supplying the said Town or any Part thereof with Water, or cause or suffer the Water of any Sewer or Drain to run or be conveyed into any such Well, Reservoir, Aqueduct, Tunnel, or Waterway, or cause any other Annoyance to be done to the Water contained in any such Well, Reservoir, Aqueduct, Tunnel, or Waterway, whereby or by means whereof the said Water or any Part thereof shall or may be soiled, fouled, corrupted, or injured, then and in each and every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in Manner herein directed.

For preserving the Water clean and wholesome.

LXVII. Provided nevertheless, and be it further enacted, That Indemnification shall be previously made and given to the Owner or Owners and Occupier or Occupiers of all Springs and other Supplies of Water as shall be so taken and used, and of the Grounds in which the said Pipes or other Works for conducting thereof shall be laid down or built, and other Persons having an Interest in the Premises, for the Value of the said Springs of Water, and of all Damages that shall be done to the said Grounds, as well by the first laying down of the said Pipes and building of the said Works, as by the after cleansing, mending, and repairing the same.

Satisfaction to be made to the Owners of Springs, &c.

LXVIII. And be it further enacted, That it shall and may be lawful to and for any of the Inhabitants of the said Town to open the Ground between the Main Pipes of the said Commissioners and the respective

Inhabitants may lay Pipes to communicate with the

[*Local.*]

36 B

Houses

Pipes of the Commissioners.

Houses and Offices of such Inhabitants, and to lay Pipes (the Bore thereof to be fixed by the said Commissioners) from such Houses and Offices to communicate with the said Main Pipes in any of the Streets, public Passages, and Places within the said Town; provided always, that such Inhabitants shall remove the Rubbish thereby occasioned, and repair and make good the Pavement to the Satisfaction of the said Commissioners or their Surveyor, and shall also repair and amend such Pipe or Pipes at their own Expence.

Power to erect upright Pipes or Public Wells.

LXIX. And be it further enacted, That it shall be lawful for the said Commissioners to make and erect proper public Wells or convenient Pipes, standing upright, in the Likeness of Pumps, at such Places in the said Town as the said Commissioners shall deem most convenient for the more convenient supplying with Water the Inhabitants of the said Town; and the said Commissioners shall and may from Time to Time alter the Position of, and repair, replace, and maintain such public Wells or upright Pipes, as Occasion may require.

Stop Cocks to be provided in Cisterns.

LXX. And be it enacted, That every Person or Persons supplied with Water by the said Commissioners shall, in every Water Butt, Cistern, or Receptacle for Water to be provided by the said Parties, attach and fix a Ball Cock, or other self-acting Cock, to the Pipe conveying Water from the Pipes belonging to the said Commissioners into such Butt, Cistern, or other Receptacle, and to repair and renew the same as often as shall be necessary, in order to prevent the Water running to waste, when such Butt, Cistern, or other Receptacle shall be full, and no Communication shall be made between the said Water Cistern and the Sink Stone of or belonging to any House or Houses which may be supplied by the said Commissioners with Water, without their Consent; and the Person or Persons neglecting to attach and fix, or to repair and renew, such Ball Cock, or forming such Communication, shall forfeit to the said Commissioners a Sum not exceeding Five Pounds for every Offence; and the authorized Servant or Servants of the said Commissioners shall have free Access (at all reasonable Times) to the Premises so to be supplied as aforesaid, to see that such Ball Cocks are kept in proper and sufficient Repair and Condition,

Fire Plugs to be provided.

LXXI. And be it further enacted, That the said Commissioners shall and may from Time to Time order and appoint such and so many Plugs called Fire Plugs, to be put and placed into the Main or other Pipes to be laid along any Part or Parts of the said Streets, Lanes, and other Places in the said Town, for the better obtaining Water for the working of Fire Engines, or otherwise extinguishing of Fires, or any other reasonable Purpose.

Ships not to be supplied without Permission.

LXXII. And be it further enacted, That it shall not be lawful for Shipmasters or others having the Charge of Ships or Vessels at the Quays in the Harbour of *Harwich* to supply the same with Water for the Purposes of a Voyage from any of the Wells, Springs, or Reservoirs belonging to the said Commissioners, without Permission first asked and obtained from

from them, under a Penalty not exceeding Five Pounds, to be recovered in Manner herein-after mentioned.

LXXIII. And be it enacted, That in case the Works for supplying the said Town with Water shall not be completed, so as to answer the Purposes thereof, on or before the First Day of *January* One thousand eight hundred and twenty-five, all the Powers and Authorities herein contained relative thereto shall cease and determine, save only as to so much thereof as shall have been then completed.

If Works are not completed, &c. Powers of Act to cease.

LXXIV. And be it further enacted, That if the several Persons who have become Subscribers towards the Expence of supplying the said Town with Water shall, after Twenty-one Days previous Notice in Writing, under the Hand of the Treasurer or Clerk to the said Commissioners, given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed, or such Part or Parts thereof as may be required in such Notice, at such Place or Places, and to such Person or Persons, as the said Commissioners shall, by any Writing under their Hands, authorize to receive the same, it shall be lawful for the said Commissioners or any of them to bring or cause to be brought, in the Name of their Clerk, any Action or Actions of Debt or on the Case, or Bill, Plaint, or Suit, against the Person or Persons so refusing or neglecting as aforesaid, or his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed; and after Proof of such Person or Persons having so subscribed, and that such Notice was given as aforesaid, a Verdict shall be given for the Plaintiff in all such Action and Actions, and Execution shall issue thereupon, as the Case may require.

For enforcing Payment of Subscriptions.

LXXV. And, in order to enable the said Commissioners to put this Act into immediate Execution, be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time to borrow and take up at Interest any Sum or Sums of Money for the Purposes of this Act, upon the Credit of the said Rates, not exceeding the Sum of Seven thousand Pounds, and by Writing under the Hands and Seals of the said Commissioners, at any Meetings to be held as aforesaid, to assign all or any Part of the said Rates to such Person or Persons as shall lend or advance any Money thereon as a Security for the Payment of the Principal Money so to be advanced, with Interest for the same; and every such Mortgage or Assignment shall be in the Words or to the Effect following; *videlicet*,

Power to borrow Money.

BY virtue of an Act of Parliament passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled [set forth the Title of this Act,] We, Five of the Commissioners appointed by and under the said Act, at a Meeting held pursuant thereto, in consideration of the Sum of _____, advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, do grant, assign, bargain, and sell unto the said *A. B.*, his Executors,

tors,

‘ tors, Administrators, and Assigns, such Part or Proportion of the Rates
 ‘ to arise by virtue of the said Act as the said Sum of
 ‘ doth or shall bear to the whole Sum which now is or
 ‘ may at any Time be lawfully borrowed or become due, or be charged
 ‘ or raised upon the said Rates, to be had and holden from this
 ‘ Day of ; until the said Sum of
 ‘ , with the Interest for the same, at
 ‘ *per Centum per Annum*, shall be repaid and satisfied.’

Power to
grant An-
nuities.

LXXVI. And whereas many Persons may choose to advance Money for the Purchase of Annuities to be secured upon and payable out of the said Rates; be it further enacted, That it shall and may be lawful for any Person or Persons to contribute, advance, and pay to the said Commissioners, for the Purposes of this Act, any Sum or Sums of Money not exceeding in the Whole, together with the Money to be advanced upon Mortgage as aforesaid, the Sum of Seven thousand Pounds, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the natural Life of the Person or Persons so contributing, or of such Person or Persons as shall be nominated by and on the Behalf of such Contributor or Contributors respectively, which Annuity or Annuities shall be payable and paid by the said Commissioners out of the Money to arise by or from the said Rates; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say,)

‘ **BY** virtue of an Act of Parliament passed in the Fifty-ninth Year of
 ‘ the Reign of His Majesty King *George* the Third, intituled [*set*
 ‘ *forth the Title of this Act*], We, Five of the Commissioners appointed
 ‘ by and in pursuance of the said Act, at a Meeting held pursuant
 ‘ thereto, in consideration of the Sum of , ad-
 ‘ vanced and paid to us by *A. B.*, do hereby grant unto the said *A. B.*,
 ‘ his Executors, Administrators, and Assigns, one Annuity or Yearly Sum
 ‘ of out of the Rates granted and to arise by virtue
 ‘ of the said Act, which Annuity or Yearly Sum of
 ‘ shall be paid to the said *A. B.*, his Executors, Administrators, and
 ‘ Assigns, by Four equal quarterly Payments in every Year, during the
 ‘ natural Life of , at or in the Guildhall of
 ‘ *Harwich* aforesaid, and the First Payment thereof shall be made upon
 ‘ the Day of next ensuing the Date of these
 ‘ Presents. Dated this Day of

For granting
Annuities
under certain
Restrictions.

LXXVII. And, for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuities shall be granted by virtue of this Act for any single Life at any higher Rate than the following; that is to say, where the Age of the Annuitant or Person for whose Life the Annuity shall be granted shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; where the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds

Pounds of the Consideration Money ; where the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money ; where the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money ; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money ; where the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money ; where the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money ; where the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money ; and where the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money.

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

Securities
assignable.

‘ I *A.B.*, being entitled to the Sum of _____, (or, an
 ‘ Annuity of _____), secured to
 ‘ Executors, Administrators, or Assigns, by a Mortgage or Assignment
 ‘ (or Grant of an 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
 ‘ made in the Fifty-ninth Year of the Reign of His Majesty King *George*
 ‘ the Third, intituled [*set forth the Title of this Act*], upon the Credit
 ‘ of or arising out of the Rates and other Money granted or payable
 ‘ by the said Act, do hereby transfer all my Right and Title in and to
 ‘ the same, and all the Principal and Interest Money (or the Annuity or
 ‘ Annual Payment) now due or to grow due thereon, unto *C.D.*, his
 ‘ Executors, Administrators, and Assigns. Dated the _____ Day
 ‘ of _____

Which transfer shall be produced and notified to the Clerk to the said Commissioners, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the Benefit of such Mortgage Security or Grant of an Annuity; and every such Assignee may in like Manner assign and transfer the same again, and so *toties quoties*.

Transfers to
be notified to
the Clerk.

Accounts to
be made up
yearly for
Inspection.

LXXIX. And be it further enacted, That some Time in the Month of *June* in every Year after the passing of this Act a fair and just Account shall be made and written out of all Monies received and paid by virtue or in pursuance of this Act, and how, and to whom, and for what Purposes the same shall have been laid out, paid, and expended; and a Copy or Duplicate of such Account, signed by the said Commissioners, shall be deposited with the Clerk of the said Commissioners, who shall permit any Person or Persons so rated as aforesaid, or any Person or Persons on his or her Behalf, to inspect the same at all seasonable Times, without paying any thing for such Inspection.

Abstract of
Account to
be published.

LXXX. And be it further enacted, That within One Calendar Month next after the said Account shall be made and written out as aforesaid an Abstract thereof shall be annually published by the said Commissioners in some public Newspaper circulated in the said Town.

Recovery of
Penalties by
Distress and
Sale.

LXXXI. 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 Borough of *Harwich*, 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 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 of the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months nor less than Twenty-eight Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner fully paid and satisfied: Provided always, that no Person or Persons shall be subject to the Payment of any Penalty or Forfeiture imposed by this Act for any Offence against this Act, unless Information shall be given of the Offence to some Justice of the Peace of the said Borough within One Calendar Month next after such Offence shall have been committed.

Form of
Conviction,

LXXXII. And be it further enacted, That all and every Justice and 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,)

‘Town

Town and Borough
 of Harwich, in the
 County of Essex. } BE it remembered, That on the _____ Day of
 _____ in the _____ Year of the Reign of His
 Majesty _____ A.B. is convicted before
 of His Majesty's Justices of the Peace for the said Borough of
 Harwich, by virtue of an Act made in the Fifty-ninth Year of the
 Reign of His Majesty King George the Third, intituled [*set forth
 the Title of this Act, and specify the Offence, and the Time and Place
 when and where the same was committed, as the Case may be*].
 Given under our Hands and Seals [*or my Hand and Seal*], the Day
 and Year aforesaid.

LXXXIII. And be it further enacted, That in all Cases where any
 Justice or Justices of the Peace is or are by this Act authorized or re-
 quired to examine any Person or Persons on Oath, it shall be lawful for
 such Justice or Justices respectively to administer such Oath; and that if
 any Person or Persons shall upon his or her Examination upon Oath
 before such Justice or Justices respectively wilfully and corruptly give
 false Evidence, such Person or Persons so offending, and being thereof
 duly convicted, shall be and is and are hereby declared to be subject
 and liable to such Pains and Penalties as by any Law now in being
 Persons convicted of wilful and corrupt Perjury are subject and
 liable to.

Power to ad-
minister
Oaths.

LXXXIV. And be it further enacted, That in all Actions, Informa-
 tions, Causes, and Proceedings whatsoever relating to or concerning
 the Execution of this Act, no Inhabitant within the Limits of this Act
 shall be deemed to be an incompetent Witness by reason of his or her
 being charged with and liable to pay any Rate or Assessment by virtue
 of this Act.

Power for
Inhabitants
to be Wit-
nesses.

LXXXV. Provided always, and be it further enacted, That it
 shall and may be lawful for the Justice of the Peace before whom
 any Offender shall be convicted of any Offence against this Act, if he
 shall think fit, to deduct, allow, and pay any Part of the Fine, Pe-
 nalty, or Forfeiture which shall be imposed and received of any such
 Offender, convicted before him of any such Offence as aforesaid,
 unless herein otherwise directed (not exceeding One Moiety or Half
 Part thereof), to the Informer or Informers, Witness or Witnesses,
 against such Offender, in such Shares and Proportions as to such Justice
 shall seem meet.

Power for
Justices to
make Allow-
ances to
Informers
and Wit-
nesses.

LXXXVI. Provided always, and be it further enacted; That if any
 Person or Persons shall think himself, herself, or themselves aggrieved by
 any Rules or Orders made by the said Commissioners, or by any Rate or
 Assessment which shall be made or be demanded in pursuance of this Act,
 or by any Order, Judgment, or Determination of the said Commissioners,
 or by any Penalty imposed, or by any Conviction made, or by any other
 Thing done in pursuance of this Act (save and except in such Cases where
 any Order, Judgment, or Determination is herein directed to be final or
 conclusive, and save and except in such Cases for which any particular
 Method

Appeal.

Method of Relief is herein appointed), such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County of *Essex*, within Six Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Sessions; the Person or Persons appealing first giving or causing to be given to the Clerk of the said Commissioners Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Fourteen Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said Borough, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions or Adjournment thereof; and the Justices at the said Sessions or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper, and shall and may, at their Discretion, discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Justices at their said General Quarter Sessions or Adjournment thereof shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

Justices may amend Rate without quashing it.

LXXXVII. Provided nevertheless, and be it further enacted, That it shall and may be lawful to and for the said Justices at their said General Quarter Sessions, or Adjournment thereof, (in all Cases where they shall see just Cause to give Relief,) to amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment.

Distress not unlawful for Want of Form.

LXXXVIII. 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 Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action on the Case.

Plaintiff not to recover after Tender of Amends.

LXXXIX. Provided always, That no Plaintiff or Plaintiffs shall recover upon any such Action for Irregularity, or for any Trespass or other wrongful Proceeding, unless Notice in Writing shall be given to the Defendant or Defendants, Ten Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs,

tiffs, 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 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 Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

XC. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceeding 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 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 thereof in anywise notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

XCI. 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 Fourteen Days Notice thereof be given to the Clerk to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, 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 and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Fourteen Days Notice shall be given 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 by Law.

Limitation
of Actions.

XCII. And be it further enacted, That all Monies which shall be raised by the said Commissioners under or by virtue of this Act or which shall come to their Hands for the Purposes thereof, shall be applied from Time to Time in defraying the Costs, Charges, and Expences, first of obtaining this Act, and afterwards of carrying the same into Execution, and to and for no other Use or Purpose whatsoever.

Application
of Money to
be raised and
received by
Commissioners.

[*Local.*]

36 D

XCIII, And

Public Act.

XCIH. 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 other Persons, without being specially pleaded.

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