



ANNO TERTIO

# GEORGII IV. REGIS.

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## *Cap. lix.*

An Act for altering and enlarging the Powers of an Act of His late Majesty King *George* the Third, for paving the Footways, and for cleansing, lighting, and watching the Town of *Chelmsford* and Hamlet of *Moulsham*, in the Parish of *Chelmsford* in the County of *Essex*. [24th May 1822.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for Paving the Footways of the several Streets, Public Passages, and Places within the Town of Chelmsford and Hamlet of Moulsham, in the Parish of Chelmsford in the County of Essex; for cleansing, lighting, and watching the said Town and Hamlet; and for removing and preventing Nuisances, Annoyances, and Incroachments therein: And whereas* the Commissioners appointed by or in pursuance of the said Act have made a considerable Progress in carrying the same into Execution, but in consequence of the very great Increase of Population, and Resort to the said Town and Hamlet, the Expences of making and keeping in Repair the Foot Pavements on the several Footways have very much exceeded the limited Funds the Commissioners were authorized annually to raise, which, together with the Money borrowed upon the Credit of the Rates, have been duly applied, and the Monies so borrowed now remain unpaid, and cannot be repaid, and the said Footways effectually maintained and kept in good Repair, nor the several other Purposes of the said Act effectually carried into Execution, unless the Powers and Provisions thereof are altered and enlarged; but as the Purposes before-mentioned cannot be  
 [Local.] 21 A effected

29 G. 3. c. 44.

Commissioners under former Act to carry this Act into Execution.

effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, That the Commissioners named and appointed, or who shall or may be hereafter named or appointed under or by virtue of the said recited Act of the Twenty-ninth Year of the Reign of His said late Majesty, shall be Commissioners for carrying this Act into Execution, and shall have the same Powers, Privileges, and Authorities in respect of the several Matters and Things herein-after enacted, which they could or might have had in case this Act had been incorporated into and formed Part of the said recited Act.

Pavements vested in Commissioners.

II. And be it further enacted, That all present and future Pavements, Flagstones, and Curbstones of the Footways in the several Streets, Public Passages, and Places within the said Town of *Chelmsford* and Hamlet of *Moulsham*, paved or to be paved by virtue of the said recited Act and this Act, and the Stones, Gravel, and other Materials belonging thereto respectively, and also all Lamps, Lamp-irons, Lamp-posts, Mains, Pipes, Stop-cocks, Plugs, Watch-boxes, Watch-houses, and other Houses and Buildings, Implements, Materials, and other Things purchased or provided or to be purchased or provided for the Purposes of the said recited Act or this Act, shall belong to and be the Property of, and the same are hereby vested in the said Commissioners for executing this Act, and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be 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 *Chelmsford* and Hamlet of *Moulsham*," without particularly mentioning or specifying the Name or Names of all or any of such Commissioners, and the said Commissioners shall have full 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 or Parts of the same respectively, to such Person or Persons, and in such Manner as they the said Commissioners shall think proper.

Empowering the Commissioners to make additional Rates.

III. And whereas the said Commissioners, or any Seven or more of them, are authorized and required in and by the said recited Act, once in every Year to rate and assess such Sum of Money as they should, from Time to Time judge necessary, not exceeding in any one Year the Sum of Sixpence in the Pound in such Parts of the said Town and Hamlet where the Footways should not be paved by virtue of the said Act, and not exceeding One Shilling in the Pound in such Parts of the said Town and Hamlet where the Footways should be paved; and it is expedient that such Rates and Assessments shall be increased; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed, and that in lieu and instead of the said Rates of Sixpence in the

Pound and One Shilling in the Pound, it shall and may be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and empowered, once or oftener in every Year after the passing of this Act, to rate and assess such Sums of Money as they shall from Time to Time judge necessary, not exceeding in any one Year the Sum of One Shilling in the Pound, in such Parts of the said Town and Hamlet where the Footways have not been paved by virtue of the said Act, and not exceeding Two Shillings in the Pound, in such Parts of the said Town and Hamlet where the Footways now are or shall be paved by virtue of the said recited Act and this Act, upon the respective Tenants or Occupiers of all Houses, Buildings, Gardens, Tenements, and other Hereditaments which lie within the said Town and Hamlet: Provided always, that the respective Tenants or Occupiers of all Houses, Buildings, Gardens, Tenements, and other Hereditaments, situate in any of the Courts, Lanes, Alleys, Passages, and Places in the said Town and Hamlet, shall be rated and assessed according to the Rate the respective Tenants or Occupiers of the Houses, Buildings, Gardens, Tenements, Hereditaments, and other Premises abutting upon and adjoining the Footways of the Streets in front of such Courts, Lanes, Alleys, Passages, and Places, are by this Act liable to be rated and assessed; and that such Rates and Assessments shall be made, levied, and collected by all such Ways and Means as are now prescribed by the said recited Act, and be applied by the said Commissioners for the Purposes of the said recited Act and of this Act.

IV. And whereas it is also by the said recited Act enacted, that the said Commissioners, or any Seven or more of them, should in like Manner rate and assess upon the Parish Church of *Chelmsford*, *Moulsham Bridge*, and other public Buildings, the Sum of Sixpence a Yard upon every Yard running Measure of the Length of such Building, and it is expedient that the same should be increased; be it therefore further enacted, That so much of the said recited Act shall be and the same is hereby repealed, and that in lieu and instead of the said Rate of Sixpence in the Pound, it shall and may be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and required, once or oftener in every Year, to rate and assess such Sums of Money as they shall from Time to Time judge necessary, not exceeding in any one Year the Sum of One Shilling upon the said Church and Bridge, and also the Shire House, Sessions House, or County Hall, and all Meeting Houses, Gaols, Houses of Correction or other Prisons, Free or Grammar Schools, Churchyards, Meeting House Yards, and other public Buildings whatsoever, situated on the Sides of, or which form any Part of the said Streets, Lanes, Squares, Passages, and Places hereby directed to be paved, cleansed, lighted, or watched, for every Yard running Measure of the Length of the several and respective Buildings and Places aforesaid, which are not rated, or liable to be rated, for and towards the Relief of the Poor of the said Parish.

Increasing  
the Rates  
upon  
Churches and  
Public Build-  
ings.

V. And whereas it is by the said recited Act enacted, that the said Commissioners, or any Seven or more of them, should amongst other Things cause the present Conduit Drains and other Drains to be altered, provided that the Current from the said Conduit should not be diverted from its Course through the Yards or other Passages belonging to the Houses known by the Name of the *Middle Row*, but sufficient Authority

For enforcing  
the cleansing  
of Drains.

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is not given to the said Commissioners for enforcing the cleansing of such Drains; be it therefore further enacted, That from and after the passing of this Act, if any Tenant or Occupier of any of the Dwelling Houses, Yards, Passages, or other Places belonging to the said *Middle Row*, shall neglect or refuse to scour and cleanse the said Drains, as far as such respective Dwelling Houses, Yards, Passages or Places shall extend, that then and in such Case the said Commissioners shall and may enter and cause the same to be effectually scoured and cleansed; and the Tenant or Occupier shall be charged and chargeable with all reasonable Charges for the doing thereof, to be ascertained and determined by and before One of His Majesty's Justices of the Peace for the said County of *Essex*; and on Nonpayment thereof by the Space of Seven Days to the said Commissioners, or to such Person or Persons as they shall appoint, then and in such Case the same shall be levied and recovered by Warrant of such Justice, by such Means as are provided in the said recited Act for the Recovery of any Penalty or Penalties thereby imposed.

Empowering  
the Commis-  
sioners to  
light the  
Town, &c.  
with Gas.

VI. And whereas the said Town and Hamlet are now lighted with Gas; be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, and at any Time after the passing of this Act, to dig and sink Trenches, and to lay Mains and Pipes, and to put Stop-cocks, or Plugs, or Branches, from or upon any of such Mains or Pipes, and to place and affix Pipes against the Houses, Tenements, Walls, or Buildings within the said Town and Hamlet, and to do all other reasonable and proper Acts for conducting Gas or Gas Lights, for the Purpose of lighting such Streets, Highways, Lanes, Squares, and public Passages and Places, or any of them, and either to make and manufacture, and supply a sufficient and proper Quantity of Gas for the Purposes aforesaid; or to enter into any Contract or Contracts with any Person or Persons ready and willing to light the said Town and Hamlet, or any Part or Parts thereof, with Gas, at such Seasons of the Year, for so many Hours, and for such Term or Terms of Years, and in such Manner as to the said Commissioners shall seem fit.

Stopping up  
Escape Gas.

VII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or the Person or Persons, or Body or Bodies Corporate lighting or contracting to light any of the Streets, Highways, Lanes, public Passages or Places, the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light any of the said Streets and Highways, Lanes, public Passages or Places, shall, at their own Expence, immediately after receiving Notice by Parole or in Writing (to be left or given at the Office of the Clerk to the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light any of the said Streets and Highways, Lanes, public Passages or Places) of any such Escape of Gas by any Inhabitant of the said Town and Hamlet, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Person or Persons, or Body or Bodies Corporate lighting or contracting to light any of the said Streets Highways, Lanes, public Passages or Places, shall not, within Twenty-four Hours after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly

wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light any of the said Streets, Highways, Lanes, public Passages or Places, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light any of the said Streets, Highways, Lanes, public Passages or Places, by the Warrant of any such Justice or Justices of the Peace as aforesaid, to be granted in like Manner, and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

VIII. Provided always, and be it further enacted, That if the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light with Gas any of the said Streets, Highways, Lanes, public Passages or Places within the said Town and Hamlet, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the Works of the said Commissioners, or the Person or Persons, or Body or Bodies Corporate so lighting or contracting to light as aforesaid, into any River, Brook, or running Stream, Reservoir, Aqueduct, Water-way, Feeder Pond, or Spring-head, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Water-way, Feeder Pond, or Spring-head, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and in every such Case the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light with Gas any of the said Streets, Highways, Lanes, public Passages or Places, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, together with full Costs of Suit, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than one Imparlanse shall be allowed; and one Moiety thereof shall be paid to the Person or Persons who shall sue for the same, and the other Moiety to the Corporation or Company, or other the Person or Persons against whom any such Annoyance, Act, or Thing shall have been done or committed, or who shall have been injured thereby; provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time of such Penalty being incurred, and the Annoyance, Act, or Thing shall have ceased and determined; provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been recovered, in case any of the said Washings, or other waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be drained, conducted, or conveyed, or caused or suffered to run or

Penalty on Commissioners, &c. for conveying Washings into any River, Stream, &c.

flow in Manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Water-way, Feeder Pond, or Spring-head, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whatsoever to the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light with Gas any of the said Streets, Highways, Lanes, public Passages or Places, and they shall not, within Twenty-four Hours after such Notice shall have been given to them as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, or the Person or Persons, or Body or Bodies Corporate, lighting or contracting to light with Gas any of the said Streets, Highways, Lanes, public Passages or Places, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in Manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such Penalty shall and may be recovered, levied, and applied, in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

Nothing in this Act to prevent Gas Commissioners and others being indicted for a Nuisance.

IX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding against the said Commissioners, or against any Person or Persons, or Body or Bodies Corporate, lighting or contracting to light any of the said Streets, Highways, Lanes, public Passages or Places, or against any of their respective Officers, Servants, or Workmen, in respect of any Works of the said Commissioners, or any Person or Persons, or Body or Bodies Corporate, lighting or contracting to light any of the said Streets, Highways, Lanes, public Passages or Places, or the Method which shall be employed by them respectively for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Commissioners, or any Person or Persons, or Body or Bodies Corporate, lighting or contracting to light any of the said Streets, Highways, Lanes, public Passages or Places, or any of their respective Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons employed therein.

Repealing Clause in former Act respecting Officers becoming Bankrupt.

X. And be it further enacted, That so much of the said recited Act of the Twenty-ninth Year of His said late Majesty, as directs, that upon the Death of any Clerk, Treasurer, Collector, Surveyor, or other Officer becoming Bankrupt before he shall have paid and delivered up all the Monies he shall have received by virtue of the said Act, or made a Composition for the same, the Executors or Administrators of such respective Persons, or the Assignee of their Estate or Effects, or in whom the same hath vested, shall in the first Place, and in Preference to all other Creditors, pay such Monies out of such Person's Estate and Effects (or as far as the same will extend) to the said Commissioners,

sioners, and that the Executors, or Persons possessed of such Estate or Effects, as aforesaid, may plead such Payment in any Action that may be brought, and give the same in Evidence, shall be, and the same is hereby repealed.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or 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 continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees 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 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, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Same Person  
not to be  
Clerk and  
Treasurer.

XII. And be it further enacted, That all such Officers as shall be continued or appointed by virtue of this Act as aforesaid, shall, as often as required by the said Commissioners, render and give to them, or to such Person or Persons as they shall for that Purpose appoint, a true, exact, and perfect Account in Writing under their respective Hands, with the Proper Vouchers, of all Monies which they shall respectively to the Time of rendering such Accounts have received, paid, and disbursed, by virtue of this Act, or for or on account or by reason of their respective Offices, and in case any Money so received by any such Officer shall remain in his Hands, the same shall be paid to the said Commissioners, or to such Person or Persons as they shall, by Writing under their Hands, authorize and empower to receive the same; and if any such Officer shall refuse or wilfully neglect to render and give such Account, or to produce and deliver up such Vouchers, or shall, for the Space of Fourteen Days after being thereunto required by the said Commissioners, or any Three or more of them, refuse or neglect to render and give up to them, or to such Person or Persons as they shall direct or appoint, all Books, Papers, Writings, Matters, and Things in his Hands, Custody, or Power, relating to the Execution of this Act, or which he shall have disposed of without the Consent and Approbation of the said Commissioners, then it shall be lawful for any Justice of the Peace for the County where the Officers so making Default shall be or reside, upon Application made to him for that Purpose by or on behalf of the said Commissioners, to make Inquiry of and concerning any such Default as aforesaid in a summary Way, as well by the Confession of the Party as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), and by Warrant under his Hand and Seal to cause such Money as shall appear to him to be due and unpaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering to him the Overplus (if any), on Demand,  
after

Officers to  
account.

after the Money remaining due, and the Charges and Expences of making such Distress and Sale, shall be deducted; and if sufficient Distress cannot be found, or if it shall appear to any such Justice, in Manner aforesaid, that any such Officer shall have refused or wilfully neglected to give such Account, or to deliver up all Books, Papers, Writings, Matters, and Things in his Custody or Power, relating to the Execution of his Office, or of this Act as aforesaid, such Justice shall commit him to the Common Gaol or House of Correction of the County where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall make and give a true and perfect Account, and verify the same in Manner aforesaid, and shall produce and deliver up the Vouchers relating thereto, and shall have paid the Money (if any) remaining in his Hands as aforesaid, according to the Directions of the said Commissioners, or shall have compounded with the said Commissioners for such Money, and paid such Composition according to their Direction (which Composition the said Commissioners are hereby empowered to make and receive), or until he shall deliver up such Books, Papers, Writings, Matters, and Things as aforesaid, or have given Satisfaction to the said Commissioners concerning the same; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison by virtue of this Act for any longer Time than Six Calendar Months.

In case of Non-payment of Compensation for Materials, Damages, or Injury done by the Commissioners, &c. the same to be levied by Distress of the Goods of such Commissioners or their Treasurer.

XIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, or under the Authority of this Act, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, to the Clerk to the said Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain, after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners, or to their Treasurer for the Time being, as the Case may be.

XIV. And



XIV. 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 Purpose 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 of such 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.

For granting Annuities under certain Restrictions.

XV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his, her, or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, as soon as practicable, before any Justice of the Peace of the County or Place where the Offence shall have been committed, and residing near to the Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed with all convenient Speed to the hearing and determining of the said Complaint.

For securing transient Offenders.

XVI. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, the Manner of levying and Recovery whereof is not herein otherwise directed, shall upon Proof of the Offences respectively before any One Justice of the Peace for the said County of *Essex*, either by the Confession of the Party or Parties offending, or by the Oath or Affirmation of One or more Witness or Witnesses (which Oath or Affirmation such Justice is hereby authorized

Penalties how to be recovered and applied.

[*Local.*]

and

and empowered to administer or take), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of and previous to such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be (if not otherwise directed to be applied by this Act) paid, One Half to the Informer and the other Half to the said Commissioners, or to their Clerk or Treasurer, to be applied for the Purposes of this Act; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice, and he is hereby authorized and required to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice of the Peace as aforesaid, or any other Justice of the Peace for the County or Place where the Offence shall have been committed, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Powers of former Acts extended to this Act.

XVII. And be it further enacted and declared, That the several Clauses, Provisions, Powers, Authorities, Limitations, Restrictions, Indemnities, Exemptions, Punishments, Penalties, Forfeitures, and Power of Appeal, and all other Matters and Things contained in the said recited Act (except such and so much thereof as is and are by this Act varied or altered), shall continue in full Force, and shall be exercised and put in Execution, and shall be applicable and applied in, to, and in respect of all Cases that shall arise under this Act, as well as under the said recited Act, by all Persons whomsoever, and also in regard to enforcing the Collection and Payment of the said several Rates or Assessments, Duties and Impositions, to be made, assessed, imposed, or collected for the Purposes of this Act, as for doing and performing all such other Matters and Things, and making all such Appeals as are authorized to be done and performed by virtue of the said recited Act and of this Act, in such and the like Manner in all respects as if the said several Clauses, Provisions, Powers, Authorities, Limitations, Restrictions, Indemnities, Exemptions, Punishments, Penalties, Forfeitures, and Power of Appeal, and the several other Matters and Things contained in the said recited Act, were repeated and re-enacted in the Body of this Act.

XVIII. And be it further enacted, That all Costs, Charges, and Expences of passing this Act, and all other Charges necessarily incidental to the Application for and attending the obtaining and passing thereof, shall be borne, paid, and defrayed out of the first Monies which shall arise and be received, levied, or collected by virtue of the said recited Act and this Act. For paying the Expences of this Act.

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

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1822.

