



ANNO SEXTO

GEORGIIV. REGIS.

Cap. lxx.

An Act for paving, lighting, cleansing, watching, watering, and improving the Town and Borough of *Sudbury*, in the County of *Suffolk*.

[20th *May* 1825.]

WHEREAS the Town and Borough of *Sudbury*, in the County of *Suffolk*, is large and populous, and is a great Thoroughfare for Travellers: And whereas the Streets, Lanes, and other public Places within the said Town and Borough are not properly paved and cleansed, and are not lighted or watched; and the same Streets, Lanes, and Places are subject to various Encroachments, Obstructions, Nuisances, and Annoyances, and some of them are very narrow and incommodious; and several of the Highways within the said Town and Borough are much out of Repair: And whereas it would tend greatly to the Safety, Convenience, and Advantage, not only of the Inhabitants of the said Town and Borough, but of all other Persons resorting to and travelling through the same, if the said Streets, Lanes, and other public Places were more effectually paved, cleansed, and regulated, and if the same were properly lighted and watched, and several of them widened and improved, and if all Encroachments, Obstructions, Nuisances, and Annoyances therein were removed, and if Regulations and Provisions were made for the better Maintenance of the Highways within the said Town and Borough: 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,

[Local.] 19 Q and

Commissioners.

and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Goldsmith* the younger, *Bramwhite Oliver*, *Thomas Musgrave*, *Robert Frost*, *Thomas Jones*, *Sir Lachlan Maclean* Knight, *Henry Watts Wilkinson* Clerk, *John Mead Rae*, *Christopher Finch*, *John Fenn*, *Robert Anderson*, *William Chaplin*, *Richard Dupont*, *William Adams*, *Alexander Duff*, *James Bell*, *Elliston Allen*, *John King* of the Parish of *Saint Peter*, *John Williamson*, *George Archer*, *John Chrisp Gooday*, *John Orbell*, *William Bass*, and *John Warwick*, and their Successors, shall be and they are hereby appointed Commissioners for paving, lighting, cleansing, watching, and improving the Town and Borough of *Sudbury*, and for carrying this Act into Execution.

Qualification of Commissioners.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in the Execution of this Act, unless he shall be in his own Right, or the Right of his late or present Wife, in the actual Enjoyment, Possession, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of an Estate of Inheritance, or for a Life or Lives, or for any Term of Years exceeding Ninety-nine Years, either absolutely or determinable on any Life or Lives, of the yearly Value of Twenty Pounds, situate within the said Borough, or possessed of such Estate or Estates as last mentioned and a Personal Estate jointly, or a Personal Estate alone, to the Amount or Value of Five hundred Pounds; nor (except in administering the Oath or Affirmation to the Chairman of a Meeting as herein-after mentioned) until he shall have taken and subscribed an Oath, or being a Quaker, until he shall have made and subscribed an Affirmation, in the Form and Words following :

Oath.

‘ I *A. B.* do swear, [*or being one of the People called Quakers*, do solemnly declare and affirm], That I am really and *bonâ fide* in my own Right [*or in the Right of my Wife, late or present, as the Case may be*], now in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of an Estate of Inheritance, or for a Life or Lives, or for a Term or Terms of Years exceeding Ninety-nine Years, either absolutely or determinable on a Life or Lives, of the clear yearly Value of Twenty Pounds, situate in the said Borough; or possessed of such Estate or Estates as last mentioned and a Personal Estate jointly, or a Personal Estate alone, to the Amount or Value of Five hundred Pounds; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act.*] So help me GOD.’
 [Or being a Quaker, omit the Words ‘ So help me God.’]

And an Entry or Minute of the taking and subscribing such Oath or Affirmation, and of the Date of administering the same, shall be made in the Book of Proceedings of the Commissioners herein-after mentioned: Provided also, that no Person shall be capable of acting as a Commissioner in the Execution of this Act, who shall not take and subscribe the said Oath or Affirmation within Six Calendar Months after the passing of this Act, or within Six Calendar Months after the Day of his Election as such Commissioner;

Commissioner; nor shall any Person be capable of acting as a Commissioner who shall hold or enjoy any Office or Place of Profit under this Act, or who shall be concerned in any Contract made under or by virtue of this Act, or in any Case wherein he shall be personally interested in the Matter in question, (except as a Creditor on the Rates or Assessments), nor unless he shall have been an Occupier of Lands, Tenements, or Hereditaments in the said Borough for the Space of Six Calendar Months immediately preceding the Time of acting: And if any Person, not being qualified as aforesaid, or not having taken and subscribed the Oath as aforesaid, or being a Quaker, not having made and subscribed the Affirmation as aforesaid, or being in any Manner disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act (except in administering the Oath herein-before mentioned), every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be allowed; and every Person so sued or prosecuted for acting, not being duly qualified, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, though not duly qualified, done previous to his being so convicted, shall be as valid and effectual as if such Person had been duly qualified as aforesaid.

Penalty on
disqualified
Persons
acting.

III. And be it further enacted, That whenever the Number of the Commissioners herein-before named shall, by Death or Disqualification, be reduced to less than Twelve, and also whenever afterwards and as often as there shall be a similar Diminution of the said Number of Twelve, it shall be lawful for the remaining Commissioners, and they are hereby required, to cause Notice of such Diminution to be given immediately after Divine Service in the Parish Churches of the said Borough, on Two *Sundays* at least before the First *Monday* after the Twenty-fourth Day of *June*, succeeding the Period when such Diminution shall happen or be known; and it shall be lawful for such of the Inhabitants of the said Borough as shall be assessed to the Rates to be raised under this Act in the Sum of Five Pounds and upwards, to assemble at the Moothall in the said Borough, on the said First *Monday* after the said Twenty-fourth Day of *June*, for the Purpose of electing Commissioners in the Place and Stead of such Commissioners as shall have died or become disqualified as aforesaid; and the Majority of such Inhabitants, who shall be then and there present, shall and may elect and appoint such a Number of Persons respectively qualified as herein mentioned; to be Commissioners in the Room of the Commissioners so dying, removing, becoming incapable of acting, or refusing to act, as shall be necessary to make up the Number of Twelve Commissioners; and every Commissioner so from Time to Time to be elected and appointed shall have the same Power and Authority to act in the Execution of this Act as if such Commissioner had been originally nominated in this Act.

For supply-
ing Decrease
in Number
of Commis-
sioners.

IV. And

Proceedings by Five or more Commissioners to be as valid as if all the Commissioners had acted.

Chairman to have casting Vote.

No Order to be revoked or altered except after special Notice, and a greater Number of Commissioners present.

First and other Meetings.

IV. And be it further enacted, That the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things by this Act directed and authorized to be done by the Commissioners for executing the same, shall and may be executed and done by or before any Five or more of the said Commissioners, assembled at any Meeting to be held in pursuance of this Act, and shall be of as full Force and Effect as if executed or done by or before all the Commissioners; and all Acts, Orders, Proceedings, and Determinations of the Commissioners acting in the Execution of this Act, made at any such Meeting, consisting of Five or more Commissioners, wherein the major Part of the Commissioners present at such Meeting shall concur, shall be as valid and effectual as if all the Commissioners present at such Meeting had concurred therein; and at all such Meetings a Chairman shall be appointed, and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman), such Chairman shall have the decisive or casting Vote; and at all such Meetings the Commissioners present shall pay and defray their own Expences.

V. And be it further enacted, That no Order, Appointment, or Proceeding whatever, made at any Meeting of the Commissioners holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, signed by Three or more of the said Commissioners, or by the Clerk or Clerks to the said Commissioners, shall be given at least Three Days before such subsequent Meeting, nor unless a Majority of the Commissioners present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Commissioners shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

VI. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Execution of this Act at the Moothall in the said Borough, within Twenty-one Days next after the passing of this Act, between the Hours of Nine in the Forenoon and Three in the Afternoon, or at such other convenient Place in the said Borough, and on such other Day and Time, as the said Commissioners, or any Three or more of them, although not assembled at a Meeting, shall think fit to appoint, by Notice in Writing to be affixed on the outer Door of the Moothall of the said Borough, at least Three Days before the Day of Meeting; and it shall be lawful for the Commissioners present at such First Meeting, or any subsequent Meeting for the Execution of this Act, from Time to Time to adjourn, and from Time to Time to appoint their next Meeting to be holden at any future Day and Time, not exceeding Forty-two Days from the last Day of Meeting, and at the same or any other convenient Place within the said Town and Borough; and if at the Time and Place appointed for any Meeting there shall not be a sufficient Number of Commissioners to act, or in case the Commissioners at any Meeting assembled shall omit to adjourn, then and in every such Case any Commissioner present, or the Clerk or Clerks of the said Commissioners, shall adjourn the Meeting to some future Day, not exceeding Forty-two Days then next ensuing, of which Adjournment such Clerk or Clerks shall give at least Three Days previous Notice in Writing, to be given to or left at the usual Place of Abode

Abode of each of the said Commissioners; and in case no Adjournment or Notice shall be made or given as aforesaid, then it shall and may be lawful for any Three or more of the said Commissioners, although not assembled at a Meeting, or their Clerk or Clerks, to call a Meeting of the Commissioners, by Notice in Writing to be given to or left at the usual Place of Abode of each of the said Commissioners, appointing a Meeting to be held on some future Day, not sooner than Three Days from the Day of the Service of such Notice.

VII. Provided always, and be it further enacted, That if at any Time it shall be thought necessary to hold a Meeting before the Time at which a Meeting is herein-before directed or required to be held as aforesaid, then and in such Case it shall be lawful for the said Commissioners, or any Three or more of them, or their Clerk, by the Direction in Writing of any Three or more of the said Commissioners, to call an earlier Meeting, of which at least Two Days previous Notice in Writing shall be given to or left at the usual Place of Abode of each of the said Commissioners.

Meetings on
Emergencies.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required; from Time to Time, to nominate and appoint a Clerk or Clerks, a Treasurer or Treasurers, a Collector or Collectors of the Rates herein-after mentioned, and also all such Surveyors and other Officers as the said Commissioners shall think necessary and proper for the due Execution of this Act; and the said Commissioners may, if they think proper, take Security from their Treasurer or Treasurers, and such of the said Officers as shall be entrusted with the Receipt and Disbursement of Money, for the due Execution of his or their respective Offices; and it shall be lawful for the said Commissioners from Time to Time to remove and displace any of such Officers, and to nominate and appoint another or others in the Room or Place of any of them who shall be so removed or displaced, or who shall die, or resign such Offices, or become incapable of acting therein, and out of the Monies to be raised as herein-after mentioned, to make and pay such Salaries or other Allowances to such Officers respectively, and also to such other Person or Persons, as shall be aiding and assisting to the said Commissioners in the Execution of this Act, as to the said Commissioners shall from Time to Time seem reasonable.

Appointment
of Clerks,
Treasurers,
and other
Officers.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be 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, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; 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, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as

Clerk not to
act as Treas-
urer, and
vice versâ.

[Local.]

19 R

Treasurer,

Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Penalty on
Officers tak-
ing any Fee
or Reward.

X. Provided always, and be it further enacted, That if any Clerk or Clerks, Treasurer or Treasurers, or other Officer or Officers, employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners, for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever, relative to his or their Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence.

Officers to
account.

XI. And be it further enacted, That all such Officers as shall be so appointed to any of the Offices aforesaid, shall at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively by virtue or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and to whom, and for what Purpose, together with Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or neglect to make and render any such Accounts, or to produce and deliver up such Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Commissioners, by Notice in Writing to be given to or left at the last known or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or any one or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County,
City,

City, Town Corporate, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby authorized to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such last-mentioned Officer or Person, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by 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 or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges for distraining and selling the same, or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render or 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 or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the House of Correction for the County or Place where such Offender shall be and reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the Commissioners are hereby empowered to make and receive), and until he shall have given up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners, or to such Justice: Provided always, that no Person who shall be committed by virtue of this Act, on account of not having sufficient Goods and Chattels, shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer or Person, and his Surety and Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer had not been committed to Prison.

XII. And be it further enacted, That in case of the Death of any Officer before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy the same out of the Estate and Effects of such Officer, unto the said Commissioners, or any Person appointed by them in that Behalf, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up all Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead

In case an Officer die, his Executors, &c. to account.

plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Nondelivery of such Books, Papers, Writings, and Things, for the Space of Fourteen Days after Demand thereof made in Writing by or on the Behalf of the said Commissioners, it shall be lawful for the said Commissioners to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against such Executors or Administrators, for the Recovery of the said Monies, or for Recovery of Damages for the Detention of such Books, Papers, Writings, and Things, in which Action or Actions full Costs of Suit shall be recoverable by the said Commissioners.

Proceedings
to be entered.

XIII. And be it further enacted, That the said Commissioners shall cause proper Books to be provided and kept, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Commissioners as shall be present at their several Meetings; and all Entries in such Books shall be signed by the Chairman of the Meeting at which any Act, Order, or Proceeding shall be so made, and all Entries so signed shall be deemed Originals; and the said Books shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and such Books shall be kept by the Clerk or Clerks to the said Commissioners, and shall at all seasonable Times be open to the Inspection of the Commissioners, and of any other Person or Persons charged to the Rates herein-after granted and made payable, and of the Creditors on the said Rates, without Fee or Reward.

Books of
Account to
be kept by
Clerks.

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

Accounts to
be audited by
an Annual
Meeting.

XV. And be it further enacted, That an Annual Meeting of the said Commissioners shall be held on the First *Monday* after the Twenty-fourth Day of *June* in the Year One thousand eight hundred and twenty-six,
and

and on the First *Monday*, or any other Day which the said Commissioners shall appoint, after the Twenty-fourth Day of *June* in each and every succeeding Year, which shall be called the Annual General Meeting of the Commissioners; and at such Annual General Meetings, or some Adjournment thereof, the Accounts of all Monies received and paid in pursuance of the Provisions and Powers of this Act, by or for or on the Account of the said Commissioners, shall be produced, stated, examined, audited, and settled.

XVI. And be it further enacted, That the said Commissioners may sue and be sued in the Name or Names of their Clerk or Clerks for the Time being, or in the Name or Names of any One or more of the said Commissioners; and no Action or Suit so to be brought or commenced by or against the said Commissioners, shall abate or be discontinued by the Death, Removal, or Default of any such Clerk or Clerks, or Commissioner or Commissioners, but shall be continued and carried on in the Name or Names of the Clerk or Clerks, or of the Commissioner or Commissioners in whose Name or Names the same shall have been brought; and the Clerk or Clerks, or such Commissioner or Commissioners, shall always be Plaintiff or Plaintiffs, or Defendant or Defendants, in such Action or Suit, as the Case may be: Provided always, that all Costs and Expences to be incurred by the said Commissioner or Commissioners, or their Clerk or Clerks for the Time being, in prosecuting or defending any Action or Suit touching the Execution of this Act, shall be defrayed out of the Money to be collected and raised under the Provisions of this Act: Provided always, that such Commissioner or Commissioners, or Clerk or Clerks, shall not on that account be deemed an inadmissible Witness or Witnesses in any such Action or Suit, except only in such Action or Suit as shall be on his or their own personal Account.

In whose Names, Commissioners may sue and be sued.

XVII. Provided always, and be it further enacted, That all and every the Commissioners herein-before named and hereafter to be appointed, shall from Time to Time, and at all Times hereafter, be fully indemnified, from and out of the Monies to be raised under and by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or Clerk or Clerks as aforesaid, shall or may pay, sustain, or be put unto for or by reason of any Action, Suit, or Proceedings which may be had, sued, commenced, or prosecuted against them, or any or either of them, for any Matter or Thing which may be by them respectively legally done in and about the Execution of this Act, and the Trusts reposed in them under the same.

Commissioners indemnified when acting legally.

XVIII. And be it further enacted, That all the present and future Pavements, Stones, Flags, Bricks, Gravel, and other Materials of the several present and future Streets, Lanes, Highways, Passages, and other public Places, as well of the Carriageways as Footways, within the said Borough, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks in the said Town and Borough, and also all the Lamps, Lamp Irons, Lamp Posts, Pillars, Pilasters, Pipes, and other Articles, Materials, Matters, and Things erected, set up, fixed, or provided for the Purposes of this Act, and the Materials of all Houses and other Buildings which shall be purchased and pulled down by the said Commissioners in pursuance of this Act, and all Materials, Tools, Utensils,

Pavements, Materials, &c. vested in the Commissioners.

[Local.]

Carriages, Implements, and other Things, which shall be purchased or provided by the said Commissioners for the Purposes of this Act, and all the Soil, Manure, Ashes, Dirt, and Rubbish which shall be deposited or laid, or be swept, gathered, or collected in the said Streets, Lanes, Highways, Passages, and other public Places, or any of them, shall belong to and be the Property of the Commissioners for executing this Act, and shall be and are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall have full Power and Authority to sell and dispose of all or any of the said Articles and Things, to such Person or Persons, and in such Manner as the said Commissioners shall think proper, for the Purposes of this Act; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred (as the Case may require,) against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy the several Articles and Things hereby vested in 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 such Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for improving the Borough of *Sudbury*, without stating or specifying the Names of all or any of the said Commissioners.

Penalty on wilfully damaging Pavements, &c.

XIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, destroy, deface, or otherwise damage or injure any of the Pavements, Articles, or Things hereby vested in the said Commissioners, or any of the Works executed by them, or by their Order, in pursuance of this Act, then every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay unto the said Commissioners such Sum of Money as shall be a full Satisfaction for the Damages so done as aforesaid; and such Damages having been ascertained by some Justice or Justices of the Peace, the same shall and may be levied and recovered from such Person or Persons so offending as aforesaid, in the Manner herein-after directed for the Recovery of Penalties incurred by virtue of this Act, and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

Commissioners to repair all the Highways, Roads, &c. in the Borough.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required from Time to Time, and at all Times hereafter, as often as they shall think fit, to cause, order, and direct all or any of the present and future Streets, Lanes, Highways, Passages, and other public Places, as well Carriageways as Footways, in the said Town and Borough, to be repaired, made, formed, amended and sustained in such Manner, and with such Materials, as the said Commissioners shall think proper; and also from Time to Time to cause the Materials thereof to be taken up, and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct; and also from Time to Time to cause any Sewers, Gutters, Drains, or Watercourses to be made into, upon, through, over, along,

along, or under any of the said Streets, Lanes, Highways, Passages, or other public Places, for carrying off Water, Mud, or other Filth from the same; and also to make new Ditches, Drains, Sewers, and Watercourses in and through the Lands adjoining and lying near to such Highways, or in and through any other Lands, for the more easy and effectual carrying off such Water, Mud, and Filth from the said Highways, without being thereby liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Forfeiture for entering or continuing upon any Part or Parts of such Lands for the Purpose last aforesaid; and also to cause any of the present or future Sewers, Gutters, or Watercourses therein to be stopped up, or otherwise opened, enlarged, altered, or cleansed, or the Form or Course thereof to be altered, turned, varied, changed, or diverted, in such Manner as the said Commissioners shall think expedient; and also from Time to Time to cause Grates to be placed on or over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situations of the present or any future Grates placed or to be placed in or over the same, in such Manner as the said Commissioners shall think proper; and also to order and cause the Removal of all or any Posts, Rails, Pales, and Fences, which are or shall be in any of the said Streets, Lanes, Highways, Passages, or other public Places, and which shall be useless, or an Obstruction to the free Passage along the same; and also to erect and set up any other Posts, Rails, Pales, or Fences in any other Place or Places therein, as they shall think proper; and also from Time to Time to employ such Workmen, Labourers, and other Persons, and to hire, purchase, employ, and use such Horses, Carts, Tools, and Implements, as the said Commissioners shall judge to be necessary for effecting such Purposes, or any of them; and the several Persons so to be employed by the said Commissioners for the aforesaid Purposes shall have and are hereby invested with full Power and Authority to execute the same.

XXI. And be it further enacted, That from and after the Eleventh Day of *October* One thousand eight hundred and twenty-five, all and every Persons and Person who shall be assessed under or by virtue of this Act, for or in respect of any Messuages, Lands, Tenements, or Hereditaments in the said Town and Borough, shall be, and they, he, and she are and is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Town and Borough, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways in the said Town and Borough, for or in respect of such Messuages, Lands, Tenements, or Hereditaments.

Inhabitants assessed under this Act discharged from Statute Duty.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to release, exonerate, or discharge the Trustees or Commissioners of the several Turnpike Roads within the said Town and Borough, during the Continuance of any existing Act or Acts for the repairing and maintaining any such Turnpike Roads, or the Tolls respectively arising therefrom, from the Repairs of the said Turnpike Roads, or the Custom or Liability to which they have been or may be exposed, of repairing or maintaining, or contributing to the Repair or Maintenance of so much of the same Roads as lies within the said Town and Borough: Provided also, that nothing herein contained

Act not to discharge the Liabilities of the Turnpike Trusts in the Town.

tained shall extend, or be construed to extend; to exempt the Trustees or Commissioners of such Turnpike Roads from making, maintaining, and repairing any Causeways, Sewers, Gutters, Drains, or Watercourses within the said Borough, which the said Trustees or Commissioners are by Law liable to make, maintain, and repair, notwithstanding that under the Provisions of this Act the making, maintaining, and repairing all such Causeways, Sewers, Gutters, Drains, and Watercourses, in or upon the said Turnpike Roads within the said Borough, are and shall be under the Management and Control of the Commissioners for executing this Act; and such Trustees and Commissioners of the said Turnpike Roads shall pay or cause to be paid to the said Commissioners for executing this Act, or to such Person as they shall appoint to receive the same, such Proportion of the Charge and Expence of making, maintaining, and repairing the said Causeways, Sewers, Gutters, Drains, and Watercourses, as they the said Trustees or Commissioners of the said Turnpike Roads are or shall be by Law liable or subject to; and from and after the Expiration or Repeal of the Term of the said Act, so much of the said Turnpike Roads, on both Sides whereof Houses now are or hereafter shall be erected or built, as lies within the said Town and Borough, shall cease to be Part of the said Turnpike Road, and the Trustees of the said Turnpike Road shall not be bound to contribute towards the Repairs thereof.

Power to get
Materials for
repairing
Streets, &c.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or the Surveyor or Surveyors to be appointed by virtue of this Act, or any other Person or Persons employed or appointed by them; having an Order in Writing under the Hands of any Three of the said Commissioners for the Purpose, to search for, dig, gather, get, and carry away any Stone, Gravel, Sand, Earth, or other Materials fit or proper for paving, repairing, amending, raising, or improving the said Streets, Lanes, Highways, Passages, and other public Places within the said Town and Borough, out of any Waste Grounds, or any common River or Brook within the said Town and Borough, without paying any thing for the same, they the said Commissioners causing the Pits or Holes to be filled up, and the Ground to be levelled, or otherwise causing the Banks where such Materials shall be taken to be sloped down, and the Pits or Holes to be fenced off, so that the same may not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of such Materials cannot be had in or upon any such Waste Grounds; or in any such common River or Brook as aforesaid, then and in such Case it shall be lawful for the said Commissioners, or their aforesaid Surveyor or Surveyors, or any other Person or Persons employed or appointed by them as aforesaid, by Order of any Justice or Justices of the Peace, to be made upon the Application of the said Commissioners, to search for, dig, gather, get, and carry away any such Materials in, out of, and from the inclosed Lands or Grounds of any Person or Persons situated within the said Town and Borough, or any adjoining Parish, Hamlet, or Place, where the same may be had or found, (such Lands or Grounds not being a Yard, Garden, Orchard, Nursery for Trees, Walk or Avenue to a House,) the said Commissioners nevertheless making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners and Occupiers of any such Lands or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the

the same shall be carried, as shall be agreed upon between the said Commissioners, or the Person or Persons acting on their Behalf, and such Owners or Occupiers respectively; or in case of their not agreeing, then any Justice or Justices of the Peace shall and may in a summary Way hear, settle, and determine the Matter of such Payments and Damages, and the Judgment or Order of such Justice or Justices therein shall be final and conclusive to all Parties; provided nevertheless, that no such Stone or other Materials as aforesaid, lying or being within the Distance of One hundred Yards from any Bridge, Mill, or Mill Weir or Dam, shall be dug for, gotten, or taken away, on any Account or Pretence whatsoever.

XXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioners, or any Person or Persons acting under their Authority, to search for, dig, gather, get, or carry away any Materials for the Purposes aforesaid, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Clerk of the said Commissioners, shall have been given to the Owners or Occupiers of the Premises from which Materials are intended to be taken, to appear before some Justice or Justices of the Peace to shew Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Owners or Occupiers, or their respective Agents, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize the said Commissioners, or such Person or Persons as they shall appoint for the Purpose, to dig, gather, get, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owners or Occupiers shall neglect or refuse to appear in Person, or by their respective Agents, before such Justice or Justices at the Time appointed for that Purpose, then the said Justice or Justices shall and may (upon Proof on Oath of the Service of such Notice) make such Order in the Premises as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owners or Occupiers, or their respective Agents, had attended in pursuance of such Notice.

Notice to be given before entering on Lands for getting Materials.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, and the Surveyor or Surveyors for the Time being to be appointed by them, to remove and prevent all Annoyances on every Part of the Highways within the said Town and Borough, occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter or Thing whatsoever, being laid, thrown, or placed upon any of the Highways within the said Town or Borough, or upon the Sides of the Road, within Eighty Feet of the Centre thereof, and dispose of the same for the Benefit of such Road, in case the Owner thereof shall neglect to remove the same within Three Days after Notice in Writing, signed by any Three of the said Commissioners, or their Surveyor for the Time being as aforesaid, given to or left at the usual Place of Abode of such Owner for that Purpose, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any of the aforesaid Highways to the Prejudice of the same, and to open, scour, and cleanse any Watercourses or Ditches adjoining to any Highways; and make the same as deep and large as they shall think proper and necessary, in case the Owners or Occupiers of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses

To prevent Nuisances being laid in or near the Sides of the Highways, &c.

or Ditches, after Five Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances, to be settled by One or more Justice or Justices of the Peace, shall be reimbursed to the said Commissioners or their Surveyor by such Owners or Occupiers, and the same shall be recovered in such Manner as Penalties and Forfeitures are herein directed to be recovered; and if after the Removal of any such Annoyances, any Person shall again offend in the like kind, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Commissioners may widen, &c. the Roads.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby fully authorized and empowered from Time to Time, to widen and improve the Course or Path of any of the several and respective Roads under their Care and Management, or of any Part or Parts thereof; and it shall and may be lawful for the said Commissioners, and for their Surveyor or Surveyors and Workmen for the Time being, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Tenements, or Hereditaments (not being a Yard, Garden, Orchard, Nursery for Trees, Walk or Avenue to a House), through or over which the widened Part of the said Road shall pass or be intended to pass or be made, and to stake out and make the same in such Manner as the said Commissioners shall think necessary or proper, without being thereby subject or liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Forfeiture for entering or continuing upon any Part or Parts of such Lands, Tenements, and Hereditaments respectively for the Purposes last aforesaid.

Commissioners may prune Trees in Roads.

XXVII. And be it further enacted, That the Owners or Occupiers of the Lands next adjoining to any of the Highways within the said Town and Borough, shall cut, prune, and trim their Hedges, to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House), in such Manner that the said Highways shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded therefrom; and if such Owner or Occupier shall not, within Ten Days after Notice given by any Three of the Commissioners or their Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes and Shrubs in manner aforesaid, it shall be lawful for any Three of the said Commissioners or their Surveyor to make Complaint thereof to some Justice of the Peace, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to such Justice that such Occupier has not complied with the Provisions of this Act, for cutting, lopping, pruning, and trimming such Trees, Bushes, and Hedges as aforesaid, it shall and may be lawful for such Justice, upon hearing the Commissioners or their Surveyor, and the Occupier of such Land or his Agent (or in default of his or her Appearance, upon having due Proof of the Service of such Summons), and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down, or pruned or trimmed in such Manner as may best answer the Purposes aforesaid;

and if the Occupier of such Land shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, and the Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the said Commissioners or their Surveyor, in case of such Default made by the Occupier, shall and may cut, prune, and trim such Hedges, and cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, or in Default thereof such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of the Peace, in such Manner as is herein-after directed or authorized for the levying and recovery of Forfeitures or Penalties for Offences against this Act.

XXVIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause any such Stone, Gravel, Sand, Earth, or other Materials as aforesaid, to be carried and brought into the said Streets, Lanes, Highways, Passages, and other public Places within the said Town and Borough, or any of them, and laid down there for the Purposes of this Act; and if any Persons whomsoever shall, without the Licence and Authority of the said Commissioners, or of the Surveyor or Surveyors for the Time being, remove or take away any such Stone, Gravel, Sand, Earth, or other Materials, laid upon or in the said Streets, Lanes, Highways, Passages, and other public Places within the said Town and Borough, or any of them, by the Order of the said Commissioners, or shall remove or take away any such Stone, Gravel, Sand, Earth, or other Materials which shall have been dug or gathered by the Order of the said Commissioners, or their said Surveyor or Surveyors, in any Lands, Waste Grounds, Rivers, or Brooks, or shall get or take away any Stone or Gravel out of any Pit or Hole made for the Purposes of this Act, before the said Surveyor or Surveyors, and the Persons working under his or their Direction, shall have discontinued working therein for the Space of Six Calendar Months, except only the Owners or Occupiers of any such private Grounds, and Persons authorized by them to get Materials in such Pit or Hole for the private Use only of such Owners or Occupiers, and not for Sale, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on
Persons
taking away
Materials got
by the Com-
missioners.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, or their said Surveyor, during such Time as any of the Streets, Lanes, Highways, Passages, or other public Places within the said Town and Borough shall be under repair, or during the making or repairing of any Sewers or Drains therein, to cause such and so many Bars, Posts, Rails, and Chains to be fixed, set up, and placed across or in any of the said Streets, Lanes, Highways, Passages, or other public Places, to prevent the passing of Carriages, Horses, and Cattle, whilst such Works and Repairs are in Progress, as to the said Commissioners shall seem proper; and if any Person or Persons shall throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, and Chains, without

Power to
place Bars
across Streets
under Repair.

without the Authority or Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons taking up Pavement without Consent of Commissioners.

XXX. And be it further enacted, That if any Person or Persons whomsoever shall at any Time hereafter take up, or cause to be taken up, any Part of the Pavement, Flag, or other Materials of the Footways in the said Streets, Lanes, Highways, Passages, and other public Places, or any of them, or shall make or cause to be made any Alteration in any of the Gutters, Drains, or Watercourses therein, or in the said Highways, Passages, and other public Places, without the previous Consent and Authority of the said Commissioners, or their said Surveyor or Surveyors, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Footways to be paved.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, and as often as they shall think fit, to cause, order, and direct all or any of the present or future Sides and Footways of the said Streets, Lanes, Entries, and other public Passages and Places within the said Borough, to be taken up, and the same to be raised, lowered, altered, repaired, flagged, or paved, as to them shall seem proper; and the Expences of such paving, renewing, and repairing shall at all Times be payable and paid out of the Rates and Assessments to be made and levied under the Authority of this Act.

Allowances to be made to Persons who have already paved.

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

Commissioners empowered to cause Streets, &c.

XXXIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause the several Streets, Lanes, Entries, and other public Passages and Places within the said

said Town and Borough, or such of them as they shall think proper, to be lighted either by Oil Lamps, or by means of Gas or Inflammable Air, as the said Commissioners shall think fit, and to direct what Part or Parts of the said Town and Borough shall be lighted by Oil, and what by means of Gas or Inflammable Air; and it shall and may be lawful for the said Commissioners from Time to Time to contract and agree with any Company or Companies of Proprietors, or other Person or Persons, to light the same by means of Oil, or Gas or Inflammable Air, in such Manner and upon such Terms and Conditions, Stipulations and Agreements, as the said Commissioners shall think proper, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and other Works necessary for the Purposes of this Act; and in case it shall be determined to light all or any of the said Streets, Lanes, Entries, and other public Passages and Places with Gas or Inflammable Air, then it shall be lawful for the said Commissioners to direct the breaking up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, Entries, and other public Passages and Places, and the digging, sinking, constructing, laying, and fixing Pipes, Stopcocks, Plugs, Branches, and all other Works and Machinery, by any Company or Companies of Proprietors, or other Person or Persons, for the Conveyance of the said Gas or Inflammable Air, for the Purpose of lighting the several Streets, Lanes, Entries, and other public Passages and Places within the said Limits, or any Part or Parts thereof; and from Time to Time to direct such Pipes, Stopcocks, Plugs, Branches, Works, and Machinery to be repaired, altered, or renewed: Provided always, that nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, to carry, lay or fix, or continue any Pipe or Pipes, or other thing for the Conveyance of the said Gas or Inflammable Air, into, through, or against any Dwelling House or Houses, or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively, for that Purpose first had and obtained: Provided also, that if any Injury or Damage shall be occasioned to any Building or Wall, or other Erection, by the affixing, setting up, taking down, altering, or removing any Lamp, or any Lamp Iron, or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired; and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act.

to be lighted
with Oil or
Gas.

Commissioners to repair
Damage done
to Walls, &c.

XXXIV. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other public Passages and Places, shall be kept fully charged with Gas; and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Service Pipes
to be kept
fully charged
with Gas.

XXXV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Commissioners, or by any

Gas Pipes to
be laid at
least Four
Feet from
Water Pipes.

[Local.]

Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the said Town and Borough, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Entries, Passages, or Places, (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four at least); and that in laying down the said Gas Pipes the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Jointing with the other Pipe or Pipes to be connected therewith; and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds.

For preventing the Escape of Gas.

XXXVI. 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 by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall immediately after Notice given to them or him, by Parol or in Writing, of any such Escape of Gas from any Inhabitant or Inhabitants within the said Limits, 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 Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily

satisfactorily remove the Cause of Complaint, then and in every such Case the said acting Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each 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 or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid before some One or more Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or of the other Person or Persons as aforesaid.

XXXVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or to any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or shall wilfully or maliciously waste, or beyond his, her, or their Contract consume any of the Inflammable Air or Gas supplied by the said Commissioners, Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of One credible Witness before One or more Justice or Justices of the Peace, shall forfeit and pay to the said Commissioners, or to the Party or Person injured, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels, or such Offender shall or may be committed to the Common Gaol or House of Correction of the said County, as the Case may require, there to remain for any Time not exceeding Six Calendar Months.

Penalty on
damaging
Pipes.

XXXVIII. And be it further enacted, That it shall not be lawful for the said Commissioners, or any Person or Persons whomsoever, to carry or convey, or cause to be carried or conveyed, any Washings or Liquids, or any Lime, or other Ingredients, Matter, or Thing whatsoever, which shall arise or be made in manufacturing or preparing any Gas or Inflammable Air whatsoever, or in the Prosecution of any of the Gas Works, into the River *Stour*, or into any Pond, Ditch, Brook, or Canal, Sewer, Conduit, or other Place whatsoever, by which it may ultimately be carried or conveyed into the said River, or into any other Stream or Brook, or into any Pond, Ditch, Brook, Canal, Sewer, or Conduit.

Ingredients
used in ma-
nufacturing
Gas not to
be conveyed
to the River
Stour.

XXXIX. Provided always, and be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing,

Penalty for
conveying
Washings in-
to any Sewer,
Stream, &c.

furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or carry, 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 made in the Prosecution of the said Gas Works, into the River *Stour*, or into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Springhead, 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, Waterway, Feeder, Pond, or Springhead, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said acting Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be sued for and 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, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than one Imparlance shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be 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 flow in manner aforesaid, into the said River *Stour*, or into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, 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 whomsoever to the said Commissioners or any of them, or to the Company or Companies of Proprietors or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not within Twenty-four Hours after such Notice given stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Thing, 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids or Things, shall be so drained, conducted, or conveyed, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place,

place, shall have sustained any Annoyance, Injury, or Damage by any such Act done or committed.

XL. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of any Water Works within the said Town and Borough, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors or other the Owners or Proprietors of any Water Works, Well, or Pond, or the Party or Person using any such Water and suing for such Penalty; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said Company of Proprietors, or by other the Owners or Proprietors of any Water Works, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Party or Person as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, or to the Party or Person interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners, or Party or Person, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas

Commissioners, &c. to prevent Contamination of Water.

as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid, against the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company of Proprietors; or other the Owners or Proprietors of any Water Works, for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

For ascer-
taining if the
Water is con-
taminated.

XLI. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company, or other the Owners or Proprietors of any Water Works, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any

any of the Mains, Pipes, or Conduits of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Water Works, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

XLII. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend, to protect the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the said Commissioners, or of any such Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance, in respect of any Works, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing any such Gas Light, nor from Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

XLIII. And be it further enacted, That if any Person shall wilfully break, take away, throw down, displace, or otherwise destroy or damage any Lamp which shall be erected by Order of the said Commissioners, or by any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or by any other Person or Persons, for the Purpose of lighting any of the said Streets, Lanes, Entries, and other public Passages and Places, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall and may be lawful to and for any Justice of the Peace, and he is hereby required, upon Complaint to him made by One or more credible Witness or Witnesses of any such Offence having been committed, to summon the Party or Parties complained of for doing such Damage, and in case of his, her, or their making Default to appear to such Summons, Oath being made that the Party or Parties complained against had been served with such Summons, or that the same had been left at his, her, or their usual Place of Abode, if known, it shall be lawful for any Justice of the Peace, and he is hereby required to issue a Warrant for apprehending the Party

Penalty on wilfully breaking Lamps.

or

or Parties accused, or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace; and such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively forfeit and pay any Sum not exceeding Ten Pounds, and shall besides make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or to the Party injured, for the Damage so done; and in case such Offender or Offenders shall not, upon Conviction, forthwith pay such Penalty and Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

Penalty on negligently breaking Lamps.

XLIV. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Lamp, or the Post, Iron, Cover, or Furniture thereof respectively, and shall not upon Demand make Satisfaction for the Damage done, then and in every such Case it shall be lawful for any Justice of the Peace, and he is hereby required, upon Complaint thereof made, to summon before him the Party or Parties so complained of, and upon his, her, or their appearing, or making Default to appear, (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known,) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party, or the Oath of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against, for the Damage so done to the said Commissioners, or the Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby required, to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered.

Streets may be cleansed and watered.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Streets, Lanes, Roads, Passages, and other public Places within the said Town and Borough, to be cleansed and watered, at such Seasons and Times, as the said Commissioners shall direct.

Scavenger.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to purchase or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses,

Horses, and to nominate and appoint any Person or Persons for the Purpose of cleansing the several Streets, Lanes, Passages, and Places within the said Town and Borough, and of carrying away the Dust, Dirt, Filth, Rubbish, Cinders, or Ashes from any House or Houses, or other Premises within the same; or it shall be lawful for the said Commissioners to contract with any Person or Persons for cleansing the same, and for carrying away the Dust, Dirt, Cinders, or Ashes from any House or Houses, or other Premises within the same.

XLVII. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, public Passages and Places within the said Town and Borough, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall on such Days, and at or between such Hours as the said Commissioners shall from Time to Time appoint, sweep and collect together all Dust, Dirt, Filth, or Rubbish in such Streets, Lanes, public Passages and Places, and shall also bring or cause to be brought a Cart, or other proper Carriage, in such Streets, Lanes, or other Passages or Places where such Cart or other Carriage can pass; and such Person or Persons so employed by or contracting with the said Commissioners, shall immediately take the Dust, Dirt, Cinders, Rubbish, Ashes, and other Filth (except Filth from any Privy or Necessary House), from the respective Premises in such several Streets, Lanes, public Passages and Places, and put the same in 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 Five Pounds for every Offence or Neglect therein.

Scavenger's
Duty.

XLVIII. And be it further enacted, That the respective Occupiers of Houses or other Buildings, with the Yards, Gardens, Pleasure Grounds, and other Appurtenances, next adjoining the Streets, Lanes, Roads, and other public Passages and Places within the said Town and Borough, the Churchwardens and Chapelwardens of every Church or Chapel, or any One or more of them, the Owner or Owners and Proprietor or Proprietors of every dead Wall or other Fence and vacant Piece of Ground, (not used as Arable, Meadow, or Pasture Land only), 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 several Streets, Lanes, Roads, and other public Passages and Places within the said Town and Borough, shall and they are hereby required to cause to be well and sufficiently swept, scraped, and cleansed the Footways and Foot Pavements the whole Length of the Front of their respective Houses, Buildings, Churches, and Churchyards, Chapels and Chapelyards, dead Walls, vacant Pieces of Ground, Meeting Houses, Hospitals, Prisons,

Footways to
be swept.

[Local.]

Schools,

Schools, and other public Buildings, Tenements, Yards, Gardens, Pleasure Grounds, or other Hereditaments (except as aforesaid), and to the full Extent of the said Footways 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, Snow and Ice, to arise from such sweeping and cleansing, to be collected and put together (so as not to obstruct either the Carriage or Footway), in order that the same may be removed by the public Scavenger, or other Person to be employed for that Purpose; and every such Occupier or Person offending in any of such Cases shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Neglect.

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

XLIX. 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, Road, or other public Passage or Place within the said Town and Borough, by the Year or otherwise, 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.

Streets, &c. to be watched;

Watchmen &c. to be appointed.

L. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered from Time to Time, when and as they shall think it expedient, to cause the Streets, Lanes, Roads, Passages, and other public Places within the said Town and Borough, or such of them as they shall think fit, to be safely and properly watched; and for that Purpose to appoint a Constable of the Night, and such Number of able-bodied Men as they shall judge proper, to be employed as Watchmen and as a Patrol, and such Constable, Watchmen, and Patrol from Time to Time to remove, suspend, and displace, and to appoint others in their Stead; and to provide proper Watch Houses, Watch Boxes, Places, Materials, Apparatus, Arms, Matters and Things, for the Reception, Support, Protection, and Accommodation of such Constable, Watchmen, and Patrol, and for the safe Custody of such Persons as may be apprehended by them respectively while on Duty, and to pay to such Constable, Watchmen, or Patrol while on Duty, reasonable Wages and Allowances, and also to impose from Time to Time any Fine, not exceeding Five Pounds, on any Constable, Watchmen, or Patrol, for every Neglect or Misbehaviour, and to deduct the same out of his Wages, or otherwise to recover, levy, and apply such Fine in such Manner as any other Fine or Penalty is by this Act authorized and directed to be recovered, levied, and applied; and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient, for the better Government of the Constables, Watchmen, or Patrol to be appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and to give and allow, out of the Monies to be raised by virtue of this Act, such Rewards or Allowances as they shall think fit, to any Constables, Watchmen, or Patrol, or others, who may be disabled, or hurt, or wounded in the Execution of his or their Office or Duty.

LI. And

LI. And be it further enacted, That it shall be lawful for such Constable of the Night, Watchmen, or Patrol, or any of them, and they are hereby required, in their respective Stations, to exert themselves in the Prevention of Fires, Burglaries, Robberies, and other outrageous Disorders and Breaches of the Peace, and to apprehend and secure in some proper Place or Places of Security, to be for that Purpose appointed, all Felons, Malefactors, Rogues, Vagrants, Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes and Night-walkers, and all Persons who shall be found wandering and misbehaving themselves during the Hours of keeping Watch within the said Town and Borough, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace, to be examined and dealt with according to Law.

Duty of
Watchmen.

LII. And be it further enacted, That all such Constables, Watchmen, and Patrol, and their respective Substitutes or Deputies, and all Deputy or Assistant Constables, to be appointed as herein-after mentioned, shall be sworn in as Constables before any Justice or Justices of the Peace, and act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with, and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with, or have and enjoy by Law.

Watchmen,
&c. to be
sworn, and
vested with
Powers of
Constables.

LIII. And be it further enacted, That in case any Constable, or any of the Watchmen or Patrol, to be appointed by virtue of this Act, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for any One Justice of the Peace, upon Complaint against any such Constable, Watchmen, or Patrol, of any such Neglect or Misconduct, to commit any such Constable, Watchmen, or Patrol to the House of Correction for the said County for any Time not exceeding Three Calendar Months.

Watchmen,
&c. guilty of
Misconduct
liable to be
prosecuted
and punished.

LIV. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Ale or Spirituous or other Liquors, shall entertain or harbour in his or her House, Outhouse or other Premises, any Constable of the Night, Watchman, or Patrol, during any of the Hours or Times appointed for the Attendance on Duty of such Constable, Watchman, or Patrol by virtue of this Act, then every such Victualler or other Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Penalty on
Persons
harbouring
Watchmen.

LV. And be it further enacted, That it shall be lawful for any Three or other Number of the Commissioners, although not assembled at a Meeting (who shall be appointed a Committee or Committees for the Purpose by the Commissioners assembled at any Meeting or Meetings to be held in pursuance of this Act), to suspend, remove, appoint, and order the Constable of the Night, Watchmen, and Patrol, or any of them, as Occasion may from Time to Time require, between the Times of holding the Meetings of the said Commissioners, and to regulate and manage the Duties and Offices of such Constable, Watchman, and Patrol; and it shall be lawful for any such Committee of Commissioners to provide for the occasional Absence of any such Constable, Watchman, or Patrol, to provide or procure any approved Substitute for any limited Time as such

Power of
Committee
for regulating
Watchmen,
&c.

such Committee of Commissioners (subject as aforesaid) shall from Time to Time think proper, and every such Substitute shall be subject to the same Provisions and Regulations as if he had been appointed a Constable of the Night, Watchman, or Patrol, at a Meeting of the Commissioners for executing this Act, and shall have the same Protection in the Exercise of his Duty.

Commissioners may appoint Assistant Constables.

LVI. 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, when and as often as they shall think it expedient, or Occasion shall require, by Writing under their Hands, to appoint One or more suitable and proper Person or Persons to be the Deputy or Assistant Constable or Constables within and for the said Town and Borough, for so long a Time, and in such Manner, and with such Salary or Salaries as the said Commissioners shall from Time to Time authorize and direct, such Salaries to be paid out of the Rates herein-after mentioned; and it shall be lawful for the said Commissioners from Time to Time to dismiss, suspend, or remove any such Deputy or Assistant Constable or Constables, and appoint another or others in like Manner in his or their Stead, which said Deputy or Assistant Constables shall, before they enter upon Office, be sworn before any One, or more of His Majesty's Justices of the Peace well and truly to execute the same.

For improving the Town, Commissioners may agree with Proprietors of Buildings for their Removal or Re-erection, &c.

LVII. And for the Purpose of improving the said Town and Borough, and widening the said Streets, Roads, Passages, and public Places, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby authorized and empowered to enter into any Agreement relative to the Line or Direction, or Mode of erecting, altering, or building any Houses, Edifices, or Buildings, fronting or adjoining or near any of the present or future Streets, Lanes, Roads, Highways, Passages, and public Places in the said Town, or to any Alterations or Change of the Line or Direction in which any old Houses or Buildings now stand, or relative to any Projections or other Changes thereof, with the Owners or Proprietors thereof, and to make or give such Compensation or Satisfaction for any Injury, Loss, or Damage which any such Owners or Proprietors may sustain by acceding to any such Plan of Improvement, as any Five or more of the said Commissioners shall think reasonable for the Object or Purposes of Improvement to be thereby obtained, and to pay such Compensation or Satisfaction out of any Monies to be raised by virtue of this Act, so as that in any one Instance the Compensation or Satisfaction shall not exceed the Sum of Two hundred Pounds.

Regulation as to building Fronts of Houses in the Town.

LVIII. And be it further enacted, That all Houses and Buildings in any of the present or future Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town and Borough, which hereafter shall be erected or built, or new-fronted or rebuilt, shall be made to rise perpendicularly from the Foundations thereof; and no Part of the Front of any ancient House or Building within any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places, which shall hereafter be new-fronted, nor any Part of the Front of any new House or Building which shall hereafter be rebuilt upon the Site of any ancient House or Building in any of the said present or future Streets, Lanes, Roads,

Roads, Highways, Passages, or public Places, shall on any Pretence whatsoever be brought forwards beyond the old Foundation without the Consent of the said Commissioners; and if any Person or Persons shall at any Time hereafter erect or build, or new-front or rebuild, or cause to be erected or built, or new-fronted or rebuilt, any House or other Building in the said present or future Streets, Lanes, Roads, Highways, Passages, or public Places, or any of them, in any other Manner than so as to rise perpendicularly from the Foundation thereof, or so that any Part of the Front thereof shall be brought forward beyond the old Foundation of any such ancient House or Building as aforesaid, or nearer than Six Yards from the Centre of any new Street or Road which shall hereafter be laid out or made in the said Town and Borough, then and in every such Case such House or Building shall be deemed an Encroachment, Nuisance, and Annoyance within the Intent and Meaning of this Act, and it shall be lawful for the said Commissioners to cause the same House or Building so erected, new-fronted, or rebuilt, or so much of the Front thereof as shall have been so erected, new-fronted, or rebuilt, contrary to the Directions of this Act, to be pulled down and removed by any Person or Persons who shall be directed so to do by an Order in Writing signed by Five or more of the said Commissioners, and the Costs and Charges of pulling down and removing the same shall be paid and reimbursed to the said Commissioners by the Owner or Owners of such House or Building; and in default of Payment thereof within Fourteen Days next after Demand in Writing, made in that Behalf by the Clerk or Clerks to the said Commissioners, the same having been ascertained by some Justice or Justices of the Peace, shall and may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received, the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the general Purposes of this Act.

LIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all and every or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, and other Obstructions and Projections whatsoever, and of what Nature or Kind soever, which are already erected, affixed, set up, laid down, or being against or in front of or belonging to any Houses or other Buildings whatsoever, in any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town and Borough, which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into, or encroaching upon, or otherwise obstructing, annoying, or endangering the public Passage along any of the aforesaid Streets, Lanes, Roads, Highways, Passages, or other public Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed by the said Commissioners, or any other Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners; and also from Time to Time to pull down and remove, or cause to be pulled down and removed, all or any Posts, Rails, Pales, Trees, or Fences, in or near the Streets, Lanes, Roads, Highways, Passages, or public Places, or any of them, within the said Borough, as they the said Commissioners shall

Projections,
&c. to be re-
moved by
Commis-
sioners.

judge useless; or to be a Nuisance or Obstruction to Passengers, Horses, or Carriages, they the said Commissioners nevertheless first causing Fourteen Days Notice in Writing, under the Hands of Five or more of the said Commissioners, to be given to the respective Owners or Occupiers of such Houses or other Buildings, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in effecting every such Removal or Alteration as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same.

Future Projections removed by Occupiers.

LX. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Highways, or other public Places within the said Town and Borough, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, and other Obstructions and Projections which shall in future be erected, set up, affixed, laid down, or be against, or in front of, or belonging to their respective Houses or other Buildings, which, in the Judgment of the said Commissioners, shall be considered public Annoyances or Nuisances by reason of their projecting into, or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town and Borough, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Buildings as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Fence, Step, Cellar Window, Hatchway, Frontstead, Court Yard, or other Projection or Obstruction whatsoever, which shall in future be so erected, set up, affixed, laid down, or be against, or in front of, or belonging to his or her House or other Building, and which shall be considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person or Persons acting under their Authority, and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or Building, being a Tenant at Rack-Rent, and having either paid such Costs and Charges in the First Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Landlord of every such House or other Building so held at Rack-Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction,

Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

LXI. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town and Borough, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing signed by any Five or more of the said Commissioners, to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Show-boards, Butchers Hooks, Spouts, and Water Pipes, which now are or hereafter shall be in anywise affixed or set up, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into, or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, Passages, or public Places within the said Town and Borough, to be taken down, removed, and carried away, or otherwise altered or reformed in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Stall, Block, Bulk, Shew-board, Butcher's Hook, Spout or Water Pipe, which shall be so considered an Annoyance or Nuisance as aforesaid, to be taken down, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person or Persons acting under their Authority, and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building, in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the First Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Landlord of such House or other Building so held at Rack Rent, is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Costs and Expences of altering or removing the same.

LXII. And be it further enacted, That the said Commissioners shall or may cause to be painted, engraved, or otherwise described and placed, on a conspicuous Part or Parts of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Lane, Road, Passage, or other public Place within the said Town and Borough, the Name by which such Street, Lane, Passage, or other public Place now is or shall be called or known, and shall and may also cause every House and Building in the several Streets, Lanes, Roads,

Signs, &c.
to be re-
moved by
Occupiers.

of the Town
to be reformed

the words
of the Act
shall be

Names of
Streets and
Numbers of
Houses to be
put up.

Roads, Passages, and other public Places in the said Borough, to be marked and numbered with Figures, either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same, and from Time to Time vary the same Numbers and Figures as Occasion may require; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners first obtained, alter any such Name, Number, or Figures, or any Part thereof, or cause or procure the same to be so done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Numbers to
be renewed.

LXIII. And be it further enacted, That when any such Numbers or Figures, painted or placed on any House or other Building within the said Town and Borough, or on the Door thereof, shall by Accident, Decay or otherwise be defaced or rubbed out, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given in that Behalf, signed by the Clerk or Clerks to the said Commissioners, cause the same Numbers or Figures to be painted or placed on such House or other Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Occupier shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Doors and
Gates to
open inwards.

LXIV. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, and Gardens within the said Town and Borough, and every of them, are hereby respectively authorized and required, at their own Costs and Charges, within Twenty-one Days next after receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, or by their Clerk for the Time being, to cause all such of the Doors and Gates leading into the several Houses, Buildings, Yards, and Gardens, in their respective Occupations (and not being Cellar Doors or Trap Doors which now do or shall hereafter open outwards upon or over any Footpath in any of the Streets, Lanes, Roads, Passages, and other public Places), and all Gates or Bars which do or shall open outwards upon or over any Highway, Footpath, or public Road within the said Town and Borough, to be altered, so as that the same Doors or Gates shall thenceforward open inwards or into their respective Premises, or so as to cause no Obstruction to the public Passage; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door or Gate within the Period specified in such Notice, such Occupier making Default therein shall forfeit and pay the Sum of Two Shillings a Day for every Day during which any such Gate or Door shall be suffered to remain opening outwards as aforesaid, after the Expiration of the Time specified in such Notice; provided nevertheless, that when the Occupier of any such House, Building, Yard, and Garden, being a Tenant at Rack Rent, shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him or her to deduct and retain out of his or her Rent the necessary Charges of altering the same, and the Proprietor or Landlord of every such House, Building, Yard, Garden, or Land so held at Rack Rent, is hereby required to allow the same accordingly, except only in Cases where such Door or Gate opening outwards and so altered shall have been

been originally put up by or under the Authority of the Person or Persons occupying the Premises at the Time the Alteration is made, in which Case such Occupier shall bear the Expence of altering the same; and provided also, that it shall be lawful for the said Commissioners to allow to such Occupier or such Proprietor all or any Part of the Expence of making any such Alteration, if the said Commissioners shall think it reasonable so to do.

LXV. And be it further enacted, That where any Opening is now or may hereafter be made in the Paving or Flagging of any of the said Streets, Lanes, Entries, or other public Passages and Places, as an Entrance into, or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of carrying Light into any Room or Cellar, or for any other Purpose, the Door, Lid or Lids, Flap or Flaps, Covering or Grating to such Opening shall be made (at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate) of Iron or such other Materials, and of such Dimensions, and in such Manner and Form as the said Commissioners shall direct and approve of; and every such Door, Lid, Flap, Grating, or Covering shall from Time to Time be repaired, varied, and altered at the Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person or Persons shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering, contrary to such Direction or Appointment as aforesaid, or shall cause or permit the same to be or remain not sufficiently secured or fastened, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover within the said Limits, to be left open at any Time between Sun-setting and Sun-rising on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, so as to prevent Accidents from happening, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Regulating
Cellar Doors
or Flaps.

LXVI. And for the greater Safety of the Inhabitants of the said Borough from Danger by Fire, be it further enacted, That no Person or Persons whomsoever shall at any Time hereafter cover any House or other Building within the said Borough, other than the Houses or Buildings now covered, either wholly or in part with any Straw or Thatch, nor shall renew or repair the Covering of any such House or other Building, other than as aforesaid, either wholly or in part with any Straw or Thatch, nor shall cause or procure any such House or Building, other than as aforesaid, to be so covered, or the Covering of any such House or Building, other than as aforesaid, to be renewed or repaired with such Materials, under pain of forfeiting and paying for every such Offence the Sum of Five Pounds; and it shall also be lawful for the said Commissioners to order and cause any Straw or Thatch which shall be placed on any House or Building, other than as aforesaid, within the said Borough, contrary to the Provisions aforesaid, to be taken down and removed at such Time and in such Manner as to them shall seem meet, and the same shall and may accordingly be taken down and removed by any Person or Persons authorized or employed by the said Commissioners or their Surveyor for such Purpose, without any previous Notice given to the Owner or Occu-

To prevent
covering
Houses with
Thatch.

[Local.]

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pier

pier of such House or other Building, and without such Person or Persons so authorized or employed being deemed a Trespasser or Trespassers, or being liable to any Action, Indictment, or other Proceeding at Law, for or by reason of taking down or removing the same.

Water from
Roofs of
Houses to be
carried off
by Spouts
and Pipes.

LXVII. And be it further enacted, That the Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building next the Street, shall within Twenty-one Days next after Service of any Order or Direction for the Purpose, signed by Five or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place, and for ever afterwards keep in Repair and Condition, a Spout or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building, in such a Manner that such Water shall pass underneath the Flagging, Foot Pavement, or Footway, into the common Channel, and so as not to fall upon or incommode the Persons passing over or along any Footpath; and every Tenant or Occupier at Rack Rent of any such House or other Building, who shall put up or place any such Spout, Trough, Pipe, or Trunk, or keep the same in Repair, shall be entitled to deduct and retain, out of the Rent payable to the Owner or Proprietor, or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in Repair any such Spout, Trough, Pipe, or Trunk, and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them, by the Owner or Owners, or Proprietor or Proprietors of such House or Building, out of such Rent; and if any such Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers, shall, for the Space of Twenty-one Days after Service as aforesaid of any such Order or Direction, neglect to put up or place, or neglect to repair any Spout, Trough, Pipe, or Trunk as aforesaid, then and in any and in every such Case it shall be lawful for the said Commissioners to cause any such Spout, Trough, Pipe, and Trunk to be put up or placed against any such House or Building at the Expence of the Owner or Proprietor thereof; and in case any such Owner or Proprietor shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied and recovered.

Preventing
Injury to
Chapels, &c.

LXVIII. And be it further enacted, That if any Person or Persons whomsoever shall injure, damage, or deface any Pillar, Door, Window, or other Part of any Church, Chapel, Public School, Dwelling House, Wall, or other Building whatever within the said Borough, or any Tomb, Monumental Stone, or Inscription in any Churchyard or Burial Ground, or shall fix up any Bills or Papers (other than such Notices as may be directed by Parliament, or other competent Authority), against any of the aforesaid Walls or Edifices, or any Parts thereof, or shall write with Chalk, or any other Matter thereupon, or shall play at Ball or Fives upon or against the same, or shall deposit any Filth, or commit any
Nuisance

Nuisance upon, in, about, or against any of the aforesaid Edifices, or any Parts thereof, or in or about any such Churchyard, Burial Ground, Dwelling House, Wall, or other Building, then and in any of the said Cases every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

LXIX. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said Town and Borough, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever; or roll any Cask or Tub, other than for the necessary loading or unloading thereof, unto, upon, from, or out of any Carriage or Cart; or wilfully ride, lead, or drive any Horse, or other Beast or Cattle whatever, on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle, which such Person may be riding, driving, or leading, to go thereon, or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements; or set any Cask, Tub, Pail, Bucket, Stool, Bench, or Stall on or in the said Footway or Foot Pavement; or erect, set up, put, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, so as in any way to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall in any Street, Lane, Highway, public Passage or Place within the said Town and Borough, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose), or wet, slack, or mix any Lime, or wet, mix, or make any Mortar, or shoe, bleed, or farry any Horse or other Beast, (unless in case of sudden Accident), or clean, dress, drive, or turn loose any Horse or other Beast or Cattle, or shew or expose any Stallion or Stone Horse (except only in such Place as the said Commissioners shall direct), or shew or expose, or exercise or expose to sale any Horse or other Beast, or kill or slaughter, or scald, singe, dress, or cut up any Animal either wholly or in part, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shamble, into the Streets, or any of them; or shall hang up, place, or expose to Sale, or cause or permit to be hanged up, placed, or exposed to Sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing, in or upon, or so as to project over, or upon the Footway or Carriageway of any such Streets, Highways, public Passages or Places, or beyond the Line of the House, or on the Outside thereof, or of the Window or Windows of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or leave open after Sun-set the Door or Window of any Cellar or underground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Lanes, and public Places of the said Town or Borough, from falling into such Cellars or other underground Rooms or Apartments; or bait or

For prevent-
ing various
Nuisances,
Annoyances,
and Obstruc-
tions.

cause

cause to be baited any Bull or other Animal, or throw at any Cock or Fowl in the Manner called Cock-throwing, or set up any Cock or Fowl to be thrown at in such Manner, or play at Football, or at any other Game; or shall bathe in the River *Stour*, or in any other River, Brook, or Water within the said Borough, after Eight of the Clock in the Morning, or dress or undress on the Bank or Side or on the Banks or Sides of the said River *Stour*, or of any other River, Brook, or Water within the said Borough, so as to expose his or their Person or Persons, or shall within the Limits aforesaid indecently expose his or their Person or Persons, to the Annoyance of any Passenger or Passengers, Inhabitant or Inhabitants; or shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass, or Window Panes or Windows, in or belonging to any Dwelling House or Building; or if any Blacksmith or other Person occupying a Blacksmith's Shop near any Street, Lane, Highway, or public Passage, and having a Window or Windows fronting the same, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Street, Lane, Highway, or public Passage; or cause, make, or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire Arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or shall occasion any other kind of Obstruction or Annoyance in or upon any such Street, Lane, public Passage or Place, or shall obstruct or incommode, hinder, or prevent the free Passage of any Footway or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon, within the said Town and Borough; then and in every such Case every Person so offending shall forfeit and pay for each and every Offence any Sum not exceeding Five Pounds; and it shall and may be lawful to and for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or Justices of the Peace, in order to his, her, or their Conviction of such Offence: Provided nevertheless, that nothing herein contained shall extend or be construed to extend so as to prevent or hinder any Person or Persons from selling or exposing to sale any Horse (except Stallions), Beast, Cattle, Sheep, or Swine, or placing any Stall, Booth, Stool, Bench, or Form for the Sale of Goods or Wares, or from exposing to sale any Meat, Poultry, Vegetables, Fruit; or any other Matter or Thing, in any Market Place within the said Town and Borough, or in the usual Place of holding the annual Fairs, on the usual Days of such Market or Fairs.

Obstructions,
&c. not to be
left in
Streets.

LXX. And be it further enacted, That if after the passing of this Act any Waggon, Cart, Dray, or other Carriage shall be left to stand or remain in or upon any Street, Lane, Highway, public Passage or Place within the said Town and Borough, with or without Horses or other Cattle, for any Time longer than shall be necessary for unloading or loading thereof (except on Market Days or Fair Days, and then in such Places only, and under and subject to such Orders, Rules, and Regulations, as the said Commissioners shall from Time to Time appoint, make, establish, and direct); or if any Timber, Bricks, Lime, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandize,

Merchandize, or other Materials or Things whatsoever, shall be laid or placed, or left to remain in or upon any of the said Streets, Lanes, Highways, public Passages or Places, or on the Sides thereof, for any longer Time than shall be necessary for moving or housing the same, or if any Glass or Earthenware, Ashes, (save and except Ashes or other Matter for the Purpose of preventing Passengers from slipping in the Time of Frost), Rubbish, Dust, Dirt, Dung, Filth, Water, or any other Nuisance or Annoyance whatsoever, shall be wilfully thrown or cast into, or laid in or upon any of the said Streets, Lanes, Highways, public Passages or Places, then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, or other Carriage, and the Owner of any such Timber, Bricks, Lime, Goods, Wares, or Merchandize, Materials, or other Things, which shall be so left or suffered to remain in or upon any of the said Streets, Lanes, Highways, public Passages or Places, and the Person or Persons who shall wilfully throw, cast, or lay, or cause to be thrown, cast, or laid, or from whose House shall be wilfully thrown, cast, or laid, any Glass or Earthenware, Ashes (save and except as aforesaid), Rubbish, Dust, Dirt, Dung, Filth, Water, or any other Nuisance or Annoyance, into or upon any of the said Streets, Lanes, Highways, public Passages or Places, shall for every Offence, for any One of the Cases aforesaid, forfeit and pay any Sum not exceeding Forty Shillings: Provided nevertheless, that no Person shall be subject to any Penalty by virtue of this Act for or on account of any Building Materials, Rubbish, or Dirt being in or upon any of the Streets, Lanes, Highways, public Passages or Places before the House or Tenement of such Person, occasioned by the building or pulling down, rebuilding or repairing of such House or Tenement, so as such Rubbish and Dirt or Building Materials be inclosed within some Fence effectually made for the Purpose of preventing Accidents to Passengers passing and repassing, and so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, by the Person laying or occasioning such Building Materials, Rubbish, and Dirt, to be removed out of such Lane, Street, public Passage or Place, within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice to be given to him or her, or left at such House or Tenement for such Purpose, in Writing, signed by the Clerk to the said Commissioners:

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LXXI. And be it further enacted, That if any Driver of any Cart, Car, Dray, or Waggon, shall ride upon any such Carriage in any Street, Lane, Highway, public Passage or Place within the said Town and Borough, not having some other Person on Foot or on Horseback to guide the same, (such Carriages as are usually conducted by some Person holding the Rein of the Horse or Horses drawing the same excepted); or if the Driver of any Stage Coach or other Carriage whatsoever shall in any such Street, Lane, Highway, public Passage or Place, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing, or shall wilfully be at such Distance from such Carriage or Coach whilst it shall be passing in any such Street, Lane, Highway, public Passage or Place, that he cannot have the Direction and Government of the Horse or Horses, or other Cattle drawing the same; or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects, in any such Street, Lane, Highway, public Passage or Place; or if the Driver

Drivers of
Carriages
punishable
for Misbehaviour.

of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage, then and in every such Case every such Driver so offending, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, in case the Driver shall not be the Owner of the said Carriage, and in case such Driver be the Owner of such Carriage, then any Sum not exceeding Forty Shillings; and every such Driver offending in any of the said Cases shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and it shall and may be lawful to and for the Person or Persons so apprehending such Driver, to convey such Driver, or cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace to be dealt with according to Law; and if such Driver in any of the Cases aforesaid shall refuse to disclose his Name, it shall and may be lawful to and for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to any House of Correction for the said County for any Time not exceeding Three Calendar Months, or to proceed against any such Offender for the Penalty aforesaid, by a Description of his Person and the Offence, and expressing in such Proceedings that the said Driver refused to disclose his Name.

Regulations
as to Night
Soil.

LXXII. And be it further enacted, That if any Person or Persons shall begin to empty any Privy, or take or carry away any Night Soil, or bring or place any Carts for removing the same from any House, Building, or Place within the said Town and Borough, before the Hour of Eleven in the Night, or shall continue to remove the same after the Hour of Five in the Morning, or shall at any Time negligently spill or put or cast any Night Soil out of any Cart, Tub, or otherwise, in or over any of the said Streets, Lanes, Highways, or other public Passages or Places, or in any respect improperly, carelessly, or negligently remove the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to
purchase
Buildings,
&c.

LXXIII. 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 treat, contract, and agree with any Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant or Tenants for Life, or in Fee Tail General or Special, or with any Feoffees in Trust, Husbonds, Guardians, Committees of Lunatics or Idiots, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Rights, or with any other the Owners or Proprietors for the Time being of all or any Messuages, Buildings, Lands, Tenements, and Hereditaments situated within the said Town and Borough, for the absolute Purchase thereof, or any of them, or any Part or Parts thereof, which

the said Commissioners shall consider necessary to be purchased for effecting the Purposes of this Act; and from Time to Time to purchase the same, or any of them, or any Part or Parts thereof, at such Price or Prices as shall be considered just and reasonable by the said Commissioners.

LXXIV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right, and for all and every other Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments, situated within the said Town and Borough, which the said Commissioners shall consider necessary to be purchased for the Purposes of this Act, to contract and agree with the said Commissioners for the absolute Sale thereof, or of any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Commissioners for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Assurances in the Law whatsoever, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever, of their several Cestuique Trusts, and all Persons whomsoever claiming, or having Title to claim, by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them, or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Corporations, &c. empowered to sell.

LXXV. And be it further enacted, That all Sales, Conveyances, and Assurances, to be made to the said Commissioners, of any Messuages, Buildings, Lands, Tenements, and Hereditaments, by virtue of this Act, may be made in the Form or to the Effect following; (that is to say,)

I [or we, as the Case may be,] in consideration of the Sum of

of

paid to me [or to us,

Form of Conveyance.

us, or into the Bank of *England, as the Case may be*], by the Commissioners acting under the Authority of an Act passed in the Sixth Year of the Reign of King *George the Fourth*, intituled [*here insert the Title of this Act*], do hereby grant and convey unto the said Commissioners all [*here describe the Premises to be conveyed*], and all my [*or our*] Right, Title, and Interest in and to the same; to hold the same for the Uses and Purposes of the said Act unto the said Commissioners and their Successors from thenceforth for ever. In witness whereof I [*or we*] have hereunto set my Hand and Seal, [*or our Hands and Seals, or our Common Seal, as the Case may require*], this Day of _____ in the Year of our Lord _____

Conveyance to be effectual.

And every such Sale, Conveyance, and Assurance so made in manner aforesaid, shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Lands, Tenements, or Hereditaments, so purchased and conveyed as aforesaid, in the said Commissioners for the Time being, for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

Juries to assess Re-compence in certain Cases.

LXXVI. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, or any Tenant or Tenants for Life or in Fee Tail, General or Special, or any Feoffees in Trust, Husbands, Guardians, Committees, or Trustees, or any other Owners, Proprietors, or Occupiers, or other Person or Persons whomsoever, either seised, possessed, or interested in his, her, or their own Right, or acting on the Behalf of any incapacitated Party or Parties, so seised, possessed, or interested of or in any of the Messuages, Buildings, Lands, Tenements, or Hereditaments situated within the said Town and Borough, which the said Commissioners are enabled by this Act to purchase, shall neglect or refuse to treat with the said Commissioners for the Sale of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or shall be prevented by Absence or otherwise from treating for such Sale, or shall decline or refuse to sell, convey, and dispose of the said Premises, or any Part or Parts thereof, or their respective Estates, Rights, or Interest therein, unto the said Commissioners, according to the Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the said Premises, or to the Estates, Rights, or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Controversy shall arise between the said Commissioners and such Party or Parties touching any of the aforesaid Premises, then and in every such Case the said Commissioners are hereby empowered and authorized, before any General or Quarter Sessions of the Peace to be holden for the said County of *Suffolk*, to give or cause to be given to such Owner or Owners, or the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to leave or cause to be left at the House of the Tenant in Possession, Thirty Days Notice in Writing, signed by their Clerk, denoting and particularly describing the Lands, Buildings, Houses, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Sessions, or any Adjournment thereof; and the Justices at such Sessions, or at any Adjournment thereof, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Grand Jury at

at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to assess the Value of the said Lands, Buildings, Houses, Tenements, or other Hereditaments comprised in the Notice so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, according to their respective Interests therein, and to which said Jury the said Commissioners, and all Persons interested in the said Lands, Buildings, Houses, Tenements, or other Hereditaments, shall have their lawful Challenges; and the Jury being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Lands, Houses, Buildings, Tenements, or other Hereditaments so to be sold and conveyed as aforesaid, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive to the said Commissioners, and to all Person and Persons interested in the said Lands, Buildings, Houses, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the said Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said County, and the same or true Copies thereof shall be taken to be good and effectual Evidence and Proofs in any Court of Law or Equity whatsoever; and all Persons may have recourse to the same *gratis*, and take Copies thereof, paying Sixpence for every One hundred Words, and so in proportion for any greater or less Number of Words.

LXXVII. Provided also, and be it further enacted, That the Powers and Authorities hereby given to the said Commissioners shall not extend or be construed to extend to authorize or empower the said Commissioners to take and use, for any of the Purposes of this Act, any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever (except Land which may be required for the Purpose of widening any Road or Roads), without the several Consents in Writing of the respective Owners or Proprietors thereof in that Behalf previously had and obtained, save and except only the several Dwelling Houses, Buildings, and Hereditaments which are described and comprehended in the Schedule annexed to this Act.

Compulsory Purchases confined to Property in Schedule.

LXXVIII. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owner or Owners, Leaseholder or Leaseholders thereof, or any other Person or Persons interested therein, or in any Part thereof, shall happen by Mistake to be misnamed or incorrectly described, then and in such Case, on the same being certified by any Two of His Majesty's Justices of the Peace, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased, sold, assessed, and valued in manner as in this Act mentioned; and afterwards conveyed, disposed of, and applied for and to the Purposes of this

Misnomers or wrong Descriptions in Schedules not to prevent the Execution of the Act.

Act, as fully and effectually as if the same was or were properly named and described in the said Schedule hereunto annexed.

Commissioners restrained from using Dwelling Houses, &c. mentioned in Schedule, unless purchased in Five Years.

LXXIX. Provided also, and be it further enacted, That in case the said Commissioners shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Expences of Jury how to be paid.

LXXX. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Commissioners, for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and of taking such Inquest, and the Expence of Witnesses, shall be defrayed by the said Commissioners, and such Costs and Expences shall be settled and determined by some Justice of the Peace not interested in the Matter in question, (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed, after summoning the Parties therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same, within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners, or of the Treasurer of the said Commissioners (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Commissioners, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case one Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Commissioners; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in foreign Parts, or from
any

any other Causes or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the Whole of such Charges and Expences shall be borne and paid by the said Commissioners.

LXXXI. And be it further enacted, That from and immediately after actual Payment being made of the Monies contracted and agreed or otherwise awarded, to be paid by the said Commissioners, as the Purchase Money or Recompence for any Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased or taken by the said Commissioners, by virtue and in pursuance of this Act, either to the Person or Persons or Party or Parties respectively, entitled to receive the same Monies, or (where the Provisions of this Act shall so require or allow) into the Bank of *England*, for the Purpose of being disposed of in the Manner herein-after directed, within Three Calendar Months after such Monies shall have been so contracted, agreed for, or awarded as aforesaid, all and every the said Messuages, Buildings, Lands, Tenements, or Hereditaments, for and in respect of which such Monies shall have been so paid, shall absolutely vest in the said Commissioners for the Purposes of this Act, and the said Commissioners for the Time being shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes, freed and discharged of, and from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Property purchased to vest in Commissioners.

LXXXII. And be it further enacted, That all Tenants or Persons in Possession of any Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall or may in pursuance of this Act be purchased by the said Commissioners, or vested in them for any of the Purposes aforesaid, who shall have no greater Estate in the Premises than as Tenants at Will, or Lessees for a Year, or from Year to Year, or for a Term of Years at Rack Rent, shall at the End of Six Calendar Months, after Notice in Writing for that Purpose under the Hand of the Clerk of the said Commissioners shall have been given to them, or left at their usual or last Places of Abode, or at the Premises which shall be the Subject of such Notice, and all other Tenants or Persons in Possession of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, who shall have any greater Leasehold Estate or Interest in the said Premises than as aforesaid, or who by reason of any Erections or lasting Improvements made, or otherwise, shall have any equitable Claim or Interest in or upon the said Premises, shall also at the End of Six Calendar Months after the like Notice so given or left as aforesaid, and upon Payment or Tender being made to them of such Recompence or Satisfaction for their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall in default of such Agreement be settled, ascertained, and awarded by the Verdict or Inquisition of a Jury, in the like Manner as aforesaid, (and to which all the Provisions herein-before contained as to other Inquisitions shall be held to apply), quit and relinquish the said several Premises, so in their respective Possession unto the said Commissioners, or such Person or Persons as shall be appointed by them to receive Possession of the same; and all Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Tenants or Lessees shall hold the said Premises, shall at and from the End and

Tenants to deliver Possession after Notice.

Expiration

Expiration of such Six Calendar Months be absolutely void and of none Effect as against the said Commissioners; and if any such Tenant or Lessee as aforesaid shall refuse or neglect to deliver up the Premises in his or her Possession at the Expiration of such Six Calendar Months, it shall be lawful for any Justice of the Peace to issue his Precept or Warrant to the Constables of the said Town and Borough for the Time being, or any of them, commanding and requiring such Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same on behalf of the said Commissioners; and the said Constables, and every of them, are thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Power to
pull down
Buildings
purchased.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Messuages and other Buildings, or Parts of Messuages and Buildings, which shall at any Time be purchased or taken by the said Commissioners under the Powers and for the Purposes of this Act, or any of them, or any Part or Parts thereof, to be appropriated to any of the Purposes of this Act, or otherwise to be taken down and removed, and to cause all or any Part or Parts of the Sites thereof, and any other Land or Ground to be purchased or taken under the Powers and for the Purposes of this Act, to be added or laid to, or into, and made Part of any of the Streets, Lanes, Roads, Passages, or other public Places within the said Borough, for the Purposes of widening or improving the same from Time to Time, and in such Manner as the said Commissioners shall judge proper; and all the Land or Ground which shall be so added or laid to or into any Streets, Lanes, Roads, Passages, or other public Places within the said Borough, shall at all Times thereafter be deemed and used as Part of the public Highways of the said Town and Borough; and that it shall be lawful for the said Commissioners to cause all or any of the Materials of the several Messuages or other Buildings, or Parts of Messuages or Buildings, which shall be taken down in pursuance of this Act, to be sold; and all the Monies to be produced by the Sale thereof (after deducting the Expences of taking down such Buildings and of such Sale) shall be applied and disposed of for or towards the general Purposes of this Act.

Power to re-
sell Premises
not wanted.

LXXXIV. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of so many or such Part or Parts of the Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased by or vested in them by virtue of the Powers herein contained, as shall at any Time be found to be unnecessary or more than sufficient for the Purposes of this Act; and for completing and carrying any such Sale or Sales into Effect, the said Commissioners, or any Five or more of them, are hereby authorized and empowered to make and execute any Conveyance or Conveyances of such of the said Premises as shall have been so sold or disposed of, unto the Purchaser or Purchasers thereof; and such Conveyance or Conveyances shall in all Cases be deemed sufficient in the Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyance or Conveyances in the Purchaser or Purchasers thereof, and his, her, or their respective Heirs and Assigns: Provided always, that the Person or Persons who is or are
or

or who shall be the Owner or Owners of the adjoining Premises at the Time when the same were purchased or taken by the said Commissioners for the Purposes of this Act, shall have the First Preference of purchasing such Part or Parts of the said Premises as shall be found unnecessary aforesaid; and in case any such Owner or Owners of such adjoining Premises shall, upon the same being offered to him or them by the said Commissioners in that Behalf, decline or refuse to purchase the same, then and in every such Case, an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery, by some Person or Persons (not interested in the Premises), stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Owner or Owners of such adjoining Premises declined or refused to purchase the same Premises, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was declined or refused by such Owner or Owners; but in case such Owner or Owners of the adjoining Premises shall be desirous of re-purchasing the same, and cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by a Jury, in like Manner as the Recompence or Satisfaction for any Hereditaments to be taken by the said Commissioners for the Purposes of this Act is herein-before directed to be settled and ascertained; and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like Manner as is herein-before directed with respect to Purchases made by the said Commissioners; and all Monies to arise by any Sale or Sales which may be made by the said Commissioners of the said Premises, or any Part or Parts thereof, shall be applied to the general Purposes of this Act; but the Purchaser or Purchasers thereof, having paid his or their Purchase Monies to the Treasurer of the said Commissioners, and obtained his Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Nonapplication of the same.

LXXXV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court,*

Application of Compensation Money, if amounting to 200l.

1 G. 4. c. 35.

and for other Purposes, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain, until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less
than 200l.
and amount-
ing to 20l.

LXXXVI. Provided always, and be it further enacted, That if any Money, so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, or any Five or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of

the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Five or more of the Commissioners for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

LXXXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Where under
201.

LXXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of
not making
out a good
Title, or if
Persons can-
not be found,
the Purchase
Money to be
paid into the
Bank.

LXXXIX. Pro-

In case of
disputed
Titles.

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

Court may
order reason-
able Ex-
pences to be
paid by Com-
missioners.

XC. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Rates, how
fixed.

XCI. And for raising Money for defraying the Expences attending the obtaining and passing of this Act, and carrying into Execution the several Purposes thereof, be it further enacted, That the said Commissioners shall, and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make One or more Rate or Rates, Assessment or Assessments, in every Year, to be signed by the said Commissioners, upon the Tenants or Occupiers of Dwelling Houses, Shops, Workshops, Water and Wind Corn Mills, and other Mills, Warehouses, Factories, Coach Houses, Stables, and other Buildings, Cellars and Vaults, and upon the several Gardens, Yards, Pleasure Grounds, Pastures and Orchards thereto belonging, and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments, within the said Town and Borough, according to the annual Value thereof

thereof respectively, as estimated from Time to Time in the Rate or respective Rates for the Relief of the Poor of the said Town and Borough, so as the same do not exceed in the Whole in any One Year the several Sums and Rates hereafter mentioned, and so as such Rates or Assessments are made in the following Proportions; that is to say, upon all Dwelling Houses, Shops, Workshops, Warehouses, Mills, (other than Corn Mills), Factories, Coach Houses, Stables, and other Buildings, Cellars, and Vaults, and upon the several Gardens, Yards, Pleasure Grounds, Pastures, and Orchards thereto belonging, such Pastures in no Instance exceeding Two Acres, the Sum of Six Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid; and upon all Messuages, and the Gardens and Orchards thereto belonging, which shall for the Time being be assessed at the Sum of Forty-five Shillings and under, the Sum of Two Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid; and also upon all Water and Wind Corn Mills, the Sum of Five Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid; and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments, the Sum of Four Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid; subject to an Appeal to the Justices of the Peace at a General or Quarter Sessions to be holden for the County of *Suffolk*; and the Money or Monies so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same.

XVII. And be it further enacted, That if any Tenant or Occupier of any such Premises shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively to the said Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same, for the Space of Three Days after Demand made thereof at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the same shall be levied and recovered on and from all and every such Tenant or Tenants, Occupier or Occupiers, so neglecting or refusing, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time and Place to be mentioned in such Summons, to shew Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned on Demand, to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in default of such Distress, it shall be lawful for any such Justice or Justices to commit such Person to the Common Gaol or House of Correction for the said County of *Suffolk*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof,

Recovery of Rates from Persons neglecting or refusing to pay.

such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices.

Rates to be paid by Landlords in certain Cases.

XCIII. Provided always, and be it further enacted, That the Sum charged by each Assessment on every Dwelling House not therein assessed or valued at a higher Rate than Forty-five Shillings *per Annum*, shall at all Times be paid by the Landlord, and not the Tenant.

Recovery of Rates from Persons quitting the Premises rated.

XCIV. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act, shall quit his, her, or their House or Houses, Shop or Shops, Warehouse or Warehouses, Coach House or Coach Houses, Stable or Stables, Cellar or Cellars, or other Building, Garden, Land, Tenement, or Hereditaments, whereon any Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same when demanded of such Person or Persons, or at his, her, or their Place or Places of Abode, by the Collector of such Rates, or other Person authorized by the said Commissioners, then and in every such Case it shall and may be lawful for any One or more of His Majesty's Justices of the Peace, and he and they is and are hereby required to grant a Warrant or Warrants of Distress, under his or their Hand and Seal or Hands and Seals (on Oath being made before him or them by the said Collector or Person as aforesaid of such Person or Persons having been so rated, and of his, her, or their having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or from, or at the then Place of Abode of such Person or Persons, which Oath such Justice or Justices is and are hereby authorized and empowered to administer), authorizing and directing the Constable or Constables of the Parish, Township, or Place, or other Person or Persons specially directed by such Warrant, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, and to sell the same, rendering the Overplus (if any), after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and on Default of such Distress, it shall be lawful for such Justice or Justices to cause such Defaulter to be apprehended and brought before him or them, and to commit such Defaulter to any Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sums of Money as shall have been found to be due and in arrear upon any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by such Justice or Justices.

Persons removing to pay in proportion.

XCV. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit the Possession of any House, Building, Land, Ground, or other Tenement or Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from or quitting the same, shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons occupied the same respectively, and in like Manner as if such Person or Persons had not removed

removed from or quitted the Possession of the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Ground, or other Tenement or Hereditaments, rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming in or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

XCVI. And be it further enacted, That every Person being Landlord or Tenant, who shall let his or her House in separate Apartments, or ready-furnished, to any Lodger or Lodgers, or for any less Term than One Year, shall and may be rated and assessed to the Rate or Rates by this Act directed to be raised, levied, and recovered, in such and the like Manner as if he or she were the actual Occupier thereof.

Landlord to pay for furnished Lodgings.

XCVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and for the Collector or Collectors of the Rates or Assessments to be made by virtue of this Act, or for any other Person or Persons authorized by the said Commissioners, at all convenient Times to inspect the Books of Assessment made from Time to Time by the Governor, Deputy Governor, Assistants and Guardians for the Relief of the Poor within the said Town and Borough, and also the Books of Assessment of the Land Tax, House Tax, and Assessed Taxes, and also to take Copies thereof and make Extracts therefrom, which Inspection, Copies and Extracts, the Collectors of the Poor Rates, Land Tax and other Taxes, or other Officer or Officers, Person or Persons, having the Custody of such Books and Assessments, are hereby required to permit and suffer to be made without Fee or Reward; and in case any such Collector or Collectors of the Poor Rates, Land Tax and other Taxes, or other Officer or Officers, Person or Persons, shall neglect or refuse to permit such Inspection by any of the said Commissioners, or by any Person or Persons producing the Order of the said Commissioners for that Purpose to him or them, then and in every such Case he or they so refusing or neglecting shall forfeit and pay for each and every such Offence any Sum not exceeding the Sum of Five Pounds.

Collectors may inspect Poor Rate and other Assessments.

XCVIII. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners or any Five or more of them, and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Seven thousand Pounds, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act, and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money

Commissioners may borrow Money.

Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say),

Form of
Mortgage.

‘ **BY** virtue of an Act passed in the Sixth Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled [*set forth the Title of*
 ‘ *this Act*], we _____ of the Commissioners appointed by
 ‘ or by virtue of the said Act, in consideration of the Sum of _____
 ‘ paid to us by *A. B.* [*insert the Name, Place of Abode, and Addition of*
 ‘ *the Lender*], for the Purposes of the said Act, do grant and assign
 ‘ unto the said *A. B.*, his Executors, Administrators, and Assigns, [*or to*
 ‘ *his Trustee or Trustees, as the Case may require*], such Proportion of the
 ‘ Rates or Assessments arising by virtue of the said Act as the said Sum
 ‘ of _____ doth or shall bear to the whole Sum which
 ‘ is or shall be borrowed upon the Credits of the said Rates or Assess-
 ‘ ments; to be had and holden from this Day until the said Sum of _____
 ‘ with Interest henceforth for the same at the
 ‘ Rate of _____ *per Centum per Annum*, to be paid Half
 ‘ yearly, shall be fully repaid and satisfied. In witness whereof we have
 ‘ hereunto set our Hands and Seals this _____ Day of _____
 ‘ in the Year of our Lord _____

Money may
be raised on
Annuities.

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law, provided that the whole Sum to be charged on the Credit of the said Rates or Assessments shall not at any Time exceed the Sum of Seven thousand Pounds: Provided always, that in case the said Commissioners, or any Five or more of them, shall think it advisable to raise all or any Part of the said Sum by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of any Person who shall be nominated by or on behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money; and the Grant of every such Annuity may be according to the Form following; (that is to say),

Form of Grant
of Annuity.

‘ **BY** virtue of an Act passed in the Sixth Year of the Reign of King
 ‘ *George* the Fourth, intituled [*here set forth the Title of this Act*],
 ‘ we _____ being _____ of the Commissioners
 ‘ appointed by virtue of the said Act, in consideration of the Sum of _____
 ‘ Pounds paid to us by *A. B.* [*insert the Name, Place of*
 ‘ *Abode, and Addition of the Lender,*] for the Purposes of the said Act, do
 ‘ hereby grant unto the said *A. B.*, his Executors, Administrators, and
 ‘ Assigns, One Annuity or yearly Sum of _____ Pounds, out of the
 ‘ Rates or Assessments arising by virtue of the said Act, which Annuity
 ‘ or yearly Sum of _____ Pounds shall be paid to the said *A. B.*,
 ‘ his Executors, Administrators, or Assigns, at the House or Office of
 ‘ the Clerk to the said Commissioners, Half-yearly, upon the _____
 ‘ Day of _____ and the _____ Day of _____
 ‘ in every Year during the natural Life of _____

‘ the

the First Payment thereof to be made upon the Day of
 next ensuing the Date hereof. In witness whereof we
 have hereunto set our Hands and Seals, this Day of
 in the Year of our Lord

And every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; and which said several Annuities so to be purchased shall be made payable and be paid Half-yearly during the natural Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors, and a proportionate Part of such Annuity shall be paid from the last Quarter-day Payment to the Day of the Death of the Annuitant, or his or her Cestuique Vie; and the said Commissioners shall pay the said Annuities, freed and discharged from every Tax and Deduction whatsoever.

Annuities
 charged upon
 Rates, &c.

XCIX. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, One passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

Restrictions
 as to Grants
 of Annuities.

48G.3.c.142.

52G.3.c.129.

C. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages, Assignments, or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in manner aforesaid with such Sum or Sums of Money as they shall think fit or proper, and the Interest thereof at such lower Rate aforesaid, and to pay off and discharge the Mortgages, Assignments, and Securities bearing a higher Rate of Interest.

Power to
 borrow Mo-
 ney at lower
 Interest to
 discharge Se-
 curities at
 higher.

CI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed or for the Annuities granted as aforesaid, by Writing under their Hands, to transfer the same respectively to any Person or Persons, according to the Form following, or any other Form of Words to the like Purport or Effect, as the Case may be; (*videlicet*),

Mode of
 transferring
 Securities.

I A. B. [*insert the Name, Place of Abode, and Addition of the Person assigning,*] do hereby assign the within Mortgage, [*or Grant of the within-mentioned Annuity,*] and all my Right and Title in and to the Principal Money and Interest [*or Annuity*], and all Arrears now due thereon and thereby secured, unto C. D. [*insert the Name, Place of Abode, and Addition of the intended Assignee*], his Executors, Adminis-
 [Local.] 20 F. trators,

trators, and Assigns. Dated this Day of in the
Year of our Lord ,

Entries to be
made of Se-
curities.

And Entries and Memorials of all such Mortgages or Assignments and Grants of Annuities to be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at length the Name, Additions, and Places of Abode, and other Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, to which Book any Person interested shall at all Times have Access, and shall at all Times have free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid Two Shillings and Sixpence and no more; and every such Transfer and Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred; and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages, Assignments, or Grants respectively.

Application
of Money
raised by the
Commis-
sioners.

CII. And be it further enacted, That all the Money to arise by the said Rates, Assessments, and other Monies hereby granted, or to be levied or recovered by virtue of this Act, and which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Commissioners, or to such other Person or Persons as they shall appoint, and shall be applied and disposed of, in the first Place, in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing this Act; and in the next Place, in paying and discharging the Interest of the Monies which shall be borrowed, and the Annuities which shall be granted under this Act; and then from Time to Time in defraying the Charges and Expences of paving, cleansing, lighting, watching, watering, and otherwise improving the Streets, Lanes, Entries, and other public Passages and Places, and in repairing, amending, widening, altering, and improving the several Highways and Footways of and in the said Town and Borough, and in paying and defraying all Expences which the said Commissioners and other Officers shall necessarily sustain or be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits in any Manner relative to the Execution of this Act, or of any thing to be done under or by virtue of the same, and for such other Uses and Purposes as are herein expressed; and the Residue of all such Monies shall be paid and applied in reducing, paying off, and discharging all such Principal Sums as shall be borrowed as aforesaid.

Penalty on
Nonattend-
ance of Wit-
nesses.

CIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace, touching any Matter contained in any Information or Com-
plaint

plaint for any Offence against this Act, either on behalf of the Prosecutor, or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, provided that such Person or Persons do not reside within the Limits of the said Town and Borough, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers, on solemn Affirmation, (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer), and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered as is hereby directed as to other Penalties imposed by the Authority of this Act.

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

Obstructing
Commissioners.

CV. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

Damages and
Charges in
case of Dis-
pute to be
settled by
Justices.

CVI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such One or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering

Recovery and
Application
of Forfeitures.

recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act; and it shall and may be lawful for the said Justice and Justices to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before the said Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants 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 or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be made whereon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or if it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Penalty or Forfeiture, or such Costs as aforesaid, on a Warrant of Distress being issued, it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

For securing
transient
Offenders.

CVII. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Collectors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or their Clerk or Clerks, Collectors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice or Justices of the Peace for the County, Borough, or Place where such Offence shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall, and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

CVIII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the Form following; (that is to say),

Borough

' Borough of *Sudbury* in the } BE it remembered, That on the
 ' County of *Suffolk*, to wit. } Day of _____ in the Year of
 ' our Lord _____ is convicted before me,
 ' _____ of His Majesty's Justices of the Peace
 ' for the _____ of having [*here specifying the Offence*
 ' or Omission, and the Time and Place when and where committed, as the
 ' Case may be]; and I [*or we, as the Case may be*], do adjudge that the
 ' said _____ hath forfeited for his [*or her*] said
 ' Offence, the Sum of _____ Given under my
 ' Hand and Seal, [*or our Hands and Seals, as the Case may be*], the Day
 ' and Year first above written.'

Form of Conviction.

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

Distress not unlawful for want of Form.

CX. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rate or Assessment, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County where the Cause of Appeal shall have arisen, the Person or Persons appealing having first given at least Eight clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to the said Commissioners, as the Case may be, and forthwith after such Notice entering into a Recognizance before some Justice or Justices of the Peace, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justice or Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or if he or they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County in which such Complaint shall have arisen, and shall and may also award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Appeal to be made to the Quarter Sessions.

CXI. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made by the
 [Local.] _____ 20 G _____ said

Justices may relieve on Appeal from

Rates of
Commiss-
ioners, with-
out quashing
the whole.

said Commissioners for the Purposes of this Act, the Justices at the General or Quarter Sessions to be holden for the said County, or at any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for the giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for the said Justices to order a new Rate or Assessment to be made in manner herein directed.

Inhabitants
may be Wit-
nesses.

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

Plaintiff not
to recover
after Tender
of Amends.

CXIII. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

CXIV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Three Calendar Months from 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, and that the same was done in pursuance of and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict 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 upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recover-

General
Issue.

Treble Costs.

ing

ing the same as any other Defendant or Defendants have or hath in other Cases by Law.

CXV. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid 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 acting by or under their Authority, 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, from 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 of 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 their Treasurer for the Time being, as the Case may be.

In case of Nonpayment of Compensation for Damage, &c. done by the Commissioners, the same to be levied by Distress.

CXVI. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful to and for such Justice and Justices of the Peace to administer an Oath to any Person for his or their more certain Information in the Matter then depending.

Justices empowered to administer Oaths.

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

No Proceedings to be removed by Certiorari.

CXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to reward any Informer or Informers as they shall think proper, so as such Reward does not exceed One Half of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have

Commissioners may reward Informers.

have been incurred; any thing herein contained to the contrary notwithstanding.

For preserv-
ing the
Rights of the
Corporation
of Sudbury.

CXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, or diminish the Right of the Mayor, Aldermen, and Capital Burgesses of the said Town and Borough of *Sudbury*, to make, erect, set or place Booths, Stalls, Benches, Forms, and other Things within the Market Places in the said Town and Borough on Market Days, or within any of the Market Places, Streets, or other public Places, during the usual Time of holding any Fair within the said Town, nor the Right to any Rents, Customs, Tolls, Duties, or Profits whatsoever, heretofore payable to them for or in respect of any Markets or Fairs, or of any Booths, Stalls, Benches, Forms, or of any Projections or other Things to be there made, erected, set or placed as aforesaid, nor any other Right, Liberty, or Franchise whatsoever belonging to the said Mayor, Aldermen, and Capital Burgesses; but that the said Mayor, Aldermen, and Capital Burgesses, and their Successors, shall continue to enjoy all such Rights, Liberties, and Franchises, and to have, receive, and enjoy all such Rents, Tolls, Duties, and Profits, in like Manner as they could or might or ought to have done in case this Act had not been made.

Public Act.

CXX. 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.

The

The SCHEDULE referred to by this Act.

Description of Property.	Owners.	Occupiers.
Messuage divided into several Tenements in the Parish of Saint Peter within the said Borough	} James King	James King. Joseph Abbott. Samuel Platten. John Sewell. Elizabeth Noble.
Messuage divided into Two Tenements in the same Parish	} Thomas Jones	Thomas Bantock. Joseph Hibble.
Part of a Messuage in the Parish of All Saints within the said Borough, and the Yard thereto belonging	} James Sillitoe	James Sillitoe.
A Messuage in the Parish of All Saints aforesaid	} Nehemiah Rogers	Thomas Driver. William Wiffin.
Messuage divided into several Tenements, in the Parish of All Saints aforesaid	} Robert Daking	John Bacon. Joseph Must. Thomas Duce. Thomas Hartley.
A Messuage in the Parish of All Saints aforesaid	} Hammond Webb	Timothy Rogers.
A Messuage in the same Parish, divided into Two Tenements	} Ditto	Ann Towell, Widow. Mary Duce.
Part of a Brick Wall belonging to the Parish Church of All Saints within the said Town and Borough, extending in Length One hundred Feet from the East End of the Chancel of the aforesaid Church towards the South-west, together with such Part of the Churchyard of the Parish of All Saints aforesaid, extending Six Feet into the same from the said Brick Wall.		
Part of a Brick or Stone Wall belonging to the Parish Church of Saint Gregory within the said Town and Borough, extending in Length from the East Corner thereof Thirty Feet towards the West, and Nine Feet towards the North, together with Part of the Churchyard, extending about Eight Feet into the same at the East End of the said Wall to a Point at the End of Thirty Feet towards the West.		

Description of Property.	Owners.	Occupiers.
Part of a Piece of Land in the Parish of All Saints aforesaid, containing in Length One hundred and seventy Feet, and in Width Seven Feet	John King - -	John Leaning. John King.
Part of a Yard called the New Meeting Yard in the Parish of Saint Gregory aforesaid, containing in Length Sixty-one Feet, and in Width at the West End Five Feet, and at the East End One Foot	Thomas Goldsmith the elder Christopher Finch Daniel Herbert James Ablitt the elder	Ditto.

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