



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxi.

An Act for the Improvement and Regulation of the Town of *Lowestoft*, and the Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley*, in the County of *Suffolk*; and for other Purposes.

[10th *July* 1854.]

WHEREAS by Three several Deeds Poll, or Instruments in Writing, dated respectively the Fifth Day of *April* One thousand seven hundred and ninety-five, the Twentieth Day of *March* One thousand eight hundred and one, and the Twenty-seventh Day of *February* One thousand eight hundred and five, certain Lands, containing by Estimation Forty-two Acres or thereabouts and now, with other Lands herein-after mentioned, called the *Lamp Lands*, situate in the said Parish of *Lowestoft*, were vested in Trustees upon trust to permit the Churchwardens for the Time being of the Parish of *Lowestoft* to receive and take all the Rents and Profits thereof, and to apply the same for or towards the Reparation and Amendment of the Pavements of the Streets of the said Parish of *Lowestoft*, and for lighting of the Town of *Lowestoft* with Lamps, and for the repairing and renewing of the Pavements of the Streets of that Town, and for purchasing all Things necessary for those Purposes, and to apply the said Rents and Profits, when not wanted for those

[*Local.*] 29 U Purposes,

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c. xlii.

Purposes, or the Surplus thereof, to such other Purposes as the Churchwardens and Inhabitants of *Lowestoft* from Time to Time should direct: And whereas by a Local and Personal Act of the Fiftieth Year of *George* the Third, Chapter Forty-two, intituled *An Act for better paving, lighting, cleansing, watching, and otherwise improving the Town of Lowestoft in the County of Suffolk*, (and which Act is in this Act called "the Improvement Act,") Commissioners were appointed for carrying the said Act into execution, and Provision was thereby made for the Election by Ballot of future Commissioners for executing the said Act by the Commissioners for the Time being in Office, and the said Act contains various Powers and Provisions for the paving, lighting, and Improvement of the said Town, and for carrying the said Act into execution; and it was thereby enacted, that from and after the passing of the said Act all the Rents and Profits which should grow due and payable for and in respect of the Occupation of all the said *Lamp Lands*, and which by the Terms of any Instrument creating the Trusts thereof were directed to be applied for the Purposes aforesaid, and which should be received by the Trustees or Feoffees of the said Lands for the Time being, or which should be received by the Churchwarden or Churchwardens of *Lowestoft* aforesaid for the Time being, or any of them, should be paid over by such Trustees or Feoffees, or by such Churchwarden or Churchwardens respectively to the said Commissioners, or to their Treasurer for the Time being, to be applied and disposed of by the said Commissioners for the Purposes of the said Improvement Act as therein mentioned and directed: And whereas by a Local and Personal Act of the Fifty-fourth Year of *George* the Third, Chapter Thirty-eight, intituled *An Act for inclosing Lands in the Parish of Lowestoft in the County of Suffolk*, it was enacted that after all the Allotments therein-before directed to be made should be made, the Commissioner should then assign, set out, and allot all the Residue of the Common Heaths, Marshes, Doles, and Waste Lands thereby directed and intended to be divided, allotted, and inclosed, to Six Persons, Inhabitants of the said Town of *Lowestoft*, and their Heirs, and such Six Persons to be nominated and appointed by the Commissioners acting under the Authority of the said Improvement Act, and that the said Allotments when set out should be deemed and taken to be vested in such Six Persons, their Heirs and Assigns, for ever, upon trust from Time to Time to demise and lease the said Lands and Grounds to be allotted to them as aforesaid for the Terms and in manner therein mentioned; and upon further trust to apply all the Rents and Profits of the said Lands, when and as the same should be received, from Time to Time, in the first place, in discharging such Share of the Costs and Expenses therein referred to as should be charged upon the said Trustees, or as they should be directed to bear and pay, and the Costs of fencing the said Allotments, and of or in discharging

54 Geo. 3.
c. xxxviii.

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discharging the Principal Monies and Interest to be raised thereon by Mortgage or otherwise as therein-after mentioned, and when the said Monies should be so paid off and discharged; then in trust to pay all the said Rents and Profits to the said Commissioners acting under the said Improvement Act, or their Treasurer for the Time being, to be applied by the said Commissioners in the first place for and towards the paying off and discharging the Debt which had been already incurred under the Authority of the same Act for paving, lighting, cleansing, and otherwise improving the said Town of *Lowestoft*, and such further Sum and Sums of Money as should by the said Commissioners be borrowed for those Purposes under the Authority thereof; and that when all such Debt and Debts should be discharged and satisfied, and as often as there should be no such existing Debt, then in trust to apply all the Money so to be from Time to Time paid to them or to their Treasurer as aforesaid, in, for, and towards paving, lighting, cleansing, watching, and otherwise improving the said Town of *Lowestoft*, in like Manner as they were empowered and directed as to the Application of the Monies from Time to Time raised under the Authority of the same Act, and that when the said Monies so to be received, or any Part thereof, should not be wanted for the Purposes last mentioned, then and in trust to apply the same, or any Part thereof, for such Purposes of general Benefit and Utility to the said Town and the Inhabitants thereof as they the said Commissioners under the same Act should from Time to Time see fit: And whereas the Commissioner named in and appointed by the last-mentioned Act did, by an Award or Instrument in Writing under his Hand and Seal, bearing Date the Eighth Day of *March* in the Year One thousand eight hundred and nineteen, certify and declare that the several Pieces or Parcels of Land therein-after mentioned, and severally described in the Map thereunto annexed by the Numbers therein-after set forth, were the Residue of the said Common Heaths, Marshes, Doles, or Waste Lands intended to be divided, allotted, and inclosed as therein-before mentioned; and the said Commissioners thereby awarded the said Lands (containing in the whole Sixty-three Acres Three Roods Ten Perches or thereabouts) unto the Six several Persons therein named, being Inhabitants of the said Town of *Lowestoft*, their Heirs and Assigns, subject to the several Trusts, Orders, Directions, Regulations, and Provisions which in and by the said last-mentioned Act were contained and declared of and concerning the same; and by the said Award certain small Pieces of Land now forming Part of the said *Lamp Lands* were allotted by the said Commissioner to such Six Trustees as aforesaid, their Heirs and Assigns, in Exchange as therein mentioned, and upon the Trusts therein and herein-before referred to: And whereas a Private Act was passed in the Ninth and Tenth Years of Her present Majesty, Chapter Twenty-eight, intituled *An Act to enable the Trustees of certain*

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Charity and Trust Estates at or near the Town of Lowestoft in the County of Suffolk to carry into effect a Contract for the Sale of Parts thereof to the Lowestoft Railway and Harbour Company, and to enable the said Trustees, and the Trustees of other Charity and Trust Estates at and near the said Town of Lowestoft to grant Leases for long Terms of Years for Building Purposes of the said Estates or Parts thereof, and for other Purposes; and it was thereby, amongst other things, enacted that the Purchaser or Purchasers of all or any Part of the Hereditaments comprised in any or either of the Schedules thereto, and thereby authorized to be sold, should pay his or their Purchase Money or Purchase Monies into the Bank of England in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there in manner following, namely, such Monies as should arise from the Sale of any of the Hereditaments comprised in the Third Schedule to the said Act annexed should be so paid as aforesaid, ex parte the Purchasers of the Lamp Lands at Lowestoft; and it was also enacted that the Monies which should be so paid into the Bank of England as aforesaid should respectively be applied, under the Direction of the said Court, to be obtained as therein provided, in manner following, namely, in the first place, in paying all the Costs, Charges, and Expenses therein mentioned, and that the then Residue or Surplus (if any) of the several Monies aforesaid should be laid out and invested, under the Authority and Direction of the said Court of Chancery, in the Purchase of Freehold and Fee Simple Hereditaments in England or of Copyhold Hereditaments convenient to be held therewith, and that the Premises so to be purchased as aforesaid should be conveyed, settled, and assured to the Trustees for the Time being of the said respective Hereditaments from the Sale of which the Monies invested in the Purchase thereof should have arisen, and to and for the Uses, Intents, and Purposes to which the same Lands and Hereditaments were subject at the Time of the passing of the said Act in recital, or would have been subject to if the said Act had not been passed; and that until the Monies aforesaid should be invested in the Purchase of Hereditaments as aforesaid, the same should be laid out, under the Direction of the said Court of Chancery, in the Name of the said Accountant General, in the Purchase of Navy or Victualling or Exchequer Bills, as in the said Act directed, and to be applied and disposed of (with the Interest arising therefrom,) as in the same Act mentioned and provided: And whereas the said Lands in the Improvement Act mentioned as the Lamp Lands, and the said Lands allotted and received in Exchange under the secondly-recited Act in respect of the said Residue of the said Waste and other Lands (and all which Lands are in this Act called the Lamp Lands) are comprised in the Third Schedule to the thirdly-recited Act annexed, and the Parts of the Lamp Lands by that Act directed to be

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sold to the *Lowestoft* Railway and Harbour Company are comprised in the Second Part of the Fourth Schedule to that Act annexed: And whereas the said Sale to the said Company has been duly completed, and the Sum of Six hundred and ninety-three Pounds Ten Shillings, the Purchase Money, has been paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, and has been placed to his Account there, “*ex parte* the Purchasers of the *Lamp Lands* of the Town of *Lowestoft*,” as by the said Act directed: And whereas other Parts of the *Lamp Lands* have from Time to Time been sold under the Authority of the thirdly-recited Act, and the Monies produced by the Sale thereof have also been paid into the Bank of *England* in such Name and to such Account as aforesaid; and other Parts of the said *Lamp Lands* have also been sold under the Authority of an Act of the Seventh and Eighth Years of *George* the Fourth, Chapter Forty-two, intituled *An Act for making and maintaining a navigable Communication for Ships and other Vessels, between the City of Norwich and the Sea, at or near Lowestoft in the County of Suffolk*, and the Sale thereof has been completed, and the Purchase Money for the same has been paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, “*ex parte* the Company of Proprietors of the *Norwich and Lowestoft* Navigation, and *Robert Reeve, William Cleveland, and Edmund Newton*,” as by the said Act directed; and other Part of the said *Lamp Lands* has also been sold under the Authority of an Act of the Eighth and Ninth Years of Her present Majesty, Chapter Forty-five, intituled *An Act for making a Railway from Lowestoft in the County of Suffolk to the Yarmouth and Norwich Railway at Reedham in the County of Norfolk, and for improving the Harbour of Lowestoft*; and the Sale thereof has been completed, and the Sum of One hundred Pounds, the Purchase Money for the same, has been paid unto Two Trustees, as directed by “*The Lands Clauses Consolidation Act, 1845*:” And whereas certain Monies arising from the Receipt of the Rents and Profits of the unsold Parts of the *Lamp Lands*, are now in the Hands or under the Control of the said Trustees, and are applicable for the Purposes and upon the Trusts aforesaid: And whereas the Powers and Provisions contained in the said Improvement Act are insufficient, and it is expedient that further Provision be made for the Election of Commissioners for the making of the new Streets by this Act authorized, and for the sewerage, paving, cleansing, and general improving of the respective Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley*, and for the regulating of the Police therein: And whereas it is expedient that the *Lamp Lands* now vested in such Trustees as aforesaid, and all Monies and other Property respectively applicable for the Purposes and upon the Trusts aforesaid, should be vested in

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and transferred to the Commissioners for executing this Act, to be applied by them in the Manner and for the Purposes in this Act mentioned and directed: And whereas a Plot of Land in the Town of *Lowestoft*, commonly called "the *Battery Green*," and specified in the Schedule to this Act annexed, has for many Years past been used by the Inhabitants of the Town of *Lowestoft* and the Neighbourhood thereof as a Public Walk or Pleasure Ground: And whereas, there being no Funds applicable to the Maintenance of such Land as a Public Walk or Pleasure Ground, it is expedient that the Commissioners should be empowered to improve the same, as by this Act provided: And whereas, in order to avoid Inconveniences arising from several Acts relating to the same Purposes being in force at the same Time, it is expedient that the Improvement Act be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted by this Act: And whereas such several Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. I. That this Act may be cited for any Purpose as "The *Lowestoft* Improvement Act, 1854."

Commencement of Act. II. That this Act shall commence and take effect on and from the Second *Thursday* next after the passing thereof.

Limits of Act. III. That this Act shall be put in force within the Limits of the respective Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley* in the County of *Suffolk*, which Limits are shown in a Plan signed in Duplicate by the Honourable *Edward Pleydell Bouverie*, Member of Parliament, and One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons.

Map of Limits to be deposited with Clerk of the Peace. IV. That within One Month after the passing of this Act the other Part of the said Plan shall be deposited with the Clerk of the Peace of the County of *Suffolk*, who is hereby directed to receive and retain the Custody of the same, and permit all Persons interested to inspect the same, and make Extracts from or Copies of the same, in like Manner, upon like Terms, and under like Penalty for Default, as by the Act of the First Year of Her present Majesty, Chapter Eighty-three, is provided with respect to Documents therein specified; and every such Penalty shall and may be recovered in the same Manner as any Penalties are recoverable under the said Act of the First Year of Her present Majesty, Chapter Eighty-three.

V. That

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V. That the several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction: Provided always, that the Expression "Superior Courts" shall mean any Court of competent Jurisdiction.

Same Meanings to Words, &c. in incorporated Acts and this Act.

VI. That on and from the Commencement of this Act the Improvement Act shall by this Act be repealed.

Repeal of Improvement Act.

VII. That "The Commissioners Clauses Act, 1847," shall be incorporated with this Act, and the Commissioners for executing this Act shall be called "The *Lowestoft* Improvement Commissioners," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes and subject to the Restrictions of this Act, and to put this Act in all respects into execution, and are in this Act referred to as "the Commissioners."

Incorporation of the *Lowestoft* Commissioners for the Execution of this Act.

VIII. That from the Commencement of this Act, and until the First Election of Commissioners under this Act, the Persons who on the passing of this Act shall be the Commissioners for executing the Improvement Act (and who are in this Act called the existing Commissioners), and the Survivors of them, shall be the Commissioners for executing this Act.

First Commissioners.

IX. That the First Election of Commissioners shall be held on the Fourth *Thursday* next after the Commencement of this Act, and the existing Commissioners then going out of Office, or any of them, if duly qualified, shall be eligible for Re-election.

First Election of Commissioners.

X. That on and after the First Election of Commissioners, the Number of Commissioners shall be Twenty-seven, and Nine shall be elected for each of the Three Wards herein-after mentioned.

Number of Commissioners, and Election for Wards.

XI. That the said Town and Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley* shall be divided into Three several Wards, to be called respectively the East Ward, the West Ward, and the South Ward.

Wards.

THE EAST WARD

Shall comprise such Part of the Town and Parish of *Lowestoft* as lies East of an imaginary Line commencing at the Boundary between the Parishes of *Lowestoft* and *Gunton*, and proceeding thence along the Centre of the Turnpike Road from *Southtown* to *Ipswich*, thence along the Centre of certain Streets in the Town of *Lowestoft*, called *North End* and *High Street* respectively, to a Point at the Junction of *High Street*, and a certain Road

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Road or Street forming other Part of the Turnpike Road from *South Town* to *Ipswich*, called the *London Road*, and thence extending along the Centre of the said *London Road* to the North Side of the Bridge over the Lock or inner Entrance to the Harbour of *Lowestoft*, and coloured Pink in the Plan herein-before referred to ;

THE WEST WARD

Shall comprise such Part of the Town and Parish of *Lowestoft* as lies West of the Limits of the said East Ward, and coloured Green in the Plan herein-before referred to ; and

THE SOUTH WARD

Shall comprise such Part of the Town and Parish of *Lowestoft* as lies South of the Harbour and *Lake Lothing*, and the whole of the said Parish of *Kirkley* otherwise *Kirtley*, and coloured Yellow in the Plan herein-before referred to.

Qualification
of Commis-
sioners.

XII. That the Qualification of a Commissioner shall be his being of full Age, and in his own Right or in Right of his Wife the Owner and in the Possession and Enjoyment or Receipt of the Rents and Profits of any Lands or Hereditaments within the Limits of this Act, which were rated in the then last General Improvement Rate under this Act at or in the annual Sum of Twenty-five Pounds or upwards, or who shall be the Tenant or Occupier of any Lands or Hereditaments within the Limits of this Act which were rated in such last General Improvement Rate at or in the annual Sum of Forty-five Pounds or upwards, and who, whether such Owner, Tenant, or Occupier as aforesaid, shall be resident within the Limits or within Four Miles of the Limits of this Act: Provided always, that if both Owner and Occupier of the same Tenement be elected Commissioners at the same Election, that Tenement shall, for that Election, qualify only the Owner: Provided also, that, for the Qualification of Commissioners for the First Election under this Act, the then last Rate for the Relief of the Poor in the Townships in which the Property is situate shall be deemed the then last General Improvement Rate under this Act.

Commis-
sioner not
incapable of
acting as a
Justice.

XIII. That no Person shall be incapable of acting as a Justice in the Execution of this Act with reference to any of the Purposes thereof by reason of his being a Commissioner.

Shareholders
of Joint
Stock Com-
panies not
disqualified
by reason of
Contracts.

XIV. That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, or under the Provisions of the Act of the Seventh and Eighth Years of Her Majesty, Chapter One hundred and ten, known as "The Joint Stock Companies Registration Act," shall, as such Shareholder or Member, be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners, but no such Commissioner being a Shareholder or Member of such Company, shall

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shall vote on any Question relating to the Execution of this Act in which the Company is interested.

XV. That no Person being the Owner or Occupier of any Tenement in or adjoining or within Fifty Yards of any Street proposed to be declared under this Act a Highway, or being the Owner of any chief or other Rent issuing out of any such Tenement, shall vote at any Meeting of the Commissioners touching the declaring of such Street to be a Highway, or touching the sewerage, paving, or repairing of the same or any Part thereof.

Owners, &c. not to vote at Meetings of Commissioners in certain Cases.

XVI. That every Person who shall at the Time of the First Election of Commissioners be rated to the Rate for the Relief of the Poor in respect of any Property within the Limits of this Act, and who shall have been so rated for the Space of Six Months at least next before the Day of such First Election, and shall, on or before the Day next before the Day of such First Election, have paid all such Rates which shall have become payable by him in respect of any Property within the Limits of this Act at any Time previous to the Commencement of the Third Month next before the Day of such First Election, and every Person being Owner of any rateable Property within the Limits of this Act, shall respectively be entitled to vote at the First Election of Commissioners.

Qualification of Electors for First Election of Commissioners.

XVII. That the Chairman of the Directors and Guardians of the *Mutford* and *Lothingland* Incorporation for the Relief of the Poor at the Time of the passing of this Act shall be the Returning and Presiding Officer at the First Election of Commissioners, and shall from Time to Time appoint a fit and proper Person to be the Presiding Officer for each Ward, and shall appoint a Place or Places in each Ward for the holding of such First Election, and shall thereat perform all such Functions and do all such Acts and Duties as are directed or authorized by "The Commissioners Clauses Act, 1847," to be performed and done by the Returning Officer with reference to the Election of Commissioners: Provided always, that if such Chairman shall refuse or neglect to perform the Duties by this Act imposed on him with reference to such First Election, the Deputy Chairman of such Directors and Guardians shall in respect of such First Election act in the Stead of such Chairman, and be entitled to the like Powers and Authorities as if he had been such Chairman.

Presiding Officers at First Election of Commissioners.

XVIII. That the Overseers of the Poor for the Parishes of *Lowestoft* and *Kirkley* otherwise *Kirtley* respectively shall cause to be printed a sufficient Number of Voting Papers in Blank, in the Form given in the Schedule (A.) to "The Commissioners Clauses Act, 1847," annexed, or to the like Effect, and shall on the Day previous to

Overseers of the Poor to furnish Voting Papers for presiding Officers.

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the Day of the First Election at the latest furnish and deliver such Voting Papers to the Presiding Officer for each Ward.

Expenses of
First Elec-
tion.

XIX. That the Expenses of printing such Voting Papers, and all other Expenses of such Overseers or Presiding Officers respectively in providing Booths or otherwise relating to the First Election of Commissioners, shall be paid by the Commissioners out of the General Improvement Rate authorized to be levied by this Act.

Qualification
of Electors
for second
and subse-
quent Elec-
tions.

XX. That for the second and every subsequent Election of Commissioners, every Occupier of any Tenement within the Limits of this Act who shall for the Period of One Year immediately preceding the Day of tendering his Vote have been rated in respect thereof to any Rate made under this Act, and shall have paid all Rates made under this Act which shall have become due from him at any Time previous to the Commencement of the Third Month next before such Election, and every Owner of any Tenement within the Limits of this Act, shall respectively be entitled to vote in the Election of Commissioners.

Scale of
Votes.

XXI. That at any Election of Commissioners the Scale on which every Occupier and Owner respectively shall be entitled to vote shall be the following; (to wit,)

If the Tenement in respect of which he is entitled to vote be rated upon a rateable Value of less than Twenty Pounds, he shall be entitled to One Vote:

If such rateable Value amount to Twenty Pounds and be less than Forty Pounds, he shall be entitled to Two Votes:

If such rateable Value amount to Forty Pounds and be less than Seventy Pounds, he shall be entitled to Three Votes:

If such rateable Value amount to Seventy Pounds and be less than One hundred Pounds, he shall be entitled to Four Votes:

If such rateable Value amount to One hundred Pounds and be less than One hundred and thirty Pounds, he shall be entitled to Five Votes:

If such rateable Value amount to or exceed One hundred and sixty Pounds, he shall be entitled to Six Votes.

Companies to
vote by
Proxy.

XXII. That every Corporation and every Company, whether incorporated or unincorporated, shall for the Purpose of voting at any Election of Commissioners be respectively deemed One Owner, and be entitled to vote by Proxy accordingly.

Joint Owners
and joint
Occupiers.

XXIII. That where Two or more Persons claim Votes as joint Owners of One Tenement, or as joint Occupiers of One Tenement, the rateable Value of the Tenement shall be divided by the Number
of

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of such Persons, and the Quotient shall with respect to every such Person be deemed the rateable Value of the Tenement, and he shall be entitled to a Vote or Votes in respect thereof accordingly.

XXIV. That for the Election of Commissioners under this Act, every Person being the Owner of any Tenement within the Limits of this Act may from Time to Time, by Notice in Writing left at the Office of the Commissioners, claim to be named in the Rate for the Time being as such Owner in respect of such Tenement, and the Commissioners shall enter the Name of such Person on the Rate for the Time being accordingly: Provided always, that if they fail so to do, such Person being such Owner shall nevertheless be entitled to vote.

Owner may claim to be named in the Rate Book.

XXV. That after the closing of the Voting at every Election, the Returning Officer, in the Presence of such of the Electors as choose to be present, shall ascertain and put down in Writing the Number of Votes for every Person, and the Persons who have the greatest Number of Votes shall, to the Extent of the Number of Commissioners to be then elected, be Commissioners, and in case of any Equality of Votes for any Two or more such Persons, the Returning Officer shall, if necessary to prevent an Excess in the Number of Commissioners, decide by Lot among the Persons having the Equality of Votes which of them shall be elected.

Examination of Votes.

XXVI. That if any of the Commissioners die or resign, or be disqualified, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, the remaining Commissioners may, if they think fit, at any Time before the then next yearly Day for the Election of a Commissioner in his Place, elect another qualified Person to be a Commissioner in his Place; and every Commissioner so elected shall continue in Office, if qualified, only so long as the Person in whose Place he shall be elected would have been entitled to continue in Office.

Mode of supplying occasional Vacancies.

XXVII. That the Commissioners shall hold their First Meeting at the Town Hall in *Lowestoft* on the Fifth *Thursday* next after the Commencement of this Act.

First Meeting of Commissioners.

XXVIII. Provided always, That, notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done or suffered under the recited Act shall be as valid as if the recited Act were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands,

Repeal not to affect Acts done under Improvement Act.

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Demands, both present and future, which, if the recited Act were not repealed and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and with respect to all such Rights, Liabilities, Claims, and Demands, the Commissioners by this Act incorporated shall to all Intents and Purposes represent the existing Commissioners.

Commis-
sioners to re-
main entitled
to their Pro-
perty.

XXIX. That, notwithstanding the Repeal of the Improvement Act, the Commissioners shall on and from the Commencement of this Act be seised and possessed of and entitled to all the Lands, Buildings, Estates, Rights, Interests, Monies, Property, Effects, Chattels, Choses in Action, Claims and Demands whatever, of or to which the existing Commissioners under or by virtue of the Improvement Act, or otherwise howsoever, were immediately before the Commencement of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, and the same respectively are hereby vested in them, their Successors and Assigns, accordingly.

Commis-
sioners to
continue en-
titled to
Powers un-
der other
Acts.

XXX. That, notwithstanding the Repeal of the Improvement Act, the several Clauses and Provisions whatsoever in favour of or relative to the existing Commissioners contained in any Act or Acts other than the Improvement Act, and which immediately before the Commencement of this Act shall be in force, shall on and from the Commencement of this Act apply to the Commissioners, and shall for the Purposes of this Act continue and be in force accordingly; and the Commissioners, by themselves, their Officers and Servants, may and shall accordingly, and for the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under or by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever, and shall be subject to all such Restrictions and Liabilities as, in case this Act had not been passed, the existing Commissioners, by themselves, their Officers and Servants, under or by virtue of the same, might be entitled to, or might have, exercise, or enjoy; and the Commissioners shall be liable for all Matters and Things for which the existing Commissioners were liable at the Time of the passing of this Act, and to the same Extent and in the same Manner in all respects as the Commissioners appointed by the Improvement Act were then subject or liable.

Convey-
ances, &c, to
remain.

XXXI. That, notwithstanding the Repeal of the Improvement Act, all Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Commencement of this Act to, with, in favour of, or by, for, or on behalf of the existing Commissioners, or any Person on their Behalf, shall be and remain as good, valid, and
effectual

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effectual in favour of, against, and with reference to the Commissioners, and may be proceeded on and enforced in like Manner to all Intents and Purposes as if the same respectively had been made or entered into, by, with, in favour of, or by, for, or on behalf of the Commissioners.

XXXII. That, notwithstanding the Repeal of the Improvement Act, any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the existing Commissioners before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue to take effect both in favour of and against the Commissioners in like Manner in all respects as the same would, if this Act had not passed, have continued and taken effect in relation to the existing Commissioners; and all Offences committed against the Provisions of the Improvement Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects by the Commissioners.

Actions, &c.
not to abate.

XXXIII. That, notwithstanding the Repeal of the Improvement Act, all Rates which immediately before the Commencement of this Act shall be due and payable or accruing due and payable to the existing Commissioners, shall from and after the Commencement of this Act be payable to, and may be collected and recovered by, the Commissioners in like Manner as any Rates under this Act may be collected and recovered by the Commissioners.

Rates due at
the Com-
mencement
of Act to be
recoverable.

XXXIV. That, notwithstanding the Repeal of the Improvement Act, all Persons who immediately before the Commencement of this Act shall owe any Sum of Money to the existing Commissioners, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue due for the same, to the Commissioners; and all Debts and Monies which immediately before the Commencement of this Act shall be due or owing by or recoverable from the existing Commissioners, or for the Payment whereof the existing Commissioners shall be or but for this Act would be liable, shall be paid with all Interest (if any) due or to accrue due thereon by or be recoverable from the Commissioners.

Debts due to
and by the
existing
Commis-
sioners to be
paid to and
by the Com-
missioners.

XXXV. That, notwithstanding the Repeal of the Improvement Act, all Books and other Documents by that Act directed or authorized to be kept, and which if that Act were not repealed would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity, and elsewhere accordingly.

Books to be
Evidence.

[*Local.*]

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XXXVI. That

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8 & 9 Vict.
c. 18. incor-
porated.

XXXVI. That "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act: Provided always, the Commissioners shall not, except as by this Act expressly provided, purchase or take any Lands otherwise than by Agreement.

Commis-
sioners to
form Two
only of the
Roads shown
upon the
deposited
Plans.

XXXVII. And whereas Plans and Sections showing the Lines and Levels of all the then intended new Streets, Widening, and Improvements of Streets within the Limits of this Act, and a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands in or through which such new Streets, Widening, and Improvements of Streets were intended to be made or to pass, and which said Plans, Sections, and Book of Reference have been deposited with the Clerk of the Peace for the said County of *Suffolk*: Be it enacted, That such Plans, Sections, and Book of Reference as aforesaid shall be considered and construed to comprise and apply only to the Two intended new Carriage Roads or Streets herein-after mentioned and described, and to the Lands through or over which the same are intended to pass, and shall not authorize or be deemed or construed to authorize the making, forming, or constructing of any other of the Streets, Widening, or Improvements laid down and specified or referred to in the Plans, Sections, and Book of Reference aforesaid, or any or either of them.

Power to
make Two
new Streets
according to
deposited
Plans.

XXXVIII. That the Commissioners may, subject to the Provisions of this Act, make the said Two intended new Streets in and upon the Lands delineated on the said Plans and described in the said Book of Reference, and in the Line and Situation, and on the Levels and within the Limits of Deviation, respectively shown on the said Plans and Sections, and may enter upon, take, and use such of the said Lands as they may think necessary for the Purposes aforesaid.

New Streets
to be Public
Highways.

XXXIX. That the new Streets by this Act authorized are a Road and the Embankments connected therewith, commencing at or near the South-west Corner of certain Property called "The Grove," in the Parish of *Lowestoft*, and now in the Occupation of Mrs. *Rodham*, and thence extending to or along the Beach and the Piece of Land called "The Battery Green," and terminating at or near certain other Property in *Lowestoft* aforesaid called "The Marine Terrace," belonging to *James Fisher*, and which said Road is to be wholly situate in the said Parish of *Lowestoft*; another Road commencing at the South End of the Esplanade in *Kirkley* otherwise *Kirtley* aforesaid, and thence extending through or over Lands in the said Parish of *Kirkley* otherwise *Kirtley*, and terminating at or near the North-east End of the Main Street of *Pakefield* in the said County of *Suffolk*, and which last-mentioned Road will be wholly situate in the said Parish

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Parish of *Kirkley* otherwise *Kirtley* aforesaid; and the said Commissioners shall from Time to Time, until the said Roads to be made, formed, and finished as aforesaid shall become public Highways, maintain and keep the same in proper Repair, Order, and Condition.

XL. That if, so far as regards the Lands required for the making, forming, or completing of such Two intended new Streets as aforesaid, or the Embankments or other Works necessary for the same, or connected therewith, but not further or otherwise, any Omission, Mis-statement, or wrong Description shall have been made of any Land, or of the Owners, Lessees, or Occupiers of any Land delineated on the Plans or described in the Book of Reference respectively deposited for the Purposes of this Act, or in the Schedule to this Act, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction, may apply to Two Justices for the Correction thereof; and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Suffolk*, and be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Plans or Books of Reference or Schedule shall be deemed to be corrected according to such Certificate, and the Plans or Book of Reference so corrected shall thenceforth be deemed the Plans or Book of Reference deposited for the Purposes of this Act.

Errors and Omissions in Plans, &c., may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

XLI. That the Powers of the Commissioners for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Period for compulsory Purchase of Lands limited.

XLII. That for defraying the Costs and Expenses of or attending and preparatory to the making, forming, and finishing of the said first-mentioned Street or Road, the Commissioners may, besides and in addition to the General Improvement Rate to which the said Parish of *Lowestoft*, or the rateable Property thereof, shall be subject or liable under or by virtue of this Act, make and levy One or more Rate or Rates upon the Occupiers of all rateable Property within the said Parish of *Lowestoft*, so as no such Rate shall exceed in any One Year, to be computed from the First Day of *January* in any Year, the Sum of Sixpence in the Pound, and the Monies to be raised and levied by such last-mentioned Rate or Rates shall be applied accordingly; and that for defraying the Costs and Expenses of or attending and preparatory to the making, forming, and finishing of the said last-mentioned Street or Road, the Commissioners may, besides and in addition to the General Improvement Rate to which the said Parish of *Kirkley* otherwise *Kirtley*, or the rateable Property thereof, shall be subject or liable

Commissioners may levy Rates for Repair of Roads.

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liable under or by virtue of this Act, make and levy One or more Rate or Rates upon the Occupiers of all rateable Property within the said Parish of *Kirkley* otherwise *Kirtley*, so as no such Rate shall exceed in any One Year, to be computed from the First Day of *January* in any Year, the Sum of Sixpence in the Pound, and the Monies to be raised and levied by such last-mentioned Rate or Rates shall be applied accordingly.

Beach lying opposite to the Esplanade not to be built upon.

XLIII. That nothing in this Act contained shall authorize the Commissioners to erect any Building upon any Part of the Beach lying opposite to the Esplanade aforesaid, or to any Part of any Extension of such Esplanade under the Provisions of this Act, or shall extend to prejudicially affect any Right or Property therein, or to erect any Building upon any Part of the Beach or Land lying in front of a certain Fort called the *South Fort*, which, in the Opinion of the principal Officers of Her Majesty's Ordnance, shall or may in any way interfere with the Efficiency of the said Fort.

Power to keep Battery Green in good Repair.

XLIV. That it shall be lawful for the Commissioners from Time to Time to level and lay with Sods or Turf, and to raise and embank or otherwise to improve and keep in good Order and Condition, and to protect from Encroachment or otherwise, the Lands comprised in the Schedule to this Act annexed, commonly called the *Battery Green*, and to repair the Posts, Stiles, Fences, and Chains enclosing or bounding the same: Provided always, that nothing herein contained shall extend or be construed to divest any Ownership or affect any Rights or Easements of or belonging to Her Majesty, Her Heirs or Successors, or any other Person or Corporation of, in, upon, or over those Lands or any Part thereof, or to empower the Commissioners to control or in any way impede or interfere with the free Use, Enjoyment, and Disposal thereof, or any Rights or Easements in or over the same, by the Queen's Majesty, Her Heirs and Successors, or other the Owner or Owners thereof for the Time being, in such Manner as the same might have been used, enjoyed, or disposed of in case this Act had not been passed.

Lamp Lands and other Property of certain Trustees vested in Commissioners.

XLV. That on and from the Commencement of this Act all the *Lamp Lands*, and other Lands, Wharfs, Quays, Buildings, Monies, Stocks, Funds, Securities, Claims, and Demands, and other Real and Personal Estates and Effects, of or to which any Persons or Person shall immediately before the Commencement of this Act be seised, possessed, or in any way entitled as Trustees or Trustee for the Purposes and upon the Trusts of the recited Deeds Poll, and the recited Acts or any of them, or for or to be dealt with or disposed of by or according to the Direction of the existing Commissioners, shall be and the same respectively are hereby vested in the Commissioners for the Time being

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being upon the Trusts and for the Purposes to, upon, or for which the same respectively shall then be held or subject, subject nevertheless to all Leases, Mortgages, Incumbrances, Debts, Contracts, Claims, and Demands immediately before the Commencement of this Act subsisting and affecting the same *Lamp Lands*, and Real and Personal Estates and Effects, or any Part thereof, or such Trustees or Trustee respectively in respect thereof.

XLVI. That on and from the Commencement of this Act the Commissioners shall be entitled to, and have, exercise, and enjoy, all the Rights, Interests, Trusts, and Powers of Sale, Powers of Leasing, and other Powers, Authorities, and Privileges whatsoever in respect of the *Lamp Lands*, and Real and Personal Estates and Effects, which any Trustees or Trustee thereof might, if this Act had not passed, be entitled to have, exercise, and enjoy in respect of the same *Lamp Lands*, and Real and Personal Estates and Effects, the Commissioners being in reference thereto in all respects substituted for such Trustees or Trustee.

Commis-
sioners to be
entitled to
Powers of
Trustees.

XLVII. That the Commissioners from Time to Time may sell and dispose of the said *Lamp Lands* or any Part thereof (except such Parts of the said Lands as are or shall be comprised in or subject to any Building Lease or Leases granted or agreed to be granted, or which shall be granted or agreed to be granted, under the Powers contained in the said Act of the Ninth and Tenth Years of the Reign of Her said Majesty, or in this Act), for such Prices, and under ordinary or special Conditions of Sale, and generally in such Manner and Form in all respects as the Commissioners from Time to Time, with the Approbation (except in the Cases herein-after provided) of the Court of Chancery, shall think fit: Provided always, that the Approbation of the said Court shall not be necessary to the Sale of any Part of the said *Lamp Lands* in any Case in which the Purchase Money for such Part shall not exceed One hundred Pounds; and the Monies to arise from such Sales, whether made with or without the Approbation of the said Court, shall be paid by the Purchaser into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court, to be placed to his Account there "*ex parte* the Purchasers of the *Lamp Lands* at *Lowestoft*," in like Manner as by the Twelfth Section of the said Act of the Ninth and Tenth Years of the Reign of Her said Majesty is provided and directed with respect to Monies arising from the Sale of the said *Lamp Lands* under the Powers and Directions contained in that Act; and that the Thirteenth Section of the same Act shall be and is hereby incorporated with this Act, and made applicable to all Sales which shall be made under the Powers contained in this Act, in like Manner as if the same were here

Power to
Commis-
sioners to
sell *Lamp*
Lands.

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repeated; and the Dividends, Interest, and Income of or arising from such Monies and the Investments thereof, shall be held and applied upon and for the same or the like Trusts and Purposes as the Rents and Profits of the Lands so sold would have been applicable to in case such Sale or Sales thereof had not been made.

Consideration to be paid for Lamp Lands sold, &c. not to be less than fixed by a practical Surveyor.

XLVIII. Provided always, That the Consideration to be paid for the Purchase of any Part of the said *Lamp Lands* hereby authorized to be sold without the Approbation of the Court of Chancery shall not be less than the Sum which shall be ascertained and determined in Writing by some able practical Surveyor, to be appointed by the Commissioners, to be the full Value of the Land which shall be the Subject of each or any such Sale.

Application and Investment of Purchase Monies.

XLIX. That the Monies which shall be so paid into the Bank of *England* as aforesaid shall be applied and laid out and invested, under the Direction of the said Court, to be obtained upon Motion or Petition to be made or presented to the Court in a summary Way, and the Hereditaments purchased therewith shall be conveyed or assured, in the like Manner, as nearly as may be, as in and by the said last-mentioned Act is expressed and directed with respect to Monies arising from the Sale of the said Lands under the Powers of the same Act, and the Hereditaments purchased with the same; and that until so applied, laid out, and invested, the same shall be invested and disposed of, under the Directions of the said Court of Chancery, either in the Purchase of Three *per Centum* Consolidated Bank Annuities, or of Exchequer Bonds, or of Navy, Victualling, or Exchequer Bills, and as regards such Bills in the same or the like Manner, and with all the same or the like Powers, as in and by the Fifteenth Section of the said last mentioned Act are expressed and contained with respect to the Monies therein mentioned.

Payment of Monies out of Court for Investment.

L. That for obtaining the Payment, Transfer, or Delivery, by or under the Order or Direction of the Court of Chancery, of all Monies which, at the Time of the passing of this Act, shall have been paid into the said Court, or have been invested in the Name of the Accountant General of the said Court in Exchequer or other Bills or Securities, and which shall have arisen or been produced by or from Sales of Parts of the said Lands called *Lamp Lands*, as herein-before mentioned, in order that such Monies may be laid out and invested in the Manner provided and directed in and by the Fourteenth Section of the said Act of the Ninth and Tenth Years of the Reign of Her said Majesty, the Commissioners may present such Petition or Petitions to the said Court, and institute and carry on, consent to, or concur in, all such Proceedings as they shall deem necessary or be advised, and
the

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the said Court shall thereupon, and from Time to Time, and is hereby authorized and directed to make such Order or Orders upon such Petition or Petitions or other Proceedings as aforesaid as to the said Court shall seem meet, and as in and by the Fourteenth Section of the said Act of Her said Majesty is mentioned and directed with respect to the Investment and Disposition of the Monies therein mentioned.

LI. That the Sixteenth and Seventeenth Sections of the said last-mentioned Act shall be and are hereby incorporated with this Act.

Sects. 16 & 17
of 9 & 10 Vict.
c. 28. incor-
porated.

LII. That it shall be lawful for the Commissioners and they are hereby empowered to sell and dispose of, from Time to Time, the Inheritance in Fee Simple of and in any Part or Parts of the said *Lamp Lands* in such Lots or Parcels as they shall think fit, for and in consideration of a perpetual annual Rentcharge to be reserved and made payable half-yearly or oftener, on every such Sale, from and out of the Land the Subject thereof, to them and their Successors and Assigns for ever, in such Manner as the Commissioners shall deem expedient, and with the Reservation also of all such Powers of Distress, and Entry upon, and Perception and Detention of the Rents and Profits thereof, as they shall deem expedient, and under ordinary or special Condition of Sale, and generally in such Manner and Form as the Commissioners, with the Approbation (except in the Cases herein-after provided) of the Court of Chancery, shall think fit; but no Fine, Premium, or Foregift shall be taken by the Commissioners in respect thereof: Provided always, that the Approbation of the Court of Chancery shall not be necessary to enable the Commissioners to make any such Sale or Disposition in any Case in which the Value of the Land so sold shall not exceed One hundred Pounds, but the perpetual annual Rentcharge to be reserved and made payable as the Consideration for every such Sale as last aforesaid shall not be less than shall be fixed by some able practical Surveyor, to be appointed by the Commissioners for the Purpose of ascertaining the Value of the Lands so sold and disposed of, and the Amount of the Rentcharge which is or ought to be reserved and made payable as the Consideration for the Sale and Conveyance thereof, and all such Rentcharges to be reserved as aforesaid shall be held and applied upon and for the same or the like Trusts and Purposes as the annual Rents of the said Lands so sold as aforesaid would have been held upon or subject to in case such Sale thereof had not been made.

Commis-
sioners may
sell the Fee
Simple of
Lamp Lands
in Consider-
ation of an
annual Rent-
charge.

LIII. That the Commissioners shall keep a distinct and separate Account, to be called "*The Lowestoft Lamp Lands Account*," of all Rents,

Separate Ac-
count to be
kept of the
Rents,

The Lowestoft Improvement Act, 1854.

Lowestoft
Lamp Lands.

Rents, Profits, Monies, Dividends, Interest, and other Proceeds from Time to Time received by them in respect of the said *Lamp Lands*, Stocks, Funds, Securities, and Real and Personal Estates and Effects so respectively vested in and transferred to the Commissioners, or in respect of any Sale or Sales thereof respectively, and of all Costs, Charges, Expenses, Payments, and Disbursements from Time to Time made by them in respect of the same *Lamp Lands*, Real and Personal Estates and Effects.

Application
of Monies
carried to the
Credit of the
Lowestoft
Lamp Lands
Account.

LIV. That, subject and without Prejudice to such Direction and Provision as aforesaid, all the Rents and Profits, Dividends, Interest, and Income carried to the Credit of "The *Lowestoft Lamp Lands Account*," shall be applied by the Commissioners, so far as the same will extend, as follows :

First, in Payment of all Rents, Rates, Expenses, and other Outgoings from Time to Time payable in respect of the said *Lamp Lands*, and Real and Personal Estates and Effects for the Time being vested in the Commissioners, and in respect of any Sale or Sales of the same *Lamp Lands* :

Second, in Payment of the Interest on such Part of the Debt of the existing Commissioners as shall for the Time being remain unpaid :

Third, in Payment and Satisfaction of that Debt :

And fourth, as by this Act is provided in Discharge or Part Payment, and in aid so far as the same will extend, of the Amount to be levied from Time to Time by the General Improvement Rate in respect of all rateable Property in the Parish of *Lowestoft*, and for such other Purposes as the Commissioners from Time to Time think most expedient for the general Benefit and Improvement of the Parish of *Lowestoft*.

Saving Juris-
diction of
Court of
Chancery.

LV. That nothing herein contained shall affect the Power of the Court of Chancery, in the Exercise of its ordinary Jurisdiction over Charities, to deal with the Charity constituted by the said recited Deeds Poll, and Acts, and the Trusts thereof, as there may be Occasion.

Power to
purchase
Lands by
Agreement.

LVI. That from Time to Time the Commissioners may by Agreement purchase any Lands within the Limits of this Act for any of the Purposes thereof, and may order any Lands vested in them or any Part thereof to be laid into any Street for the widening and rendering more commodious the same, or to be otherwise disposed of for making such Two intended Streets as aforesaid, or either of them, as the said Commissioners think proper, and may sell any Lands purchased by and for the Time being vested in them.

LVII. That

The Lowestoft Improvement Act, 1854.

LVII. That if any Tenement adjoining or near any Street which, or any Part whereof, shall be sewerred, levelled, paved, flagged, or channelled by the Commissioners, be unoccupied or unproductive, and the Owner thereof fail for Twelve Months to pay his Proportion according to this Act of the Expenses of sewerred, levelling, paving, flagging, or channelling such Street or any Part thereof, or be bankrupt or insolvent, or unknown to the Commissioners, or cannot be found then and in any such Case the Commissioners, after Three Months Notice to that Effect given to such Owner, if he and his Place of Abode be known to the Commissioners, or if not known, then after Three Months Notice to that effect, affixed or placed on or near such Tenement, may take possession of such Tenement, and let the same, or any Part thereof, by Deed under their Seal, to any Person for such Term not exceeding Ten Years, and at the best Rent which can be reasonably had or gotten for the same, payable half-yearly or more often, as the Commissioners think fit, and may appoint some Person to deliver Possession of such demised Premises to such Lessee, and every such Lease shall be as valid and effectual as if the Commissioners had been the Owner of such Tenement.

Unoccupied or unproductive Ground may be let to defray Expenses.

LVIII. That the Rent of any such Tenement let under this Act by the Commissioners shall be paid to them, and they shall pay thereout, first the Expense of such letting, and next the Sum due from the Owner of such Tenement as his Share of the Expenses of sewerred, levelling, paving, flagging, or channelling the Street to which the Tenement adjoins or is near, and shall retain the Surplus, if any, for such Owner, or his Assignees or other legal Representatives: Provided always, that such Surplus shall in the Hands of the Commissioners be liable to any further Payments which shall under this Act become due from him to the Commissioners.

Application of Rents of unproductive Tenements let by the Commissioners.

LIX. That "The Towns Improvement Clauses Act, 1847," except Section Fifty-three thereof, and except the Provisions thereof with respect to Lodging Houses, and except Section One hundred and sixty-eight thereof, so far as the same relates to Buildings or Land belonging to the Commissioners, unless and when such Buildings or Land shall for the Time being be occupied by the Commissioners for the Purposes of this Act, shall be incorporated with this Act.

10 & 11 Vict. c. 34. incorporated.

LX. That the Commissioners may at all Times proceed in the Execution of this Act without the Approval of the Inspector mentioned in "The Towns Improvement Clauses Act, 1847," and as if no such Officer had been mentioned in that Act, and the Commissioners from Time to Time may appoint a Surveyor for the Purposes of this Act

Commissioners may execute Act without Approval of Inspector,

[Local.]

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as

The Lowestoft Improvement Act, 1854.

and may ap-
point Sur-
veyor.

as and when they shall think fit, and may remove any Person so appointed at pleasure, and may, if they think fit, appoint the same Person to be Surveyor and also to hold any other Office or Offices under this Act.

Occupiers to
repair and
cleanse pri-
vate Drains.

LXI. That the Occupier of any Tenement from which any private Drain now or hereafter issues into any Sewer vested in the Commissioners shall from Time to Time repair and cleanse such private Drain to the Satisfaction of the Commissioners, or in default thereof the Commissioners may repair and cleanse the same, and recover the Expenses thereof from the Defaulter as Damages.

Provision for
Repair of
private
Streets.

LXII. That in case any present or future Street or any Part thereof (not being a Highway repairable by the Inhabitants at large or a Turnpike Road) be not sewered, levelled, paved, flagged, and channelled to the Satisfaction of the Commissioners, they may by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sewer, level, pave, flag, or channel the same within a Time to be specified in such Notice, and if such Notice be not complied with the Commissioners may, if they shall think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the Owners in default according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor to the Commissioners, or, in case of Dispute, as shall be settled by Arbitration (having regard to all the Circumstances of the Case) in the Manner provided by the "Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration, and such Expenses may be recovered from the last-mentioned Owners, or the same may be declared by Order of the Commissioners to be Private Improvement Expenses, and be recoverable as such as by this Act provided.

New Streets,
&c. when
complete to
become
Highways.

LXIII. That the Streets by this Act authorized to be made shall, when so made, be respectively public Highways.

Power to
provide pub-
lic Water-
closets.

LXIV. That the Commissioners from Time to Time may make, alter, and remove, in such Places within the Limits of this Act as they think fit, any public Privies or Waterclosets, and may maintain and cleanse the same, and make such Regulations for the Use thereof, and the orderly Conduct of Persons resorting thereto, as the Commissioners think fit; and if any Person offend against any such Regula-
tion

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tion every Person so offending shall, for every such Offence forfeit a Sum not exceeding Five Pounds.

LXV. That the Commissioners from Time to Time may order the Owner or Occupier of any Inn, Public House, or Beershop within the Limits of this Act to remove any Urinal now or hereafter adjoining such Inn, Public House, or Beershop, Building or Place, and may order the Owner or Occupier of any Inn, Public House, or Beershop within the Limits of this Act to construct or place adjoining such Inn, Public House, or Beershop a Urinal in such Position and according to such Plan as the Commissioners or their Surveyor may approve; and if any such Owner or Occupier fail for Fourteen Days after the Time allowed by the Commissioners for the Removal or the Construction or placing of any such Urinal to remove or construct or place the same according to such Order, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Shillings for every Day after the Expiration of Fourteen Days during which such Order is not complied with.

Public Urinals.

LXVI. That it shall not be obligatory on any Officer of the Commissioners who finds any Cattle or the Carcass or Part of the Carcass of any Beast which appears unfit for the Food of Man, to seize and carry the same before any Justice in order to the further Inspection or Examination thereof by competent Persons, but any such Officer may of his own Authority seize such Cattle, or such Carcass, or such Part of a Carcass, and order such Inspection and Examination by competent Persons, and any Justice may thereupon make such Order in the Premises in the same Way and Manner as if such Inspection and Examination had been made under his Order.

Penalty for exposing for Sale unsound Meat or Provisions.

LXVII. That any Inspector or other Officer authorized by the Commissioners for that Purpose may at all Times in the Day, with or without Assistants, enter into and inspect any Knacker's Yard, House, or Place whatsoever, kept or used for slaughtering Horses, or other Animals not fit for the Food of Man, and any Building, Shed, Yard, or Place belonging thereto, to search and see the State and Condition thereof.

Officers may inspect Knackers Yards.

LXVIII. That a Coffin containing a Corpse shall not be buried in any Grave within the Limits of this Act, not being a Vault or Catacomb, without at least Four Feet of Soil between the ordinary Surface of the Burial Ground and the upper Side of the Coffin being, immediately after the Burial of such Coffin, placed in a permanent Manner in the Grave, so as effectually to close the same; and if any Person having the Preparation or the immediate Charge of the Preparation of any Grave to receive any such Coffin permit the

Depth of Soil over Coffins.

Coffin

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Coffin to be buried in any Grave in which there is not so placed immediately after the Burial of the Coffin Four Feet at least of Soil, measuring from the ordinary Surface of the Burial Ground to the upper Surface of the Coffin, every such Person having such Preparation or immediate Charge of the Preparation of any Grave shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for disturbing Corpses.

LXIX. That if any Person having the Preparation of any Grave within the Limits of this Act, in the course of the Preparation thereof knowingly or wilfully displace or disturb any undecomposed or only partly decomposed Corpse or Part of a Corpse, or any undecomposed or only partly decomposed Coffin or Part of a Coffin, every such Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

10 & 11 Vict. c. 89. incorporated.

LXX. That "The Towns Police Clauses Act, 1847," shall be incorporated with this Act.

Power to appoint Constables.

LXXI. That the Commissioners from Time to Time may appoint and employ all such Constables and other Officers as the Commissioners think fit, and may determine the Salaries and Wages to be paid to them, and may remove at pleasure any such Constable or Officer.

Regulations of Commissioners to be observed under a Penalty.

LXXII. That the Commissioners may make such Rules and Orders as they think fit, for regulating the Conduct of the Constables, and if any Constable do not faithfully observe and perform such Rules and Orders, every Person so offending shall for every such Offence forfeit a Sum not exceeding Twenty Shillings, and if the Commissioners think proper shall also be immediately discharged from his Office or Employment.

Power to Two Justices to dismiss Constables.

LXXIII. That any Two Justices may dismiss or suspend for Neglect of Duty any Constable appointed under this Act, and any Person so suspended or dismissed shall not be re-appointed except with the Consent of Two Justices, and when any Person is so suspended or dismissed all Powers vested in him as Constable shall accordingly be suspended or cease.

Gratuities to Constables.

LXXIV. That the Commissioners may allow any Constable or other Officer such Gratuities and Rewards for apprehending Felons and other Offenders as the Commissioners think proper, and may defray the Expenses of prosecuting any Felons or Offenders, and of defending any Constable in the Execution of his Duty, and may give such Rewards or Compensation to any Constable disabled in the Execution

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Execution of his Duty, and to any Constable appointed under this Act who shall be worn out by Length of Service, as the Commissioners think reasonable.

LXXV. Any Constable may within the Limits seize and detain any unmuzzled ferocious Dog, or any Dog going at large which there is reasonable Ground for believing to be in a rabid State, or to have been bitten by any other Dog or other Animal in a rabid State, or any Dog being at large after Public Notice from the Commissioners directing Dogs to be confined during the Period specified in such Notice, and any Constable may destroy any such Dog so seized at any Time not less than Two Days after the same has been so seized: Provided always, that such Seizure and Destruction shall not exempt the Owner of any such Dog from any Penalty to which he is in any Way liable in respect of such Dog.

Dangerous
Dogs.

LXXVI. That the Commissioners from Time to Time for any of the Purposes of this Act may borrow at Interest, on Mortgage of the Rates by this Act granted, such Sums of Money, not exceeding the Sum of Six thousand Pounds in the whole, as the Commissioners shall think fit, and in the event of any Part thereof being paid off by the Commissioners (otherwise than by the Sinking Fund) may reborrow the same, and so *toties quoties*.

Power to
borrow on
Mortgage.

LXXVII. Provided always, That nothing in this Act contained shall be held or construed to affect the Validity of any Bond or Mortgage on the Rates authorized to be levied by the Improvement Act which shall be subsisting at the Time of the passing of this Act, nor to alter or affect the Rights or Priorities of the Holders of any such Bonds or Mortgages in respect of such Bonds or Mortgages respectively, but all such Bonds and Mortgages shall continue, and all such Rights and Priorities shall remain, as if this Act had not been passed.

Saving
Rights of
Holders of
existing
Mortgages.

LXXVIII. That the Mortgagees under this Act may enforce the Payment of the Arrears of Principal and Interest due to them by the Appointment of a Receiver, and the Amount in arrear to authorize a Requisition for a Receiver shall not be less than One thousand Pounds.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

LXXIX. That the Amount which shall be set apart by the Commissioners yearly out of the Rates which shall be levied under this Act (other than the Rates for Private Improvement Expenses) as a Sinking Fund, to be applied in manner directed by Section

Amount to be
yearly set
apart for a
Sinking
Fund.

[Local.]

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Eighty-

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Eighty-four of "The Commissioners Clauses Act, 1847," shall be a Sum equal to One Thirtieth Part of the Monies borrowed by the Commissioners.

Private Im-
provement
Rates.

LXXX. That for the Payment of any Expenses by this Act declared to be Private Improvement Expenses, or otherwise payable by any Owner, the Commissioners from Time to Time, if they think fit, may make and levy upon the Owners of the Property in respect of which the Expenses are incurred, in addition to all other Rates under this Act; a Rate or Rates to be called "Private Improvement Rates," of such Amount or of such aggregate Amount as will, in the Judgment of the Commissioners, be sufficient to discharge the Amount of such Expenses, with lawful Interest thereon from the Time of the incurring thereof, and either in One Sum or by Instalments, within such Period not exceeding Thirty Years as the Commissioners in every Case determine; and the Commissioners shall have all such Rights and Remedies for the Recovery of such Private Improvement Rates as are given by "The Towns Improvement Clauses Act, 1847," for the Recovery of Expenses to be repaid by Owners to the Commissioners.

General Im-
provement
Rate.

LXXXI. That in order to defray the Expenses by "The Towns Improvement Clauses Act, 1847," directed to be defrayed by Special Sewer Rates and General Sewer Rates respectively, and all other Expenses from Time to Time incurred by the Commissioners in carrying the several Purposes of this Act into execution, the Commissioners from Time to Time may, but subject to the Provisions herein-before contained respecting the said intended Two new Roads or Streets, make and levy One or more Rate or Rates under the Name of "The General Improvement Rate," upon the Occupiers of all rateable Property within the Limits of this Act, so as such Rate or Rates shall not, except as by this Act otherwise provided, exceed in any One Year, to be computed from the First Day of *July* in every Year, the Sum of Two Shillings in the Pound: Provided always, that the Two last Quarters of the Rate, commencing and payable quarterly as and from the Twenty-fifth Day of *December* One thousand eight hundred and fifty-three, shall be taken and considered as and in part Satisfaction and Discharge of the First General Improvement Rate which shall be made under or by virtue of this Act, and shall be allowed in Account accordingly.

Providing for
the efficient
Repair of
Highways.

LXXXII. Provided always, That, notwithstanding anything in this Act contained, the Commissioners, as Surveyors of Highways, for the Purpose of providing for any Deficiency in the Funds applicable to the Repair of Highways, shall be authorized to levy such Rates
for

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for the Repair of all the Highways within the Limits of this Act as is prescribed by the Act of the Fifth and Sixth *William* the Fourth, Chapter Fifty, and may exercise all such Powers of rating Persons and Property liable to the Highway Rates as are contained in that Act.

LXXXIII. Provided also, That before any General Improvement Rate from Time to Time made by the Commissioners be levied upon any Person in respect of any rateable Property within the Parish of *Lowestoft* the Commissioners shall estimate and determine the full Amount which would be raised by such Rate if the same were actually levied on all rateable Property within the said Parish, and shall from such estimated Amount deduct the whole or such Part as the Commissioners think fit of the Monies for the Time being standing to the Credit of the *Lowestoft Lamp Lands* Account, and applicable for such Purpose, exclusive of all Monies received by the Sale of any Part of the *Lamp Lands*; and the Residue, after such Deduction as aforesaid of the said estimated Amount which would be raised by such Rate if the whole thereof were levied as aforesaid, shall be the General Improvement Rate to be levied in respect of all rateable Property within the Parish of *Lowestoft*, and shall alone be levied accordingly.

Deductions to be made from the General Improvement Rate for Property in the Parish of *Lowestoft*.

LXXXIV. That the Parish of *Kirkley* otherwise *Kirtley* shall not, directly or indirectly, participate in or derive or take any Benefit from the Monies carried to the Credit of the *Lowestoft Lamp Lands* Account or any Part thereof, and shall not be liable directly or indirectly to any Part of any Debt of the existing Commissioners, or the Interest thereof, or any other Monies or Payments at any Time charged to the Debit of the *Lowestoft Lamp Lands* Account, or to which the same may be subject or liable.

Kirkley Parish not to be benefited by the *Lowestoft Lamp Lands*, nor charged with Debt of existing Commissioners.

LXXXV. That if and whenever it appears that such Sum of Two Shillings in the Pound is not sufficient for the Purposes to which under this Act the Monies raised by the General Improvement Rates are applicable, the Commissioners, with the Consent of the Majority of the Ratepayers assembled at a Public Meeting called by the Commissioners for that Purpose, may increase the General Improvement Rate for the current Year, so as it do not in any One Year exceed the Sum of Three Shillings in the Pound: Provided always, that One Month's public Notice of the Intention of the Commissioners to make any such Increase, and of the Time and Place for holding such Public Meeting, shall be given by them by Placards posted in some public Places, and circulated within the Limits of this Act.

Increase of Rate for general Purposes with Consent of Ratepayers.

LXXXVI. That

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Expenses may be recovered from the Occupiers of Houses in the Rear of unoccupied Ground belonging to the same Owner.

LXXXVI. That if the Owner of any unoccupied or unproductive Land adjoining to or near any Street which or any Part whereof is sewered, levelled, paved, flagged, or channelled by the Commissioners, be also the Owner of any Land at the Rear of and adjoining such unoccupied or unproductive Land, and upon which any House or Building is erected, then the Commissioners may require all or any Part of the Expenses to be paid by such Owner in respect of the sewerage, leveling, paving, flagging, or channelling such Street, to be paid by the Persons then or thereafter occupying any such Houses or Buildings, in the same Manner as if such Houses or Buildings immediately adjoined the Street.

Owners may do Works instead of Commissioners.

LXXXVII. That in every Case in which the Commissioners are empowered under this Act to do any Work at the Expense of any Owner, the Owner may, if the Commissioners consent, do the Work at his own Expense, so as the Work be done under the Superintendence of the Surveyor, and to the Satisfaction of the Commissioners.

Application of Penalties.

LXXXVIII. That the Justice or Justices by whom any Penalty is imposed under this Act shall award the same to the Commissioners.

As to Recovery of Sums not exceeding 50*l.*

LXXXIX. That whenever any Person shall fail to pay any Rate or Sum due and payable to the Commissioners, and the Rate or Sum so due and payable shall not exceed Fifty Pounds, the Commissioners may recover the same with full Costs of Suit in any Court of competent Jurisdiction, and the Remedies of the Commissioners under this Enactment shall be in addition to their other Remedies for the Recovery of such Rate or Sum.

Cost of Distress.

XC. That any Justice who issues any Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Rate or Sum shall be paid by the Person liable to pay such Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rate or Sum.

Several Names in One Warrant.

XCI. That any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Commissioners for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Provision as to the Rights of the Crown.

XCII. That nothing whatsoever contained in this Act shall extend to authorize the Commissioners to purchase, take, use, or otherwise interfere

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interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

XCIII. That, except as by this Act expressly enacted, this Act, or anything therein contained, shall not take away, alter, lessen, or prejudice any of the Rights, Privileges, and Authorities of the *Lowestoft Water, Gas, and Market Company*, and the *Norfolk Railway Company* respectively. Saving Rights of certain Companies.

XCIV. That all the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be defrayed by the Commissioners as Part of the general Expenses of executing this Act. Expenses of Act.

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The SCHEDULE referred to in the foregoing Act.

All that unoccupied Plot of Land in the Town of Lowestoft adjoining the Beach, and now used as a Public Walk or Pleasure Ground by the Inhabitants of the Town of Lowestoft and the Neighbourhood thereof, and called or known by the Name of "The Battery Green," bounded on the North Side in part by a Road leading from Nelson Street to Whapload Way, and in other part by Land of James Fisher, on the East and South-east Sides by the Beach, and on the Westerly Side in part by Land the Property of Edmund Norton Esquire, and in part by Land the Property of Her Majesty, and under the Control of the Principal Officers of Her Majesty's Ordnance.

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