



ANNO TERTIO & QUARTO

# GULIELMI IV. REGIS.

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## *Cap. cv.*

An Act for paving, cleansing, lighting, watching, repairing, and improving a certain Portion of the Parish of *Herne* in the County of *Kent*.

[28th June 1833.]

**W**HEREAS a certain Portion of the Parish of *Herne*, near or adjoining to the Pier at *Herne Bay* in the County of *Kent*, hath of late Years increased in Houses and other Buildings, and may become a Place of considerable Resort, and many Houses and Buildings are now being erected there, and it would tend greatly to the Accommodation, Safety, and Convenience, not only of the Inhabitants of such Portion of the said Parish, but of all Persons resorting to and passing through the same, if the Roads, Streets, Ways, Lanes, and other Public Passages and Places now formed and made, and hereafter to be formed and made within the said Portion of the said Parish, were properly paved, cleansed, lighted, watched, and improved, and all Nuisances, Annoyances, Encroachments, Projections, and Obstructions therein removed and prevented, and if an efficient Police were established therein: And whereas it would greatly facilitate the Purposes aforesaid if the said Portion of the said Parish were separated for such Purposes from the Remainder of the said Parish; but the above Purposes cannot be effected without the Aid and Authority of Parliament: And whereas a Map or Plan has been made of the said Portion of the said Parish so intended, to be separated for the Purpose of more clearly ascertaining the Boundaries of the same, which Map or Plan has been deposited in the Parliament Office, and a Duplicate thereof has also been deposited with the Parish Clerk of *Herne* aforesaid, which said

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Boundaries

Limits of  
the Town.

Boundaries are on the Map or Plan described by a dotted Line : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act all the District within the Boundaries set forth and described on the Map or Plan herein-before referred to, and the Duplicate thereof, shall for ever be and be deemed and taken to be a distinct District for the Purposes herein-after mentioned, and such District shall be called and known by the Name of "The Town of *Herne Bay*."

Mode of re-  
covering  
Arrears of  
Rates due  
at passing  
of Act.

II. And be it further enacted, That every Person within the said Town from whom any Arrears of Rates shall be due and payable at the Time of the Commencement of this Act for the Purpose of repairing and improving the Highways, Roads, and Streets within the same, shall remain and be liable to the Payment thereof in all respects as such Person was liable for the Payment thereof before the passing of this Act, or would have been liable if this Act had not been passed.

Appointing  
Commis-  
sioners, who  
are to be a  
Corporate  
Body, and  
to sue and  
be sued as  
such.

III. And be it further enacted, That *Robert Adams, Abraham Alexander, George Ash, John Brough, George Augustus Brown, George Burge, Thomas Camplin, Edward Charles, James Clift, Edward Collard, Samuel Hacker, David Halket, James Jenkins, James Law Jones, James Mortimer, Thomas Mortin, John Palmer, George Edward Pemberton, George Randell, John Randell, Thomas Reid, Edmund Saxby, Abraham Slowman, William Wiggins*, and their Successors to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution ; and such Commissioners shall be a Body Politic and Corporate, and shall be called and known by the Name of "The Commissioners for improving the Town of *Herne Bay*," and by that Name shall and may have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall and may hold any Lands, Tenements, and Hereditaments which they are by this Act authorized to purchase, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Meetings  
for the  
Election of  
Commis-  
sioners.

IV. And be it further enacted, That it shall be lawful for the Occupiers of Lands, Tenements, or Hereditaments within the said Town, assessed to and having paid the then last Rate for the Relief of the Poor within the said Parish of *Herne*, to hold Meetings in some convenient Place in the said Town for the Purpose of electing Commissioners to supply the Places of such Commissioners as shall from Time to Time go out of Office by Ballot and Rotation, as herein-after mentioned respectively ; and the First of such Meetings shall and may be held within Twenty Days next preceding the Third *Monday* in *August* in the Year One thousand eight hundred and thirty-eight, and all subsequent Meetings shall and may be held within Twenty Days next preceding the Third *Monday* in *August* in every Year then following ; and such Meeting shall be convened by the Clerk to the said Commissioners, by Notice to be published in Two or more



of the *Kent* Newspapers at least Ten Days previously to the respective Days of holding such Meetings, and it shall be lawful for such Occupiers assembled at such Meetings once to adjourn the same respectively, and at such Meetings respectively the said Occupiers, or the Majority in Votes of the said Occupiers there assembled, shall and may proceed to the Election of Eight Persons, being Occupiers of Lands, Tenements, or Hereditaments within the said Town, and all which Eight Persons shall be duly qualified according to the Provisions of this Act to be Commissioners, for the Purpose of supplying the Places of such Commissioners as shall go out of Office by Ballot and Rotation as herein-after mentioned; and every such Occupier present who shall, by the last Rate which shall have been made for the Relief of the Poor within the said Parish of *Herne*, have been assessed or charged upon or in respect of any annual Rent, Profit, or Value, shall have and be entitled to give One Vote; and at all such Meetings a Chairman shall and may be appointed, who, upon an Equality of Votes on any Question (including the Vote of such Chairman), shall have the decisive or casting Vote as Chairman.

V. And be it further enacted, That on the Third *Monday* in the Month of *August* in the Year of our Lord One thousand eight hundred and thirty-eight One Third of the said Commissioners herein named shall go out of Office, and the Eight Persons who shall have been elected at a Meeting of the Occupiers of Lands, Tenements, or Hereditaments within the said Town, held as herein-before mentioned within Twenty Days then next preceding, shall be Commissioners in their Stead; and at the End of One Year from the said Third *Monday* in the Month of *August* in the Year of our Lord One thousand eight hundred and thirty-eight One Third more of the said Commissioners herein named shall go out of Office, and Eight Occupiers of Lands, Tenements, or Hereditaments within the said Town, being elected and duly qualified according to the Provisions of this Act, shall be Commissioners in their Stead; and at the End of the succeeding Year One Third more of the said Commissioners herein named shall go out of Office, and Eight Occupiers, being elected and duly qualified as aforesaid, shall be Commissioners in their Stead, until the whole of the Number of Twenty-four Commissioners hereby appointed shall in manner aforesaid have gone out of Office; and in order to determine which Eight of the said several Commissioners herein named shall go out of Office at the respective Times aforesaid, a Ballot shall be taken at a Meeting of the Commissioners to be held for that Purpose, previously to the Day for electing Commissioners to supply the Places of such of the said Commissioners as shall from Time to Time go out of Office.

One Third of the Commissioners to go out of Office annually, by Ballot in first instance;

VI. And be it further enacted, That after the Third *Monday* in the Month of *August* in the Year of our Lord One thousand eight hundred and forty (when all the Persons herein named will under the Provisions herein-before contained have gone out of Office), then and from thenceforth One Third of the Commissioners for executing this Act, (elected in manner aforesaid,) shall at the Expiration of every succeeding Year go out of Office by Rotation, in the Order in which they shall have been elected, and Eight Occupiers of Lands, Tenements,

afterwards, by Rotation.



ments, or Hereditaments within the said Town, being elected and duly qualified according to the Provisions of this Act, shall be Commissioners in their Stead: Provided always, that it shall be lawful at any Meeting for Election of Commissioners as aforesaid to re-elect any Number, not exceeding Two Thirds, of the Commissioners then going out of Office.

On Death, &c. of Commissioner, the others to choose one in his Place for Remainder of Term of Commissioner so dying, &c.

VII. And be it further enacted, That when any of the Commissioners herein named or hereafter to be elected shall die, or be or become disqualified, or shall for the Space of Six Calendar Months refuse or neglect to act, such Death, Disqualification, Refusal, or Neglect being declared by and at a Meeting of the said Commissioners, then and in every such Case the surviving or remaining Commissioners assembled at any Meeting to be held or called under or by virtue of this Act shall nominate, elect, and appoint fit Persons qualified as herein-after mentioned to be Commissioners in the Room or Stead of the Commissioners so dying, or being or becoming disqualified, or refusing or neglecting to act as aforesaid; and every Person so to be elected and appointed a Commissioner is hereby vested with the same Powers for putting this Act into execution as if he had been expressly named and appointed a Commissioner in and by this Act, or elected or appointed a Commissioner in manner herein-before mentioned; but every Person so to be elected and appointed a Commissioner as last mentioned shall continue in Office only for such Period as the Commissioner so dying, or being or becoming disqualified, or refusing or neglecting to act, would have continued in Office.

Qualification of Commissioners.

VIII. Provided always, and be it further enacted, That no Person (except the Persons nominated and appointed in and by this Act) shall be capable of acting as a Commissioner in the Execution of this Act unless he shall be rated as an Occupier of Lands, Tenements, or Hereditaments within the said Town, and shall really and *bonâ fide* in his own Right, or in the Right of his Wife, be seised or possessed of Real Estate of the clear yearly Value of Fifty Pounds, or be the Tenant or Occupier of Lands, Tenements, or Hereditaments within the said Town of the clear annual Value of Fifty Pounds, nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath herein-after mentioned) until he shall have taken and subscribed before One or more of the said Commissioners (who is and are hereby empowered to administer the same) an Oath, in the Words or to the Effect following; (that is to say,)

Oath.

‘ I do swear, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*].

‘ So help me GOD.’

And an Entry or Memorandum shall be made in the Book of Proceedings of the Commissioners of the taking and subscribing of such Oath, and of the Date of administering the same.

IX. And



IX. And be it further enacted, That every Person being an Inhabitant Householder within the said Town, and being seised in Fee Simple in possession of a Messuage, Land, Ground, or Hereditaments within the said Town of the annual Value of Fifty Pounds or upwards, clear of all Taxes whatsoever in respect thereof, shall and may act and be a Commissioner under this Act: Provided nevertheless, that every such Person shall, previous to his acting as such Commissioner, deliver to the Clerk of the said Commissioners, at some Meeting of the Commissioners, a Schedule or Inventory in Writing, describing the Situation, and the Occupier or Tenant of such Messuage, Land, Ground, or Hereditaments, previously verified on Oath before some Justice of the Peace acting for the County of *Kent*, and shall also take and subscribe before One or more of the said Commissioners the Oath herein-before directed to be taken by the said Commissioners; and the Clerk to the said Commissioners for the Time being is hereby required to enter forthwith such Schedule or Inventory in a Book to be provided for that Purpose by the said Commissioners.

Owners of Land of the Value of 50*l.* may act as Commissioners. Previously to acting, every Person to deliver an Inventory of Premises, and take the Oath.

X. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act who shall be or become a Bankrupt or Insolvent, or who shall accept or hold any Place of Profit, or have any Share or Interest, either directly or indirectly, in any Bargain or Contract under this Act, or who shall sell Ale, Beer, Wine, or Spirituous Liquors by retail, and no Person during the Time he shall be such Commissioner shall be capable of taking or entering into any such Bargain or Contract, nor shall any Commissioner act in any Matter in which he shall be personally interested: Provided always, that no such Disqualification as aforesaid shall extend to prevent any Person from acting as a Commissioner in the Execution of this Act, by reason of his being a Creditor on the Rates and Assessments to be raised and levied under this Act, nor by reason of his having any Share or Interest in any Gas Light Company established or to be established, save only so far as relates to the making, enforcing, compounding, or annulling any Bargain or Contract between the said Commissioners and such Gas Light Company: Provided also, that it shall be lawful for such of the said Commissioners as are or shall be Justices of the Peace to act as such in the Execution of this Act, notwithstanding their being Commissioners, except in Cases where they shall be personally interested.

Disqualification of Commissioners.

XI. And be it further enacted, That if any Person not being qualified as aforesaid, or having ceased to be qualified according to the Directions of this Act, or not having taken and subscribed the Oath herein-before mentioned, or being disqualified by any of the Causes aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at

Penalty for Commissioner acting when not qualified.

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the Time of acting qualified as aforesaid, and not disqualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

Disqualifi-  
cation not  
to invalidate  
Act of Com-  
missioner.

XII. Provided always, and be it further enacted, That all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, though not duly qualified, or being disqualified, done previously to his being so convicted, shall be as valid and effectual as if such Person had been duly qualified and not disqualified as aforesaid.

Meetings  
and Ad-  
journments  
of Commis-  
sioners.

XIII. And be it further enacted, That the said Commissioners shall meet at some convenient House or Place in the said Town, within One Calendar Month next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Ten and Twelve of the Clock in the Forenoon, to put this Act into execution; and it shall be lawful for the Commissioners present at any Meeting appointed to be held for the Execution of this Act, from Time to Time to adjourn the same, to be holden at any future Day and Time, at any House or Place within the said Town; and in case the said Commissioners present at any Meeting shall omit to adjourn the same, or in case there shall not be a sufficient Number of Commissioners present for that Purpose, then and in every such Case the Clerk of the said Commissioners may adjourn the same Meeting, in the same Manner as the Commissioners might have adjourned the same; or it shall be lawful for any Three of the said Commissioners, although not assembled at a Meeting, or for their Clerk, on an Order signed by Three or more of them, to call a Meeting of the said Commissioners at some convenient Place within the said Town to transact general Business, such Meeting to be called by Notices in Writing under the Hands of such Commissioners, or under the Hand of their Clerk, directed to the Commissioners, or the other Commissioners, as the Case may be, at their then or last respective Places of Abode, and sent by the Post or otherwise; such Meeting to be held not sooner than Three and not exceeding Fourteen Days from the Day of sending such Notices.

Meetings on  
Emergencies  
may be called  
by Three  
Commis-  
sioners.

XIV. And be it further enacted, That notwithstanding any Adjournment or Non-adjournment of any previous Meeting of the said Commissioners, it shall be lawful for any Three or more of the said Commissioners, although not assembled at a Meeting, or for their Clerk (on an Order signed by Three or more of them), from Time to Time, and at any Time, by Notices in Writing under their or his Hands or Hand, to be directed to the Commissioners or the other Commissioners, as the Case may be, at their then or last respective Places of Abode, and sent by the Post or otherwise, to convene and appoint a Special Meeting of the Commissioners for proceeding in the Execution of this Act, to be held at any Time, and in any convenient Place within the said Town, to be specified in such Notices, such Time not being less than Three Days after the sending of such Notices: Provided always, that no other Business shall be transacted

at

at any Special Meeting as aforesaid than what shall have been specified in such Notices as being the Purpose for which such Meeting shall be called.

XV. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any Meeting to be held in pursuance of this Act, the Number present at any such Meeting not being less than Five (except in Cases where by this Act a greater Number is required); and all the Acts, Orders, and Proceedings of the major Part of any such Five or more Commissioners present at such Meetings shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being; and at every such Meeting of the said Commissioners One of the Commissioners present shall be appointed Chairman by a Majority of the Commissioners then present, and in case of an Equality of Votes of the Commissioners at such Meeting (including the Vote of the Chairman), the Chairman presiding at such Meeting shall have the decisive or casting Vote as Chairman, although he shall have previously given his Vote; and no Act of the said Commissioners in the Execution of this Act shall be good or valid unless done at some Meeting to be held in pursuance of this Act (except in Cases particularly specified in this Act); and no Order made by the said Commissioners at any of their Meetings shall be revoked or altered unless at some subsequent Meeting to be held for that Purpose, of which Fourteen Days Notice in manner aforesaid shall be given in Writing to the said Commissioners, expressing the Occasion of such Meeting, and unless a greater Number of Commissioners shall attend and vote at such Meeting to revoke and alter the Order than were present when the same was made, any thing contained in this Act to the contrary notwithstanding.

Regulating Proceedings of Commissioners at Meetings.

Acts invalid unless done at Meeting.

Revocation of Acts of Commissioners.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint any Number of the Commissioners, not less than Three, to be a Committee for the Purpose of carrying into effect any Matter or Thing which may arise in the Execution of this Act, and which the Commissioners present at any Meeting may decide to be proper to be executed by such Committee, and the Commissioners so appointed on any such Committee, or the major Part in Number of them, shall have Power and Authority to execute the Matters or Things so left to them, as fully and effectually to all Intents and Purposes, as the same might have been executed by the said Commissioners at any of their Meetings, so nevertheless that the Acts of such Committee shall, before the same shall be adopted and carried into execution, be confirmed by some subsequent Meeting of the said Commissioners, held according to the Provisions of this Act.

Power to appoint Committees.

XVII. And be it further enacted, That regular Entries shall be made in some Book to be provided for that Purpose of the Commissioners who shall attend at each of the Meetings of the said Commissioners, and of all their Orders and Proceedings; and such Entry shall be read as the first Business of the next succeeding Meeting of the

Minutes of Proceedings of Commissioners to be kept, and signed by the



Chairman of subsequent Meetings; and when so signed, shall be receivable in Evidence.

the said Commissioners, and the Chairman of every such Meeting at which the same shall be read shall, if such Entries be correctly made, subscribe his Name to the same; and all such Entries being so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, and in all Suits, Actions, and Proceedings relating to any thing done in pursuance of this Act; and every such Book shall, at all reasonable Times, be open to the Inspection of the Inhabitants of the said Town respectively who shall be rated to any of the Purposes of this Act, without Fee or Reward; and if the Clerk or Person having the Custody thereof shall not permit such Inhabitants as aforesaid, or any of them, so to inspect such Book, such Clerk or Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

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

Accounts to be made out annually.

XIX. And be it further enacted, That in the Month of *May* in every Year a true Account shall be made in Writing of all Monies received and paid by virtue of this Act during the preceding Year ending upon the Twenty-fifth Day of *March* in every Year, and a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Commissioners, and shall be open to the Inspection of all Persons interested.

Officers to be appointed by Commissioners.

XX. And be it further enacted, That the said Commissioners may from Time to Time appoint and employ a Treasurer, Clerk, Collector, Receiver of the Rates and Assessments, Surveyor, and such other Officers or Persons as and when they the said Commissioners shall think proper for carrying this Act into execution, and the said Commissioners shall and may from Time to Time remove them or any of them, and in like Manner appoint others in the Room of those removed, or who shall die, or who shall refuse or decline such Offices, or become incapable of acting therein, and out of the Monies to be raised by virtue of this Act pay such Salaries, Wages, or Allowances to the said Officers and other Persons as they the said Commissioners shall think reasonable; and the said Commissioners shall and they are



are hereby required to take such Security from every such Treasurer, Collector, and Receiver, for the due and faithful Execution of their respective Offices, as they the said Commissioners shall think reasonable.

XXI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Same Person not to be both Clerk and Treasurer.

XXII. And be it further enacted, That as often as any Collector or Receiver of any of the Rates or Assessments to be raised by virtue of this Act shall die, or become incapable of acting in the Execution of this Act, or shall neglect to perform his Duty therein, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at a Meeting to be held pursuant to this Act, by any Writing under their Hands to appoint another Person to be Collector or Receiver thereof, until a Collector or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act, any thing herein contained to the contrary notwithstanding.

Commissioners may appoint a temporary Collector in case of Death or Neglect.

XXIII. And be it further enacted, That if any Treasurer, Clerk, Collector, Receiver, or any other Officer or Person who shall be in anywise employed by the said Commissioners in putting this Act, or any of the Powers thereof, into execution, shall exact, take, or accept by any Ways or Means any Fee, Profit, or Reward whatsoever (other than such Salaries, Wages, and Allowances as shall be appointed and allowed and approved of by the said Commissioners), for or on account of any thing done or to be done by

Penalty on Officers taking Fees, or having an Interest in Contracts.

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virtue

virtue of this Act, or on any account whatsoever relative to putting the same into execution, or shall in any way be directly or indirectly concerned or interested in any Sale, Purchase, Bargain, or Contract made or to be made by or by Order of the said Commissioners for the Purpose of putting this Act into execution (unless with the Consent and Approbation of the said Commissioners), every such Person so offending shall be deemed to be disqualified, and shall be for ever incapable of serving or being employed for any of the Purposes of this Act, and shall likewise forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, with full Costs of Suit, in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to  
account.

Summary  
Remedy in  
case of De-  
fault.

XXIV. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid shall under their Hands (at such Time and in such Manner as the said Commissioners shall direct) deliver to the said Commissioners, or to such Person 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 for what Purposes, together with the Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce or deliver up the Vouchers 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 as they shall appoint, within Fourteen Days after being thereunto required by or on behalf of the said Commissioners, by Notice in Writing to be given to or left at the last 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 by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, 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 to summon the Officer or Person so refusing or neglecting before him, and upon his appearing, or having been summoned by Notice given to him, or left with some Inmate at his last or usual Place of Abode, 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 upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by the said Commissioners by virtue of this  
Act



Act shall be in the Hands of such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment 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 of distraining and selling the same, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative 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 Common Gaol or House of Correction for the County, City, Town Corporate, or Place wherein such Offender shall be or 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 said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time 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, but such Surety and the Estate and Effects of such Officer or Person shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

XXV. And be it further enacted, That in case of the Death of any such Officer or Person before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of his Office or for the Purposes of this Act, then and in every such Case the Executors or Administrators of such Officer or Person so dying 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; and in case of the Non-delivery of such Books, Papers, Writings, and Things for the Space of Twenty-one Days after Demand made thereof in Writing by or on behalf of the said Commissioners, it shall be lawful for the said Commissioners to commence and prosecute an Action in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators, for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things, in which Action full Costs of Suit shall be recoverable by the said Commissioners; or otherwise, in case of Non-delivery of such Books, Papers, Writings, and Things for the Space of Fourteen Days

Executors  
of Officer  
dying to  
deliver up  
Books.

Summary  
Remedy  
before a Jus-  
tice.



Days after Demand made as aforesaid, then, upon Complaint made by the said Commissioners, or by any Person 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, Town Corporate, or Place wherein the Executors or Administrators of such Officer or Person so neglecting or refusing to deliver up such Books, Papers, Writings, and Things as aforesaid shall reside or be, such Justice may and he is hereby authorized and required to summon the Executor or Administrator so refusing or neglecting 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 creditable Witness upon Oath (which Oath such Justice is hereby authorized to administer), it shall appear to such Justice that any Books, Papers, Writings, or Things relating to the Execution of this Act shall be in the Custody or Power of such Executor or Administrator, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same, then and in every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, Town Corporate, or Place wherein such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall have given up such Books, Papers, Writings, and Things, or have given Satisfaction in respect thereof to the said Commissioners or to such Justice.

Costs of  
Suit to be  
paid out of  
Funds raised  
by this Act.

XXVI. And be it further enacted, That the said Commissioners shall from Time to Time, and at all Times hereafter, pay, from and out of the respective Funds or Monies to be respectively raised under and by virtue of this Act, all Costs, Charges, Damages, and Expences which they shall or may incur, sustain, or be put unto for or by reason of any Action, Suit, or Proceeding which may be had, sued, commenced, or prosecuted against them or by them for any Matter or Thing which may be by them respectively legally done in and about the Execution of the respective Purposes of this Act.

Pavements,  
Lamps, &c.  
vested in  
Commissioners.

XXVII. And be it further enacted, That all the present Roads, Streets, Ways, Lanes, and other Passages and Places now used by the Public within the said Town, (except a certain Way or Walk called or known by the Name of the Terrace, or any Part thereof, claimed to be the Property of *George Randell* Esquire,) and all Carriage or Foot Ways or Passages which shall hereafter be made or adopted by the Commissioners as public Ways or Passages under or by virtue of this Act, and the Pavements, Flag Stones, Curb Stones, Stones, Gravel, and other Materials belonging thereto respectively, and also all Lamps, Lamp Irons, Lamp Posts, Watch Boxes, Watch Houses, and other Houses and Buildings hereafter to be erected or fixed up or purchased by virtue of this Act, and of all the Groyns or other Works already erected and built, or which shall or may at any Time hereafter be erected or built, within the said Town, for preventing the Encroachments of the Sea in manner herein-after directed, and all Materials and other Articles, Matters, and Things which shall be purchased or provided by the said Commissioners for the Purposes of



of this Act, or in any Manner relating thereto, shall belong to and be the Property of and the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action, or direct the preferring of any Bill of Indictment (as the Case may require), against any Person who shall steal, take, or carry away, detain, spoil, injure, or destroy the said Materials, Articles, Matters, and Things, or any of them, or any Part thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Thing for or on account of which such Action shall be brought or Bill of Indictment preferred is or are the Property of "The Commissioners for improving the Town of *Herne Bay*," without particularly mentioning or specifying the Name of any of such Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of (for the Purposes of this Act) all or any of the said Materials, Articles, Matters, and Things, or any Part of the same respectively, to such Persons and in such Manner as they the said Commissioners shall think proper; and if any Person shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the said Materials, Articles, Matters, or Things hereby vested in the said Commissioners, or any of the Works to be done in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to open, form, set out, and make a new and commodious Road, not exceeding in Width Forty Feet, commencing at or near the Southern Extremity of *Brunswick Street* within the said Town, and terminating at or near the Spot where *Herne Common* abuts upon the Turnpike Road from the said Town to *Canterbury*, and which said Road when made shall be and the same is hereby vested in the said Commissioners, and from Time to Time to cause the said Road, and also the present Roads, Streets, Ways, Lanes, and other Passages and Places now used by the Public (except the Terrace aforesaid), and all future Roads, Streets, Ways, Lanes, and other Passages and Places which shall be adopted by the Commissioners under this Act within the said Town or any Part thereof, as well the Carriage as Foot Ways, to be repaired, made, formed, amended, paved, flagged, or otherwise sustained, and the same, and the Pavements, Flagging, and other Materials thereof, to be taken up and relaid, and with such Materials, and with such Drains, Gutters, Sinks, or Watercourses, and with such Grate or Gratings in, from, or out of such Ways, over and into such Gutters, Sinks, Drains, or Watercourses, as they the said Commissioners shall think fit; and it shall be lawful for the said Commissioners to take up and remove, or cause to be taken up and removed, all or any Posts, Rails, Pales, or Trees in such Roads, Streets, Ways, Lanes, Passages, or Places, or any of them, as they the said Commissioners shall judge useless or to be a Nuisance or Obstruction to Foot Passengers, Horses, or Carriages, and to erect and set up any other Posts, Rails, or Pales in any such Places as they shall think proper, for the better Security of Passengers or Carriages,

Power for Commissioners to form new Road, and to improve and pave Streets and remove Obstructions.



or of the said Pavements or Curbstones from Damage by Waggons, Carts, or other Carriages; and the said Commissioners are hereby authorized and empowered to make fair and reasonable Compensation, out of the Money to be raised by virtue of this Act, to the Owner or Occupier of any House, Land, or Premises who shall be in any way injured or prejudiced by any of the Alterations, Works, or Improvements herein-before authorized to be made.

Commis-  
sioners to  
fence Roads.

XXIX. And be it further enacted, That the said Commissioners shall at their own Costs, within Thirty Days after the said Road herein-before mentioned and described, (commencing at or near the Southern Extremity of *Brunswick Street* within the said Town, and terminating at or near the Spot where *Herne Common* abuts upon the Turnpike Road from the said Town to *Canterbury*,) or any Part thereof, shall have been made and constructed, divide and separate, and keep constantly divided and separated, the same from the adjoining Land or Field, (or such Part thereof as shall be deemed necessary by any Two or more Justices of the Peace of the said County of *Kent*, in case there shall be any Doubt or Dispute about the same,) by making or causing to be made sufficient Posts and Rails, Hedges, Ditches, Banks, or other Fences by the Side or Sides of the said Road, the same to be set out and made on the Land or Ground which shall be purchased by, conveyed to, or vested in the said Commissioners as aforesaid; and the said Commissioners shall from Time to Time maintain and support the said Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences so set up and made as aforesaid, and also shall, at their own like Costs and Charges, make, erect, and set up such and so many convenient Gates and Stiles in, over, or through all the Hedges and Fences to be by them so made on the Side of such Road as aforesaid, of such Dimensions and in such Manner as any Two or more Justices of the Peace for the said County of *Kent* shall deem necessary and direct, in case there shall be any Doubt or Dispute about the same, for the Use of the Owners and Occupiers of the Lands, Tenements, or Hereditaments adjoining to such Road; and in case the said Commissioners shall refuse or neglect to divide and separate, or to keep divided and separated, the said Road or any Part thereof in manner herein directed, or to make, erect, and set up such Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences on the Sides of the said Road, or to make, erect, and set up such Gates and Stiles in, over, and through the Fences on the Sides of the said Road, for the Use and Convenience of the Owners or Occupiers of the Lands, Tenements, or other Hereditaments adjoining or near to the said Road or any Part thereof, in such Manner as aforesaid, or to maintain and support such Posts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, for the Space of Thirty Days next after the Time to be appointed for those Purposes by such Justices, or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands, Tenements, or other Hereditaments who may be aggrieved by any such Refusal or Neglect, then and in every such Case it shall be lawful for any Owner or Occupier of the said adjacent Lands, Tenements, or Hereditaments, who shall find himself aggrieved by such Refusal or Neglect, to make, erect, and set up all such Posts, Rails, Hedges, Banks,



Banks, or other Fences, and Gates and Stiles, in, through, or over the same, as such Justices shall have directed or appointed to be made, erected, and set up by the said Commissioners as aforesaid, and to maintain, repair, and support the said Posts, Rails, Hedges, Banks, or other Fences from Time to Time as occasion shall require, and all the reasonable Costs and Charges thereof to be settled and allowed by such Justices shall be repaid to the Owner or Occupier of the said adjacent Lands, Tenements, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Commissioners, within the Space of Twenty-one Days next after the same shall have been so settled and allowed, and an Account or Demand in Writing shall have been made thereof and delivered to the Clerk for the Time being to the said Commissioners, or to any One of the said Commissioners; and in default of Payment of the said Costs and Charges within the Time aforesaid, the same may be recovered by Distress upon the Goods and Chattels of the said Commissioners in manner herein-after mentioned, or it shall be lawful for such Owner or Occupier to recover such Costs and Charges from the said Commissioners by Action at Law to be commenced and prosecuted in any of His Majesty's Courts of Record at *Westminster*: Provided nevertheless, that it shall be lawful for the Owner or Occupier of any such Lands, Tenements, or Hereditaments, at his own Expence, to make, erect, and set up any such Posts, Rails, Hedges, Banks, or other Fences, and Gates and Stiles, in, through, or over the same, and to divide the same Lands, Tenements, or Hereditaments from the said Road as aforesaid, or at any Time to take down the Posts, Rails, Hedges, Banks, or other Fences to be made, erected, and set up for that Purpose by the said Commissioners as aforesaid, and erect other Fences in lieu thereof, and that after any Fence shall have been taken down and erected by any Owner or Occupier, the said Commissioners shall no longer be liable to maintain, repair, or support the same, or to pay any Costs or Charges in respect thereof.

XXX. And be it further enacted, That no Person shall at any Time make or cause to be made any Alteration in any paved, pitched, or stoned public Foot or Carriage Way, before, behind, or at the Side of his House, Building, Ground, or Land, or in the Pavement, Pitching, or Stoning thereof (except the Terrace aforesaid), without the Consent or Licence in Writing of the said Commissioners first had and obtained at One of their Meetings to be held in pursuance of this Act; and where such Alterations shall be made with such Consent as aforesaid, the same shall from Time to Time be made or done at the Expence of the Person to whom such Consent or Licence shall be given, or the Owner of such Premises for the Time being; and in case any such Person shall cause such Alterations to be made without such Consent or Licence as aforesaid (except in the Terrace aforesaid), then and in such Case the said Commissioners may and they are hereby authorized to cause such Alteration or Work to be removed, altered, repaired, or replaced (as the Case may be) as they shall direct or think proper, and the Charges and Expences attending the same shall be repaid to the said Commissioners by the Person causing such Alterations to be made, or the Owner of such

Pavement not to be altered without the Licence of the Commissioners in Writing.



such Premises for the Time being; and in case of Nonpayment thereof within Fourteen Days after Demand made by the said Commissioners, or their Clerk or other Person by them authorized, then the same shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Roads not to be laid out of less Width than Forty Feet.

XXXI. And be it further enacted, That all the present public Roads, Streets, Ways, Lanes, and other Passages and Places (except the Terrace aforesaid) which have not Houses or Buildings on any Side thereof, and which shall at any Time hereafter have Houses or Buildings fronting the same on either or both Sides thereof, and also all Roads, Streets, Ways, Lanes, and other public Passages and Places set out and described in the Map or Plan herein-before referred to, which shall at any Time hereafter be laid out, made, or formed, and which shall have Houses or Buildings on each Side thereof fronting the same on one or both Sides thereof, shall be of the clear Width of Forty Feet at the least, (except the several Streets called or known by the Names of *Underdown Street, William Street, King's Road, John Street, Montagu Street, Sea Street, and Clarence Road*, which shall be respectively of the Width of Thirty Feet at the least,) such Widths of Forty and Thirty Feet respectively to be measured from the Area or Fence (if any) in front of the Houses or Buildings on each or either Side thereof, and where there shall not be any such Area or Fence on both Sides or on one Side, then the Distance to be measured from the Front Elevation of the Houses or Buildings respectively not having such Area or Fence, and so that no House, Area, or Fence shall be at a less Distance than Twenty Feet, and in the Roads and Streets herein-before excepted Fifteen Feet, from the Centre of such Road, Street, Way, Lane, or other public Passage or Place (except the Terrace aforesaid), and when and as often as any House or Building whatsoever shall be built within the said Town on the Side of or near any such present or future Road, Street, Way, Lane or other public Passage or Place (except as aforesaid), the House or Building so to be built shall be built at least Twenty Feet, and in the said Roads and Streets herein-before excepted Fifteen Feet, from the Centre of such Road, Street, Way, Lane, or other public Passage or Place (except as aforesaid); and if any Person shall erect any House or Building in any such present or future Road, Street, Way, Lane, or other public Passage or Place (except as aforesaid) within the said Town, of which the Elevation or the Area or Fence shall be nearer than Twenty Feet, and in the Roads and Streets herein-before excepted Fifteen Feet, from the Centre of such Road, Street, Way, Lane, or other public Passage or Place (except as aforesaid), then and in every such Case such House or Building, Area or Fence, shall be deemed an Encroachment, Nuisance, and Annoyance, and it shall be lawful for the said Commissioners, by Writing under their Hands, to cause the same to be pulled down and removed or filled up by such Person as they shall direct or appoint, and the Costs and Charges of pulling down and removing or filling up the same shall, when ascertained by the said Commissioners, be paid and reimbursed to them or to their Order by the Owner of such Houses or Buildings, and in default of Payment thereof

For removing Buildings in-croaching.



thereof within Fourteen Days next after Demand in Writing made in that Behalf by the Clerk to the said Commissioners, by leaving the same at the usual Place of Abode of such Owner, if resident within the said Town, or otherwise on the Premises, shall and may be recovered in like Manner as any Penalty and Forfeiture is by this Act authorized to be recovered, and when recovered the same shall be paid to the Treasurer to the said Commissioners, to be applied for the Purposes of this Act.

XXXII. And be it further enacted, That when any new Road, Street, Way, Lane, public Passage or Place of the Width of Forty Feet or upwards shall be laid out and made in the said Town, and shall be paved, stoned, or put in good Order and Repair to the Satisfaction of the said Commissioners, then, on Application of the Owner or Owners of the Soil, or a Majority of them in Value according to the Poor's Rates, it shall be lawful for the said Commissioners and they are hereby required, from Time to Time, by any Writing under their Hands, to declare the same to be a public Road, Street, Way, Lane, Passage, or Place, and from and after such Declaration made such new Road, Street, Way, Lane, Passage, or Place aforesaid shall be deemed and taken to be a public Highway to all Intents and Purposes, and shall be from thenceforth repaired and kept in repair by the said Commissioners in the same Way and Manner as the other Parts of the Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town are by this Act directed to be repaired and kept in repair.

New Roads,  
&c. when  
paved may  
be declared  
to be public  
Highways.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to cause all such Parts of the Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town which are now in the Estimation of the said Commissioners sufficiently built upon, but not finished, paved, flagged, or otherwise put into good Order or Condition, and all such Roads, Streets, Ways, Lanes, and other public Passages and Places as are now making or may hereafter be made within the said Town, or any Part thereof, although not fully built upon (except the Terrace aforesaid), to be made, paved, flagged, repaired, and cleansed, with such Gutters, Sinks, common or main Sewers, Drains, or Watercourses, and with such Materials, and in such Manner as to the said Commissioners shall seem meet and necessary, and all such Gutters, Sinks, common or main Sewers, Drains, or Watercourses, from Time to Time to be repaired and amended, scoured and cleansed, as Occasion may require, and the Charges and Expences attending the same shall be reimbursed to the said Commissioners by the Occupiers or Persons in the actual Possession of the Houses, Buildings, Ground, or Land within or on the respective Sides of the said Roads, Streets, Ways, Lanes, and other public Passages and Places so to be paved, flagged, repaired, and cleansed as aforesaid, or wherein such Gutters, Sinks, common or main Sewers, Drains, or Watercourses shall be made, repaired and amended, scoured and cleansed as aforesaid, each such Occupier or Person in possession paying a proportionable Share thereof, such Share to be ascertained by the said Commissioners or their Surveyor; and if any such Occupier or Person in possession shall at any Time refuse or neglect to

Pavements,  
&c. to be  
made at  
charge of  
Owners or  
Occupiers  
of Houses.



pay such Proportion of the said Charges and Expences so to be ascertained as aforesaid, the same shall be levied by Distress and Sale of the Goods and Chattels of such Occupier or Person as aforesaid, in like Manner as the Rates herein-after directed and required to be raised and levied are authorized to be recovered.

Before paving by Commissioners Notice to be given to Occupiers of Houses, &c. requiring them to pave.

XXXIV. Provided always, and be it further enacted, That the said Commissioners shall not cause the said Roads, Streets, Ways, Lanes, or other public Passages or Places (except the Terrace aforesaid), or any Part thereof respectively, to be paved, flagged, repaired, and cleansed, or Gutters, Sinks, common or main Sewers, Drains, or Watercourses to be made therein as aforesaid, until their Surveyor shall have given or left Notice in Writing under his Hand to or for the Owner or Occupier of each and every House, Building, Ground, Land, or other Premises within or at the Sides of the said Roads, Streets, Ways, Lanes, or other public Passages or Places (except as aforesaid), or such Part thereof respectively so wanting paving, flagging, repairing, and cleansing, or wanting Gutters, Sinks, common or main Sewers, Drains, or Watercourses made therein, requiring him to pave, flag, repair, and cleanse the same Roads, Streets, Ways, Lanes, or other public Passages or Places, and to make Gutters, Sinks, common or main Sewers, Drains, or Watercourses therein, in such Manner as shall be expressed in such Notice, either before, behind, or at the Side of his Premises (as the Case may be), nor until such Owner or Occupier shall have neglected or refused for the Space of Three Calendar Months next after the Receipt of such Notice to pave, flag, repair, and cleanse the same Roads, Streets, Ways, Lanes, and other public Passages and Places (except as aforesaid), and to make Gutters, Sinks, common or main Sewers, Drains, and Watercourses therein, in the Manner and Form expressed in such Notice.

Occupiers may retain Expences from Rent.

XXXV. Provided also, and be it further enacted, That it shall be lawful for every such Occupier at Rack Rent to retain and deduct out of his Rent all the Charges and Expences which he shall bear, pay, or be put unto or be compelled to pay, in respect of any such paving, flagging, cleansing, and Repairs of such Gutters, Sinks, common or main Sewers, Drains, and Watercourses made and done as aforesaid; and in all such Cases such Retention and Deduction shall be made by the actual Occupier at Rack Rent against his immediate Landlord only (except in Cases where there shall be any Agreement to the contrary).

While Streets are being paved, Owners, &c. of Land adjoining not liable to pay Expences.

XXXVI. Provided always, and be it further enacted, That if the said Commissioners shall cause any Road, Street, Way, Lane, and other public Passage and Place within the said Town to be paved, flagged, or otherwise put into good Order or Condition, or make any such Gutter, Sink, common or main Sewer, or Watercourse, under, through, along, above, below, or about the same Road, Street, Way, Lane, and other public Passage and Place, before the said Road, Street, Way, Lane, and other public Passage and Place are made or built upon, then and in every such Case the Owner or Occupier of any Ground abutting or adjoining to any such Road, Street, Way, Lane, or other public Passage or Place not built upon or attached to any House or Building shall not be liable to pay any Part of the Expences



Expences and Charges of such paving, flagging, or making any such Road, Street, Way, Lane, and other public Passage and Place, or in the making any Gutters, Sinks, common or main Sewers, Drains, or Watercourses, under, through, along, above, below, or about the same Roads, Streets, Ways, Lanes, and other public Passages and Places, until such Ground be built upon or attached to some House or Building, when and not before such Owner or Occupier of such House or Building, and the Land forming the Site thereof or attached thereto, shall be liable to pay such and the same Expences and Charges, and to be recoverable in the like Manner, as he would have been subject to if the said Ground had been built upon at the Time of making such Pavement, Flagging, Gutter, Sink, common or main Sewer, Drain, or Watercourse as aforesaid, and then only as and from Time to Time in proportion to the Extent of the Ground so to be built upon or attached.

XXXVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, if they shall think proper, but not otherwise, to adopt any new Road, Street, Way, Lane, or other public Passage or Place (except the Terrace aforesaid) within the said Town, although the same shall not be of the aforesaid Width of Thirty Feet, or although the same shall not be put in good Order and Repair; but nothing herein contained shall authorize the said Commissioners to adopt any such Road, Street, Way, Lane, or other public Passage or Place, unless the same shall be of the Width of Twenty Feet; and from thenceforth all such Roads, Streets, Ways, Lanes, and other public Passages and Places so adopted, shall be deemed and taken to all Intents and Purposes to be public Highways, and shall be thenceforth repaired and kept in repair by the said Commissioners in the same Way and Manner as the other Parts of the said Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town are herein directed to be repaired and kept in repair.

Power to adopt new Streets being less than Thirty Feet though not less than Twenty Feet wide.

XXXVIII. 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 Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town to be watered at such Seasons and Times, and to provide necessary Engines, Carts, and Labour for that Purpose, as the said Commissioners shall think proper and requisite.

Streets may be watered.

XXXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to make any Order for doing or performing any Work authorized to be done or performed by virtue of this Act, or for the Purchase of any Materials, Goods, Wares, or Merchandize, which shall exceed or which shall be estimated to exceed the Amount or Sum of Fifty Pounds, until Seven Days previous Notice of the Intention of the said Commissioners to make such Order for doing or performing such Work, or for the Purchase of such Materials, Goods, Wares, or Merchandize as aforesaid, shall be given in some one of the Newspapers printed and circulated in the said County of *Kent*, and in such other Manner as the said Commissioners shall direct or appoint, and in which Notice shall be specified the Subject or Matter intended to be done or performed,

No Order for Work or Purchase of Goods exceeding 50*l.* to be made by Commissioners without Seven Days Notice.



formed, or the Materials, Goods, Wares, or Merchandize intended to be purchased as aforesaid; and all Contracts made and entered into in pursuance thereof shall be reduced into Writing, and sealed with the Common Seal of the said Commissioners, and signed by the Person contracting with the said Commissioners.

Dangerous Walls to be repaired or taken down by Owners, or at their Expence.

XL. And be it further enacted, That whenever any Wall or Fence within the said Town shall be in a dangerous State of Decay, or shall fall down, so as in either Case to become incommodious or a Nuisance to the Public, or shall impend over any Road, Street, Way, Lane, or other public Passage or Place, it shall be lawful for the said Commissioners to direct the Occupier or Owner of the House, Land, or Ground to which such Wall or Fence shall belong to put up, rebuild, and repair the same, or to pull down and rebuild any such impending Wall; and in case any such Person shall neglect to put up, rebuild, and repair such Wall or Fence, or to pull down and rebuild the same, as the Case may be, for the Space of Ten Days after having received Notice in Writing so to do from the Clerk to the said Commissioners, (such Notice to be left at the usual Place of Abode of such Person, if resident within the said Town, or otherwise on the Premises,) then it shall be lawful for the said Commissioners to cause the same to be put up, rebuilt, and repaired, or pulled down and rebuilt, as the Case may require, and the Expences thereof shall be paid and recovered of such Person in the same Manner and by such Ways and Means as any Penalty is by this Act directed to be paid and recovered.

Power to make and alter common Sewers.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners to cause such and so many common Sewers, Drains, Vaults, Culverts and Watercourses, public Wells or Pumps, of such Materials, Dimensions, and Forms as they may think sufficient and necessary, to be constructed and made in, along, or across any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places (except the Terrace aforesaid) within the said Town, and also to cause any of the common Sewers, Drains, Vaults, Culverts and Watercourses, Wells or Pumps, which now are or hereafter shall be within the same, to be altered, enlarged, repaired, cleansed or completed, when and so often as such Commissioners shall deem proper; and in case it shall be found necessary for completing any of the aforesaid Sewers, Drains, Vaults, Culverts and Watercourses, Wells or Pumps, to carry or continue the same into and through any inclosed Land or Grounds lying within the said Town, it shall be lawful for such Commissioners to carry and continue the same into and through the said Lands or Grounds accordingly, such Lands or Grounds respectively not being occupied as Courts, Yards, Gardens, or Orchards, or as Avenues or Approaches to any Dwelling House.

If Owners of Lands through which any Sewers taken are dissatisfied they may

XLII. Provided always, and be it further enacted, That if the Owner, Lessee, or Occupier of any such Lands or Grounds into, through, or in which any such Sewer, Drain, Vault, Culvert or Watercourse, Well or Pump, shall be made, carried, or continued by such Commissioners as aforesaid, shall be injured or damnified thereby, or the Owner, Lessee, or Occupier of any House, Land, or Premises injured or damnified, or who shall deem himself to be injured or

damnified



dámnnified by any of the Alterations, Works, or Improvements hereinbefore authorized to be made by the said Commissioners, and such Owner, Lessee, or Occupier shall refuse to treat or cannot agree with such Commissioners as to the Recompence or Compensation to be paid for such Injury or Damage, then such Owner, Lessee, or Occupier may apply to the next or second General or Quarter Sessions of the Peace to be holden for the said County of *Kent*; and the Justices of the Peace at such Sessions shall have Power to direct the Jury which shall attend at such Sessions for the Trial of Traverses to enquire into and assess the Recompence Money which ought to be paid to such Owner, Lessee, or Occupier for such Injury or Damage as aforesaid; and thereupon the Justices in such Sessions shall adjudge and order such Recompence so found and assessed by the Jury to be paid to such Owner, Lessee, or Occupier accordingly; and such Inquiry and Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award, order, and adjudge Costs to either Party as they shall think proper.

apply to the Quarter Sessions.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners to authorize and empower any Person, at his own Expence, to turn or carry any new private or branch Drain into any common Sewer, Drain, Vault, Culvert, or Watercourse already made or which shall be made by virtue of this Act; but if any Person shall at any Time hereafter turn or carry any such new private or branch Drain into any such common Sewer, Drain, Vault, Culvert, or Watercourse, without the Licence and Consent of such Commissioners first had and obtained, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Consent to be had for turning private Drains into common Sewers.

XLIV. And be it further enacted, That all private Drains which now do or which by Permission of the said Commissioners hereafter shall issue into any of the common Sewers, Drains, Vaults, Culverts, or Watercourses, shall be made, repaired, and cleansed by or under the Inspection and Direction of and according to such Plan as shall be approved of by the proper Officer of the said Commissioners, at the Costs and Charges of the Owner or Occupier of Lands or Tenements to which the said private Drains do or shall respectively belong, such Costs and Charges, if paid by the said Commissioners under this Act, to be recovered by them in like Manner as the Rates to be raised by virtue of this Act are directed to be recovered.

Private Drains to be cleansed.

XLV. And be it further enacted, That during the Time any Road, Street, Way, Lane, or other public Passage or Place, or any of the Drains, Sewers, or other Works therein, shall be under Repair, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Road, Street, Way, Lane, or other public Passage or Place (except the Terrace aforesaid), according to their Discretion, as also to stop up the Way through that or any adjacent Road, Street, Way, Lane, or other public Passage or Place, so long as shall be necessary for doing such Repairs; and the said Commissioners, and all Persons acting under their Directions, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Where Materials used in Repairs may be lodged by Commissioners. Power to stop up Streets under Repair.



Power to  
divert public  
Highways,  
with Con-  
sent.

Notice to  
be given.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think proper, with the Consent in Writing of the Owner of the Soil on both Sides thereof, to order and direct any public Highway or Footpath within the said Town to be diverted or turned, so as to make the same nearer or more commodious to the Public: Provided always, that no such Order and Direction shall have any Force or Effect until after the Expiration of Four Calendar Months next after Notice thereof shall have been given by inserting the same twice in some one and the same Newspaper printed and circulated in the said County of *Kent*; and every such Order and Direction shall be subject to Appeal in manner herein-after mentioned.

Provision  
for lighting  
Roads,  
Streets, &c.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to cause the Roads, Streets, Ways, Lanes, and other public Passages and Places in the said Town, although the same or any of them shall not be public Highways, to be well and sufficiently lighted with Oil or with Gas, or in some other Manner, and from Time to Time hereafter to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, as they shall judge necessary, and to direct the same respectively to be or remain affixed or set up upon or against the Walls, Posts, or Palisades of all or any of the several Houses or Buildings, or upon or against any Wall, or in or upon such other Places within the said Town, and to be altered, taken down, or renewed in such Manner as they shall think fit; and to cause such Lamps, or any of them, to be lighted at such Times and Seasons of the Year, and on such Evenings, and on such Hours of the Evening, and to be kept burning for so many Hours as to them shall seem necessary or proper for the well and sufficient lighting of all or any of the said Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town; and it shall be lawful for the said Commissioners from Time to Time to contract with any Gas Light Company now or hereafter to be established, or with any Person, for lighting the said Town with Oil or with Gas, or otherwise, for any Number of Years or other Time, and upon such Terms and Conditions in all respects as such Commissioners shall from Time to Time think proper; and also to cause the said Lamp Irons, Lamp Posts, and Watch Boxes, and also the several Houses and other Buildings within the several Streets, Roads, and Places, to be numbered: Provided nevertheless, that nothing herein contained shall authorize or empower the said Commissioners to carry or lay any Pipe through or against any Dwelling House, Manufactory, public or private Building, Yard, or Ground, for the Purpose of lighting the said Roads, Streets, Ways, Lanes, and other public Passages and Places with Gas, or to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House, Manufactory, Building, Yard, or Ground, through or against which any such Pipe may be carried or laid for the Purposes aforesaid.

Power for  
Commis-  
sioners to  
contract for  
lighting;

to number  
Houses, &c.

Act not to  
protect Per-  
sons, &c.  
lighting with

XLVIII. 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 any Person making, furnishing, or supplying



supplying any Gas used, burnt, or consumed within the said Town, or any of the Servants, Officers, or Workmen of any such Person 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, or using the same, or furnishing any such Gas Light, nor from any Action 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 said 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.

Gas from being indicted for a Nuisance.

XLIX. Provided always, and be it further enacted, That if any Person whomsoever shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in the Prosecution of any Gas Works, or in the Manufacture and Process of making or procuring such Gas, into any Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Act or Thing to the Water contained in any such Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, Spring Head, Well, Drain, Sewer, or Ditch, then and in every such Case such Person shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, 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, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed; and the whole thereof shall be paid to the Person annoyed, injured, or damaged by any such Proceeding as aforesaid, who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined; provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, 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 any Canal, Reservoir, Aqueduct, Feeder, Pond, Pool, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, 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 to whom the same shall belong, or by any other Person whomsoever, to the Person causing such Annoyance, Nuisance, Injury, Damage, Act, or Thing, and such Person shall not, within Twenty-four Hours after such Notice shall have been given to him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running

Penalty on Persons conveying Washings into any Canal, &c.



ning or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case such Person shall forfeit and pay the Sum of Twenty Pounds for each and every Day during which such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to any Person annoyed, injured, or damaged by any such last-mentioned Act, who shall be the Informer, or to such other Person as in the Judgment of the Justice before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any Act so done or committed.

Provision  
for stopping  
the Escape  
of Gas.

L. 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 any Person as aforesaid, such Person shall, at his own Expence, immediately after receiving Notice in Writing from any Inhabitant of the said Town, or any other Person, of such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case such Person shall not within Twenty-four Hours after such Notice in Writing being given of any such Escape of Gas effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case such Person shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be paid either to the Informer or to the Person who in the Judgment of the Justice before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage thereby, as the said Justice shall direct.

General Re-  
gulation or  
Mode of  
laying Gas  
Pipes.

LI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, Way, Lane, or other public Passage or Place in the said Town, shall be so laid at the greatest practicable Distance, and wherever the Width of the Carriageway in such Road, Street, Way, Lane, or other public Passage or Place will allow thereof, at a 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 around any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places in the said Town, unless in Cases where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall, if practicable, be laid at a Distance of at least Six Inches under or over such



Water Pipes, and in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Six Feet in Length, so that no Joint of any of the said Pipes for the Conveyance of Gas shall be nearer to any Part of the said Water Pipes than Three Feet at least; and in laying down the said Pipes for the Conveyance of Gas the Person to whom the same shall belong shall in no Case join Two or more Pipes for the Conveyance of Gas together previous 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 in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom or from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Five Pounds, which shall be paid either to any Person annoyed or damaged by any such last-mentioned Act, who shall be the Informer, or to any other Person who in the Judgment of the Justice before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed, as the said Justice shall direct, and which shall be levied and recovered as any other Penalty is by this Act directed to be levied and recovered.

LII. And be it further enacted, That whenever the Water of any Company of Proprietors of Waterworks shall be contaminated or affected by the Gas of any Person as aforesaid, such Person shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, and the same shall be applied to and for the Use and Benefit of the Company of Proprietors affected thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case such Person shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Manager or Chief Clerk for the Time being of and for such Company, to be left at the House or usual Office or Place of transacting the Business of such Person as aforesaid, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from his Works, Mains, or Pipes, or contaminating or affecting such Water; and in case such Person shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually stop and prevent Gas from escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof such Notice shall be given as aforesaid, then and in every such Case such Person shall, on every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being of the Company of Proprietors affected, for the Use and Benefit of the same Proprietors, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said Company shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and such Penalty and Costs shall be paid to the Treasurer for the Time being of such Company of Proprietors.

Penalty on Contamination of Water by Escape of Gas.

[*Local.*]

26 D

LIII. And



For ascer-  
taining if  
Water is con-  
taminated.

LIII. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the said Gas ; be it therefore enacted, That in every such case it shall be lawful for any Company of Proprietors of Waterworks to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of such Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of such Person ; and if it shall appear that the said Water has been contaminated by any Escape of Gas from any of the Mains, Pipes, or Conduits of such Person, the Costs and Expences of the said Digging, Search, Examination, and Repair of the Pavement of the Road, Street, Way, Lane, or other public Passage or Place which shall be taken up or disturbed shall be borne and paid by such 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 Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, Conduits, or Apparatus of such Person as aforesaid, then and in such Case the said Water Company shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to such Person any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of such Person in and by such Search or Examination, and also to the Pavement of the said Road, Street, Way, Lane, or other public Passage or Place so taken 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 of the Peace as aforesaid.

Restrictions  
as to break-  
ing up Pavements,  
Roads, &c.

LIV. Provided always, and be it further enacted, That notwithstanding any thing herein contained it shall not be lawful for any Person whomsoever to break, take up, or disturb the Pavement or Ground in any Road, Street, Way, Lane, or other public Passage or Place (except the Terrace aforesaid), for the Purpose of laying down any Main Pipe (except Service Pipes not exceeding One Inch in Diameter in the Bore), without the Consent in Writing of the said Commissioners first obtained ; but nothing in this Act contained shall be deemed or construed to prevent any Person whomsoever from laying down, repairing, or altering any such Main Pipe (after such Consent as aforesaid), or from opening, taking up, or removing any of the Ground, Stones, Soil, or Pavement, or otherwise, in or of any Road, Street, Way, Lane, or other public Passage or Place whatsoever, for the laying down, repairing, or altering of any such Service Pipes, or of any Apparatus leading from such Main Pipes (after such Consent as aforesaid).

Requiring  
Pavements,  
&c. to be re-  
instated after  
Pipes laid  
down.

LV. And be it further enacted, That when and as often as any Person as aforesaid shall have lawfully broken up or removed the Stones, Ground, Soil, or Pavement in or of any Road, Street, Way, Lane, or other public Passage or Place, or any Part thereof, the said Person as aforesaid shall and he is hereby required immediately thereafter to reinstate and make good such Ground, Soil, or Pavement



ment to the Satisfaction of the said Commissioners; and the said Person as aforesaid shall carry or cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby at his Costs and Charges; and during the Time that such Works are carrying on, and until such Ground, Soil, or Pavement is reinstated as aforesaid, the said Person shall provide proper Watchmen, with necessary Lights at Night, and otherwise guard the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Person shall make default in reinstating such Ground, Soil, or Pavement as aforesaid, or removing any Rubbish occasioned thereby, or in placing and setting up such Lights at Night, or providing such Watchmen as aforesaid, and otherwise guarding the said Works so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case it shall be lawful for the said Commissioners to reinstate such Ground, Soil, and Pavement, and the Expences thereof shall be repaid by the said Person as aforesaid to the said Commissioners; and in default of Payment thereof within Thirty Days next after Demand in Writing shall have been made on the Behalf of such Commissioners (Proof being made thereof by the Oath of One credible Witness before One Justice of the Peace), all such Sum or Sums of Money so paid, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any such Justice, who is hereby empowered to grant the same.

For watch-  
ing same  
while broken  
up.

LVI. And be it further enacted, That if any Person shall wilfully, wantonly, or maliciously remove, take away, break, throw down, destroy, or otherwise deface, damage, or injure any Lamp, Pipe, Post, Pillar, Pilaster, Lamp Iron, Lamp Cover, or Furniture thereof, Watch House or Watch Box, Engine or Cart, or other Article, Matter, or Thing by this Act vested in the said Commissioners, or that shall be set up by their Order, or in pursuance of any Contract made by such Commissioners, or that may be otherwise procured by them, or by any Person at his own Expence under the Authority of this Act, or shall wilfully, wantonly, or maliciously extinguish the Light of any such Lamp, it shall be lawful for any Justice of the Peace for the said County of *Kent*, and he is hereby required, upon an Oath of the Commission of any such Offence, to issue a Warrant for apprehending the Party accused, or it shall be lawful for any Person who shall see such Offence committed to apprehend and for any other Person to assist in apprehending the Offender, and by the Authority of this Act, and without any other Warrant, to deliver him into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and upon the Party accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness who shall appear to give Evidence touching such Offence; and if the Party so accused shall be convicted of any such Offence, either upon Confession or upon such Evidence as aforesaid, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding

Penalty for  
breaking  
Lamps, &c.



exceeding Five Pounds, together with the Costs of Conviction, and the Offender shall also make Satisfaction for the Damages so done.

Damage to be paid for Lamps broken accidentally.

LVII. And be it further enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any of the said Lamps already hung or set up, or to be hereafter hung or set up as aforesaid, or the Irons or other Furniture thereof, or any Pipe, Post, Pillar, Pilaster, Cover, or other Furniture thereof, Watch House or Watch Box, Engine or Cart, or any Plug or other Apparatus, Matter, or Thing belonging to the same, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice of the Peace for the said County of *Kent*, upon Complaint thereof to him made by any credible Person, to summon before such Justice the Party who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or Non-appearance of the Party so complained of, to award such Sum of Money as the Damage to be proved shall amount unto, together with the Costs of such Summons and the Conviction thereon; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, and the said Costs, within Five Days after Demand, to cause the same to be recovered in such Manner as Fines, Penalties, and Forfeitures are by this Act directed to be recovered.

Power of Surveyor of Commissioners to enter Gas Works to see if there be any Escape of Gas.

LVIII. And be it further enacted, That it shall be lawful for any Surveyor, or any other Person acting by or under the Authority of the said Commissioners, at any Time in the Daytime, to enter into any Manufactory, Gasometer, Receiver, or other Building belonging to any Company of Proprietors, Body Politic or Corporate, or any Person making or supplying Gas within the said Town, in order to ascertain if there be any Escape of Gas, or of any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any public Sewer or Drain; and if such Surveyor, or other Person acting by or under the Authority of the said Commissioners, shall be refused Admittance, or shall not be admitted on Request into any such Manufactory, Gasometer, Receiver, or other Building, for the Purpose of making such Inspection as aforesaid, or being admitted shall be obstructed in or prevented from making such Inspection as aforesaid, the Party so offending shall forfeit and pay for every such Offence the Sum of Ten Pounds.

Power for Commissioners to provide Watch Houses and employ Watchmen.

LIX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, from Time to Time, when and as often as they shall think it expedient, to provide and set up Watch Houses and Watch Boxes in such Situations as they shall judge proper and expedient within the said Town, and to appoint and employ a sufficient Number of able Men as Watchmen, Patroles, Superintendents, and Beadles, as well for the Day as Night, as they shall judge expedient and necessary to be employed for the Security and good Order of the said Town; and the said Commissioners



sioners shall and may, from Time to Time, fix what Wages or other Allowances shall be paid or given to such Watchmen, Patroles, Superintendents, and Beadles, and all such Watchmen, Patroles, Superintendents, and Beadles shall be sworn in by any One of His Majesty's Justices of the Peace for the said County of *Kent* to act as Constables for preserving the Peace, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn in shall, within the said Town, have all such Powers, Authorities, Privileges, and Advantages, and be liable to all such Duties and Responsibilities, and subject to such Penalties for Breach of Duty and Misconduct, as any Constable within his Constablewick has or is subject or liable to; and such Commissioners shall frame such Orders and Regulations as they shall deem expedient, relative to the general Government of the Men so to be appointed, and the Places of their Residence, and all such other Orders and Regulations relative to the said Watchmen, Patroles, Superintendents, and Beadles, as the said Commissioners shall from Time to Time deem expedient; and such Commissioners may at any Time suspend or dismiss from their Employment any Man belonging to the said Establishment whom they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and when any Man shall be so dismissed, and Notice thereof in Writing from the Clerk or other Officer of such Commissioners shall be given to or left for him at his last or usual Place of Abode, or shall cease to belong to the said Establishment, all Powers vested in him as a Constable by virtue of this Act shall immediately cease.

LX. And be it further enacted, That the said Watchmen, Patroles, Superintendents, and Beadles shall and they are hereby required, during the Time they shall respectively be on Duty, to apprehend all loose, idle, and disorderly Persons whom they shall find disturbing the public Peace, or whom they shall have just Cause to suspect of any evil Design, and all Persons whom they shall find between Sunset and the Hour of Six of the Clock in the Morning lying in any Road, Street, Way, Lane, or other public Passage or Place in the said Town, or loitering therein and not giving a satisfactory Account of themselves, and to detain and lodge them in any Watch House or other Place of Security within the said Town which shall be provided or appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace, to be examined and dealt with according to Law, or until they shall give Bail for their Appearance before a Justice of the Peace in the Manner herein-after mentioned.

Duty of  
Watchmen.

LXI. And be it further enacted, That where any Person charged with any petty Misdemeanor shall, without a Warrant of the Justice of the Peace, be taken by or brought into the Custody of any Constable appointed under this Act, during his Attendance at any Watch House or Station House appointed by the said Commissioners, it shall be lawful for such Constable, if he shall deem it prudent, to take Bail by Recognizance, without any Fee or Reward, from such Person, conditioned that such Person shall appear for Examination before a Justice of the Peace, at some Time and Place to be specified in the

Constables  
attending at  
Watch  
Houses may  
take Bail by  
Recogni-  
zance from  
Persons  
brought  
before them  
for petty  
Misdemean-



ors, such  
Recogni-  
zance to be  
conditioned  
for the Ap-  
pearance of  
the Parties  
before a  
Justice.

In default  
of appear-  
ance, Recog-  
nizance to  
be forfeited.

Time of  
Hearing  
may be post-  
poned.

Penalty on  
Watchmen,  
&c. for  
Neglect of  
Duty.

Penalty for  
assaulting or  
obstructing  
Watchmen.

Recognizance, within Seven Days next after such Recognizance shall be taken; and every Recognizance so taken shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the said Constable shall enter in a Book, to be kept for that Purpose in such Watch House or Station House, the Names, Residence, and Occupation of the Party and his Surety (if any) entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is required to appear; and if the Party does not appear at the Time and Place required, or within One Hour after, or within such further Time as shall be allowed by the said Justice, in manner herein-after mentioned, or within One Hour from the Time which shall be so further allowed, the said Justice shall cause a Record of the Recognizance to be drawn up, to be signed by the Constable, and shall return the same to the next General or Quarter Sessions of the Peace, with a Certificate at the Back thereof, signed by such Justice, that the Party has not complied with the Obligation therein contained; and the Clerk of the Peace shall make the like Estreats and Schedules of every such Recognizance as of Recognizances forfeited in the Sessions of the Peace; and if the Party not appearing shall apply, by any Person on his Behalf, to postpone the Hearing of the Charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint, or by binding the Party over to answer the Matter thereof at the Sessions or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward.

LXII. And be it further enacted, That if any of the said Watchmen, Superintendents, Patroles, or Beadles so appointed or employed as aforesaid shall not observe and perform all the Orders and Regulations made by the said Commissioners for their Conduct and Government in their said Employment, or shall in any other Manner neglect their Duty, or misbehave therein, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds; or it shall be lawful for any Justice of the Peace for the said County of *Kent*, upon Complaint against any such Watchman, Patrole, Superintendent, or Beadle, of any such Neglect or Misconduct, in lieu of such Fine to commit any such Watchman, Patrole, Superintendent, or Beadle to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Three Calendar Months.

LXIII. And be it further enacted, That if any Person shall assault, obstruct, hinder, or molest any of the said Commissioners, or any Treasurer, Clerk, Surveyor, or Collector, Inspector, Watchman, Patrole, Superintendent, Beadle, or other Officer, Workman, or Person whomsoever in the Performance or Execution of any Duty, Matter, or Thing by this Act authorized or directed to be done, every



Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXIV. And be it further enacted, That if any Victualler, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any such Watchman, Patrole, Superintendent, or Beadle as aforesaid, or permit any such Watchman, Patrole, Superintendent, or Beadle to remain in his House, Shop, Room, or other Place during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as aforesaid shall, on Conviction before any Justice of the Peace for the said County of *Kent*, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Publicans, &c. harbouring Watchmen when on Duty.

LXV. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Money to the Watchmen, Patroles, Superintendents, and Beadles respectively to be appointed as aforesaid, who may conduct themselves with any particular Merit, or who may be disabled or wounded in the Execution of their Office, as such Commissioners shall think reasonable; such Money to be paid out of the Monies to be raised by virtue of this Act.

Power to reward disabled Watchmen.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time to appoint and employ any proper Person to be and act as a Scavenger, and to purchase or hire Carts or other Carriages and Horses for cleansing the Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same, and from Time to Time to order and direct on what Days and at what Times in every Week the particular Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town shall be cleansed, and the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such Orders and Directions to any such Scavenger as shall appear necessary to such Commissioners; or otherwise it shall be lawful for such Commissioners from Time to Time to contract with any Person willing to act as such Scavenger for the cleansing of the said Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same, at such Times and in such Manner as shall appear expedient to such Commissioners.

Commissioners to appoint or contract with Scavengers.

LXVII. And be it further enacted, That the Person employed by or contracting with the said Commissioners for cleansing the several Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town, or the Person employed by or acting under the Directions of such Person so contracting with such Commissioners, shall, on such Days and at such Times as such Commissioners shall from Time to Time appoint, sweep and collect together all  
Dirt,

Scavengers Duty.



Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil in such Roads, Streets, Ways, Lanes, and other public Passages and Places, and shall also bring or cause to be brought a Cart or other proper Carriage into such Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town where such Cart or other Carriage can pass, and shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from such several Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town, and put the same into such Cart or Carriage; all which Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil such Person shall then immediately, or as soon as may be, carry away or cause to be carried away to the Place appointed by the said Commissioners for the depositing the same, upon pain of forfeiting and paying any Sum not exceeding Five Pounds for every Offence or Neglect therein; and the Person so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large *Roman* Letters on the Front or on some conspicuous Part of every Cart or Carriage used for the Purpose aforesaid, on pain of forfeiting and paying any Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty for casting Rubbish into Streets, &c.

LXVIII. And be it further enacted, That if any Person whomsoever shall lay, place, deposit, throw, or cast, or cause or permit to be laid, placed, deposited, thrown, or cast, any Building Materials, Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, or Soil whatsoever, into or in any Road, Street, Way, Lane, or other public Passage or Place (or into any open Space within Twenty Feet therefrom), within the said Town, or on the Sea Beach above Low-water Mark, (with the Exception of such Ashes as may be laid down upon any Foot Pavement in Time of Frost for the Prevention of Accidents, or Dung or Straw, or other proper Material, in the Time of Frost, to prevent the Water Pipes from freezing, or Straw or other proper Material, under the Control and Direction of the said Commissioners, in case of Illness to prevent Noise, and with such further Exceptions as are herein-after specified,) every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; or if any Person whomsoever shall throw or cast, or cause to be thrown or cast, any Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, or Soil, or any Animal or Carcass, or any noxious or offensive Materials or Ingredients, or any other Substance whatsoever, into any common Sewer, Drain, Sink, public or private Well, Pump, Canal, Pond, Pool, or Reservoir for Water within the said Town (except such Night Soil or other Filth as may be conveyed into any common Sewer from any Privy or Water Closet within the said Town), every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty not to extend to Rubbish occasioned by building, except after Notice.

LXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty by this Act inflicted for or on account of any Building Materials, Dirt, or Rubbish being laid or placed in any such Road, Street, Way, Lane, or other public Passage or Place as aforesaid, in the Course of erecting, pulling down, altering,



ing, or repairing any Building, so as there be full and sufficient Space in the Opinion of the said Commissioners left in or at the Side of the said Road, Street, Way, Lane, or other public Passage or Place where such Building Materials, Dirt, or Rubbish shall lie or be placed, for Carriages to pass and repass, and a sufficient Way be kept clean for Foot Passengers by the Person laying or causing such Dirt or Rubbish to be laid or placed as aforesaid, and so as a sufficient Light be at his own Expence set and maintained at the Place where such Building Materials, Dirt, or Rubbish shall be so laid or placed from Sunset to Sunrise, to prevent any Accident to Passengers or Cattle, and so as such Building Materials, Dirt, or Rubbish be enclosed and fenced about in such Manner and within such Time as such Commissioners, or any Officer or other Person appointed by them in that Behalf, shall by any Notice to be by them or him given to such Person direct and appoint, and so as such Building Materials, Dirt, or Rubbish be removed at the Expence of the Person so laying or causing the same to be laid within such Time as shall be expressed in any Notice to be in like Manner given by the said Commissioners, or any such Officer or other Person appointed by them in that Behalf; and in case the same shall not be removed according to such Notice, the Person so making default shall (in addition to any Penalty herein in that Behalf imposed) forfeit and pay any Sum not exceeding Twenty Shillings a Day for every Day such Building Materials, Dirt, or Rubbish shall be unfenced, or shall continue unremoved after the Expiration of the Time specified in such Notice, and any Sum not exceeding Twenty Shillings for every Night such Light shall not be set and maintained as aforesaid.

LXX. And be it further enacted, That the several and respective Occupiers of Houses and Buildings, with the Yards, Gardens, Pleasure Grounds, and other Appurtenances next adjoining the several Roads, Streets, Ways, Lanes, and other public Passages and Places within the said Town, the Churchwardens and Chapelwardens of every Church or Chapel, the Owner of every dead Wall and other Fences and vacant Pieces of Land (not used as Arable, Meadow, or Pasture only), the Trustee, Treasurer, and Minister of every Meeting House or Place of public Worship, or any One or more of them, and the Person who for the Time being shall be the ostensible Director or Manager of every Hospital, School, Theatre, or other public Building, respectively situate or being next adjoining the same several Roads, Streets, Ways, Lanes, and other public Passages and Places (except the Terrace aforesaid), shall and they are hereby required to cause the Footways or Pavements adjoining his or her Premises to be well and sufficiently swept, scraped, and cleansed every Morning in the Year, between the Hours of Six and Ten of the Clock of every Day, and shall also cause the Dirt, Dust, and Soil therefrom to be left on the Road, clear of the Water Channel, upon pain of forfeiting and paying for every Neglect therein any Sum not exceeding Twenty Shillings; and the Footways or Foot Pavements adjoining unoccupied Premises within the said Town shall be swept and cleansed by the Scavengers to be employed as aforesaid, and every such Scavenger shall forfeit and pay the like Sum for every Neglect therein: Provided always, that in case it may appear ex-

Occupiers  
of Houses  
to sweep  
Footway.

[*Local.*]

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Commiss-  
ioners may  
pedient



cause the  
Foot Pavements to be  
swept by  
Scavengers.

pedient to the said Commissioners to take the charge of sweeping and cleansing the said Footways or Foot Pavements upon themselves, it shall be lawful for them to employ the public Scavengers to sweep and clean the same.

Doors and  
Gates not to  
open out-  
wards.

LXXI. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Town, and every of them, are hereby respectively authorized and required, at their own Costs and Charges, from Time to Time, within Fourteen Days next after their respectively receiving Notice in Writing from the Clerk or other Officer of the said Commissioners, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations, (and not being Cellar Doors, Trap Doors, or Coach House Doors,) which now do or shall hereafter open outwards, and when open shall project into or over any of the Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Town, to be altered so as that the same Doors or Gates shall not thenceforth open outwards into any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by such Notice in any such Door or Gate within the Period specified by such Notice, such Occupier making default therein shall forfeit and pay the Sum of Five Shillings a Day for every Day during which any such Door or Gate shall be suffered to remain opening outwards after the Expiration of the Time specified in such Notice: Provided nevertheless, that where the Occupier of any such House, Building, Yard, Garden, or Land shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him, if a Tenant at Rack Rent, to deduct and retain out of his Rent the reasonable Charges of altering the same, and the Proprietor or Landlord of such House, Building, Yard, Garden, or Land is in every such Case hereby required to allow the same accordingly; provided also, that it shall be lawful for such Commissioners to allow to such Occupier or such Proprietor all or any Part of the Expence of making any such Alteration, if such Commissioners shall consider it reasonable so to do.

For Removal  
of Slaughter  
Houses and  
Nuisances.

LXXII. And be it further enacted, That if any Slaughter House, Swine Sty, Necessary House, Dung Hill, or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter whatsoever within the said Town, shall be considered by any of the Inhabitants of the same Town as a Nuisance or Annoyance, it shall be lawful for the said Commissioners from Time to Time, upon Complaint thereof being made to them by any such Inhabitant, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance, then they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk or other Officer, to direct such Nuisance or Annoyance to be removed, by the Person causing or occasioning the same, within such Time as shall be specified in such Notice; and in case the same shall not be removed according to such Notice, the Person who shall be so ordered to remove the same, and shall neglect so to do, shall forfeit



and pay the Sum of Ten Shillings a Day for every Day the same shall continue unremoved after the Expiration of the Time specified in such Notice: Provided always, that when any Person thinking himself aggrieved by such Order as aforesaid shall give Notice to such Commissioners or their Clerk of his Intention to appeal against the said Order, and shall enter into a Recognizance within the Time and in the Manner herein-after mentioned and provided for in respect of Appeals against any Matter or Thing to be done in pursuance of this Act, such Person shall not be subject or liable to pay any such Penalty or Forfeiture until after the Hearing and Determination of such Appeal, and the Confirmation thereupon of the said original Order of the said Commissioners.

Appeal.

LXXIII. And be it further enacted, That the several Owners or Occupiers of Houses, Buildings, and Premises situate in the several Roads, Streets, Ways, Lanes, and other public Passages or Places (except the Terrace aforesaid) within the said Town, and every of them, are hereby authorized and required, at their Expence respectively, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Signs, Sign Posts, Shew Boards, and other Obstructions and Projections whatsoever which shall hereafter be erected, affixed, set up, laid down, stand, or be against or in front of or belonging to their respective Houses, Buildings, or Premises, 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 obstructing, annoying, or endangering the public Passage along any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as shall be directed by the said Commissioners; and in case the Owner or Occupier of any such House, Building, or Premises as aforesaid shall neglect or refuse to cause any such Matter or Thing so adjudged to be a public Annoyance or Nuisance as aforesaid to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, within the Time and in manner aforesaid, then and in every such Case the said Commissioners may cause the same to be forthwith done, and the Costs and Charges attending the same shall and may be recovered from such Owner or Occupier in manner herein-after directed: Provided always, that 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, and not being the Person who originally made or occasioned such Nuisance, shall and may deduct and retain the Amount thereof out of his Rent; and the Proprietor or Person entitled to the said Rent is hereby required to allow the same accordingly; provided also, that nothing herein contained shall extend to any Bay Window, Balconies, or Verandas of and belonging to any Houses already erected or hereafter to be erected within the said Town, not projecting beyond the

Projections  
to be re-  
moved by  
Occupiers.



the Areas of the respective Houses to which they may respectively belong.

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

LXXIV. And be it further enacted, That the Owner or Occupier of every House or other Building in the said several Roads, Streets, Ways, Lanes, and other public Passages or Places, shall, within Twenty-one Days next after Notice from the said Commissioners given to him for the Purpose, put up and place, and for ever afterwards keep in repair, a Shoot or Trough of the whole Length of such House or Building, with a Pipe or Trunk, to be fixed to the Front Side of such House or Building, from the Roof down to the Ground, so as to carry off or conduct the Water from the Roof of such House or Building upon or underneath the Foot Pavement, as the said Commissioners shall think proper, into the common Channel, and so as to prevent the Water from falling upon or incommoding Foot Passengers; and if any such Owner or Occupier shall neglect or refuse to put up or place, or neglect to repair, any Shoot, Trough, Pipe, or Trunk as aforesaid, then and in every such Case the said Commissioners may cause the same to be forthwith put up, placed, or repaired, and may recover the Expence thereof from the Owner or Occupier of such House or Building; and the Occupier of any such House or Building, holding the same at Rack Rent, having either paid the Expence of putting up, placing, or repairing any such Shoot, Trough, Pipe, or Trunk in the first instance, or having repaid the said Commissioners for so doing, shall and may deduct and retain the same Amount thereof out of his Rent; and the Proprietor or Person entitled to the Rent is hereby required to allow the same accordingly.

No Vaults or Drains to be made upon or under Footways without the Consent of Commissioners.

LXXV. And be it further enacted, That no Person shall make or build any Vault or Drain upon or under any of the Foot or Carriage Ways, either in the Front, behind, or at the End or Side of any House, Building, or Premises, in any of the Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Town, without Consent of the said Commissioners first obtained for that Purpose, nor unless the same shall be substantially made, to the Satisfaction of the said Commissioners or their Surveyor; nor shall any Person make such Vault or Drain so as to interfere with any common Sewer or Drain in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, nor dig out Earth or leave any Hole in any such Road, Street, Way, Lane, or other public Passage or Place, before any House, Building, or Premises, or elsewhere, for the Purpose of making any such Vault or Drain, or any other Purpose whatsoever, without the Consent of the said Commissioners, nor without enclosing the same in a good and sufficient Manner, to be approved of by the said Commissioners or their Surveyor, nor shall keep up such Enclosure longer than shall be necessary in the Opinion of the said Commissioners, under the Penalty of any Sum not exceeding Five Pounds for every such Offence, and the further Penalty of Twenty Shillings for every Day that such Offence or Annoyance shall be continued, after Notice to remove or abate the same; and in case of any Refusal or Neglect to enclose any such Opening, or to  
remove



remove or abate such Offence or Annoyance, it shall be lawful for the said Commissioners to cause the same to be done, and the Person so refusing or neglecting shall, over and above the said Penalty, repay all the Charges and Expences thereof to the said Commissioners.

LXXVI. And be it further enacted, That where any Opening is now or shall hereafter be made in the Foot or Carriage Ways of any of the Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Town, for the Purpose of conveying Coals or other Things into any Vault, Cellar, or Place, or for the Purpose of admitting Light into any Room, Cellar, or Place, or for any other Purpose, the Covering or Grating to such Opening shall be made at the Expence of the Person requiring the same, or of the Occupier of the Premises for the Use of which the same was made or required, of Iron or such other Materials, of such Dimensions and in such Manner and Form as the said Commissioners shall direct; and such Grating and Covering shall from Time to Time be repaired and altered at the like Expence of the Person requiring the same, or of the Occupier of the Premises for the Use of which the same shall be made or continued, and in such Manner and Form as the said Commissioners shall direct; and in case any Person shall neglect or refuse to make, repair, or alter such Grating or Covering according to such Direction, or shall cause or permit the same to be or remain not sufficiently secured or fastened, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also the further Sum of Twenty Shillings for every Day the said Offence shall be continued.

Gratings to be kept over the Openings in Pavements.

LXXVII. And be it further enacted, That if any Door, Hatchway, Grate, Stone Plate, Coal Plate, Board, or other Covering giving Light or Air, or securing any Cellar, Coal Hole, Vault, Office, or other underground Room or Apartment, or any Area, Sewer, or other Aperture in or adjoining to any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, shall be left open or without being properly secured, without being sufficiently lighted and guarded in order to prevent Accidents happening therefrom, the Occupier of the Premises to which the same shall belong, or the Person who shall be guilty of any such Offence, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on leaving Apertures in Pavements open.

LXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, to cause any Privy, or Drain from any Privy, Water Closet, or Cesspool within the said Town, from or out of which any Water or Soil shall be suffered to run upon the Surface of the Beach, or the Surface of any other Part of the said Town, to be altered, diverted, stopped up, or removed in such Manner as to them shall seem expedient, and to pay the Expences attending the same; and if any Water or Soil from or out of any Privy, Water Closet, or Cesspool, or Drain from any Privy or Water Closet or Cesspool, shall hereafter be suffered to run on the Surface of the Beach, or on the Surface of any other Part of the said Town, the Owner or Occupier of the House or Premises to which such Privy, Water Closet, or Cesspool shall belong shall

Power to stop up Drains from any Privy communicating with the Common Sewers.

[*Local.*]

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forfeit



forfeit and pay for every Day the same shall continue any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to stop up, obstruct, or remove any common Drain or Sewer through or by means of which any Soil or Water now flows upon the said Beach, nor shall any Penalty be incurred by reason of any Soil or Water being permitted to flow through or be discharged by means of such common Drain or Sewer.

For prevent-  
ing Obstruc-  
tions and  
Nuisances  
in Streets.

LXXIX. And be it further enacted, That if any Person shall, in any Road, Street, Way, Lane, or other public Passage or Place in the said Town, expose for Sale or sell or fodder any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle, except in such Place or in such Manner as shall be appointed for that Purpose; or exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or other public Show, or in any other Manner exhibit or cause to be exhibited any public Show, except in such Place as shall be appointed for that Purpose; or turn loose or suffer to be at large any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being muzzled, or permit or suffer any Dog whatsoever to go at large after any public Notice given by the said Commissioners during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness (and which said Dogs so at large such Commissioners are hereby authorized to destroy and direct to be destroyed); or if any Person shall run, draw, drive, carry, or take any Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow, Sedan Chair, or Carriage, or other Vehicle whatsoever, or any Ladder, Scaffolding Pole, Plank, Timber, or Bar of Iron, upon, over, or along any of the Footways or Foot Pavements within the said Town, except only for the Purpose of crossing the same, or drag thereon any Timber or Log of Wood, or any Stone or Metal, or roll thereon any Cask or Tub (except for the necessary loading or unloading thereof); or shall, in or upon any of the Esplanades, Footways, or Foot Pavements, Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Town, without the Consent of the said Commissioners, fix or use any Stall, Tent, Shed, or standing Place for the Exhibition or Sale of any Goods, Wares, or Merchandize, or shall therein or thereon unpack any Goods, Wares, or Merchandize, or shall hang out, place, or expose to Sale or Show, or for any other Purpose, any Meat, Vegetable, Clothes, Provisions, Goods, Wares, or other Commodities, or erect any Stall or Stall Board, or place any Show Glasses or Show Boards, in or upon, or so as to project over or upon, any Esplanade, Footway, or Carriageway, or beyond the Line of or on the Outside of the Window of the House, Shop, Buildings, or Premises at which the same shall be so hung out, placed, or exposed, or erected as aforesaid; or shall shoot or cast any Coals, Wood, or other Articles upon the said Esplanades, Footways, or Pavements, or Carriageways, and shall suffer the same to remain longer than is necessary for the Removal or housing the same; or shall beat, shake, or dust any Carpet, Cloth, Mat, or Rug in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, or in any Manner obstruct the Passage of the said Esplanades, Footways, or Foot Pavements by loitering thereon; or shall tie or fasten any Horse  
or



or other Beast, Swine, or Cattle to any House, Outhouse, Wall, Fence, Post, Tree, or Railing whatsoever across any of the said Esplanades, Footways, or Foot Pavements; or shall set any Cask, Tub, Pail, Bucket, Stool, Bench, or Stall, or other Thing, on or in the said Esplanades, Footways, or Foot Pavements, or Carriageways; or shall 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 any such Esplanade, Footway, Foot Pavement, or Carriageway; or shall wilfully ride, drive, or lead any Horse or other Beast, Swine, or Cattle whatsoever, on any of the said Esplanades, Footways, or Foot Pavements; or shall, in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, burn, fire, scald, wash, dress, cleanse, or hoop any Cask, Pail, or Tub, or empty all or any of the Contents, Dregs, or Refuse of any Cask, Pail, or Tub; or shall, in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, hew, saw, cut, or bore any Stone, Lead, Wood, or Timber, except for the Purpose of rebuilding, altering, or repairing some adjoining House or Building, or wash, clean, make, or repair any Carriage whatsoever (Cases of Accident only excepted), or shoe, bleed, dress, clean, drive, turn, or leave loose and uncontrolled any Horse or other Beast, Swine, or Cattle, or cause or permit or suffer the same to be done; or if the Driver of any Carriage whatsoever shall, within any Part of the said Town, ride on the Shafts, or in or upon any Part of such Carriage, or on any of the Horses or Cattle drawing the same, without guiding the same by Reins in his Hands; or if any Person shall drive any Cattle, or ride or drive any Horse or other Beast or Animal, or any Carriage whatsoever, in any Part of the said Town, in a violent, furious, dangerous, and improper Manner, or shall not in riding or driving any such Horse or other Beast or Animal, or any Carriage whatsoever, keep the proper and customary Side of the Road, Street, Way, Lane, or other public Passage or Place, or otherwise wilfully or carelessly prevent other Persons from passing; or shall, in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, show or expose for Sale or for Exhibition any Stallion, or any Horse or other Beast, Swine, or Cattle, or ride, drive, or lead the same in any Carriage or otherwise for the Purpose of Exercise, or for the Purpose of breaking in the same (except in going out of or returning into the said Town); or shall therein or thereon sift, screen, wet, slack, or mix any Lime, or wet, mix, or make any Mortar, Plaster, or Cement (except with the Consent of the said Commissioners or their Surveyor); or shall therein play at the Game of Cricket, Trap Ball, Foot Ball, Fives, driving Hoops, Toss, Pitch, and Hustle, or any other Game; or shall therein or thereon wilfully and wantonly throw any Stone or other Missile, or make any Bonfire, or let off or fire any Crackers, Squibs, or other Fireworks or combustible Materials, or wantonly fire or let off any Gun or Pistol in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places; or if any Person shall wilfully or improperly impede or prevent any other Person from passing on any of the Footways or Foot Pavements in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, or wilfully slide thereon during Frost, or commit any other Nuisance or Annoyance upon the same; or if any Person shall kill any Animal, or singe, scald, dress,



dress, or cut up any Carcass, either wholly or in part, in or on any of such Roads, Streets, Ways, Lanes, or other public Passages or Places; or cause or permit any Blood, Soapsuds, Filth, or Soil, Gas, or any other unwholesome, noxious, or offensive Matter, to flow, run, escape, or be cast or thrown from or out of any House, Outhouse, Building, Yard, or other Place into or upon any of the said Footways or Foot Pavements, Streets, or Places; or shall hang out or expose, or cause or suffer to be hung out or exposed, any Linen, Clothes, or other Articles or Things whatsoever, to dry or air, in or on any Part of the said public Roads, Streets, Ways, Lanes, or other public Passages or Places, or on the Sea Shore; or if any Person shall affix any Posting Bill or other Paper to or against any Lamp Post, Column, or Pillar, or against any Dwelling House, Wall, Paling, Fence, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material; or make, excite, or join in any Brawl, or otherwise disturb the public Peace, or use any obscene, profane, or abusive Language, in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, or commit any public Nuisance or Annoyance whatsoever within the said Town; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any of the said Commissioners, or any Officer appointed by virtue of this Act, or for any Constable, to take away and remove any of the before-mentioned Obstructions, Nuisances, or Annoyances, in case the Person occasioning the same shall not remove the same within a reasonable Time, upon being requested so to do by any Person whomsoever.

Power to  
alter the  
Form and  
Position of  
Urinals.

LXXX. And be it further enacted, That it shall be lawful for the said Commissioners to order and direct any Alteration they shall think fit to be made by the Owners or Occupiers of any Public House or Alehouse, in the Form or Situation of the Urinals adjoining any of the Public Houses or Alehouses within the said Town, for the Convenience of which such Urinals shall be constructed; and it shall be lawful for the said Commissioners to order and direct the Owner or Occupier of any Public House or Alehouse which shall be without such Urinal to construct, at the Expence of such Owner or Occupier, a proper Urinal to the Satisfaction of the said Commissioners; and no such Urinal shall be hereafter constructed or made without the Consent in Writing of the Commissioners for that Purpose first had and obtained; and the said Commissioners are hereby empowered to order and direct the Owner or Occupier of the House for the Convenience of which any Urinal shall be standing at his own Expence to alter or to pull down and reconstruct the same in such Manner and Situation as the said Commissioners shall direct, subject as aforesaid; and in case any such Owner or Occupier shall not within Twenty-one Days after having received Notice in Writing, signed by the Clerk of the said Commissioners, and left with some Inmate of the Dwelling House of such Owner or Occupier, alter or pull down and reconstruct such Urinal, or erect one where there shall be none as aforesaid, every such Owner or Occupier so offending shall for every such Offence forfeit and pay a Sum not exceeding  
Five



Five Pounds, and a Sum not exceeding Five Shillings for each Day so long as the same shall remain unaltered, or such Urinal shall not be erected; and the said Commissioners are hereby authorized and empowered in such Case to cause such Alterations to be forthwith made under the Direction of their Inspector: Provided always, that the said Commissioners may, if they shall think proper so to do, pay any Part of the Expence of any such Urinal as aforesaid, or of the Drains thereof, out of the Monies applicable to the Purposes of this Act.

LXXXI. And be it further enacted, That if any Waggon, Cart, Carriage, Coach, Sledge, Dray, Wheelbarrow, Truck, or any other Carriage or Vehicle, shall at any Time be left or suffered to be or remain, stay, stand, or continue, either with or without a Horse or Horses or other Cattle, in any of the Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Town, for any longer Time than shall be necessary or reasonable for taking up or setting down Passengers or other Persons, or the loading or unloading thereof, or in case the same shall not during such Time be standing as near to that Side of the Road, Street, Way, Lane, or other public Passage or Place at which the loading or unloading is to be performed as conveniently may be or shall be set, placed, left, or be upon any Part of the Footway, Foot Pavement, or Crossing of any such Road, Street, Way, Lane, or other public Passage or Place, or shall stand, be set, or placed athwart or across (although for the Purpose of loading or unloading the same) any Part of any such Road, Street, Way, Lane, or other public Passage or Place, so that there shall not be sufficient Room left for another Carriage to pass; or if any Timber, Stone, or other weighty or heavy Article or Material whatsoever shall be drawn in or over any such Road, Street, Way, Lane, or other public Passage or Place, without being placed upon or suspended from a Sledge or Carriage for that Purpose, or if any Tree or Piece of Timber shall be hauled or drawn upon any Part of such Road, Street, Way, Lane, or other public Passage or Place, otherwise than upon or suspended from a wheeled Carriage, and without being attended by some Person beside the Carter, in order to prevent such Tree or Timber doing any Injury or Damage; or if any Goods, Wares, or Merchandize, Materials or Things whatsoever, shall be or remain in any such Road, Street, Way, Lane, or other public Passage or Place, for a greater Space of Time than shall be necessary for housing or removing thereof; then and in every such Case the Owner or the Driver of any such Carriage as aforesaid, and the Owner of such Goods, Wares, or Merchandize, Materials or Things as aforesaid, or the Person causing such Annoyance, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and any One of the said Commissioners, or their Surveyor, or other their Officer, shall and may, either in the Day or by Night, seize or cause to be seized any such Carriage so suffered to be or remain, stay, stand, or continue as aforesaid, together with the Horses or Cattle in or drawing the same, or the Goods, Wares, or Merchandize, Materials or other Things as aforesaid, and remove or cause the same to be removed, together with the Person having the Custody thereof if he shall refuse to quit the same, to such secure Pound or other Place as shall be appointed by the said Commissioners for that

Carriages  
not to re-  
main in  
Streets  
longer than  
necessary.



Purpose, and the same shall be kept and detained until the Owner thereof shall pay or cause to be paid to the Person in whose Custody the same shall be the Penalty in which such Person shall be convicted for the said Offence, together with the Costs and Charges of seizing, removing, and keeping the same; and in case the Carriage, Cattle, or other Articles so seized shall not be claimed, and the said Forfeiture, Costs, and Charges paid, within the Space of Twenty-four Hours next after such Penalty shall have been adjudged, the same shall be sold; and the Money arising from such Sale, after deducting the said Penalty, Costs, and Charges, and the Expences of such Sale, shall be paid to the Owner, on Demand.

For impounding Cattle suffered to stray.

LXXXII. And be it further enacted, That if any Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle, shall be found straying in any of the Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Town, the Owner thereof shall, for every such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Head of Cattle, forfeit and pay any Sum not exceeding Five Shillings; and it shall be lawful for any Officer appointed by the said Commissioners to impound any such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle found straying as aforesaid, in any Pound such Commissioners may provide, and which they are hereby authorized and empowered to provide and maintain within the said Town for common Use by the Inhabitants thereof, or in any other public Pound in the same Town, and to detain the same in such Pound until the said Penalty, and the Expence of impounding, feeding, and keeping the same in the Pound shall be fully paid and satisfied; and if in any such Case the said Penalty and Expences shall not be paid within Three Days after such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle shall be so impounded, it shall be lawful for any Person who shall be appointed by such Commissioners for that Purpose to sell or cause the same to be sold; and the Costs and Charges of impounding, feeding, and keeping such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle in Pound, and of selling the same, and the said Penalty, shall be defrayed by such Sale; and the Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner of the said Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle, upon Demand: Provided always, that whether such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle so found straying shall be impounded as aforesaid, or otherwise, the Owner thereof shall nevertheless forfeit and pay for every such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Head of Cattle so found straying as aforesaid, the said Sum of Five Shillings.

Punishing Persons guilty of Pound Breach.

LXXXIII. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle, or any other Article, Matter, or Thing which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened,  
or



or shall rescue or release, or shall attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle, Article, Matter, or Thing so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said County of *Kent*, either upon Confession of the Party offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer; be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the said County of *Kent*, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months.

LXXXIV. And be it further enacted, That if any Person shall at any Time cause any Privy or Necessary House within the said Town to be emptied, except between the Hours of Eleven of the Clock at Night and Four of the Clock in the Morning, or shall lay or cause to be laid the Soil thereof in any other Place within the said Town than shall be appointed for that Purpose by the said Commissioners, or shall wilfully or negligently spill or throw down any such Soil in any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Regulations  
for emptying  
Privies.

LXXXV. And be it further enacted, That it shall be lawful for the said Commissioners to provide Fire Engines, Pipes, Buckets, and other necessary Apparatus for extinguishing Fires, and maintain in good Order and Condition a fit and convenient House or Place as and for a public Office, within the said Town, for holding the Meetings and transacting the Business of the said Commissioners, and for transacting such other public Business relating to the said Town as the said Commissioners shall direct or allow to be transacted therein, and also to provide, and maintain in good Repair and Condition, Lock-up Houses, or other Places of Security, wherein may be lodged any Night Walkers, Felons, Malefactors, Vagrants, Disturbers of the Peace, and Beggars within the same Town, until they can be conveniently carried before some Justice of the Peace, to be examined and dealt with according to Law; and also to provide Land and Buildings fit and convenient for the Deposit of the Dirt, Dung, Ashes, and other Filth to be swept and collected under the Authority of this Act, and for the Accommodation and Deposit of all Horses, Carts, Tools, Implements, and other Articles, Matters, and Things to be used and employed by or by the Direction of the said Commissioners; and it shall be lawful for the said Commissioners from Time to Time to make and establish such Rules, Orders, Regulations, and Provisions, for the Use and Management of such public Office, Lock-up Houses, or other Places of Security, and for airing, warming, lighting, cleansing, and repairing the same, and for the Use and Management of any such Lands and Buildings, and to make such Allowance to the Keepers or Persons having the Care or Superintendence of the same Offices, Lock-up Houses, Lands, Buildings, and

Power to  
provide a  
public  
Office, Lock-  
up Houses,  
and Engine  
Houses.



and Places, for their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

Power to purchase Buildings, &c.

LXXXVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Body Politic, Corporate, Collegiate, or Ecclesiastical, Corporation Aggregate or Sole, Tenant in Fee Simple or for Life or Years, or in Fee Tail, General or Special, or with any Feoffees in Trust for charitable or other Purposes, Husbands, Testamentary or other Guardians, Committees for Idiots or Lunatics, Executors or Administrators, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestui-que Trusts, whether Infants or Issue unborn, Idiots, Lunatics, Femes Covert, or other Persons under any Disability of acting for themselves, or with any Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, or with any others the Owners or Proprietors for the Time being of any Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments situate within the said Town, or any Part of such aforesaid several Premises, or of any Estate, Right, or Interest therein, for the absolute Purchase of such several Premises, or any of them, or any Part thereof, or of any Estate, Right, or Interest therein which the said Commissioners shall consider proper and necessary to be purchased for all or any of the Purposes of this Act, or as shall be necessary or requisite for the due Execution hereof and the several Powers herein contained, and to take down or alter all or any of such Messuages, Houses, Buildings, Walls, Tenements, and Hereditaments so to be purchased, or any Part of the same respectively, and also to appropriate all or any Part thereof, or of the Land or Ground which shall be cleared by the taking down of any such Messuages, Houses, Buildings, or Walls, for all or any of the Purposes aforesaid, as the said Commissioners shall think fit.

Commissioners not to take any Messuages, &c. except those mentioned in the Schedule.

LXXXVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to take or make use of any Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments for the Purposes of this Act, without the Consent in Writing of the Owners thereof (except such as are mentioned in the Schedule annexed to this Act).

Misnomers in describing the Premises not to retard the Execution of this Act.

LXXXVIII. And be it further enacted, That if any of the Houses, Buildings, Lands, Tenements, or Hereditaments which are mentioned or described in the Schedule to this Act annexed, or any of the Owners thereof, or of the Persons in whose Occupation or Possession the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased and conveyed, disposed of and applied to and for the Purposes of this Act, as fully and effectually as if the same were more properly named and described in the said Schedule; provided



it shall appear to any Two Justices of the Peace for the said County of *Kent*, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only, or that the real Owners or Occupiers of such Houses, Buildings, Lands, Tenements, or Hereditaments had previous Notice that the same respectively would be wanted for the Purposes of this Act.

LXXXIX. Provided always, and be it further enacted, That if the said Commissioners shall not within the Space of Three Years next after the passing of this Act agree for, or cause to be valued and paid for, in manner directed by this Act, the several Houses, Buildings, Lands, and other Premises mentioned in the Schedule to this Act annexed, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers hereby given to them for such Purpose only shall cease, determine, and be utterly void (except with the Consent of the Owners and Occupiers thereof respectively).

Power of purchasing limited to Three Years.

XC. Provided also, and be it further enacted, That in every Case of any House, Building, Land, Tenement, or Hereditament, with the Appurtenances thereto belonging, mentioned or described in the Schedule to this Act annexed, and authorized by this Act to be purchased for the Purposes thereof, wherein it shall be found that Part only of such entire connected Property will be required, it shall be lawful for the said Commissioners to purchase such Part only of the said Premises respectively as shall be proper and necessary for such Purposes; but in case the Owner of such Property, either having an absolute Interest or having an Interest in Trust for others as aforesaid, shall be desirous of disposing of the Whole thereof (the Whole thereof not exceeding Half an Acre), then the said Commissioners shall and they are hereby directed and required to purchase the Whole thereof accordingly; and upon Payment of the Money to be contracted or agreed for the same to the Person entitled thereto, or into the Bank of *England*, in the Manner herein-after directed, for the Use of the same Person, all the Estate, Use, Trust, and Interest of any Person therein shall thenceforth vest in the said Commissioners for the Use and Purposes of this Act.

Commissioners to purchase Part only of the Premises in certain Cases, unless required by the Owners to purchase the Whole.

XCI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate or Interest therein, to be made to the said Commissioners, shall be made in the Form or to the Effect following, *mutatis mutandis*; (that is to say,)

Form of Conveyance.

‘ I in consideration of the Sum of  
 ‘ to me paid by the Commissioners appointed under and by virtue  
 ‘ of an Act passed in the Third Year of the Reign of His Majesty  
 ‘ King *William* the Fourth, intituled [*here insert the Title of this*  
 ‘ *Act*] do hereby grant and convey to the said Commissioners all  
 ‘ [*here describe the Premises to be conveyed*], and all my Estate, Right,  
 ‘ Title, Term, and Interest to and in the same and every Part thereof,  
 ‘ to hold to the said Commissioners and their Successors from hence-  
 [Local.] 26 I ‘ forth







other Person whomsoever who is or shall be seised or possessed of or interested in any Houses, Buildings, Lands, Tenements, or Hereditaments, or entitled to any Estate, Right, Title, Lien, Charge, or Interest whatsoever in or to any Houses, Buildings, Lands, Tenements, or Hereditaments situated within the said Town, whether the same shall be specified in the Schedule to this Act annexed or not, which the said Commissioners shall consider proper and necessary to be purchased for the Purposes of this Act, to contract and agree with the said Commissioners for a Lease or Leases, or for the absolute Sale thereof or of any Part thereof, and of all and every Estates, Rights, Titles, Terms, and Interests whatsoever of, in, and to the same, unto the said Commissioners for the Purposes of this Act, and to demise, convey, and assign the same respectively unto the said Commissioners; and all such Contracts, Leases, Assignments, Bargains, Sales, Conveyances, and other Assurances shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party so conveying, but also to convey all the Estate, Right, Title, Interest, Trust, Use, Property, Possession, Claim, and Demand whatsoever of his several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them or any of them, and 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 of such Party, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and of the Issue of the same Party claiming under him; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding.

XCIV. Provided always, and be it further enacted, That if any such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporation Aggregate or Sole, Tenants in Fee Simple, for Life or for Years, or in Fee Tail, General or Special, Feoffees, Husbands, Guardians, Committees, Executors or Administrators, Trustees or other Persons whomsoever, in anywise interested in such Houses, Buildings, Lands, Tenements, or Hereditaments required to be purchased and taken for the Purposes of this Act, and in the Schedule to this Act particularly mentioned and described, or any Occupier thereof, sustaining any Loss, Injury, or Damage, (upon Notice to him given or left in Writing with some Inmate at the Dwelling House or usual or last Place of Abode of the principal or head Officer of such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations, Tenants in Fee Simple, for Life or for Years, or in Fee Tail, General or Special, Feoffees, Husbands, Guardians, Committees, Executors or Administrators, Trustees or other Person, or at the House of the Tenant in Possession of such Houses, Buildings, Lands, Tenements, or Hereditaments intended to be purchased and taken for the Purposes of this Act,) shall, for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat and agree or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to  
the

On Persons refusing to treat or to sell, Jury to be summoned to assess Value, &c.



the Hereditaments they are in possession of, or the Interest they claim therein, to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners shall cause the Value and Recompence to be made for such Houses, Buildings, Lands, Tenements, or Hereditaments to be enquired into and ascertained by a Jury of Twelve indifferent Men of the said County of *Kent*; and for the summoning and returning such Jury the said Commissioners are hereby empowered, from Time to Time, to issue out their Warrant to the Sheriff of the said County, thereby commanding and requiring of him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the same County, to appear before the said Sheriff at such Time and Place as in such Warrant shall be appointed; and the said Sheriff is hereby required to impanel, summon, and return such Number accordingly, to attend at the Time and Place so appointed; and out of the Persons so impanelled, summoned, or returned, or out of such of them as shall appear upon such Summons, the said Sheriff is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be easily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby also required and empowered, from Time to Time, as Occasion shall be and require, to summon and call before the said Jury, and examine upon Oath (which Oath the said Sheriff or his Under Sheriff is hereby empowered to administer), every Person who shall be thought necessary and proper to be examined as a Witness touching or concerning the Premises; and the said Sheriff shall also order and cause the said Jury to view the Place in question, if there be Occasion, and use all lawful Ways and Means, as well for his own as the said Jury's better Information in the Premises, as the said Sheriff shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the said Houses, Buildings, Lands, Tenements, or Hereditaments to the Owner thereof, according to his Interest therein, and shall give in their Verdict thereupon; and after the said Jury shall have enquired of and assessed such Damage and Recompence, and given in their Verdict, the said Sheriff shall thereupon order, adjudge, and determine the Sum of Money so assessed by the said Jury to be paid to the Person interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury.

Verdict of  
the Jury to  
be final.

XCV. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Tenants in Fee Simple, or for Life or for Years, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy,



Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, and Administrators, and against every other Person whomsoever; and all and every such Owner and other Person in anywise interested in such Houses, Buildings, Lands, Tenements, or Hereditaments shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and on Payment of the Money so assessed to the Person entitled thereto, or his Agent, or upon paying the same into the Bank of *England*, in manner by this Act directed, and after such Payment, it shall be lawful for the said Sheriff to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person entitled thereto; and thereupon the Premises shall absolutely vest in the said Commissioners, and they shall be and be deemed to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon as aforesaid shall be transmitted to and fairly entered and kept amongst the Records of the Quarter Sessions of the Peace for the said County of *Kent*, and a Duplicate of such Verdict or Judgment shall be kept by the Clerk to the said Commissioners for the Time being; and the same, or true Copies thereof, shall be admitted, received, and taken as Evidence and Proof in all Courts of Law and Equity in all Places whatsoever; and all Persons shall have recourse to them *gratis*, and may have Copies thereof, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words; and the said Sheriff, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or being so sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, and on any Person who, being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear after having been paid or tendered a reasonable Sum for his Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, so as such Fine to be imposed on any Juryman or Witness shall not exceed the Sum of Ten Pounds for any One Offence.

XCVI. Provided always, and be it further enacted, That every Person making Complaint, and requesting a Jury to be summoned as aforesaid, shall, before the said Commissioners shall be obliged to issue their Warrant for that Purpose, enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Commissioners, in a Sum or Penalty of One hundred Pounds, with Condition to prosecute his said Complaint, and to pay and bear his Proportion of the Costs and Expences of summoning such Jury, and taking such Verdict, in case the same shall be given for no greater or a less Sum than had been offered by or on behalf of the said Commissioners, before the

Persons requesting a Jury to enter into Bonds to prosecute their Complaints.



summoning and returning of the said Jury, for the Purchase of or as a Recompence for Messuages, Lands, Tenements, or Hereditaments as aforesaid.

By whom  
Jury shall  
be paid.

XCVII. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by, for, or on behalf of the said Commissioners, as a Recompence or Satisfaction for any such Houses, Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person as aforesaid, and in any Case where any Person or Party shall have been prevented by Absence from *Great Britain* from entering into Treaty with the said Commissioners, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days next after Demand made thereof from the said Commissioners, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer of the said Commissioners, (unless such Treasurer shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County wherein the same Houses, Buildings, Lands, Tenements, or Hereditaments shall be situate; 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 to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party refusing or neglecting to treat or agree as before mentioned, and by the said Commissioners; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the County wherein the said Houses, Buildings, Lands, Tenements, or Hereditaments shall be situate, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party having had any such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party, as so much Money advanced for his Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party; or otherwise, if such Costs and Charges be not paid upon  
Demand,



Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

XCVIII. And be it further enacted, That every Lessee or Tenant for Years, or from Year to Year, or at Will, Mortgagee, and every other Person in Possession of any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased or taken by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person as they the said Commissioners shall appoint to take Possession of the same, upon having Six Calendar Months Notice from the said Commissioners or their Clerk to quit the same at such Time or Times as shall be required by such Notice, they the said Commissioners making such Satisfaction and Compensation to every such Tenant or Lessee or other Person as aforesaid (except a Mortgagee), in case he shall be required to quit before the Expiration of his Term or Interest in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be ascertained and settled by a Jury in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments is and are herein directed to be ascertained and settled, in case of any Dispute or Difference about the same; and such Lessee, Tenant, or other Person aforesaid in Possession shall, at such Time or Times as he shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person authorized by them to take Possession thereof; and if any such Lessee, Tenant, or other Person aforesaid, so in Possession as aforesaid, shall refuse or neglect to deliver up such Possession, then and in every such Case it shall be lawful for the said Commissioners to issue their Precept to the said Sheriff to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges as shall accrue from the issuing or Execution of such Precept on the Person so refusing to deliver up Possession as aforesaid, by Distress and Sale of his Goods and Chattels.

Lessees and Tenants for Years or at Will to deliver Possession on Six Months Notice.

XCIX. Provided always, and be it further enacted, That in all Cases where any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased or taken by virtue of and for the Purposes of this Act, under or by virtue of any Demise, Lease, or other Grant thereof, the said Commissioners shall and they are hereby authorized to require such Person to produce or show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shown

Persons holding under Leases to produce the same.



the Person claiming under the same shall be considered as holding only from Year to Year.

On Payment or Tender of Money, Property to vest in the Commissioners.

C. And be it further enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties, or assessed by such Jury, in manner aforesaid, for the Purchase of any such Houses, Buildings, Lands, Tenements, or Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor of such Houses, Buildings, Lands, Tenements, or Hereditaments, or to such other Person as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed for or assessed, or upon Payment of the said Sum of Money within the said One Calendar Month into the Bank of *England*, as herein-after directed and required, for the Use of the Person entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon such Houses, Buildings, Lands, Tenements, and Hereditaments respectively, and thereupon the said Houses, Buildings, Lands, Tenements, and Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall thenceforth be vested in and become the sole Property of the said Commissioners, as Freehold of Inheritance for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his Issue, and of every other Person whomsoever therein: Provided nevertheless, that in case any Person shall enter upon any such Premises for any of the Purposes of this Act before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, every Person so offending shall forfeit and pay the Sum of Ten Pounds for every Day he shall remain on the said Premises.

Power to sell Messuages, &c. not wanted for the Purposes of this Act.

CI. And whereas some Part of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act may happen to be more than will be necessary for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to sell or dispose of and to convey, or cause to be sold or disposed of and conveyed, such Part of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be vested in them by virtue or in pursuance of this Act, to any Person willing to contract, agree for, or purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act.

First Offer to be made to the Persons from whom the same shall

CII. Provided always, and be it further enacted, That in case the said Commissioners shall think proper to sell or dispose of all or any of the same Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, which may not be necessary to be made use of for the Purposes of this Act, they shall first offer the same for Sale



to the Person from whom the same shall have been purchased, or who shall have given or conveyed the same unto the said Commissioners, and if such Person shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on an Affidavit being made and sworn to before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Kent* (who are hereby respectively empowered to take such Affidavit), by some Person no way interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was then and there refused or was not agreed to by the Person to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or was not agreed to by the Person to whom such Offer was made (as the Case may be); and in case such Person shall be desirous of purchasing such Houses, Buildings, Lands, Tenements, or Hereditaments, and he and the said Commissioners shall differ or not agree with respect to the Price thereof, then the Price thereof shall be settled and ascertained by a Jury in such and the like Manner as any Sum of Money to be paid by the said Commissioners for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments is or are herein-before directed to be settled and ascertained in case of any Difference or Dispute about the same, and the Costs and Expences of hearing and determining such Differences shall be recovered, levied, and applied in such and the like Manner as the Costs and Expences of hearing and determining Differences with respect to the disputed Value of Premises to be taken or used by the said Commissioners shall be borne and paid, *mutatis mutandis*; and all the Money to arise by such Sale shall be applied to the Purposes of this Act, in aid of the Fund out of which the Purchase Money thereof was paid, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Non-application of such Purchase Money.

have been  
purchased.

CIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments, or for any other Matter, Right, or Interest of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person under any Disability or Incapacity as herein-before mentioned, 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 improving the Town of *Herne Bay*," pursuant to an Act passed in the First Year of the Reign of His late 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, and for other Purposes*, and the General Orders of

Application  
of Purchase  
Money when  
amounting  
to 200*l.* and  
upwards.

1 G.4. c.35.



the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way on behalf of the Person who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Houses, Buildings, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Houses, Buildings, Lands, Tenements, and 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 and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, 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; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
if above  
20*l.* and  
under 200*l.*

CIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his Guardian or Committee in case of Infancy or Lunacy, 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 said Court, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands or Seal of the nominating and approving Parties,) in  
order



order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

CV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his Guardian or Committee, to and for the Use and Benefit of such Person so entitled respectively.

Application where not more than 20*l.*

CVI. And be it further enacted, That in case the Person to whom such Sum of Money shall be so ordered to be paid as aforesaid shall not be able to make out a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance, or in case such Person to whom such Sum of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person entitled to such Houses, Buildings, 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 of Money so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General, to be placed to his Account to the Credit of the Parties interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Sum 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 seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate, Title, or Interest of the Person 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 of the Bank of *England* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum, mentioning and specifying for what and for whose Use [the same is received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

In case of not making out Titles.

CVII. 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 in the Name and with the Privity of the Accountant General of the said Court in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, or for any Estate, Right, or Interest in any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities,

Respecting disputed Titles to Purchase Money.



nunities, the Person who shall have been in possession of such Houses, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of any such Person, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, 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 was lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Exchequer may order reasonable Expences of Purchases to be paid by Commissioners.

CVIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Corporation entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Bank, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments to be settled to the like Uses, in pursuance thereof respectively, 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 the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the Person obtaining the same, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power for Commissioners to levy Rates.

CIX. And for raising sufficient Money to defray and pay the Charges and Expences attending and incident to the obtaining and passing of this Act, and to defray and pay the Charges and Expences of carrying the several Powers and Purposes thereof into execution, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to raise and levy from Time to Time, when and as often as they shall think necessary, such Sum of Money as they may think requisite, by a Rate or Assessment to be made, assessed, charged, and levied under the Name and Description of "The Repairing, Lighting, and Watching Rate," on the Tenants or Occupiers of all Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Counting Houses, Brewhouses, and all Buildings, Erections, Works, Lands, Tenements, and other Hereditaments within the said Town, according to the annual Rent or Value of the same respectively, but such Rate or Assessment shall not exceed Three Shillings in the Pound upon such annual Rent or Value in any One Year; and when levied upon Arable Land, Pasture Land, or Woodland in any Part of the said Town, or on any Houses, Buildings, Lands, Tenements, or Hereditaments situate in such Parts of the said Town as at the Time of making any such Rate or Assessment shall not be lighted or watched by virtue of this Act, or which shall not abut upon any Part of the Roads, Streets, Ways, Lanes, or other public Passages or Places which shall be so lighted or watched, such Rate shall not exceed



One Shilling in the Pound; and the Monies to be so assessed and raised by virtue of this Act shall be paid by the several Tenants or Occupiers of such respective Premises to the Collector of the Rates to be appointed as herein directed upon such Days or Times as the said Commissioners shall order and appoint, and the Monies so collected shall be paid over by such Collector into the Hands of the Treasurer at such Times as the said Commissioners shall direct; and if any Tenant or Occupier of any of the Premises aforesaid shall neglect or refuse to pay his Proportion of any of the Rates or Assessments by this Act authorized to be made, to the said Collector, for the Space of Ten Days after the same shall become due and payable, and Demand made thereof, the same shall be levied and recovered on and from all and every such Tenant or Occupier so neglecting or refusing, by Distress and Sale of his 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 first been 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 show Cause for such Neglect or Refusal, by a Summons delivered to the Persons thereby intended to be summoned, or left with some Inmate at their last or usual Places of Abode, or at or on the Premises for or in respect whereof the Rate or Rates mentioned in such Summons shall remain due and owing; and the Overplus, if any, of the Monies to be raised by such Distress and Sale, shall be returned, on Demand to the Owner of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences, to be ascertained and determined 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 any Common Gaol or House of Correction for the said County of *Kent*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sum of Money as shall have been found to be due and in arrear upon any of such Rates or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices.

CX. And be it further enacted, That the annual Value of all such Houses, Warehouses, Shops, Cellars, Vaults, Stables, Counting Houses, Brewhouses, Coach Houses, and all Buildings, Erections, Works, Lands, Tenements, and other Hereditaments so to be respectively rated and assessed to the Repairing, Lighting, and Watching Rate as aforesaid, shall be settled, ascertained, and computed, and from Time to Time corrected, according to the actual Value of the same respectively at the Time of making such Assessment: Provided always, that the Tenants or Occupiers of Arable Land, Pasture Land, and Woodland in any Part of the said Town, or of any Houses, Buildings, Lands, Tenements, or other Hereditaments situated in such Parts of the said Town as at the Time of making any such Repairing, Lighting, and Watching Rate or Assessment shall not be lighted or watched by virtue of this Act, or which shall not abut upon any Part of the Roads, Streets, Ways, Lanes, or other public

How yearly Value of Premises to be ascertained.



Passages or Places which shall be so lighted or watched, shall be charged towards the said Rate so much in the Pound only as shall be equal to One Third of the Rate charged on other Property or Hereditaments in the said Town of the like annual Value.

For rating  
Landlords of  
Houses let  
for less than  
12l. a Year  
Rent.

CXI. And be it further enacted, That where the yearly Rent or Value of any Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Counting Houses, Brewhouses, Buildings, Erections, Works, Lands, Tenements, or Hereditaments within the said Town shall not amount to Twelve Pounds, and also where any such Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Counting Houses, Brewhouses, Buildings, Erections, Works, Lands, Tenements, or Hereditaments, whatever the yearly Rent or Value of the same may be, shall be let to any weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, the Rents whereof shall become payable or be collected at any shorter Period than quarterly, then and in every such Case it shall be lawful for the Persons making any Rate or Assessment by virtue of this Act, in and by such Rate or Assessment so to be made as aforesaid, at their Discretion, to rate and assess the Landlord or Owner of all and every or any such Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Counting Houses, Brewhouses, Buildings, Erections, Works, Lands, Tenements, or Hereditaments in the said Town, for the Payment of such Rate or Assessment hereby authorized to be made; and in each and every such Case the Landlord or Owner of all and every such Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Counting Houses, Brewhouses, Buildings, Erections, Works, Lands, Tenements, and Hereditaments respectively shall from thenceforth, and until the Expiration of the Period for which such Rate or Assessment shall be made, be deemed and taken for the Purposes of this Act to be the Occupier of such Premises, and shall thereupon be rated to and from Time to Time shall pay or cause to be paid such Rate or Assessment, charged upon the same respective Premises according to a fair and equal Assessment to be made upon and in respect of the same; and upon Nonpayment thereof the said Collectors are and each and every of them is hereby authorized to levy the same by Distress and Sale of the Goods and Chattels of such Landlord or Owner, wheresoever the same may be found respectively: Provided always, that in all Cases in which the Landlord or Owner of any House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Counting House, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament under the yearly Rent or Value of Twelve Pounds shall be rated or assessed, instead of his or her Tenant, by virtue of this Act, towards the said Rate hereby authorized to be made, such Landlord or Owner shall be charged so much in the Pound only on the said Rate as shall be equal to One Half of the Rate charged on other Property in the said Town of the like annual Value.

Tenants  
Goods, how  
far liable to  
Rates, &c.

CXII. Provided always, and be it further enacted, That the Goods and Chattels of every Person renting or occupying any such House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Counting House, Brewhouse, Building, Erection, Work, Land, Tenement, or Here-



Hereditament, or any Part thereof, the Rate or Assessment whereof the Landlord or Owner is hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment of so much of the said Rate or Assessment, and of all Arrears thereof, as became due upon the said Premises during the Time of his Occupancy only; but no such Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rate or Assessment, or any of them, and the Arrears thereof, than the Amount of the Rent actually due by such Occupier to the Landlord or Owner of the Premises so occupied by him: Provided also, that each such Occupier who shall pay any such Rate or Assessment, or any Arrear thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the Amount of the Sum which shall be so paid or levied from the Rent then due or at any Time thereafter to be due from him to the respective Landlords or Owners of the Premises, and the Receipt for such Payment shall be a good and sufficient Discharge for such Occupier to his Landlord for so much Money as he shall pay in the Manner directed by this Act.

CXIII. And in order to prevent Disputes touching the Definition of Owners or Landlords for the Purposes of this Act, be it enacted, That the Person legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any Messuages, Lands, Tenements, Hereditaments, or other Premises from the Tenants or actual Occupiers thereof, or of any of them, shall be deemed and taken for the several Purposes of this Act to be the Owners or Landlords thereof; and in all Cases in which either Owners or Landlords are made liable by this Act, such Person so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any such Messuages, Lands, Tenements, Hereditaments, or other Premises from the Tenants or actual Occupiers thereof, shall be liable as Owners or Landlords thereof, unless the Owners or Landlords shall be distinctly and certainly known to be such to the Satisfaction of the said Commissioners; and the Receiver or Collector of such Rents is hereby authorized to pay the said Rate and Assessment charged and payable for and on account of the said respective Messuages, Lands, Tenements, Hereditaments, and other Premises, and to deduct the same out of the Rents received or to be received by him.

Defining  
Owners for  
the Purposes  
of this Act.

CXIV. And for the better enforcing the Payment of the Rates and Assessments to be made by virtue of this Act, be it further enacted, That if any Person liable to pay the said Rate or Assessment shall at any Time begin to remove his Goods or Furniture from the House or other Premises in his Occupation within the said Town, or to sell or dispose of such Goods or Furniture therein by Public Auction, or to sell or dispose of or carry away his Goods or Furniture as aforesaid, without paying all Arrears of the Rate or Assessments then due in respect of such Houses or other Premises by virtue of this Act, in which the current Quarter shall be considered as due, then and in any of the said Cases it shall be lawful for the Collector for the Time

Rates may  
be recovered  
from Per-  
sons remov-  
ing.



Time being of the said Rate and Assessment to collect and levy such Rate and Assessment, and all Arrears due thereon, (the Rate or Assessment due for the Quarter wherein such Removal or Sale shall begin to be made as aforesaid to be considered as due although previous to the Time for Payment of the Rate or Assessment of such Quarter,) by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rate or Assessment, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rate or Assessment, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner of such Goods and Chattels.

For recover-  
ing Rates  
from Per-  
sons who  
have quitted  
their Pre-  
mises.

CXV. And be it further enacted, That in case any Person who may have been rated to or who may be liable to the Payment of any Rate or Assessment which shall be made by virtue of this Act shall quit his House or other Premises within the said Town, for or in respect whereof he shall be rated, before he shall have paid such Rate or Assessment, then and in every such Case it shall be lawful for any Person appointed to collect any such Rate or Assessment (Oath being made by him that he doth suspect such Person hath removed his Goods and Chattels), by Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace for the said County of *Kent*, to distrain and to appraise and sell the Goods and Chattels of the Person who shall have so quitted the said House or other Premises before he shall have paid such Rates or Assessments, for the Sum of Money due from any such Person by virtue of any such Rate or Assessment, or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress, Appraisement, and Sale, in any County, City, or Place to which such Person shall have removed, in such and the same Manner as if the same Person had continued within the said Town.

Form of  
Warrant.

CXVI. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rate or Assessment to be made under or by virtue of this Act may include One or more Person or Persons, and be in the Words or to the Effect following, *mutatis mutandis*; (that is to say,)

‘ Kent, } To the Collector of the Rates or Assessments made by  
‘ to wit. } the Commissioners for executing an Act passed in the  
‘ Third Year of the Reign of His Majesty King *William*  
‘ the Fourth, intituled [*here insert the Title of this Act*],  
‘ and also to the Constables and other Peace Officers of the  
‘ Town of *Herne Bay*:

‘ WHEREAS the undersigned Persons, now or late Inhabitants,  
‘ Landlords, Tenants, or Occupiers of Houses, Warehouses,  
‘ Shops, Cellars, Vaults, Stables, Coach Houses, Counting Houses,  
‘ Brewhouses, Buildings, Erections, Works, Lands, Tenements, or  
‘ Here-



Hereditaments, or Parts of Houses, Warehouses, Shops, Cellars,  
 Vaults, Stables, Coach Houses, Counting Houses, Brewhouses,  
 Buildings, Erections, Works, Lands, Tenements, or Hereditaments  
 within the Town of *Herne* in the County of *Kent* aforesaid, have  
 been duly rated and assessed under the Authority of the said Act,  
 and there is now due from them respectively the several Sums of  
 Money at their Names herein-after respectively set down, which  
 they have respectively refused or neglected to pay, as appeareth  
 upon due Proof upon Oath to me, One of His Majesty's Justices of  
 the Peace for the said County of *Kent*; and the said several Persons  
 having been summoned to appear before me to answer the Premises,  
 and not having shown any sufficient Cause why such Sums of Money  
 should not be paid; These are therefore in His Majesty's Name to  
 will and require you forthwith to levy the said several Sums herein  
 mentioned by Distress and Sale of the respective Goods and  
 Chattels of the Persons aforesaid, rendering to them respectively  
 the Overplus (if any), the reasonable Charges of such Summons,  
 Warrant, Distress, Sale, and Keeping being first deducted; and if  
 no sufficient Distress can be had or taken, that then you certify  
 the same to me, to the end that such further Proceedings may be  
 had as the Law doth authorize or direct: And I do hereby strictly  
 charge and command all and singular the Constables and other  
 His Majesty's Peace Officers for the said Town to be aiding and  
 assisting in all things relating to the Premises. Given under my  
 Hand and Seal, this Day of One  
 thousand

				Sum due for Repairing, Lighting, and Watching Rate.
<i>A. B.</i>	-	-	-	
<i>C. D.</i>	-	-	-	

CXVII. And be it further enacted, That the Books of Rates and Assessments to be delivered to the said Collector, or any other Officer appointed by the said Commissioners, and all Entries afterwards made therein in manner by this Act directed, shall be received as Evidence of the Rates and Assessments imposed by virtue of this Act.

Rate Books to be received as Evidence.

CXVIII. And be it further enacted, That in all Cases where any Person shall remove from or quit any House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Counting House, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament within the said Town which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rate or Assessment in proportion to the Time for which he occupied the same, in like Manner as if such Person had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Counting House, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament as aforesaid, out of or from which any other Person rated as aforesaid shall be removed, or which at the Time of making

Rates to be apportioned on Persons removing from or into Houses.



such Rate or Assessment was or were empty, the same shall, for and in respect of his Occupation thereof, be liable only to such Rate or Assessment in proportion to the Time for which he shall occupy the same, in the same Manner as if he had been originally rated or assessed for such House, Warehouse, Shop, Cellar, Vault, Stable, Coach House, Counting House, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament; which said respective Proportions shall in case of Dispute be settled and ascertained by the said Commissioners.

Power to  
mortgage  
Rates, &c.

CXIX. And for the more speedily enabling the said Commissioners to execute the Purposes of this Act, and the several Powers vested in them, 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 so often as they shall think it expedient, to borrow and take up at Interest any Sum of Money upon the Credit of the Rate or Assessment authorized to be made, levied, and collected by virtue of this Act under the Name or Title of "The Repairing, Lighting, and Watching Rate," and in the event of the same Sum of Money, or any Part thereof, being repaid by the said Commissioners, to borrow and take up at Interest in like Manner any other Sum of Money, and so *toties quoties*, but so nevertheless that there shall not be owing upon the Security aforesaid at any One Time more than the said aggregate Sum of Five thousand Pounds; and the Charges and Expences of such Security shall be from Time to Time defrayed by the said Commissioners out of the Money advanced upon such Security; and every such Mortgage or Security shall or may be in the Words or to the Effect following; that is to say,

Form of  
Mortgage.

‘ BY virtue of an Act passed in the Third Year of the Reign of His  
 ‘ Majesty King *William* the Fourth, intituled [*here set forth the*  
 ‘ *Title of this Act*], we, the Commissioners acting in the Execution  
 ‘ of the said Act, in consideration of the Sum of  
 ‘ advanced and lent by \_\_\_\_\_ upon the Credit  
 ‘ and for the Purposes of the said Act, and paid by him to the Trea-  
 ‘ surer to the said Commissioners, do hereby grant and assign unto  
 ‘ the said \_\_\_\_\_ [*or to his Trustee, as the Case*  
 ‘ *may be*], his Executors, Administrators, and Assigns, such Propor-  
 ‘ tion of the Rate or Assessment authorized to be raised, levied, and  
 ‘ collected by virtue of this said Act under the Name or Title of  
 ‘ "The Repairing, Lighting, and Watching Rate" as the said Sum  
 ‘ of \_\_\_\_\_ doth or shall bear to the whole Sum to be borrowed,  
 ‘ and which shall from Time to Time be owing upon the Credit of  
 ‘ the said Rate or Assessment, to be had and holden from the Day  
 ‘ of the Date of these Presents until the said Sum of  
 ‘ with Interest for the same after the Rate of \_\_\_\_\_ *per Centum*  
 ‘ *per Annum*, to be paid half-yearly, shall be fully paid and satisfied.  
 ‘ In witness whereof we have set our Common Seal the \_\_\_\_\_ Day  
 ‘ of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ .’

And every such Mortgage or Security shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

CXX. And



CXX. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed as aforesaid, and their respective Executors, Administrators, and Assigns, at any Time, by Writing under their respective Hands and Seals, to transfer the same respectively to any Person whomsoever in the Form or to the Effect following; (that is to say,)

Power to transfer Securities.

‘ I *A. B.* of [or I *C. D.* of  
 ‘ Executor or Administrator of *A. B.*, late of  
 ‘ or otherwise, as the Case may happen to be,] in consideration of the  
 ‘ Sum of to me paid by *E. F.* of do  
 ‘ hereby assign and transfer unto the said *E. F.*, his Executors, Ad-  
 ‘ ministrators, and Assigns, a certain Security bearing Date the  
 ‘ Day of in the Year of our Lord  
 ‘ under the Common Seal of the Com-  
 ‘ missioners for putting into execution an Act passed in the Third  
 ‘ Year of the Reign of King *William* the Fourth, intituled [*here set*  
 ‘ forth the Title of this Act], and the Principal Sum of  
 ‘ thereby secured, and all Interest now due and hereafter to grow  
 ‘ due thereon, with all my Right, Title, and Interest in and to the  
 ‘ same. Dated this Day of in the Year of our  
 ‘ Lord

Form of Transfer.

CXXI. And be it further enacted, That the several Persons to whom any such Mortgages shall have been made shall be severally entitled to their respective Quota of the said Rate and Assessment respectively in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference by reason of the Priority of Date in any such Mortgage, or on any other account whatsoever.

No Preference in Payment of Mortgages.

CXXII. And be it further enacted, That a Book shall be provided by the said Commissioners, and kept by their Clerk, in which Book shall be entered and registered Copies of all Mortgages and other Securities made in pursuance of this Act, and every Transfer thereof, which Book shall be open to the Inspection of the several Holders of Mortgages and Securities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward; and every such Mortgage, Security, or Transfer, after such Entry as aforesaid, but not before, shall entitle the Person to whom the same shall be made, and his Executors, Administrators, and Assigns, to the Benefit of the Security thereby made or transferred, and the Person to whom such Mortgage, Security, or Transfer shall or may be made, his Executors, Administrators, or Assigns, may from Time to Time transfer such Security to any other Person whomsoever in a similar Way.

Register Book to be kept.

CXXIII. And be it further enacted, That the Money to be raised or to be received by virtue of this Act under or by virtue of the Repairing, Lighting, and Watching Rate herein-before mentioned, and the Money to be raised on the Credit thereof, and also any other Money to be raised or received under or by virtue of this Act, shall in

Application of Money raised.



in the first place be applied in paying and defraying the Costs, Charges, and Expences of applying for and incident to the obtaining and passing of this Act, and of Interest for any Money advanced for that Purpose, in preference to all other Payments whatsoever; then in paying the Interest of the several Sums of Money borrowed on the Credit of the said Repairing, Lighting, and Watching Rate hereby granted; then in executing the several Works and Purposes hereby directed to be done, performed, and executed; and then in reducing, paying off, and discharging the several Principal Sums of Money that may be from Time to Time borrowed on the Credit of such Repairing, Lighting, and Watching Rate.

Compensation for Damages, &c. to be levied by Distress of Goods vested in Commissioners or their Treasurer.

CXXIV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice of the Peace to be paid in pursuance of this Act by the said Commissioners to any Person as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by such Commissioners, or any Person acting by or under their Authority, or for any Costs or Expences relating thereto not herein-before otherwise provided for or directed, and such Sum of Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made for that Purpose, then and in every such Case the Amount of such Compensation or Satisfaction, Costs or Expences, shall and may be levied and recovered by Distress and Sale of any Goods and Chattels vested in such Commissioners by virtue of this Act, or of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Kent* (which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal) on Application made to him for that Purpose by the Party entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury as aforesaid, or for any Costs or Expences as aforesaid; and in case any Overplus shall remain after Payment of such Sum 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 the Overplus shall be returned, on Demand, to the said Commissioners, or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he may have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any Warrant as aforesaid.

Commissioners may direct Prosecutions for Nuisances, &c.

CXXV. And be it further enacted, That the said Commissioners may and they are hereby empowered to order and direct any Prosecution against any Person for any public Nuisance whatsoever which shall be committed or suffered within the said Town, or for any Resistance to the Execution of this Act, or to any Person acting under the same, or for any Offence committed against this Act, or for any Encroachment or Obstruction laid, placed, erected, or made



in or upon the said Roads, Streets, Ways, Lanes, or other public Passages or Places, or upon the Footpaths within the said Town, or any Part thereof; and all Damages, Costs, Charges, and Expences of and attending all such Prosecutions shall be paid out of the respective Funds or Monies to be raised under and by virtue of this Act in manner as herein directed.

CXXVI. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice of the Peace by or before whom any Offender shall be convicted of any such Offence, 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 by this Act directed for the levying of any Penalties or Forfeitures.

Damages and Charges, in case of Dispute, to be settled by Justices.

CXXVII. And be it further enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against, and any Witness the said Justice may think proper, before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, whether he be present or absent, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Justices may proceed by Summonses for the Recovery of Penalties.

CXXVIII. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before any Justice of the Peace for the said County of *Kent* in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not (and which shall in every Case be made within Three Calendar Months at farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid the said Justice shall summon the Party accused, and such Witness as may by such Justice be thought proper or necessary, and examine into the Matter thereof; and if upon the Confession of the Party accused, or on the Oath of any credible Witness (whether the Party accused be present or absent), the Party accused shall be convicted of having committed such Offence, then and in every such Case the Penalty, Fine, or Forfeiture hereby made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by

Modes of recovering and Application of Penalties before Justices.



such Justice, shall be forthwith paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided for by this Act) the same shall and may, by Warrant under the Hand and Seal of any such Justice (which he is hereby empowered and required to grant) be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party whose Goods and Chattels shall be distrained, a Moiety of which Penalty not herein directed to be otherwise applied shall be paid to the Informer, and the other Moiety shall be paid to and for the Use of such public Charity as the said Justice shall determine and direct; and it shall be lawful for the said Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before the said Justice on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Fine, or Forfeiture, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, either upon the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods or Chattels whereon such Penalty, Fine, or Forfeiture, and such Costs as aforesaid, can be levied were such Warrant of Distress issued, such Justice shall not be required to issue the same, and thereupon it shall be lawful for the said Justice, and he is hereby required and empowered, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction for the County, Division, or Place wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, unless such Offender shall have sooner fully paid such Penalty, Fine, or Forfeiture, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

For securing  
transient  
Offenders.

CXXIX. And be it further enacted, That it shall be lawful for any of the said Commissioners, or for any of their Surveyors, Collectors, or other Officers, and such Person as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person (being unknown to such Commissioners, Surveyors, Collectors, or Officers) who shall commit any Offence against this Act, and deliver him into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice of the Peace for the said County of *Kent*; and such Justice is hereby required to proceed and act with respect to such Offender according to the Provisions of this Act.

CXXX. And



CXXX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good ; (that is to say,)

Form of Conviction.

County of Kent. } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ is convicted before me, One of His Majesty's Justices of the Peace for the County of *Kent*, of having [*here state the Offence, and Time and Place when and where the same was committed,*] contrary to the Statute passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], for which Offence I do adjudge the said \_\_\_\_\_ to have forfeited the Sum of \_\_\_\_\_ Given under my Hand and Seal the Day and Year first above written.'

CXXXI. And be it further enacted, That if any Person shall be summoned by any Justice of the Peace for the said County of *Kent* as a Witness, to give Evidence before him or any other Justice of the Peace for the said County touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or behalf of the Person accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined upon Oath or to give Evidence touching the Matter in question before such Justice, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered as other Fines and Penalties are by this Act to be recovered.

Penalty on Persons not appearing or refusing to be examined as Witnesses.

CXXXII. And be it further enacted, That all Persons who shall in any Examination to be taken upon Oath by virtue of this Act wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any Sheriff or his Deputy, or such Jury as aforesaid, or any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Penalty on Persons guilty of Perjury.

CXXXIII. And be it further enacted, That no Person shall be disqualified from being a competent Witness or from being admitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever authorized by or relating to the Execution of this Act, by reason of paying or being charged with or liable to pay any of the Rates or Assessments hereby authorized to be charged, levied, made, or assessed, or any other Rate or Assessment within the said Town, or being One of the Commissioners for putting this Act into execution, or holding any Office or Employment under the said Commissioners.

Rate Payers not disqualified as Witnesses.

CXXXIV. And



What shall be deemed good Service on the Commissioners.

CXXXIV. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons, or any Notice, or any Writ or other Proceeding at Law or in Equity upon the said Commissioners, Service thereof respectively upon any Two of such Commissioners, or delivered to some Inmate at their last or usual Places of Abode, or upon the Clerk or Treasurer of such Commissioners, or left at the Office of such Clerk or Treasurer, or delivered to some Inmate at his last or usual Place of Abode, or at the Office of such Commissioners, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by such Commissioners, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Informal Distress not to be deemed unlawful.

CXXXV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in such Distress, or in any Proceeding relating thereto, nor a Trespasser *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person aggrieved by such Irregularity may recover Satisfaction for the especial Damage in an Action on the Case.

Proceedings not to be quashed for Want of Form or removed by Certiorari.

CXXXVI. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding touching or concerning any Offence against this Act shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not to recover without Notice or after Tender of Amends.

CXXXVII. 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 be given to the Defendant Fourteen Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action if Tender of Amends shall have been made to him or his Attorney, by or on the Behalf of the Defendant, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXXXVIII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person for any thing done in pursuance or under the Authority of this Act after the Expiration of Three Calendar Months next after the Fact committed or the Cause of Action has ceased and determined (except as may be herein



herein otherwise directed); and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in any such Action or Suit may plead the General Issue and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial such Matter or Thing shall appear to have been so done, or if such Action or Suit shall have been brought before One Calendar Month's Notice shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, or if such Action shall be proceeded in after sufficient Money shall have been paid into Court as herein-before authorized, then and in every of the said Cases the Jury shall find for the Defendant.

CXXXIX. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rate or Assessment made and passed under or by virtue of this Act, or by any Determination or Judgment made or given by any Justice of the Peace in pursuance of this Act, or by any other Matter or Thing made or done in pursuance of this Act, he may within Four Calendar Months next after the Cause of Complaint shall have arisen appeal to the Justices of the Peace for the County or Place where the Cause of Appeal shall have arisen, at their General or Quarter Sessions of the Peace, or at some Adjournment thereof, such Appellant having given at least Fourteen Days Notice in Writing of his Intention of making such Appeal, and the Time and Place thereof, and of the Matter and Cause thereof, to the Party against whom such Appeal shall be made, or whose Interest may be affected by such Appeal, except where the Appeal shall be made against such Rate or Assessment as aforesaid, or against any other Matter or Thing made or done by the said Commissioners, or by any Justice of the Peace, in which Case such Notice shall be given to the said Commissioners, and within Two Days next after such Notice causing Recognizances to be entered into before some Justice of the Peace for the said County or Place, by himself and Two sufficient Sureties, in the Sum of Twenty Pounds each, conditioned for the Party Appellant to try such Appeal, and abide the Order and Award of the Justices of such Sessions therein, and to pay such Costs as shall be awarded at such Sessions; and thereupon the Justices present at any such Sessions, upon due Proof upon Oath of such Notice and Recognizance having been given and entered into as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way; and the said Justices shall have Power to award such Restitution, Damages, and Costs to the Party appealing or prosecuting such Appeal, or such Costs to the Respondents or Party defending such Appeal, as the said Justices shall think proper; and all such Orders and Determinations of the said Justices at such Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever, and shall not be removable by Certiorari or other-

Appeal to  
General  
Quarter  
Sessions.



wise into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

On Appeal from Rate, Quarter Sessions may amend without quashing it; or, if necessary to grant Relief, may quash the Rate.

CXL. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act the Court of General or Quarter Sessions of the Peace shall and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of Opinion that it is necessary for the Purpose of giving Relief to the Person appealing that the Rate or Assessment should be wholly quashed, then the said Court may quash the same and order a new one to be made.

Construction of certain Words.

CXLI. And be it further enacted, That in this Act the Word "Commissioners" shall be deemed and understood to mean the Commissioners for executing this Act; the Word "Town" the Town of *Herne Bay* in the County of *Kent*; the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil; and every Word importing the Masculine Gender or Singular Number only shall extend and be applied to a Female as well as a Male, and to many Persons and Things as well as to one Person and Thing.

Public Act.

CXLII. 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.



## The SCHEDULE to which the foregoing Act refers.

No. on Plan.	Description of Property.	Owners.	Occupiers.
13	A Piece of Land called Plenty	Jarvis	John Spain.
14	Ditto, Charity	Ditto	Ditto.
15	Ditto, Stone	Ditto	Ditto.
16	Ditto, Smoothes Close	Palmer	Palmer.
17	Ditto, Great Field	Ditto	Ditto.
18	Ditto, Orchard	Ditto	Ditto.
19	Ditto, Tapin Down	Ditto	Ditto.
20	Ditto	Feoffees of Whitstable Parish	Petman.

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LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1833.