

ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 77.

An Act for empowering the Mayor and Commonalty of the City of *Canterbury* to open and make a new Street from the *High Street* to *Palace Street*, within the said City. [10th *July* 1804.]

WHEREAS there is not at present any direct and convenient, Street or Road for Carriages to pass from the *High Street* and several other Parts of the City of *Canterbury*, into the Turnpike Road leading from the said City to the Isle of *Thanet*, and other Places to the Northward of the same City, to which there is a great Resort of Persons and Carriages: And whereas it would tend greatly to the Safety and Accommodation as well of all Persons resorting to those Places, as of the Inhabitants of the said City, and likewise be of great publick Utility, if a new Street should be made from the said Street called *The High Street*, to a certain other Street in the said City

called *Palace Street*, which immediately communicates with the ſaid Turnpike Road: And whereas the Mayor and Commonalty of the City of *Canterbury* and County of the ſame City are ſeiſed in Fee Simple of a capital Meſſuage, late an Inn, called *The Red Lion*, and divers Coach-houſes, Stables, Outbuildings, and Ground, lying on the Line of the ſaid intended new Street; and the ſaid Mayor and Commonalty are willing, for ſuch publick Safety and Accommodation, to take down ſuch Parts of their ſaid Capital Meſſuage, Coachhouſes, Stables, and Buildings, as ſhall be found neceſſary to open and make the ſaid new-intended Street, and are willing to purchaſe ſuch other Meſſuages, Buildings, and Ground, as are ſtanding, lying, and being on the Line of the ſaid new-intended Street, and to open, lay out, and make ſuch new Street; and are alſo deſirous that proper Houſes and Buildings ſhould be erected on each Side thereof: But, as ſuch beneficial Purpoſes cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the 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 the Mayor and Commonalty of the City of *Canterbury* and County of the ſame City ſhall be, and they are hereby empowered to deſign, lay out, open, and make a ſpacious and convenient Street, from the *High Street* aforeſaid, into the ſaid Street called *Palace Street*, to commence in the ſaid *High Street*, at the South-eaſt Corner of the Guildhall of the ſaid City, where their ſaid capital Meſſuage, lately called *The Red Lion Inn*, ſtands, and to proceed from thence Northward unto the South End of *Palace Street*, near to the Eaſt End of a certain other Street called *Orange Street*, where a Dwelling Houſe, in the Occupation of *John Keeler*, now ſtands, and that the ſaid new Street is intended to contain on the South End thereof, next the ſaid Street called *The High Street*, Thirty-four Feet in Width, and at the North End thereof, next the ſaid Street called *Palace Street*, Twenty-ſix Feet in Width; and that when the ſaid new-intended Street ſhall be ſo laid out and made, the ſame ſhall for ever afterwards be deemed a publick common Street and Highway; and that the ſaid Mayor and Commonalty, their Succeſſors and Aſſigns, ſhall and they are hereby required, at their own proper Coſts and Charges, in the firſt Inſtance, to cauſe the ſaid intended new Street to be well and ſufficiently paved, in the ſame Manner as the other principal Streets of the ſaid City are paved; and when and ſo ſoon as the ſaid new Street ſhall be paved and completed, all the Powers, Proviſions, Rules, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things contained in a certain Act of Parliament, made in the Twenty-ſeventh Year of the Reign of His preſent Majeſty, intituled, *An Act for paving, cleanſing, lighting, and watching the Streets, Lanes, and other publick Paſſages and Places, within the Walls of the City of* Canterbury *and the Liberties thereof, and alſo ſeveral Streets and other Places near or adjoining to the ſaid City, and for removing and preventing Incroachments, Obſtructions, Nuiſances, and Annoyances therein*, ſhall, ſo far as the ſame are applicable, and are not hereby altered, varied, or repealed, be applied and practiſed for the Purpoſe of paving, cleanſing, lighting, and watching the ſaid new-intended Street, and for removing and preventing

New Street from the *High Street* to *Palace Street*.

venting Incroachments, Obſtructions, Nuiſances, and Annoyances therein, in as full and ample Manner, in every Reſpect, as if the ſaid new-intended Street had been opened, made, and completed, at the Time of the paſſing of the ſaid Act.

Houſes, &c. to be taken down.

II. And whereas it will be neceſſary, in order to lay out and make the ſaid new Street, that ſeveral Houſes and other Buildings, or ſuch Part or Parts thereof as are ſtanding, lying, and being on the Line of the ſaid intended new Street, ſhould be taken down, and the Scites thereof made uſe of for that Purpoſe; be it therefore further enacted, That it ſhall be lawful for the ſaid Mayor and Commonalty, and their Succeſſors, and they are hereby authorized and empowered, to cauſe to be taken down the ſeveral Houſes and Buildings, and Parts of Houſes and Buildings, herein-after particularly mentioned; (that is to ſay), Part of a certain Drying Room and Oil Houſe, now or late in the Occupation of *William Harnett*; Part of a Chapel or Meeting Houſe, called *The Preſbyterian Chapel*; the aforeſaid Dwelling Houſe now or late in the Occupation of the ſaid *John Keeler*; the Waſh Houſe belonging to a certain Meſſuage or Tenement thereunto adjoining, now or late in the Occupation of *James White*; and alſo a certain other Meſſuage or Tenement, now or late in the Occupations of *William Keen* and *George Keen* alſo adjoining the ſaid Dwelling Houſe of the ſaid *John Keeler*; and alſo to enter upon, take, and uſe Part of the Yard or Ground belonging to the ſaid Meſſuage or Tenement, now in the Occupation of the ſaid *James White*, and Part of the Yard or Ground belonging to a Meſſuage in the Occupation of *Copper Chapman*, and for that Purpoſe to purchaſe the Fee Simple of ſuch of the before-mentioned Premiſes as do not now belong to the ſaid Mayor and Commonalty.

Corporation of *Canterbury* enabled to purchaſe, &c.

Houſes, &c. not ſpecified, not to be taken without the Owners Conſent.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Mayor and Commonalty, their Succeſſors and Aſſigns, to purchaſe, take down, take and uſe any other Houſes, Buildings, or Grounds, ſituate upon or near the Line of the ſaid intended new Street, which, by the ſaid Mayor and Commonalty in Burghmote aſſembled, ſhall be thought neceſſary or proper for making the ſaid intended new Street, or erecting or maintaining Dwelling Houſes or other Buildings by the Sides thereof: Provided always, that no Houſe, Building, Land, or Tenement, or any Part thereof, except thoſe herein particularly mentioned, ſhall be purchaſed, taken, or uſed, for the Purpoſes of this Act, without the Conſent of the Owner or Owners thereof.

Conſideration Money to be tendered or paid.

IV. Provided alſo, That before any Houſe or Building, or any Part thereof, ſhall be taken down, or any Ground taken or made uſe of by virtue of this Act, the ſaid Mayor and Commonalty ſhall in Manner herein-after mentioned, pay or tender ſuch Price or Satisfaction for the ſame to or for the reſpective Owners or Proprietors of and Perſons intereſted in ſuch Houſes and other Grounds, as ſhall be agreed upon between the ſaid Mayor and Commonalty, in Burghmote aſſembled, and ſuch Owners, and Proprietors, or Perſons intereſted, or as ſhall be aſcertained and aſſeſſed by a Jury as herein-after mentioned, in caſe the Parties cannot agree on the Price.

V. And

Bodies Politick, *etc.* empowered to ſell.

V. And be it further enacted, That it ſhall be lawful for the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, Feoffees, Guardians, Committees, and all other Perſons, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſons whomſoever, and to and for all Femes Covert who are or ſhall be ſeiſed in their own Right, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any of ſuch Houſes or Buildings, or Parts of Houſes or Buildings, Lands, Tenements, or Hereditaments, which, by the ſaid Mayor and Commonalty in Burghmote aſſembled, ſhall be thought neceſſary to be purchaſed for any of the Purpoſes of this Act, to ſell and convey, aſſign or ſurrender, all or any ſuch Houſes, Buildings, or Parts of Houſes or Buildings, Lands, Tenements, or Hereditaments, or any of them, or any Part or Parcel thereof, and all their reſpective Intereſts therein of what Nature or Kind ſoever, to the ſaid Mayor and Commonalty, and their Succeſſors, or to any Perſon or Perſons in Truſt for them; and that all Contracts, Agreements, Bargains, Sales, Conveyances, Aſſignments, Surrenders, and Aſſurances, which ſhall be made with or to the ſaid Mayor and Commonalty, or ſuch Perſon or Perſons in Truſt for them as aforeſaid, ſhall be good and valid in the Law to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon and Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Truſt, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective *Ceſtuique* Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſons whomſoever, and all claiming or to claim by, from, or under them, any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in anywiſe notwithſtanding; and that all ſuch Perſons ſo conveying as aforeſaid, or making ſuch Aſſurances as aforeſaid, ſhall be and are hereby indemnified for what they ſhall do by virtue or in purſuance of this Act, notwithſtanding any Omiſſion or Miſtake of Matter or Form whatſoever.

If Parties do not agree Juries to ſettle the Price.

VI. And be it further enacted, That if it ſhall happen that any Bodies Politick, Corporate, or Collegiate, or any other Perſon or Perſons ſeiſed or poſſeſſed of, or intereſted in any ſuch Houſes, Lands, Tenements, or Hereditaments as aforeſaid (other than and except the King's moſt Excellent Majeſty, His Heirs, or Succeſſors) ſhall refuſe or for the Space of One Calendar Month next after Notice in Writing to him, her, or them given for that Purpoſe, or left at his, her, or their laſt or uſual Place of Abode, or with the Tenant in Poſſeſſion of the Premiſes propoſed to be taken for the Purpoſes of this Act, ſhall neglect to treat, or ſhall not agree, or by reaſon of Abſence or Diſability cannot agree with the ſaid Mayor and Commonalty or with any Perſon or Perſons authorized by them for the Sale and Conveyance of their reſpective Eſtates and Intereſts therein, or ſhall not produce and evince a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſts they claim therein, to the Satisfaction of the ſaid Mayor and Commonalty in

in Burghmote assembled, or of the Person or Persons so authorized by them, then and in every such Case it shall and may be lawful to and for the said Mayor and Commonalty to issue their Precept, under their Common Seal, to the Sheriff of the County of *Kent*, who, upon the Receipt of every such Precept, is hereby authorized and required to impannel, summon, and return a competent Number of substantial and disinterested Persons of the said County of *Kent* qualified to serve on Juries, not less than Forty-eight nor more than Seventy two; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the said Sheriff, or by some Person to be by him appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster*, are, by an Act, made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the better Regulation of Juries*, directed to be drawn; which Persons so impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace for the County of *Kent*, at some General or Quarter Sessions of the Peace, or Adjournment thereof, to be holden in and for the Eastern Parts of the said County of *Kent*, as in such Precept or Precepts shall be directed and appointed, and to attend the said Court from Day to Day until discharged from the said Court; and in Default of a sufficient Number of Jurymen attending, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve; and the said Justices are hereby authorized and required by Precept or Precepts, from Time to Time, as Occasion shall require, to call before them all and every Person and Persons whomsoever, who shall be thought proper and necessary to be examined as a Witness or Witnesses, on his, her, or their Oath or Oaths, touching or concerning the Premises; and the said Justices, if they think fit, shall and may on the Application of either Party, likewise authorize the said Jury to view the Place or Places or Premises in question, in such Manner as they shall direct; and the said Justices shall have Power to adjourn such Meeting from Day to Day, as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury, upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered and required to administer) shall enquire of the Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof, or interested therein, or of or in any Part thereof (save and except such Right and Interest as doth or shall belong to His Majesty, His Heirs or Successors) and shall assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, or Parts of Houses or Buildings, Lands, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also the Good Will or Improvements, and also any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, either as Leaseholders or Tenants

Witnesses may be summoned.

Jury may view;

and shall assess the Value upon Oath.

Verdict to be final.

Tenants at Will, and the said Justices shall and may give Judgement for such Sum or Sums of Money so to be assessed; which said Verdict or Verdicts, and the said Judgement and Judgements, Determination and Determinations thereupon (Notice in Writing being given to the Person or Persons interested, or claiming so to be, at least Fourteen Days before the Time of the Meeting of the said Justices as aforesaid, and the Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his or their usual Place or Places of Abode, or with some Tenant or Occupier of the Houses, Buildings, Lands, Tenements, or Hereditaments intended to be valued or assessed) shall be binding and conclusive to all Intents and Purposes whatsoever against all Bodies Politick, Corporate, and Collegiate, and all and every Person and Persons claiming any Estate, Right, Title, Trust, Use, or Interest, in, to, or out of such Houses, Buildings, Lands, Tenements, or Hereditaments and Premises, in Possession, Reversion, Remainder, or Expectancy, as well Infants and Issue unborn, Lunaticks, Idiots, and Femes Covert, and Persons under any other legal Incapacity or Disability, as all other *Cestuique* Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgements, and Determinations, and all other Proceedings of the said Justices and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Clerk of the Peace of the said County of *Kent* for the Time being; and in case it shall so happen that the Sum or Sums of Money so to be assessed and awarded in consequence of such Refusal or Neglect to treat and agree as aforesaid, as the Value of such Houses, Buildings, or Parts of Houses or Buildings, Lands, Tenements, or Hereditaments, or as such proportional Value as aforesaid, or as the Recompence and Satisfaction to be made for the Injury or Damage sustained as before mentioned respectively, shall not exceed the Sum or Sums of Money which the said Mayor and Commonalty, or any Person or Persons authorized by them, shall have previously offered to pay as and for such Value, Recompence, and Satisfaction, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Value and Recompence to be assessed and awarded by a Jury as aforesaid, and of so assessing and awarding the same, and all other Expences incident thereto, shall be borne and paid by the Bodies Politick, Corporate, or Collegiate, or other Person or Persons so seised or possessed of or interested in such Houses, Buildings, Lands, Tenements, or Hereditaments, and so refusing or neglecting to treat and agree as before mentioned respectively; and the said Mayor and Commonalty are hereby authorized and empowered to deduct and retain the said Costs, Charges, and Expences, out of the Sum or Sums of Money so to be assessed and awarded as aforesaid, or out of any Part thereof; but in case the Sum or Sums of Money so to be assessed and awarded as aforesaid shall exceed the Sum or Sums so previously offered as aforesaid, then and in such Case all such Costs, Charges, and Expences as aforesaid, shall be borne and paid by the said Mayor and Commonalty, or their Successors; and in every other Case, such Costs, Charges, and Expences, shall be borne and paid by the respective Parties, in equal Proportions.

Fourteen Days Notice to be given.

Expence of Valuation provided for.

VII. And

Jurymen may be challenged.

VII. Provided always, That all Perſons concerned ſhall have their lawful Challenges againſt any of the Jurymen to be ſummoned or ſworn in purſuance of this Act, in ſuch and the like Manner as any Party in any Action depending in any of His Majeſty's Courts of Record at *Weſtminſter* is or ſhall be by Law entitled, but ſhall not be at Liberty to challenge the Array; and the ſaid Juſtices are hereby empowered from Time to Time to impoſe any reaſonable Fine or Fines on any ſuch Sheriff or his Deputy who ſhall make Default in the Premiſes, and alſo on any of the Perſons who ſhall be ſummoned and returned to ſerve on ſuch Jury, and ſhall not appear, or after having appeared ſhall refuſe to be ſworn on the ſaid Jury, or having been ſworn ſhall refuſe to give or ſhall not give his or their Verdict on the Matter in queſtion, or ſhall in any other Manner wilfully neglect his or their Duty herein; and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall not appear, or after having appeared ſhall refuſe to be ſworn or to be examined, or give Evidence touching the ſame; but no ſuch Fine ſhall exceed the Sum of Five Pounds upon any One Perſon for One Offence.

Defaulters to be fined.

Upon Payment of the Value, the Premiſes to be conveyed.

VIII. And be it further enacted, That upon Payment, as is herein-after directed, of the Sum or Sums of Money ſo to be awarded and adjudged as aforeſaid, either into the Bank of *England*, or to the Perſon or Perſons to whom the ſame ſhall be ſo awarded and adjudged to be paid, after ſuch Deduction, for the Purchaſe of the ſaid Houſes and Buildings, or Parts of Houſes or Buildings, Lands, Tenements, and Hereditaments, or for the Purchaſe of any Eſtate or Intereſt therein, ſuch Perſon or Perſons ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Aſſignments, and Aſſurances in the Law, to the ſaid Mayor and Commonalty, and their Succeſſors, or to any Perſon or Perſons, in Truſt for them, of the ſaid Houſes and Buildings, or Parts of Houſes or Buildings, Lands, Tenements, and Hereditaments, or of ſuch Eſtate or Intereſt for which ſuch Sum or Sums of Money ſhall be ſo awarded, and ſhall procure all neceſſary Parties to execute ſuch Conveyances, Aſſignments, and Aſſurances, and ſhall do all Acts, Matters, and Things neceſſary and requiſite to make and derive a good, clear, and perfect Title thereto, to the ſaid Mayor and Commonalty, and their Succeſſors; and ſuch Conveyances, Aſſignments, and Aſſurances, ſhall contain all ſuch reaſonable and uſual Covenants as ſhall, on the Part of the ſaid Mayor and Commonalty, or their Succeſſors, be required; and in caſe a good and ſufficient Title cannot be made to the Premiſes in reſpect of which ſuch Sum or Sums of Money ſhall be awarded as aforeſaid, to the Satisfaction of the ſaid Mayor and Commonalty in Burghmote aſſembled, in conſequence whereof good, valid, and legal Conveyances thereof cannot be made to the ſaid Mayor and Commonalty, or any Perſon or Perſons in Truſt for them, or in caſe the Perſon or Perſons intereſted in or entitled to the ſame, ſhall refuſe to accept or receive the Sum or Sums ſo aſſeſſed and awarded, and to make and execute ſuch Conveyance or Conveyances; or in caſe the Perſon or Perſons to whom any Sum or Sums of Money as aforeſaid ſhall be ſo awarded cannot be found in the ſaid City of *Canterbury* or the County of *Kent*; or in caſe that by reaſon of Diſputes depending in any Court of Law or Equity, or for Defect

In caſe of Diſability or Refuſal to convey, Money may be paid into the Bank of *England*.

feet of Evidence, it shall not appear to the said Mayor and Commonalty what Person or Persons is or are entitled to the Premises in question, then and in every such Case it shall and may be lawful to and for the said Mayor and Commonalty, and their Successors, to order the said Sum or Sums to assessed and awarded as the Value and Purchase Money for the said Houses, Buildings, or Parts of Houses or Buildings, Lands, Tenements, and Hereditaments as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties entitled unto and interested in the said Houses, Buildings, or Parts of Houses or Buildings, Lands, Tenements, or Hereditaments, [*describing them,*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums, 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 same Court shall seem meet, to order Distribution thereof according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

Subject to the Order of the Court of Chancery.

Proceedings to be recorded.

IX. And be it further enacted, That all such Verdicts, Judgements, Sentences, Determinations, Orders, and other Proceedings of the said Justices and Juries, as relate to or concern any of the Cases before mentioned, and all Receipts which the said Cashier or Cashiers of the Bank shall give for any Sum or Sums of Money paid into the Bank in consequence of any such Verdict and Judgement, shall be entered among the Records of the said Court of General or Quarter Sessions o the Peace for the Eastern Part of the said County of *Kent*; and the said Verdicts, Judgements, Sentences, Decrees, and Orders, and other Proceedings, shall be deemed and taken to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, signed by the Clerk of the Peace of the said County of *Kent*, or his Deputy for the Time being, shall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatsoever, and all Persons shall and may have recourse to the same *gratis*, and to take Copies thereof, paying for every Copy, not exceeding Two hundred Words, One Shilling, and so proportionably for any greater Number of Words; and immediately after such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Justices and Juries, and Payment into the Bank as aforesaid, and after such Receipt or Receipts of the said Cashier or Cashiers shall be given as before-mentioned, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons to whose Credit such Money shall be paid, of, in, to, and out of the Houses or Buildings, or Parts of Houses or Buildings, Lands, Tenements, Hereditaments, and Premises,

to

to be purchaſed as aforeſaid, ſhall veſt in the ſaid Mayor and Commonalty, and their Succeſſors, and they ſhall be deemed in Law to be in the actual Seiſin or Poſſeſſion thereof to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate in the Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale enrolled, Feoffment with Livery of Seiſin, Fine, Common Recovery, or any other Conveyance or Aſſurance whatſoever; and ſuch Payment into the Bank of *England* as aforeſaid ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Credit ſuch Payment ſhall have been made, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates in Poſſeſſion, Reverſion, Remainder, or Expectancy, and the Iſſue and Iſſues of ſuch Perſon and Perſons, and every Perſon claiming under them, and all other Perſons whomſoever, intereſted in or entitled unto the Premiſes in reſpect whereof ſuch Payments ſhall have been made.

Application of Compenſation Money, when amounting to 200*l.*

X. And be it further enacted, That if any Money ſhall be ageed or awarded to be paid for any Houſes, Lands, Tenements, or Hereditaments, 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, Lunatick, or Perſon or Perſons under any Diſability or Incapacity, as herein-before mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 High Court of Chancery, to be placed to his Account *ex parte* the ſaid Mayor and Commonalty, 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 by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Houſes, Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Houſes, Lands, Tenements, or Hereditaments, or affecting other Houſes, 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, Lands, Tenements, or 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, 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 mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, 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 mean Time and until the ſaid

Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and 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 or Perſons who would for the Time being have been entitled to the Rents and Profits of the Houſes, Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200*l.* and above 20*l.*

XI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Houſes, Lands, Tenements, or Hereditaments purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Houſes, Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, 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 or Perſons making ſuch Option, and approved of by the ſaid Mayor and Commonalty (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Houſes, Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of this Act, in ſuch Manner as the ſaid Mayor and Commonalty ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Reſpecting diſputed Titles.

XIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Houſes, Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Houſes, Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or

or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Houſes, Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Houſes, Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; 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 or Perſons was or were lawfully entitled to ſuch Houſes, Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein

Court of Chancery to direct the Payment of Expences.

XIV. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Houſes, 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 Court of Chancery and to be applied in the Purchaſe of other Houſes, Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court of Chancery 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, to be paid by the ſaid Mayor and Commonalty, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Mortgagees may be paid.

XV. And be it further enacted, That every Mortgagee of any of the Houſes, Buildings, Lands, Tenements, or other Hereditaments, which ſhall be purchaſed or taken by the ſaid Mayor and Commonalty in purſuance of this Act, and the Heirs, Executors, Adminiſtrators, and Aſſigns, of every ſuch Mortgagee, on receiving Three Calendar Months Notice in Writing, ſigned by the Town Clerk of the ſaid City of *Canterbury*, by Order of the ſaid Mayor and Commonalty in Burghmote aſſembled, of their Intention to pay off the Principal and Intereſt Money which ſhall be due on any ſuch Mortgage, ſhall, at the End of the ſaid Three Calendar Months after ſuch Notice, on Payment or Tender of the Principal Money and Intereſt which ſhall be than due on ſuch Mortgage, convey and aſſign his, her, or their reſpective Eſtates and Intereſts, of, in, and to the ſaid Houſes, Buildings, Lands, Tenements, and other Hereditaments, unto the ſaid Mayor and Commonalty, or to ſuch Perſon or Perſons as they ſhall direct or appoint; and if any ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do, then from and after ſuch Refuſal, no further Intereſt for ſuch Mortgage Money, or any Part thereof, ſhall accrue or grow due, but the ſame ſhall thenceforth ceaſe and determine.

Tenants to give up Poſſeſſion, on receiving

XVI. And be it further enacted, That in caſe the ſaid Mayor and Commonalty ſhall, after any Houſes or Buildings, or Parts of Houſes or Buildings, Lands, Tenements, or Hereditaments, ſhall be purchaſed by the

Six Calendar Months Notice.

or veſted in them by virtue of this Act, give or cauſe to be given Six Calendar Months Notice in Writing to any Tenant to quit or deliver up the Poſſeſſion thereof, then every ſuch Tenant or Occupier ſhall at the End of the ſaid Six Calendar Months, peaceably and quietly deliver and yield up the Poſſeſſion of the Premiſes ſo by him or her held or occupied, to the ſaid Mayor and Commonalty, or their Succeſſors, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion thereof; and if any ſuch Tenant or Occupier ſhall after the Expiration of ſuch Six Calendar Months, or as ſoon after as he, ſhe, or they ſhall be required, ſhall refuſe to give up the Poſſeſſion thereof, it ſhall be lawful for any Juſtice of the Peace for the ſaid City of *Canterbury* and County of the ſame City, to iſſue his Precept to any Conſtable of the ſaid City and County, to cauſe Poſſeſſion of ſuch Premiſes to be delivered to the ſaid Mayor and Commonalty, or to ſuch other Perſon or Perſons who in ſuch Precept ſhall be nominated to take the Poſſeſſion thereof; and every ſuch Conſtable is hereby required, with ſuch Aſſiſtance as ſhall be neceſſary, to enter the ſaid Premiſes in the Daytime, and to remove the Perſon or Perſons who ſhall be found in Poſſeſſion thereof, together with his, her, or their Goods, out of the ſame, and to put the ſaid Mayor and Commonalty, or ſuch other Perſon or Perſons as ſhall in ſuch Precept be nominated as aforeſaid, into the Poſſeſſion thereof, and to levy ſuch Coſts as ſhall accrue or be occaſioned by Means of the iſſuing and executing of ſuch Precept, by Diſtreſs and Sale of the Goods and Chattels of the Perſon who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and who ſhall, upon Demand, neglect or refuſe to pay ſuch Coſts as aforeſaid.

Appeal to the Quarter Seſſions.

XVII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggieved by anything done in purſuance of this Act (except in ſuch Caſes as are herein otherwiſe directed or provided) ſuch Perſons may appeal to the Juſtices at any General Quarter Seſſions of the Peace to be holden for the Eaſtern Part of the ſaid County of *Kent*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving Fourteen Days Notice at the leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the ſaid Mayor and Commonalty, or to the Town Clerk of the ſaid City, or to the Perſon or Perſons againſt whom ſuch Appeal is intended to be made, and within Seven Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Kent*, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions; and the Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, notwithſtanding the ſame may not have ariſen within the ſaid County of *Kent*, and award ſuch Coſts to the Party appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Seſſions ſhall be final, binding, and concluſive to the Parties, to all Intents and Purpoſes whatſoever.

Limitation of Actions.

XVIII. And be it further enacted, That no Action ſhall be brought againſt any Perſon whomſoever for any Act, Matter, or Thing, done in the

the Execution of this Act, unleſs commenced within Three Calendar Months after the Fact committed; and that every ſuch Action ſhall be laid and tried in the County of *Kent*, and not elſewhere; and that it ſhall and may be lawful to and for the Defendant or Defendants in ſuch Action to plead thereto the General Iſſue, that he, ſhe, or they, is or are Not Guilty, and to give ſuch Special Matter in Evidence to the Jury who ſhall try ſuch Iſſue, which Special Matter being pleaded would have been a good and ſufficient Matter in Law to diſcharge the Defendant or Defendants of the Treſpaſs or other Matter laid to his, her, or their Charge.

Trials to be in *Kent*.

General Iſſue.

XIX. And be it further enacted, That no Writ ſhall be ſued out againſt, nor any Copy of any Proceſs at the Suit of a Subject ſhall be ſerved on any Perſon whomſoever, for any Act, Matter, or Thing, by him or her done in the Execution of this Act, until Notice in Writing of ſuch intended Writ or Proceſs ſhall have been delivered to him or her, or left at the uſual Place of his or her Abode by the Attorney or Agent for the Party who intends to ſue or cauſe the ſame to be ſued out or ſerved, at leaſt One Calendar Month before the ſuing out or ſerving the ſame, in which Notice ſhall be clearly and explicitly contained the Cauſe of Action which ſuch Party hath or claimeth to have againſt ſuch Perſon; on the Back of which Notice ſhall be indorſed the Name of ſuch Attorney or Agent, together with the Place of his Abode, who ſhall be entitled to have the Fee of Twenty Shillings, and no more, for the preparing and ſerving ſuch Notice.

Notice of Action to be given.

XX. And be it further enacted, That it ſhall and may be lawful to and for every ſuch Perſon, at any Time within Fourteen Days after ſuch Notice given as aforeſaid, to tender Amends to the Party complaining, or to his or her Agent or Attorney; and in caſe the ſame is not accepted, to plead ſuch Tender in bar to any Action to be brought againſt him or her, grounded on ſuch Writ or Proceſs, together with the Plea of Not Guilty, and any other Plea, with the Leave of the Court; and if upon Iſſue joined thereon, the Jury ſhall find the Amends ſo tendered to have been ſufficient, then they ſhall give a Verdict for the Defendant; and in caſe a Verdict ſhall be given for the Defendant, or in caſe the Plaintiff ſhall become Nonſuit, or ſhall diſcontinue his or her Action, or in caſe Judgement ſhall be given for ſuch Defendant or Defendants upon Demurrer, ſuch Perſon ſhall recover Treble Coſts, and have the like Remedy for the ſame as in Caſes where Coſts by Law are given to Defendants; and if upon Iſſue ſo joined, the Jury ſhall find that no Amends were tendered, or that the ſame were not ſufficient, and alſo againſt the Defendant or Defendants on ſuch other Plea or Pleas, then they ſhall give a Verdict for the Plaintiff, and ſuch Damages as they ſhall think proper, which he or ſhe ſhall recover, together with his or her Coſts of Suit.

Party may tender Amends.

Treble Coſts to Defendants.

If Amends not ſufficient Plaintiff to recover.

XXI. And be it further enacted, That no Plaintiff ſhall recover any Verdict againſt ſuch Perſon in any Caſe where the Action ſhall be grounded on any Act of the Defendant done in the Execution of this Act, unleſs it is proved upon the Trial that ſuch Notice was given as aforeſaid; but in Default thereof, ſuch Defendant ſhall recover a Verdict and Coſts as aforeſaid.

Plaintiff not to recover without Proof of Notice.

No Evidence to be given of Matters not expreſſed in the Notice.

XXII. And be it further enacted, That no Evidence ſhall be permitted to be given by the Plaintiff on the Trial of any ſuch Action as aforeſaid, of any Cauſe of Action, except ſuch as is contained in the Notice hereby directed to be given.

If Amends not tendered or not ſufficient, Defendant may pay Money into Court.

XXIII. And be it further enacted, That in caſe ſuch Perſon ſhall neglect to tender any Amends, or ſhall have tendered inſufficient Amends before the Action brought, it ſhall and may be lawful for him or her, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or ſhe ſhall ſee fit; whereupon ſuch Proceedings, Orders, and Judgements, ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

If Injury wilful, Plaintiff to have full Coſts.

XXIV. Provided always, That where the Plaintiff in any ſuch Action ſhall obtain a Verdict, in caſe the Judge before whom the Cauſe ſhall be tried ſhall in open Court certify on the Back of the Record, that the Injury for which ſuch Action was brought was wilfully and maliciouſly committed, the Plaintiff ſhall be entitled to have and receive full Coſts of Suit.

Publick Act.

XXV. And be it further enacted, That this Act ſhall be conſidered and be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

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