ANNO NONO

GEORGII IV. REGIS.

Cap. XXV.

An Act for paving, lighting, watching, cleansing, regulating, and improving the Vill and Parish of the *Cliffe*, near *Lewes*, in the County of *Sussex*.

[9th *May* 1828.]

WHEREAS the Vill and Parish of the *Cliffe* otherwise *Saint Thomas-in-the-Cliffe*, near *Lewes*, in the County of *Sussex*, is a Place of considerable Trade, is situate in a populous District, and is a great Thoroughfare for Travellers; and the Streets, Lanes, and other public Places within the said Vill and Parish are not properly paved and cleansed, and are not lighted or watched, and the same are subject to various Encroachments, Obstructions, Nuisances, and Annoyances, and the High Street is very narrow and incommodious: And whereas it would tend greatly to the Safety and Convenience, not only of the Inhabitants of the said Vill and Parish, but of all Persons resorting to and travelling through the same, if the said Streets, Lanes, and Places were more effectually paved, cleansed, and regulated, and were properly lighted and watched, and several of them widened and improved, and if all Obstructions and Nuisances therein were removed; but such beneficial Purposes cannot be accomplished 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

Commissioners.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Rector and Churchwardens of the said Parish for the Time being; and *Abraham Brown, Charles Bunting, Thomas Burton, William Button, Edward Augustus Carleton, Thomas Cooke, Edward Egles, Joseph English, Thomas Evershed, John Farnes, John Freeman, Thomas Fuller, William Fuller, Barnard Garnham, John Godlee, Richard Goodyer, Henry Green, James Grover, John Grover, Daniel Harvey, John Harvey, Henry Hillman, John Hillman, Robert Hillman, Thomas Hooper, Thomas King, Isaac Leney, Richard Martin, Arthur Morris, Ebenezer Morris, Caleb Nutley, George Peckham, William Phillips, Samuel Relf, William Simmonds, Christopher Spencer, Richard Towner, George Taylor, John Venus, Thomas Wood,* and their Successors, shall be and they are hereby appointed Commissioners for putting this Act into Execution: Provided always, that no Person shall be capable of acting as such Commissioner until he shall have taken and subscribed, at the First or some subsequent Meeting under this Act, the Oath or Affirmation following, which Oath shall at the First Meeting be administered to the Chairman by one of the other Commissioners then present, and at that and every other Meeting shall be administered by the Chairman to every other Person intending to qualify himself as a Commissioner; (that is to say,)

Commissioners to take an Oath before acting as such.

Oath.

'I *A. B.* do swear, [*or, being one of the People called Quakers,* do solemnly declare and affirm,] That I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all the Powers reposed in me as a Commissioner by virtue of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]. So help me GOD.'

[*Or, being a Quaker, omit the Words* 'So help me God.']

Nor shall any Person (whether Commissioner by virtue of his Office, or named in this Act, or hereafter elected) be capable of acting as such Commissioner during the Time he shall hold any Place of Trust or Profit under this Act, or be concerned or interested (except as a Creditor on the Rates, or as a Shareholder in any Company of Proprietors for the Manufacture of Gas,) in any Contract with the said Commissioners; and if any Commissioner shall become bankrupt or insolvent, or shall for the Space of One Year (to be computed from the last Day of *February*) have refused or neglected to attend any Meeting of the said Commissioners, or (being One of the Commissioners hereby appointed by Name) shall cease to reside or to have a Place of Business in the said Parish, he shall be deemed to have vacated his Office.

For appointing Commissioners in Cases of Vacancies.

II. And be it further enacted, That as often as the Number of Commissioners shall, by Death, or any of the Causes of Disqualification before or after mentioned, be reduced below Forty, exclusive of the said Rector and Churchwardens, it shall be lawful for the Inhabitant Householders of the said Parish, at their Vestry Meeting held for the Nomination of Persons to serve as Overseers of the Poor, or at some other Vestry Meeting, within One Month from the Twentieth Day of *March* in any Year, to elect and appoint such One or more Commissioner

sioner or Commissioners as shall be necessary to complete the said Number of Forty: Provided always, that the surviving and remaining Commissioners shall and they are hereby required, previously to any such Election, and within Ten Days from the last Day of *February* in every Year, to cause public Notice to be given of the Number of Vacancies which it will be necessary to fill up by such Election.

Qualification of Commissioners.

III. And be it further enacted, That no Person to be hereafter elected shall be capable to act as a Commissioner unless he shall be the actual Occupier of a Dwelling House, with or without other Premises, with the Appurtenances, within the said Parish, of the annual Rent or Value of Twenty-five Pounds, or shall be a like Occupier to the Amount of Twenty Pounds *per Annum*, and also shall be, in his own Right or in Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Land or other Hereditaments within the said Parish, of the clear yearly Value of Twenty Pounds *per Annum* above Reprizes, or shall be a like Occupier to the Amount of Twenty Pounds *per Annum*, and also shall be possessed of a Personal Estate of the clear Value of Eight hundred Pounds, nor unless such Person shall at some Meeting of the said Commissioners take and subscribe an Oath, (or make and subscribe an Affirmation, if a Quaker,) to be administered by the Chairman, that he is actually qualified in manner aforesaid.

Penalty for acting if not qualified.

IV. And be it further enacted, That if any Person, not being qualified, or being so disqualified as aforesaid, to act as a Commissioner by virtue of this Act, shall nevertheless act as such in the Execution thereof (except in administering the Oath herein-before directed at the First Meeting), every such Person shall for every such Offence forfeit and pay the Sum of Twenty 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, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall upon the Trial prove that he was at the Time of acting qualified as aforesaid, or otherwise shall be liable to the said Penalty and Costs, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person acting as such Commissioner, although not duly qualified, had or done previously to his being convicted of any such Offence, shall be as valid and effectual, notwithstanding a subsequent Conviction, as if such Person had been duly qualified.

Powers of the Act may be exercised by Five or more Commissioners.

V. And be it further enacted, That the Powers and Authorities by this Act given to, and all the Matters and Things by this Act directed and authorized to be done by, the said Commissioners, shall and may be executed and done by or before any Five or more of the said Commissioners assembled at any Meeting to be held in pursuance of this Act, and not otherwise, (unless in Cases hereby specially provided for); and every Question shall be determined by a Majority of Votes, and such Determination shall be of as full Force and Effect

as

as if executed or done by or before all the said Commissioners; and at all such Meetings a Chairman shall be appointed, and in all Cases where there shall be an Equality of Votes upon any Question, (including the Vote of the Chairman,) such Chairman shall have the casting Vote; and at all such Meetings the Commissioners present shall defray their own Expences, (except a Sum not exceeding Ten Shillings *per* Day for the Use of a Room); and no Order or Determination whatever made at any Meeting of the said Commissioners holden in pursuance of this Act shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose such Revocation or Alteration shall have been given at a previous Meeting, and entered in the Book of Proceedings, nor unless Twenty Days public Notice shall have been given of such intended Proposition, nor unless such Revocation or Alteration shall be agreed to at such subsequent Meeting by at least Seven Commissioners then present: Provided always, that no Commissioner claiming Compensation for any Property to be taken or altered by virtue of this Act, or being personally and particularly interested in any other Question, shall be entitled to give any Vote upon such Claim or other Question, or to be present at any Meeting while the Votes of the other Commissioners shall be taken thereon.

Meetings and Adjournments of Commissioners.

VI. And be it further enacted, That the said Commissioners shall hold their First Meeting at the *Bear Inn* in the said Parish on the Second *Monday* after the passing of this Act, between the Hours of Ten in the Forenoon and Four in the Afternoon, or at such other convenient Place within the said Parish, and on such other Day and Time, as the said Commissioners or any Three or more of them (although not assembled at a Meeting) shall think fit to appoint, by giving Three Days Notice in Writing, to be affixed on the outer Southern Door of the Church of the said Parish; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn, and to appoint their next Meeting to be holden at any future Day and Time, and at the same or any other convenient Place within the said Parish; and if at the Time and Place appointed for any Meeting there shall not be a sufficient Number of Commissioners to act, or in case the Commissioners at any Meeting shall omit to adjourn, then and in every such Case any Commissioner present, or the Clerk of the said Commissioners, in case no Commissioner shall be present, may adjourn the Meeting to some future Day, not exceeding Thirty Days then next ensuing, of which adjourned Meeting at least Ten Days public Notice shall be given; and in case no Adjournment or Notice shall be made or given as aforesaid, or in case after any such Adjournment it shall be thought necessary to hold a Meeting on any earlier Day, it shall be lawful for any Three or more of the said Commissioners, or for the Clerk to the said Commissioners, by the Direction in Writing of any Three or more of them, to call another Meeting, of which at least Ten Days public Notice shall in like Manner be given.

Proceedings to be entered in a Book, and may be

VII. And be it further enacted, That fair and regular Entries shall be made in a Book or Books of all Acts, Orders, and Proceedings of the said Commissioners relative to the Execution of this Act, and of the

the Names of the Commissioners who shall be present at the respective Meetings; and the Chairman of each Meeting shall sign his Name to such Entries; which said Entries, and also the Entries made in the Book herein-after directed to be kept for registering Securities and Grants of Annuities, and Transfers thereof, shall and may be read in Evidence in all legal or equitable Proceedings touching any thing done in pursuance of this Act. given as Evidence.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any Person for furnishing Materials or Labour, or performing any other Matters or Things necessary for the Purposes of this Act; and every such Contract shall specify the several Works to be done, and the Prices to be paid for the same, and the Times when the said Works are to be completed, and the Penalties to be suffered in case of Non-performance, and shall be signed by any Five or more of the said Commissioners, and also by the Person contracting to perform such Works respectively; and a Copy of every such Contract shall be entered in a Book by the Clerk to the said Commissioners: Provided always, that it shall be lawful for the said Commissioners from Time to Time to compound with any Person for the Breach of any such Contract on the Part of the said Commissioners, or to accept any Compositions for any Breach thereof on the Part of the Contractor. Commissioners may enter into Contracts for the Purposes of the Act.

IX. And be it further enacted, That the said Commissioners shall cause to be entered from Time to Time in a Book or Books true Accounts of all Monies received and paid on account of this Act, and of the several Matters and Things for which all Monies paid shall have been disbursed; and a Meeting of the said Commissioners shall be held on the First *Monday* in the Month of *March* yearly, at which the Accounts aforesaid shall be produced to the said Commissioners, and be examined and audited by them; and a Copy of each yearly Account shall be delivered to the Overseers of the Poor of the said Parish, and be by them laid before a Vestry Meeting of the Inhabitants thereof, along with their own Accounts; and the said Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and of every Creditor on the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid, or any of them, to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided. Accounts to be entered and audited.

X. And be it further enacted, That the said Commissioners may sue and be sued, and prosecute or defend any Indictment, in the Name of their Clerk for the Time being, or of any One of the said Commissioners; Commissioners may sue in the Name of their Clerk, &c.

Commissioners; and no Action, Suit, or Indictment to be so brought by or against the said Clerk or Commissioner shall abate or be discontinued by his Death or Removal, or by his Act or Default without the Consent of the said Commissioners; but such Clerk or Commissioner shall always be deemed Plaintiff or Defendant in every such Action, Suit, or Indictment (as the Case may require): Provided always, that any such Clerk or Commissioner shall not by reason of his being such Clerk or Commissioner be rendered an incompetent Witness in any such Action, Suit, or Indictment as aforesaid, unless he shall be personally and individually interested therein.

Clerk to be indemnified.

XI. Provided always, and be it further enacted, That all and every the said Commissioners and their Clerk shall from Time to Time, and at all Times hereafter, be fully indemnified, out of the Monies to be raised by virtue of this Act, from all Costs and Damages which they or any of them shall or may pay or sustain by reason of any Action, Suit, or Proceedings which may be had against them or any of them, for any Matter or Thing by them respectively legally done in the Execution of the Powers and Directions of this Act.

Commissioners may appoint and remove Officers.

XII. And be it further enacted, That the said Commissioners shall and may from Time to Time, at any Meeting, by Writing under the Hands of any Five or more of them, appoint a Treasurer, Clerk, Collector of Rates, and Surveyor, or more than One of such respective Officers, and such other Officers as the said Commissioners shall think proper for carrying this Act into Execution, and may from Time to Time remove such Officers respectively, and, out of the Monies to be raised by virtue of this Act, shall and may pay such Salaries, Wages, or Allowances to the said Officers and other Persons, as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take sufficient Security from every such Treasurer and Collector, for the due and faithful Execution of his Office, and may also take such Security from any other Officer as they shall think reasonable; and if any Officer shall not, within Ten Days after Notice in Writing from any Three or more of the said Commissioners shall have been given to him, or left at his usual or last Place of Abode, deliver to the said Commissioners a true and perfect Account in Writing of all Matters and Things committed to the Charge of such Officer, and of all Monies which shall have been received by him by virtue or for the Purposes of this Act, specifying how much thereof hath been paid and disbursed, and for what Purposes, and also deliver the Vouchers and Receipts for such Payments, and all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, upon Complaint made of such Default, by any One or more of the said Commissioners, to any Justice of the Peace for the County, City, or Place wherein such Officer shall reside or be, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer so making Default to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by Evidence upon Oath (which Oath such Justice is hereby authorized

Security to be taken from Treasurer.

rized to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act is then in the Hands of such Officer, such Justice shall and may, upon Nonpayment thereof, cause the same to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if sufficient Goods or Chattels cannot be found to answer such Distress, or if it shall appear to such Justice that such Officer has refused or wilfully neglected to deliver such Account, or the Vouchers relating thereto, or any Books, Papers, or Writings in his Custody or Power, relating to the Execution of this Act, then and in any of the aforesaid Cases such Justice shall and may commit such Officer to the Common Gaol or House of Correction, there to be imprisoned until he shall have paid such Money to the said Commissioners, or shall have compounded with them for the same, or (as the Case may be) until he shall have delivered such Account or Vouchers, or such Books, Papers, or Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Commissioners or to the said Justice: Provided always, that no such Officer shall be imprisoned for any longer Term than Six Calendar Months, on account only of his not having sufficient Goods and Chattels to answer a Distress: Provided also, that if any Money shall remain due from any such Officer, his Commitment to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer, and his Surety or Sureties, shall still remain liable to the Payment thereof.

In case of Death of Officer, his Executors to account.

XIII. And be it further enacted, That in case of the Death of any Officer before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then the Executors or Administrators of such Officer so dying shall account, pay, and satisfy the same, in the due Course of Administration, out of the Estate and Effects of such Officer, unto the said Commissioners, or any Person appointed by them in that Behalf, and also shall deliver up all Books, Papers, Writings, and other Things concerning his Office or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the 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, the said Commissioners may commence and prosecute an Action or Actions, in any of His Majesty's Courts of Record at *Westminster*, against such Executors or Administrators, for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things, in which Action or Actions full Costs of Suit shall be recoverable by the said Commissioners.

Five Commissioners may appoint Officers in case of Death, &c.

XIV. And be it further enacted, That as often as any Officer appointed by virtue of this Act shall die, resign his Office, or be incapable of performing, or refuse to perform his Duty, any Five or more of the said Commissioners (although not assembled at any Meeting)

Meeting) may, by Writing under their Hands, appoint another Officer in his Place; and the Person so appointed shall have full Authority to act as such Officer until another Person shall be appointed by the said Commissioners at a Meeting in manner herein-before provided.

Penalty on Officers taking Fees.

XV. And be it further enacted, That if any Officer appointed by virtue of this Act shall demand or accept any Fee or Reward whatsoever, other than such Salary or Allowance as shall be appointed by the said Commissioners, on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Contract made by the said Commissioners, every such Officer shall for every Offence forfeit any Sum not exceeding Twenty Pounds, and be incapable afterwards of holding any Office under the said Commissioners.

Treasurer and Clerk not to be the same Person.

XVI. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed their Clerk for the Purposes of this Act, or the Partner of such Clerk, or any Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer under this Act, or if any Person being the Partner of any such Clerk, or in the Service or Employ of any such Clerk or of his Partner, shall act as Treasurer, or shall act as Deputy of such Treasurer, or shall in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or in the Service or Employ of any such Treasurer or of his Partner, shall act as Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or shall in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who will sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Penalty on obstructing Commissioners.

XVII. And be it further enacted, That if any Person shall obstruct or molest any of the said Commissioners, or any Officer, in the Performance or Execution of any Duty, Matter, or Thing hereby authorized or directed to be done, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Vesting Pavements, &c. in Commissioners.

XVIII. And be it further enacted, That all the present and future Carriageways, Footways, and Pavements in the Streets within the said Parish, and all Lamps, Irons, Posts, Watchboxes, Pumps, and other Matters and Things which shall hereafter be laid down, erected,

erected, fixed up, or used by virtue of this Act, and all Materials, Implements, and Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall be the Property of and the same are hereby vested in the said Commissioners, which Commissioners shall be known by the Name of "The Commissioners for improving the Vill and Parish of the *Cliffe* in the County of *Sussex*," and shall be so described in all Actions, Suits, Indictments, and other Proceedings whatsoever; and the said Commissioners shall have full Power to sell and dispose of any Articles or Things so vested in them, as they shall see Occasion: Provided always, that nothing herein contained shall extend to vest in the said Commissioners any Gas Mains, Pipes, Lamps, Posts, Irons, or Furniture already laid down, erected, or fixed up by and at the Expence of any Company of Proprietors, or other Person whomsoever, for lighting the said Streets with Gas, or which shall hereafter be laid down, erected, or fixed up by or at the Expence of any such Company or Person for that Purpose, in pursuance of any Contract to be entered into for lighting the said Streets.

Pavements, &c. to be repaired.

XIX. And be it further enacted, That the said Commissioners from Time to Time shall and may cause all or any of the Streets, and as well the Carriage as the Footways thereof, to be paved or otherwise sufficiently repaired, formed, and sustained, in such Manner as they shall consider most expedient; and also from Time to Time may cause the same to be relaid and renewed, and the Ground thereof raised, lowered, or altered, and in like Manner may cause to be made or cut, into, upon, or through any of the said Streets, any Drains or Sewers for conveying the Water therefrom; and also may cause any of the present Drains or Sewers, to the Extent only of the present or future Width of any of the said Streets, to be repaired, widened, or stopped up, or the Form thereof to be altered, in such Manner as the said Commissioners shall think fit; and also may cause to be removed any Posts, Rails, Trees, or Fences in such Streets, as they shall consider useless, or a Nuisance to Passengers; and also may set up any other Posts, Rails, or Fences therein, as they shall think proper, for the better Security or Accommodation of Passengers, or for the Protection of the said Pavements from Damage.

Private Drains to be repaired by Owners.

XX. And be it further enacted, That all private Drains which do or shall hereafter empty themselves into any of the said Streets, or into any public Sewer or Drain, shall from Time to Time be repaired and cleansed, to the Satisfaction of the said Commissioners, at the Expence of the Owners or Occupiers of the Houses or other Hereditaments to which the said private Drains do or shall respectively belong; and the said Commissioners may order and direct any such Owners or Occupiers to make, at the Expence of such Owners or Occupiers, or of both, in such Proportions as such Commissioners shall think proper, such Drain or Channel as to them shall seem necessary for the emptying and conveying the Water and Filth arising from such Houses or Hereditaments into any public Sewer or Drain.

Persons assessed under this Act discharged from Statute Duty.

XXI. And be it further enacted, That all Persons who shall be assessed under or by virtue of this Act, in respect of any Houses or other Hereditaments, shall be exonerated and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Parish, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways, in respect of such Houses or other Hereditaments.

Turnpike Roads within the Parish to be vested in the Commissioners.

XXII. And be it further enacted, That from and after the passing of this Act all such Part or Parts of the said Streets situate and being within the said Parish, which are now deemed or reputed to belong to any Turnpike Road or Roads heretofore made under or by virtue of any Act or Acts, shall from henceforth cease to belong to the said Turnpike Road or Roads, and be deemed and taken to be a Part or Parts of the said Streets of and belonging to the said Parish, and shall be vested in the said Commissioners for the Purposes of this Act.

Indictments for Roads may be brought against Commissioners.

XXIII. Provided always, and be it further enacted, That all Indictments and other Proceedings which might be brought against the Inhabitants of the said Parish for the Non-repair of any of the Highways within the same, shall and may be brought against the said Commissioners, and shall be valid and effectual to all Intents and Purposes whatsoever.

Owners of newly erected Houses to repair Footways.

XXIV. And be it further enacted, That all Persons who shall hereafter erect any House, Building, or Wall adjoining or contiguous to any of the Streets within the said Parish, shall, within One Month after the said Commissioners shall have laid down a Curb for a Foot Pavement, as far as the Frontage of such House, Building, or Wall shall extend, cause such Foot Pavement to be completed at their own Expence, in a workmanlike Manner, and with such Materials as the said Commissioners shall require; and within One Month after any Part of the High Street of the *Cliffe* shall have been widened, and the said Commissioners shall have caused a Curb for a Foot Pavement to be laid down therein, the Owner of every House or other Premises fronting or adjoining to such Part of the said High Street shall in like Manner cause such Foot Pavement to be completed at his own Expence, so far as his own Frontage shall extend, in a workmanlike Manner, and with such Materials as the said Commissioners shall require; and if any Person shall not complete any such Foot Pavement in manner before directed, the said Commissioners may cause the same to be done, and the Expence thereof shall and may be recovered of such Person in manner herein-after directed.

No Alteration to be made in the Carriageways, &c. without Consent.

XXV. And be it further enacted, That no Person shall make or cause to be made any Alteration in the Form or Materials of the present or future Carriageways, Footways, or Pavements, or break up any Part of the same for any Purpose whatever, without first obtaining the Licence of the said Commissioners or of their Surveyor; and if any Person shall alter or break up, or cause to be altered or broken up, any such Carriageways, Footways, or Pavements, without such

Licence, or having obtained such Licence shall not in all respects conform to the Tenor thereof, every Person so offending shall in every such Case forfeit and pay any Sum not exceeding Twenty Pounds; and the said Commissioners may cause the said Carriageways, Footways, or Pavements so altered or broken up, to be again altered, or replaced in such Manner as they shall think proper, and may recover of the Person so offending the Expences attendant thereon in manner herein-after directed.

Names of Streets to be put up, and Houses numbered.

XXVI. And be it further enacted, That the said Commissioners may cause to be described and placed on a conspicuous Part or Parts of any Houses or other Buildings at or near each End or Corner of every Street, the Name by which such Street now is or shall be called, and may also cause every House and Building in the said Streets to be marked and numbered with Figures in such Manner as they shall think most proper for distinguishing the same, and from Time to Time vary the same Numbers and Figures as Occasion may require; and every Person who shall wilfully destroy, deface, or (without the Consent of the said Commissioners first obtained) alter any such Name, Number, or Figures, or any Part thereof, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

When Numbers are defaced, Occupiers of Houses to replace them.

XXVII. And be it further enacted, That as often as any such Numbers or Figures on any House or other Buildings shall, by Accident, Decay, or otherwise, be defaced, the Occupier or Occupiers of such House or Building shall, within Ten Days after Notice shall be given by the said Commissioners, cause the same Numbers or Figures to be replaced, and in default thereof every such Occupier shall forfeit for every such Offence any Sum not exceeding Twenty Shillings.

Streets may be lighted.

XXVIII. And be it further enacted, That the said Commissioners shall and may cause the said Streets, or such of them as they shall think proper, to be lighted with Oil or Gas, or other Inflammable Material, and may provide and set up all such Lamps, Lamp Posts, Lamp Irons, and other Works which they shall deem necessary for that Purpose; but nothing herein contained shall be deemed to authorize the said Commissioners to carry on any Manufacture of Gas.

Gas Pipes not to be laid on private Premises, without Consent.

XXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioners, or any Body or Bodies Politic or Corporate, or Person, contracting with the said Commissioners for lighting with Gas such Streets, to carry or lay any Pipe or Pipes, Cocks or Branches from any Mains or Pipes, against, into, or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers for the Time being of such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively; nor to enable any Body or Bodies Politic or Corporate, or Person contracting with the said

said Commissioners for lighting such Streets, to enter into or upon any private Lands or Grounds, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers of such Lands or Grounds for that Purpose first had and obtained.

Owners of private Grounds may alter the Position of Gas Pipes.

XXX. Provided also, and be it further enacted, That in case the said Commissioners shall at any Time hereafter permit the Soil, Pitching, or Pavement of any Street, for the Purpose of laying any Gas Main or Gas Pipe along, under, or across the same, to be broken up, with the Consent of the Owner or Owners of the Soil for the Time being, and after the same shall have been so laid and placed such Owner or Owners shall be desirous of having the same removed, it shall be lawful for such Owner or Owners, at any Time or Times thereafter, if he, she, or they shall deem it necessary or expedient, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, Main or Mains, and to relay the same, so that no Damage be done thereby to the said Body or Bodies Politic or Corporate, or Person, contracting with the said Commissioners, and so that such Body or Bodies Politic or Corporate, or Person, contracting with the said Commissioners as aforesaid, be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

Gas Pipes to be laid in a particular Manner.

XXXI. And be it further enacted, That all and every the Pipes or Conduits to be laid or used for the Conveyance of Gas in, under, along, through, or across any of the said Streets, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Pipe already laid down or hereafter to be laid down for the Conveyance of Water, except in Cases where it shall be unavoidably necessary to lay any of the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases the Length of the said Gas Pipes shall always exceed Nine Feet, and no Joint of the said Gas Pipes shall be placed nearer to any Part of the said Water Pipes than Four Feet; and that in laying down the said Gas Pipes, Two or more of them shall in no Case be joined together previously to their being laid in the Trench, but each Pipe shall be laid in the Trench as nearly in its Place as may be, and the Joint be formed in the Trench with proper and sufficient Materials; and all and every such Pipes, and all other Pipes connected therewith, and all Screws, Joints, and Apertures therein respectively, shall be kept tight in every respect, so as to prevent the Gas from escaping therefrom; and if any Body Politic or Corporate, or Person, who shall contract to light the said Streets, or who shall have within the said Parish any Works for the Manufacture of Gas, or any Mains or Pipes for the Conveyance of Gas, shall make Default in any of the Particulars herein mentioned, such Body or Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds.

For stopping the Escape of Gas.

XXXII. 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

or set up by Order of the said Commissioners in pursuance of this Act, the Body or Bodies Politic or Corporate, or Person whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Street, or any House, Manufactory, Building, or other Premises within the said Parish, shall, at their own Expence, immediately after receiving Notice by Parol or in Writing, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, from any Person whomsoever, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Body or Bodies Politic or Corporate, or Person as aforesaid, shall not, within Twenty-four Hours next after such Notice, by Parol or 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 the said Body or Bodies Politic or Corporate, or Person as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding 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 from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County of *Sussex*, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of any such Body or Bodies Politic or Corporate, or Person as aforesaid, by the Warrant of any Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

To prevent Escape of Gas and Contamination of Water.

XXXIII. And be it further enacted, That whenever the Water of any Company of Proprietors, or of any Person whosoever, for supplying the Inhabitants of any Houses within the said Parish with Water, shall be contaminated by any Gas used or burnt for lighting any Street, or any House, Manufactory, Building, or other Premises within the said Parish, the Body or Bodies Politic or Corporate, or Person, making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Company or Person supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Company or other Person making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after the Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water Company as aforesaid, or by any Person supplying or making use of such Water, to be left at the usual Office or Place of transacting Business of the said Body or Bodies Politic or Corporate, or other Person, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water of such Company or Person as aforesaid; and in case the said Body or Bodies Politic or

Corporate, or other Person, making, furnishing, or supplying Gas, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then the said Body or Bodies Politic or Corporate, or other Person as aforesaid, shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company, or to such Person as aforesaid, for the Use and Benefit of the same Company or Person, 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 last-mentioned Company or Person shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the said Water Company, or of such Person as aforesaid, against the said Body or Bodies Politic or Corporate, or other Person, making, furnishing, or supplying Gas, before any Justice of the Peace for the said County of *Sussex*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate, or other Person, making, furnishing, or supplying such Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, when so levied, shall be paid to the Treasurer or other Officer for the Time being of such Water Company, or to such Person as aforesaid, for the Use of such Water Company or Person.

For ascertaining if the Water be contaminated.

XXXIV. And be it further enacted, That in any Case in which it shall be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Body or Bodies Politic or Corporate, or other Person, making, furnishing, or supplying any Gas used or burnt for lighting any Street, or any House, Manufactory, Building, or other Premises within the said Parish, it shall be lawful for the Company of Proprietors or other the Owner of any Waterworks to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Body or Bodies Politic or Corporate, or other Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Body or Bodies Politic or Corporate, or other Person as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and of the Repair of the Pavement of the Streets which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies Politic or Corporate, or Person as aforesaid; which Costs and Expences of Digging, Search, and Examination, shall be ascertained and determined if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such

Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Body or Bodies Politic or Corporate, or other Person as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of such Waterworks, shall bear and pay all the Costs and Expences of such Search, Examination, and Repair as aforesaid, and shall also make good to the said Body or Bodies Politic or Corporate, or other Person as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Body or Bodies Politic or Corporate, or other Person as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined by such Justice or Justices of the Peace as aforesaid.

Penalty for conveying Washings into Rivers, &c.

XXXV. And be it further enacted, That if any Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any other Person whosoever, making or furnishing or supplying any Gas used or burnt for lighting any Street, or any House, Manufactory, Building, or Premises within the said Parish, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such Case any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person as aforesaid, 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, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person 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 Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be sued for or recovered,) in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, 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 whomsoever

soever to the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any of them, or other Person, making, furnishing, or supplying any Gas used or burnt for lighting any Street, or any House, Manufactory, Building, or other Premises within the said Parish, and such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Nuisance, Injury, or Damage, 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 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 the Informer, or to the Person who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Persons supplying Gas liable to be indicted for a Nuisance.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Body or Bodies Politic or Corporate, or other Person whomsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Street, or any House, Manufactory, Building, or other Premises within the said Parish, in respect of any Works or other Means which shall be employed by them, or any of them, in making the said Gas, and using the same in furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Body or Bodies Politic or Corporate, Company of Proprietors or Person as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any Person employed therein, or from any other Cause whatsoever connected therewith.

Penalty on breaking Lamps, &c.

XXXVII. And be it further enacted, That if any Person shall wilfully, negligently, or accidentally break, throw down, remove, or otherwise damage any Lamp which shall be erected by the said Commissioners, or by any other Person, for the Purpose of lighting the said Streets or other public Places, or any Part of any such Lamp, or any of the Appurtenances thereto, or shall extinguish the Light of or in any such Lamp, such Person shall in every such Case make good

good all Costs and Expences occasioned thereby, to be recovered in the same Manner as any Costs and Expences are herein-after directed to be recovered by the said Commissioners; and in case of any wilful Damage, or of wilful Extinguishment of any Light, every such Offender shall forfeit a further Sum not exceeding Five Pounds.

Watchmen may be appointed, and Streets watched.

XXXVIII. And be it further enacted, That the said Commissioners may from Time to Time cause the said Streets, or such of them as they shall think fit, to be properly watched, and for that Purpose may appoint such a Number of able-bodied Men as they shall consider necessary to be employed as Watchmen or as a Patrol, and under such Orders and Regulations as the said Commissioners shall appoint, and also at their Discretion may remove and displace such Watchmen or Patrol, or any of them, and may appoint others in their Place and Stead; and also may provide proper Watchboxes, Watch-houses, or Places for the Reception of such Watchmen or Patrol, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol while on Duty; and also may pay to such Watchmen or Patrol reasonable Wages or Allowances; and also from Time to Time may impose any Fine, not exceding Forty Shillings, upon any Watchman or Patrolman for Neglect or Misbehaviour in his Office, such Fine to be deducted out of the Wages of such Watchman or Patrolman, as far as such Wages will extend for the Purpose; and in case there shall be no such Wages due, or being due the same shall be insufficient fully to satisfy the said Penalty, the same, or so much thereof as such Wages will be insufficient to discharge, shall and may be recovered in the same Manner as any other Penalty imposed by this Act; and the said Commissioners may give and allow such Rewards as they shall think fit to any Watchman or Patrolman, or Person assisting him, who may be disabled or hurt in the Execution of his Duty.

Watchmen may apprehend Rogues, &c.

XXXIX. And be it further enacted, That such Watchmen or Patrolmen, or any of them, may and they are hereby required, in their respective Stations, to apprehend all Rogues, Vagabonds, Vagrants, idle and disorderly Persons, Disturbers of the Public Peace, Prostitutes, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to convey all such Persons as soon as conveniently may be before some Justice of the Peace for the said County, to be examined and dealt with according to Law.

Watchmen to be sworn in as Constables.

XL. And be it further enacted, That all such Watchmen or Patrolmen shall be sworn in as Constables before any Justice or Justices of the Peace for the said County of *Sussex*, and act as such while in the Execution of the Powers and Authorities of this Act; and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have or enjoy, or is or are or shall be subject or liable to by Law.

Streets may be cleansed.

XLI. And be it further enacted, That the said Commissioners may from Time to Time cause all or any of the said Streets to be scraped, cleansed, and watered, and may cause the present public Pump to be kept in repair, as well for that Purpose as for the general Convenience of the Inhabitants.

Commissioners to cause the Dirt to be removed.

XLII. And be it further enacted, That the said Commissioners shall and may from Time to Time cause the Dust, Dirt, Manure, and Filth found in any of the said Streets, and the Dirt, Cinders, Ashes, and Rubbish arising from any Houses or other Premises within the said Parish, to be taken and carried away in such Manner and under such Regulations as they shall think fit; and if any Person not authorized by the said Commissioners shall take or carry away, or cause to be taken or carried away, any Dirt, Ashes, Cinders, Manure, Rubbish, or other Filth, out of any of the said Streets, such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Inhabitants may use Dirt, &c. on their own Premises.

XLIII. Provided always, and be it further enacted, That nothing herein contained shall extend to any Dirt, Ashes, Cinders, Manure, or Rubbish which any of the Inhabitants of the said Parish shall keep within their respective Houses or other Premises, so as the same do not become a Nuisance to any other of the Inhabitants, and so as such Dirt, Ashes, Cinders, Manure, or Rubbish be not placed in any of the said Streets for longer Time than shall be necessary for loading and carrying away the same; but in case any Person so reserving such Dirt, Ashes, Cinders, Manure, or Rubbish, shall not remove the same within Twenty-four Hours after the said Commissioners or their Surveyor shall have adjudged the same to be a Nuisance, and shall have given Notice thereof, such Person shall forfeit any Sum not exceeding Forty Shillings, and also a further Sum, not exceeding Twenty Shillings, for every Day such Nuisance shall be permitted to remain.

Hoards to be erected during the Repairs of Houses, &c.

XLIV. And be it further enacted, That every House, Wall, or Building hereafter to be erected, repaired, altered, or enlarged, within the said Parish, by means whereof any public Way shall be obstructed or rendered dangerous or unsafe, shall, upon Notice from the said Commissioners or their Surveyor, be sufficiently fenced in or inclosed by and at the Expence of the Owner thereof; and in case any such Owner shall refuse or neglect so to fence in and inclose the same as aforesaid, or having made such Fence or Inclosure shall refuse or neglect to remove the same when required by the said Commissioners or their Surveyor, then and in either of the said Cases every such Owner shall for every Day that such Offence shall be continued forfeit and pay any Sum not exceeding Forty Shillings.

Footways to be swept.

XLV. And be it further enacted, That all Persons inhabiting within the said Parish shall cause to be swept or cleansed the Foot Pavement before their respective Houses, Buildings, and Walls, before the Hour of Nine in the Morning of such Day in every Week as shall be appointed by the said Commissioners, or oftener, if the said Commissioners shall so determine; and if any Person shall make

Default herein he shall forfeit and pay for every such Offence any Sum not exceeding Ten Shillings.

Present Fire Engine deemed the Property of Commissioners.

XLVI. And be it further enacted, That the Fire Engine and Apparatus now kept for Public Use in the said Parish shall be deemed the Property of the said Commissioners; and the said Commissioners may from Time to Time purchase any other Fire Engine or Engines, and Apparatus proper for the same, and provide a Place for keeping such Engines and Apparatus, and cause the same to be kept at all Times in repair.

Streets may be widened.

XLVII. And be it further enacted, That the said Commissioners may from Time to Time widen and improve the Streets as they may deem expedient, and for that Purpose may treat and agree with the Owner or Owners of or other Persons interested in any Houses, Buildings, Lands, Tenements, or other Hereditaments within the said Parish; and it shall be lawful for all Bodies Politic or Corporate, Tenants for Life or in Tail, Feoffees, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and for every Person whomsoever who is or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, which the said Commissioners are hereby enabled to purchase or take for any of the Purposes of this Act, to treat and agree with the said Commissioners for the Sale thereof, or any Part thereof, or for the Compensation to be made for any Alteration therein, and to convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Commissioners and their Successors, or to such Persons and their Heirs for ever as the said Commissioners shall direct; and all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be made in pursuance of this Act, shall, without Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Body Politic or Corporate, or Person conveying, and of his Heirs, Executors, Administrators, and Successors, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and of all Persons claiming or to claim by, from, or under them, any Law, Usage, Matter, or Thing whatsoever to the contrary thereof notwithstanding; and all Bodies Politic or Corporate, Tenants for Life or in Tail, Feoffees, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and other Persons are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act: Provided always, that no Contract or Agreement which shall be entered into between the said Commissioners and any such Owners and Occupiers or other Persons interested, for Payment of any Sum exceeding Fifty Pounds, shall be valid, unless confirmed at a subsequent Meeting of the said Commissioners, of the Time and Object of which Ten Days public Notice shall be given.

XLVIII. And

Form of Conveyance to Commissioners.

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

'I [*or* We, *as the Case may be*,] of in consideration of the Sum of paid to me [*or* to us, *or* into the Bank of *England*, *as the Case may be*,] by the Commissioners for improving the Vill and Parish of the *Cliffe* in the County of *Sussex*, under the Authority of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, do hereby grant and convey unto the said Commissioners all [*here describe the Premises to be conveyed*], and all my [*or* our] Right, Title, and Interest in and to the same, to hold the same, for the Uses and Purposes of the said Act, unto the said Commissioners and their Successors from henceforth for ever. In witness whereof I [*or* we] have hereunto set my Hand and Seal [*or* our Hands and Seals, *or* our Common Seal, *as the Case may require*], this [*here insert the Date.*]'

And every Conveyance and Assurance so made shall be sufficient in Law to vest the Property of and in any such Houses, Buildings, Lands, Tenements, and Hereditaments so granted and conveyed as aforesaid, in the said Commissioners for the Time being, for the Uses and Purposes of this Act.

Juries to assess Recompence in certain Cases, within Five Years.

XLIX. And be it further enacted, That if any Body Politic or Corporate, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or any other Person whomsoever, either seised, possessed, or interested in his own Right, or acting on the Behalf of any incapacitated Party or Parties so seised, possessed, or interested of or in any of the Houses, Buildings, Lands, Tenements, or Hereditaments mentioned in the Schedule to this Act, shall neglect or refuse to treat with the said Commissioners for the Sale of any such Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or shall be prevented by Absence or otherwise from treating for such Sale, or shall decline or refuse to sell and dispose of the said Premises, or any Part or Parts thereof, or their respective Estates, Rights, or Interests therein, unto the said Commissioners, or shall not agree with the said Commissioners respecting the Price to be paid or the Compensation to be made, or shall not or cannot make out a clear Title to such Premises, or to the Estates or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners may nevertheless, within Five Years from the passing of this Act, and not afterwards, purchase and take such Houses, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof respectively, by giving or causing to be given to such Bodies Politic or Corporate, or other Persons interested, Thirty Days Notice, particularly describing the Hereditaments intended to be taken, and purporting that the Price or Compensation for the same shall be adjusted and settled by a Jury at the General or Quarter Sessions of the Peace to be

be held for the Eastern Division of the County of *Sussex* next after the Expiration of such Notice, or at some Adjournment of such Sessions; and the Justices at such Sessions, or at any Adjournment thereof, upon Proof of such Notice having been so given, are hereby authorized and required to charge a Jury of Twelve Persons, to be chosen from among the Grand Jury at such Sessions assembled, well and truly, upon their Oaths, to assess such Price or Compensation accordingly; and to which said Jury the said Commissioners, and all Persons interested in the said Houses, Buildings, Lands, Tenements, or other Hereditaments, shall have their lawful Challenges; and the Jury, being so sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Hereditaments intended to be taken as aforesaid, shall by their Verdict assess the Price or Compensation to be paid by the said Commissioners to the several Parties, according to their respective Interests in such Hereditaments; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be binding and conclusive upon all Parties; and such Verdict and Judgment shall be entered and kept among the Records of the said Sessions, and the same, or true Copies thereof, shall be admitted as Evidence in all Courts of Law and Equity, and all Persons may inspect the same *gratis*, and may have Copies or Extracts thereof, upon Payment of the usual Fees.

Misnomers not to prevent Execution of Act.

L. Provided always, and be it further enacted, That if any of the Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the Schedule hereunto annexed, or any of the Owners or Occupiers thereof, or of any Part thereof, shall happen to be misnamed or incorrectly described, yet such Misnomer or incorrect Description shall not prevent the Execution of this Act, in case it shall appear to any Two Justices of the Peace, and be certified under their Hands, that the same proceeded from Mistake, and was not wilful.

By whom Expences of Jury shall be paid.

LI. 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 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 Damage that may have been sustained by any Person as aforesaid, all the Costs and Charges incurred in taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Ten Days 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 said County of *Sussex*, which Warrant any

any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for the Purpose by the Party or Person 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 or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Commissioners; but in Cases where any Person or Party shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Charges so incurred shall be borne by the said Commissioners in manner aforesaid; 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 said County of *Sussex* not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to order the Payment thereof at such Time and Place as he shall think proper; 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, her, or their 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 Parties; or otherwise, if such Costs and Charges be not paid upon 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.

Application of Compensation Money, if amounting to 200*l.* or upwards.

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

1 G. 4. c. 35.

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

Where less than 200*l.* and not less than 20*l.*

LIII. And be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased or taken for the Purposes of this Act, and belonging to any Body Politic or Corporate, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in every such Case the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Hereditaments so purchased or taken, (or of his Guardian or Committee, in case of Infancy, Idiotcy, or Lunacy,) to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated in Writing by the Person making such Option, and approved of by the said Commissioners; and the Money so paid to such Trustees, and the Dividends and Interest arising therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining

ing or being required to obtain any Order of the said Court touching the Application thereof.

Where less than 20*l.*

LIV. And be it further enacted, That where any Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased or taken for the Purposes of this Act, for his own Use and Benefit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to the Guardian or Committee of such Person.

In case of Owners not making out Title, or not being to be found, Compensation to be paid into the Bank.

LV. And be it further enacted, That in case any Body Politic or Corporate, or Person, to whom any Money shall be awarded for the Purchase of any Hereditaments, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case the Person to whom such Money shall be awarded cannot be found; or if the Person entitled to such Hereditaments be not known or discovered; then and in every such Case the said Commissioners may order the said Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in the said Hereditaments, (describing them,) subject to the Order, Control, or Disposition of the said Court; which said Court, on the Application of any Person making claim to such Money, or any Part thereof, by Motion or Petition, 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, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Person or respective 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 any such Money shall give to the Person paying the same a Receipt or Receipts, specifying therein for what and for whose Use the same is received.

Persons in Possession to be deemed presumptively entitled.

LVI. 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* as aforesaid, for the Purchase of any Hereditaments, or of any Estate, Right, Title, or Interest in any Hereditaments to be purchased or taken in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Annuities or Securities, the Person who shall have been in Possession of such Hereditaments at the Time of such Purchase, and all Persons claiming under such Person, or under his Possession, shall be deemed and taken to have been lawfully entitled to such Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest

Interest of such Annuities or Securities, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly.

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

LVII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Party entitled to any Hereditaments to be purchased or taken in pursuance of this Act, the Purchase Money for the same shall be required to be paid and applied under the Direction of the said Court of Exchequer, 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 thereof as to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Direction, to be paid by the said Commissioners, who shall from Time to Time pay such Sums for such Purposes as the said Court shall direct.

How Money in certain Cases to be paid.

LVIII. Provided always, and be it further enacted, That where any Money shall be agreed or awarded to be paid for setting back the Front of any House or Building to a Distance not exceeding Ten Feet, for the Purpose of widening any Street, such Money shall and may be paid to the Person who shall be in receipt of the Rents and Profits of such House or Building; but in case the said Commissioners shall not be satisfied that such Person is the absolute Owner in Fee Simple of such House or Building, then the said Commissioners shall, before Payment of such Money, see that such Front is properly set back, and such House or Building otherwise altered, so as to be made of equal annual Value as before for the Purposes for which such House or Building shall have been usually occupied, or the said Commissioners may take Security from such Person for the due Performance of such Alteration accordingly.

Purchased Premises to vest in Commissioners after Tender of Payment.

LIX. And be it further enacted, That from and immediately after Payment or Tender being made of the Monies agreed or awarded to be paid by the said Commissioners as the Purchase Money or Compensation for any Houses, Buildings, Lands, Tenements, or other Hereditaments, or any Part thereof, which shall be purchased or taken by the said Commissioners by virtue and in pursuance of this Act, to the Person or respective Persons entitled to receive the same Monies, or upon Payment thereof into the Bank of *England*, where the Case shall so require or allow, within Six Calendar Months after Verdict, or within such Period as shall have been limited by any Agreement, all and every the said Hereditaments for and in respect of which such Monies shall have been so paid shall absolutely vest in the said Commissioners for the Purposes of this Act, and the said Commissioners shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged of and from all former and other Estates, Titles, and Claims whatsoever: Provided always, that if any such Monies shall not be paid or tendered within the Time within which the same ought to have been paid as aforesaid, then the Right, Title, and Claim of the said Commissioners, of and in the Hereditaments for which such Money ought to have been paid or tendered, shall cease and be void.

Mortgagees to transfer on Tender of Principal.

LX. And be it further enacted, That all Persons who shall be Mortgagees of any Houses, Buildings, Lands, Tenements, or other Hereditaments purchased or taken by virtue of this Act, not being in Possession thereof, shall, on the Tender of the Principal and Interest due thereon by the said Commissioners, assign and transfer their Mortgages to the said Commissioners, or to such Person as they shall appoint, the said Commissioners having first given Six Calendar Months Notice of their Intention to discharge such Incumbrances respectively: Provided always, that if the said Commissioners shall have given less than Six Calendar Months Notice, such Mortgagees shall notwithstanding assign their Mortgages, upon Tender of all Principal and Interest then due, together with further Interest for the Period of Time by which the Notice given shall have been short of Six Calendar Months; and in case any such Mortgagee shall refuse to assign as aforesaid on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Principal and Interest due upon any such Mortgage shall amount to more than the whole Value of the Hereditaments mortgaged, or of the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees more than such Value.

Tenants to deliver Possession on receiving Compensation.

LXI. And be it further enacted, That every Tenant at Rack Rent, whether for Years or from Year to Year, or at Will, and every other Person in Possession of any Houses, Buildings, Lands, Tenements, or Hereditaments which shall be required 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 or Persons as they shall appoint, and quit the same, within such Time as shall be required by any Notice to be given by the said Commissioners, not being less than Three Calendar Months, they the said Commissioners at the Time of giving such Notice making or tendering such Compensation to every such Tenant as aforesaid, in case he or she shall be required to quit before the Expiration of his or her Term in the Premises, as the said Commissioners shall deem just and reasonable; and if any such Tenant or other Person in Possession as aforesaid shall refuse to deliver up such Possession upon the Expiration of such Notice, then and in every such Case it shall be lawful for the said Commissioners to issue their Precept to the Sheriff of the said County of *Sussex* to deliver Possession of the 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 as shall accrue from the issuing and execution of such Precept upon the Person so refusing to deliver up Possession as aforesaid, by Distress and Sale of his Goods and Chattels.

Compensation in certain Cases to be settled by a Jury;

LXII. And be it further enacted, That if any Person whomsoever shall sustain any Damage or Injury in his Houses, Lands, Tenements, or Hereditaments, by reason of the Execution of any of the Powers of this Act, then and in every such Case such Compensation shall be

be made or tendered for the same by the said Commissioners as they shall deem just and reasonable; and if any Person who shall be required to give Possession of any Premises which shall be taken by the said Commissioners, or any other Person sustaining Damage or Injury as aforesaid, shall not accept the Compensation tendered by the said Commissioners, and shall within Ten Days after such Tender give Notice to the said Commissioners that he is dissatisfied with the Sum tendered to him, the said Commissioners are hereby required to cause such Compensation to be ascertained by a Jury in such and the like Manner as the Price to be paid by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments is herein directed to be ascertained.

If the Compensation claimed be under 20*l.* the same to be settled by Two Justices.

LXIII. Provided always, and be it further enacted, That in any Case where the Amount of the Compensation or Claim for giving Possession of any Premises, or for any Damage or Injury sustained by any Person whomsoever, by reason of the Execution of any of the Powers of this Act, shall be under Twenty Pounds, then such Compensation shall or may be ascertained and settled by any Two Justices of the Peace for the said County of *Sussex*, who are hereby authorized and required, upon the Application of either of the Parties, to ascertain and settle the same in a summary Way, after summoning the Parties to attend them at a Time and Place to be appointed for that Purpose, and to order the Payment thereof.

Premises not wanted may be re-sold.

LXIV. And be it further enacted, That the said Commissioners may sell and dispose of so many or such Part or Parts of the Houses, Buildings, Lands, Tenements, or other Hereditaments to be purchased by or vested in them by virtue of the Powers herein contained, as shall at any Time be found to be unnecessary for the Purposes of this Act; and for carrying any such Sale into Effect, the said Commissioners, or any Five or more of them, are hereby authorized and empowered, by Writing under their Hands and Seals, to grant, bargain, sell, and convey such of the said Premises as shall have been so sold or disposed of, unto the Purchaser or Purchasers thereof, and such of the said Premises as shall be expressed and intended to be granted by such Conveyance or Conveyances shall be thereby vested in the Purchaser or Purchasers thereof, and his, her, or their respective Heirs and Assigns; provided nevertheless, that the Owner or Owners of the Hereditaments adjoining the said Premises so found unnecessary as aforesaid shall have the Preference of purchasing the same; and in case the Hereditaments so adjoining as aforesaid shall belong to different Persons, then such of the said Owners as shall be willing to pay the greatest Price shall have such Preference; and in case any such Owner or Owners shall, upon the same being offered to him, her, or them, by the said Commissioners, refuse to purchase the same, or shall not within Thirty Days after the making of such Offer give Notice to the said Commissioners of his Desire to treat for the same, then and in every such Case an Affidavit shall be made before a Master Extraordinary in Chancery by some Person not interested in the Premises, stating that such Offer was made by or on behalf of the said Commissioners, and that such Owner or Owners refused or did

not

not within the Time aforesaid give Notice of his Desire to treat for the same Premises, and such Affidavit shall in all Courts whatsoever be sufficient Proof and Evidence of the Facts so therein stated; and in case such Owner or Owners shall have given such Notice as aforesaid, but cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase of such Premises, then the Price thereof shall be settled and ascertained in like Manner as the Price or Compensation for any Hereditaments to be taken by the said Commissioners for the Purposes of this Act is herein-before directed to be settled and ascertained, and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like Manner as herein-before is directed with respect to Purchases made by the said Commissioners, *mutatis mutandis;* and all Monies to arise and be received by any such Sale or Sales which may be made by the said Commissioners shall be applied to the general Purposes of this Act; but the Purchaser or Purchasers, having paid his, her, or their Purchase Monies to the Treasurer of the said Commissioners, and obtained his Receipt or Receipts for the same, shall not be liable to see to the Application of the same Monies.

The Word "grant," &c. in Conveyances from Commissioners to amount to certain Coyenants.

LXV. And be it further enacted, That in all Conveyances to be made by the said Commissioners by virtue of this Act, the Words "grant, bargain, and sell," shall be and be construed to amount to Covenants by the said Commissioners, for themselves and their Successors, to and with the Grantee or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, that the said Commissioners, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, and for the quiet Enjoyment thereof against the said Commissioners and their Successors, and all Persons claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Commissioners and their Successors accordingly.

Commissioners may agree with Inhabitants as to altering Houses, &c.

LXVI. And be it further enacted, That the said Commissioners may enter into any Agreement relative to the Line or Direction, or Mode of erecting or altering any Houses or Buildings fronting or adjoining or near any of the Streets in the said Parish, or to any Alterations or Change of the Line or Direction in which any old Houses or Buildings now stand, or relative to any Projections or other Changes thereof, with the Owners thereof, and may make such Compensation for any Loss or Damage which any such Owners may sustain by acceding to any such Plan of Improvement, as the said Commissioners shall think reasonable, so as that the Compensation shall not in any one Instance exceed the Sum of Twenty Pounds.

Regulating Fronts of Houses.

LXVII. And be it further enacted, That no Part of the Front of any existing House or Building which shall hereafter be new fronted, nor any Part of the Front of any new House or Building which shall hereafter be erected upon any ancient Scite adjoining to any of the said

said Streets, shall be brought forward beyond the old Foundation, or beyond the Line of Houses on either Side, without the Consent of the said Commissioners; nor shall the Front of any House or Building whatsoever be hereafter newly erected within Fifteen Feet of the Centre of the Street in either of the Three principal Streets of the *Cliffe* aforesaid, called the *High Street*, the *North* or *Malling Street*, and the *South Street*; and in case any Person shall make any Projection or Erection contrary to the Directions herein contained, the same shall be deemed a Nuisance, and the said Commissioners may cause every such Projection or Erection to be pulled down and removed, and the Expences of pulling down and removing the same shall and may be recovered by the said Commissioners of the Owner or Owners of such Building, in manner herein-after directed: Provided always, that in estimating the Centre of the *High Street*, those Portions of Ground which are now covered with Building, and are within the Line of Frontage described in the Schedule to this Act, shall be deemed Part of the Street: Provided also, that nothing herein contained shall be construed to compel the Owners of any of the Houses mentioned in the said Schedule to set back the Fronts thereof beyond the several Lines of Frontage therein described.

Party Walls.

LXVIII. And be it further enacted, That every House or other Building which shall be hereafter erected within the said Parish shall have at each End thereof, if adjoining any other House or Building, a Party Wall of Brick Work, at least Nine Inches thick, and no Timber shall be inserted into any such Party Wall except endwise, and then so as not to come within Four Inches of any other Timber, or within Four Inches of the opposite Side of such Party Wall; and if any Person shall erect any Building without such Party Wall, or shall insert into any Party Wall any Timber otherwise than is herein permitted, such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds, and also the Sum of Forty Shillings for every Week during which such Offence shall continue.

Projections, &c.

LXIX. And be it further enacted, That the said Commissioners may from Time to Time, at their own Expence, cause all or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Signs, Sign Posts, Show Boards, and other Obstructions and Projections whatsoever, which are already erected, affixed, set up, laid down, or being against or in front of or belonging to any Houses or other Buildings whatsoever, and all or any Posts, Fences, or Trees in any of the said Streets or other public Places, which the said Commissioners shall adjudge to be public Annoyances or Nuisances, by reason of their obstructing, annoying, or endangering the Passage of His Majesty's Subjects, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed in such Manner as by the said Commissioners shall be thought most proper and expedient; the said Commissioners, nevertheless, first giving Thirty Days Notice of their Intention to the respective Owners or Occupiers of such Houses or other Buildings, and causing as little Damage to be done

in effecting every such Removal or Alteration, as the Nature of the Case will allow.

Penthouses, &c. hereafter erected to be removed by Occupiers.

LXX. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets within the said Parish, and every of them, are hereby authorized and required, at their Expence respectively, within Thirty Days next after Notice 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, Show Boards, and other Obstructions and Projections whatsoever, which shall hereafter be erected, set up, affixed, laid down, or be against, in front of, or belonging to their respective Houses or Buildings, which the said Commissioners shall adjudge to be public Nuisances, by reason of their obstructing, annoying, or endangering the Passage of His Majesty's Subjects, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any thing so adjudged to be a public Nuisance to be removed within the Time aforesaid, then and in every such Case the said Commissioners may cause the same to be removed or altered accordingly, and the Expence attending such Removal or Alteration shall and may be recovered from the Occupier of such House or Building 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 Expence 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 or her Rent, and the Proprietor or Person entitled to the Rent is hereby required to allow the same accordingly.

Spouts to be put from Roofs of Houses.

LXXI. And be it further enacted, That the several Occupiers of Houses or other Buildings in the several Streets or other public Places, and every of them, are hereby authorized and required, at their own Expence respectively, within Thirty Days next after Notice from the said Commissioners, to cause to be affixed and placed, and for ever afterwards to keep in repair, a Spout or Trough of the whole Length of each House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building, so as to carry off or conduct the Water from the Roof of such House or Building underneath the Foot Pavement into the common Channel, and so as to prevent the Water from falling upon or incommoding Foot Passengers; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause such Spouts, Troughs, Pipes, or Trunks to be affixed for the Purpose aforesaid, or to repair the same when necessary, then and in every such Case the said Commissioners may cause the same to be forthwith affixed, placed, or repaired, and may recover the Expence thereof from the Occupier of such House or Building, in manner herein-after directed; and the Occupier of any such House or

Building, being a Tenant at Rack Rent, and having either paid the Expence of affixing any such Spouts, Troughs, Pipes, or Trunks, in the first Instance, or having repaid the same to the said Commissioners, shall and may deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Person entitled to the Rent is hereby required to allow the same accordingly.

Penalty on defacing Doors, &c. of Churches, &c.

LXXII. And be it further enacted, That if any Person shall break, injure, damage, or deface any Pillar, Door, Window, or other Part of any Church, Chapel, School, Dwelling House, Wall, or other Building whatever within the said Parish, or any Tomb, Monumental Stone, or Inscription, in any Churchyard or Burial Ground; or shall write with Chalk or any other Matter upon any of the aforesaid Walls or Buildings, or any Part thereof; or shall stick or place against the same any Bills or Papers, other than such Notices as shall be affixed by competent Authority; or if any Person shall pull down or deface any such last-mentioned Notice; then and in any of the said Cases every Person so offending shall forfeit for every Offence any Sum not exceeding Forty Shillings.

Nuisances on Footways.

LXXIII. And be it further enacted, That if any Person shall, upon any of the Footways or Foot Pavements in any of the said Streets, run, draw, drive, or carry any Wheel Sledge, Wheelbarrow, Handbarrow, or other Carriage whatsoever; or shall thereon roll any Cask or Tub further than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or shall thereon throw or sift any Ashes (except in Time of Frost, and to prevent Accidents); or shall thereon slide on the Ice; or shall thereon wilfully drive any Cart or Carriage whatsoever; or shall thereon ride, lead, or drive any Horse or other Beast; or shall thereon erect, fix, or use any Stall, Tent, Shed, or Standing Place, for the Exhibition of Goods, or any Block or Working Place; or shall thereon put, place, or lay any Furniture, Goods, Box, Basket, Stool, Bench, or other Thing; or shall tie up any Horse or other Beast, so as that the same can go or stand across or upon any Footway or Foot Pavement; or shall wilfully do any other Act so as to cause an Obstruction or Impediment to free Passage on any of the said Footways or Foot Pavements; or if any Person shall, in any of the said Streets, haul or drag any Timber, Stone, Metal, or other heavy Material; or shall therein hoop, fire, or cleanse any Cask or Tub; or shall therein hew, saw, or bore any Timber or Stone; or shall therein repair any Coach, Cart, or other Carriage (except in case of sudden Accident on the Spot); or shall therein place out or suspend any Meat, Vegetables, Apparel, Wares, or other Article, Matter, or Thing, for Sale or otherwise, upon or from any Door, Window, Balcony, or other Place; or shall therein fix up any Rope or Cord; or shall therein erect, fix, or use any Stall, Tent, Shed, or Standing Place, for the Exhibition or Sale of any Goods or Articles (except on the usual Fair Days); or shall therein exercise, clean, shoe, farry, or kill any Horse or other Beast (except in case of Accident); or shall therein exhibit or expose any Stallion; or shall therein turn loose, exhibit, or expose for Sale (except upon the usual Fair Days) any Horse or other

Nuisances in any Part of the Streets.

other Beast; or shall therein scald, singe, dress, or cut up any Animal, either wholly or in part; or shall therein cause or permit to run or flow any Blood or noisome Fluid from any Slaughterhouse, Butcher's Shop, or other Place; or shall therein carry or remove the Whole or any Part of the Contents of any Privy or Easement (except between the Hours of Eleven at Night and Four in the Morning); or shall therein throw or deposit any Filth or offensive Matter, or any Water (except for the Purpose of cleansing, in pursuance of the Directions of this Act); or shall therein indecently ease or expose his Person; or shall therein permit any Mastiff, Bull Dog, or other dangerous Animal (being his Property or under his Care) to go at large without being safely muzzled; or shall therein permit any Dog whatsoever to go at large after any public Notice given by the Parish Crier, by Order of the said Commissioners or of Two Justices of the Peace, and during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Canine Madness; or shall therein lay or place any Timber, Wood, Stone, Bricks, Coals, Iron, or other Materials or Substance, and continue the same for a longer Time than shall be necessary for removing or housing thereof; or shall therein wantonly let off or fire any Gun, Pistol, or other Fire-arms; or shall therein make or cause to be made any Bonfire; or shall therein collect any Materials for making any Bonfire; or shall therein play at Football or any other Game; or shall occasion any kind of Obstruction or Annoyance in or upon any of the said Streets;

Nuisances by Drivers, &c.

or if any Person driving, or having the Care or Management of any Coach, Cart, or other Carriage whatsoever, shall in any of the said Streets ride on the Shafts, or in or upon any Part of such Coach, Cart, or Carriage, or upon any Horse or Beast drawing the same, without holding Reins for the Guidance thereof in his own Hands; or shall therein suffer such Coach, Cart, or Carriage, with or without Horses, to remain or continue standing longer than shall be necessary for loading or unloading, or for taking up or setting down any Passenger; or shall therein, during any Time such Coach, Cart, or other Carriage shall be in motion, withdraw, or place himself in such a Situation as not to have the proper Controul and Management of the Horse or Horses or other Beast or Beasts drawing the same; or if any Person on Horseback, or driving any Coach, Cart, or other Carriage in any of the said Streets, and meeting another Horse, Coach, Cart, or Carriage, shall not keep or turn on the Left or Near Side, so as to leave proper and sufficient Quarter for such other Horse or Carriage; or shall therein ride or drive furiously, so as to endanger, or excite a reasonable Apprehension of Danger, to the Life or Limb of any other Person; or if any Person shall stop up or impede the Course or Passage of any Common Sewer, Drain, or Ditch, or throw or discharge any dead Carcase, Offal, Filth, or other offensive Matter into the same, or into any public or private Well, Pump, or Reservoir for Water within the said Parish; then and in any of the Cases aforesaid every Person so offending, or the Owner of any such Horse or other Beast, Coach, Cart, or other Carriage, Goods, Matter, or Thing aforesaid, whereby or wherewith any such Obstruction or Annoyance is made (in case the Person actually offending cannot be found or discovered), shall for every such Offence forfeit and pay any Sum

not

not exceeding Five Pounds; and if any Person shall, in any of the said Streets or other public Places, let off, fire, or throw any Rocket, Squib, Cracker, or other Firework, he shall for every Offence forfeit any Sum not exceeding Twenty Shillings; and it shall be lawful for any of the said Commissioners, or of their Officers, or any Peace Officer, to take away and remove any of the before-mentioned Obstructions or Annoyances, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person whomsoever; and in case any Horse or other Beast, Coach, Cart, or other Carriage, Goods, Matters, or Things, shall be found occasioning any such Obstruction or Annoyance, no Person being in charge of the same, then any of the said Commissioners or of their Officers, or any Peace Officer, shall and may seize such Beast, Carriage, Goods, Matters, or Things, and detain the same in such Place as the said Commissioners shall appoint, until the Owner thereof shall claim the same, and shall pay the Expences incurred in the Removal and Keep thereof, in addition to any Penalty to which such Owner may be liable under this Act.

When Commissioners do not require Hoards to be erected, no Penalty for Dirt occasioned by pulling down Buildings.

LXXIV. Provided always, and be it further enacted, That no Person shall be subject to any Penalty under this Act for any Rubbish, Dirt, or Lime, in any of the said Streets, occasioned by the erecting, pulling down, or repairing of any Building adjoining thereto, in Cases where the said Commissioners shall not have required a Fence or Enclosure to be made round the same, so as there be convenient Space left for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers, by the Persons laying or occasioning to be laid such Dirt, Rubbish, or Lime, and so as the Owner or Owners of the House or Premises before which such Dirt, Rubbish, or Lime shall lie shall cause the same to be removed within a reasonable Time, or upon Notice from the said Commissioners or their Surveyor, and so as that whilst the same shall be lying in any of the said Streets such Owner or Owners shall set up and maintain a sufficient Light at Night to prevent Mischief happening to Passengers.

Rates.

LXXV. And be it further enacted, That the said Commissioners, as soon as may be after the passing of this Act, and in like Manner yearly, within One Month after the Twenty-fifth Day of *March*, shall and may order and direct a Rate or Assessment (to be called "The *Cliffe* Improvement Rate") to be made upon the Occupiers of all Dwelling Houses, Buildings, Lands, Tenements, and Hereditaments rateable for the Relief of the Poor of the said Parish; and every such Rate shall be signed by Five or more of the said Commissioners, and shall be deemed a Rate for the Year ending on the Twenty-fifth Day of *March* next ensuing the making thereof; and no such Rate shall exceed Two Shillings in the Pound upon the actual annual Value or Rack Rent of the whole of the Property assessed (except in Cases when the said Commissioners shall be indicted, and Fine imposed upon them, for Non-repair of any of the said Streets); and the Proportion of such Rate to be assessed upon the several and respective Occupiers shall be ascertained and regulated by reference

to the then existing Rate made for the Relief of the Poor of the said Parish.

Commissioners may reduce or remit Rates on account of Poverty.

LXXVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of any Dwelling House or other Hereditament subject to the Payment of any Rate or Assessment to be made in pursuance of this Act, to mitigate, reduce, lessen, remit, or excuse, for or on account of his or her Poverty or Inability only, Payment of so much of the said Rate or Assessment as shall be charged upon such Occupier of such Dwelling House or other Hereditament, in such Manner as the said Commissioners shall in their Discretion think just and reasonable.

Recovery of Rates from out-going and in-coming Tenants.

LXXVII. And be it further enacted, That in all Cases where any Person rated by virtue of this Act shall quit the Possession of any Premises for or in respect of which he shall be so rated, every such Person shall pay a Part of such Rate or Assessment in proportion to the Time of his Occupation; and in all Cases where any Person shall come into and occupy any Premises for which any former Occupier shall have been rated or assessed, or which at the Time of making any such Rate or Assessment were unoccupied, such Person so coming into and occupying the same shall pay a like proportionate Part of the Rate or Assessment for the current Year for and in respect of the said Premises (although his Name may not be inserted in such Rate or Assessment); and in case any Dispute shall arise as to the Part or Proportion of any Rate herein-before directed to be paid, the Amount thereof shall in all Cases be settled and ascertained by the said Commissioners.

Landlords to pay for furnished Lodgings.

LXXVIII. And be it further enacted, That every Person, being Landlord or Tenant, who shall let his House in separate Apartments or ready furnished, to any Lodger or Lodgers, or for any less Term than a Year, shall and may be rated and assessed under or by virtue of this Act, in such and the like Manner as if he was the actual Occupier thereof.

Recovery of Rates from Persons neglecting, &c. to pay.

LXXIX. And be it further enacted, That all Rates or Assessments to be made by virtue of this Act shall be paid by the several Occupiers so rated to the Collector appointed by the said Commissioners; and if any Occupier so rated as aforesaid shall neglect or refuse to pay the Sum or Sums charged or assessed upon him by any such Rate or Assessment, for the Space of Seven Days next after Demand thereof made at his Dwelling House or usual Place of Abode, the said Sum or Sums so charged or assessed shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Occupier so neglecting or refusing as aforesaid, by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the said County, together with all Costs and Expences attending the Complaint, Distress, and Sale; and in case no Goods or Chattels of such Defaulter can be found whereon to levy the said Distress, it shall be lawful for any such Justice or Justices to

commit such Defaulter to the Common Gaol or House of Correction, there to be imprisoned for any Term not exceeding Three Calendar Months, unless the said Amount directed to be levied as aforesaid shall be sooner paid.

Appeal against Rates.

LXXX. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person, having first paid such Rate or Assessment, shall or may apply to the Commissioners at their First or Second Meeting to be holden next after the Payment thereof, and the said Commissioners are hereby authorized and empowered to give such Relief in the Premises as to them shall seem reasonable; and if such Person shall be dissatisfied with the Order and Determination of the said Commissioners thereupon, then such Person may appeal to the Court of General or Quarter Sessions of the Peace in manner herein-after directed.

Court may amend Rates on Appeal.

LXXXI. Provided always, and be it further enacted, That upon any such Appeal against any Rate or Assessment made by the said Commissioners, the Court may either amend the same, so as to give Relief to the Appellant personally, or may quash such Rate or Assessment altogether, and order a new one to be made by the said Commissioners.

Power to borrow Money.

LXXXII. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That the said Commissioners may from Time to Time borrow and take up at Interest, or by way of Annuity for a Life or Lives, any Sum or Sums of Money, not exceeding in the whole the Sum of Four thousand Pounds, upon the Credit of the Rates or Assessments to be made and collected by virtue of this Act, and by Writing under the Hands and Seals of any Five or more of them may assign over a Proportion of the said Rates or Assessments to the several Persons advancing such Money, or their respective Trustees, by way of Mortgage, and may make Grants of Annuities chargeable on such Rates or Assessments in manner herein-after mentioned: Provided always, that, previously to the borrowing or taking up any Money, an Order for that Purpose shall be made by the said Commissioners at a Meeting, whereof Ten Days public Notice shall be given, and such Notice shall express the Sum or Sums proposed to be taken up, and whether by Mortgage or by Annuity.

Form of Mortgage.

LXXXIII. And be it further enacted, That every Assignment by way of Mortgage shall be in the Words or to the Effect following; (that is to say,)

'BY virtue of an Act passed in the Ninth Year of the Reign of
'His Majesty King *George* the Fourth, we
'of the Commissioners for improving the Vill and Parish of the
'*Cliffe* in the County of *Sussex*, in consideration of the Sum of
'paid to the Treasurer to the said
'Commis-

'Commissioners by *A. B.* [*insert the Name, Place of Abode, and Addition of the Lender*], for the Purposes of the said Act, do grant and assign unto the said *A. B.* [*or* to his Trustee, *as the Case may require*], his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments; to be had and holden from this Day until the said Sum of (with Interest for the same at the Rate of *per Centum per Annum*, to be paid) shall be fully repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals, this [*here insert the Date*].'

Form of Grant of Annuity.

LXXXIV. And be it further enacted, That every Grant of Annuity shall be in the Words or to the Effect following; (that is to say,)

'BY virtue of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, we of the Commissioners for improving the Vill and Parish of the *Cliffe* in the County of *Sussex*, in consideration of the Sum of Pounds paid to the Treasurer to the said Commissioners by *A. B.* [*insert the Name, Place of Abode, and Addition of the Grantee*], for the Purposes of the said Act, do hereby grant unto the said *A. B.*, his Executors, Administrators, and Assigns, One Annuity or yearly Sum of Pounds, to be issuing out of and charged upon the Rates or Assessments arising by virtue of the said Act, which Annuity shall be paid to the said *A. B.*, his Executors, Administrators, or Assigns, during the natural Life of by equal Payments, the first Payment thereof to be made upon the Day of next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals, this [*here insert the Date*].'

Restriction as to Annuities.

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

48G.3.c.142.

52G.3.c.129.

Securities may be transferred.

LXXXVI. And be it further enacted, That it shall be lawful for any Person entitled to any Security for Money borrowed, or to any Annuity

Annuity granted as aforesaid, or his Executors or Administrators, at any Time, by Writing under his or their Hand and Seal or Hands and Seals, to transfer the same respectively to any Person whomsoever; and all Persons who shall from Time to Time be entitled to the said Securities and Annuities made or granted by virtue of this Act shall be Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of Priority of Date of such Assignments or Grants respectively.

Assignments to be entered in Books.

LXXXVII. And be it further enacted, That before any Payment of Interest on any Security, or of any Annuity, shall be made by the Treasurer, the Clerk to the said Commissioners shall enter in a Book to be kept for that Purpose all Assignments by way of Mortgage, and all Grants of Annuities, to be made in pursuance of this Act, and shall also make an Entry therein of every Transfer thereof, and of the Will of or Administration to every Person who shall die possessed of any such Security or Annuity; and for the Entry of such Transfer, Will, or Administration, the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and after such Entry made, but not before, every such Transferee, and all such Executors or Administrators, shall be entitled to the Benefit of such Security or Annuity: Provided always, that before any such Transfer shall be so entered by the Clerk an Affidavit of the due Execution of such Transfer (taken before some Justice of the Peace) shall be delivered to the said Clerk, and shall be filed by him; and all Persons interested shall at all Times have Access to and free Liberty of Inspection of the aforesaid Book, without Fee or Reward.

Application of Money.

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

Sinking Fund.

LXXXIX. Provided always, and be it further enacted, That after Three Years from the passing of this Act the said Commissioners shall

shall and they are hereby required to set apart, out of the Produce of every Rate, not less than Fifty Pounds, as a Sinking Fund, for gradually paying off and discharging the Principal Monies which have been borrowed; but in case any Money shall have been raised by way of Annuity, then the Excess of the Amount of any Annuity or Annuities (which shall from Time to Time be subsisting) beyond the ordinary Interest upon the Money which shall have been raised by the Grant of such Annuity or Annuities shall be deemed to be in part Satisfaction of the Sum hereby required to be set apart as aforesaid.

Preference in paying off Mortgages.

XC. And be it further enacted, That when any Money borrowed shall be intended to be paid off by the said Commissioners, the Preference of Payment as between the several Creditors shall, in case of Disagreement, be determined at a Meeting of Commissioners by the Chairman drawing Lots: Provided always, that no Creditor shall be obliged to accept Payment of any Sum due to him without Six Calendar Months Notice of such Payment being intended, nor to accept less than One hundred Pounds in part of any Principal Money due to him.

Notices.

XCI. And be it further enacted, That all Notices directed or authorized by this Act to be given by the said Commissioners shall be in Writing signed by any Three or more of the said Commissioners, or by their Clerk, and shall be served on the Person to whom the same shall be addressed, by delivering a Copy or Duplicate thereof to such Person personally, or by leaving the same at his usual or last known Place of Abode; and if any such Notice shall be addressed to any Two or more Persons who shall be Partners in Trade, it shall be sufficient to deliver a Copy or Duplicate thereof to any One of them personally, or to leave the same at the usual Place of Business of the Firm; and further, that all public Notices by this Act directed or authorized shall and may be given by affixing a Copy or Duplicate thereof, signed as aforesaid, on the outer Southern Door of the Parish Church of the *Cliffe* aforesaid.

Directing how Notices, &c. are to be served on the Commissioners.

XCII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, to be served upon the said Commissioners, Service thereof respectively upon any Two of the said Commissioners, or left at their usual Places of Abode respectively, or upon the Clerk of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Compensation for Damages, how to be ascertained.

XCIII. And be it further enacted, That where by this Act any Costs, Damages, or Expences are directed or authorized to be paid to or paid by, or recovered by or from, the said Commissioners, the Amount of such Costs, Damages, or Expences, in case of Dispute respecting the same, shall be ascertained and settled by any Two Justices of the Peace, who are hereby authorized and required, upon

the Application of either of the Parties interested, to ascertain and settle the same accordingly, after summoning the Parties to appear before them at a Time and Place to be appointed for that Purpose; and if the Amount of any such Costs, Damages, or Expences, when so settled, shall not be forthwith paid, such Amount shall be deemed to be in the Nature of a Penalty, and shall and may be levied, with Costs, by Distress and Sale of the Goods and Chattels of the Person liable to pay the same, by Warrant under the Hands and Seals or Hand and Seal of the same or any other Justice or Justices of the Peace.

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

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

Treasurer to be reimbursed.

XCV. Provided also, and be it further enacted, That the said Treasurer shall and may, by and out of any Monies which shall come into his Hands by virtue of this Act, retain to and reimburse himself all such Costs, Charges, and Expences as he may personally be put to by Distress and Sale of the Goods and Chattels of such Treasurer, or otherwise, under any Warrant or Warrants to be issued by any such Justice or Justices as aforesaid.

XCVI. And

Justices may proceed by Summons in the Recovery of Penalties.

XCVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and 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 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, 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 or had been exhibited.

Recovery and Application of Penalties.

XCVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein-before particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the said County of *Sussex*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses, upon Oath or Affirmation, of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same (if any such there be), shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the said Commissioners or their respective Treasurer or Clerk, to be applied for the Purposes of this Act, as the said Commissioners shall order and direct; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the

the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases when the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceeding before Justices shall be had or taken for the Recovery thereof before a less Number than Two Justices.

For the Conviction of Offenders.

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

Form of Conviction.

'Sussex } BE it remembered, That on the [*here set forth the Day*
'to wit. } *and Year upon which the Conviction takes place*] *A. B.*
'[*here insert the Name and Addition of the Offender or Offenders*]
'is convicted before me [*or* us] [*as the Case may be*] of His
'Majesty's Justices of the Peace for the County of *Sussex*, of an
'Offence against a certain Act made in the Ninth Year of the Reign
'of His Majesty King *George* the Fourth, intituled [*here set forth*
'*the Title of this Act*], for that he the said *A. B.* on the [*here set*
'*forth the Day and Year upon which the Offence was committed*], at
'the said Vill and Parish of the *Cliffe* in the said County [*here*
'*describe the Offence*], contrary to the said Act, for which Offence
'I [*or* we] do hereby adjudge the said *A. B.* to have forfeited
'the Sum of [*here set forth the Amount of the Penalty*], which I
'[*or* we] do hereby order and adjudge him forthwith to pay,
'together with the further Sum of [*here set forth the Amount of the*
'*Costs*], which I [*or* we] have ascertained and fixed as the reasonable
'Costs attending this Conviction. Given under my [*or* our] Hand
'and Seal [*or* Hands and Seals], the Day and Year first above
'written.'

Distress not unlawful for Want of Form.

XCIX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Person making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant, or

or other Proceedings relating thereto, nor shall the Person distraining be deemed a Trespasser *ab initio* on account of any subsequent Irregularity, but the Person aggrieved by any such Defect or Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Penalty on Non-attendance of Witnesses.

C. And be it further enacted, That if any Person shall be summoned to appear as a Witness before any Justice or Justices of the Peace, touching any Information, Complaint, or other Proceeding before such Justice or Justices, by virtue of this Act, and shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, after having been paid or tendered a reasonable Sum for his Costs and Expences in giving such Attendance, or shall after appearing refuse to be examined upon Oath (or, in case of a Quaker, upon solemn Affirmation,) before such Justice or Justices, then and in such Case every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered in the same Manner as any other Penalty imposed by this Act.

For securing transient Offenders.

CI. And be it further enacted, That it shall be lawful for any or either of the said Commissioners, or any Officer, and also for such other Person as he shall call to his Assistance, without any Warrant or other Authority than this Act, to apprehend and detain any Person who shall be found committing any Offence against this Act, who shall be unknown to such Commissioner or Officer, and to take and convey him before any Justice of the Peace, to be dealt with according to this Act.

Informers may be rewarded.

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

Appeal to the Quarter Sessions.

CIII. And be it further enacted, That if any Person shall find himself aggrieved by any Order, Direction, or Appointment of the said Commissioners, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall be lawful for such Person to appeal to any General or Quarter Sessions of the Peace to be held for the said County of *Sussex* within Four Calendar Months next after the Cause of Complaint shall have arisen, which Court of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet; which Order shall be final and conclusive to and upon all Parties, provided that the Person so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Clerk for the Time being to the said Commissioners, or other the Respondent or Respondents, and within Five Days after such Notice

shall enter into a Recognizance before some Justice of the Peace for the same County, with sufficient Sureties, conditioned to try such Appeal at the then next General or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions or at any Adjournment thereof; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

Inhabitants, &c. may be Witnesses.

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

Plaintiff not to recover after Tender of Amends.

CV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action commenced against any Person for any thing done or performed in execution of or under the Authority of this Act, unless Notice thereof in Writing shall be previously given to the Person intended to be sued Fourteen Days before such Action shall be commenced, which Notice shall be signed by the said Plaintiff or Plaintiffs, or his, her, or their Attorney or Attornies, and shall specify the Cause of such Action; nor shall such Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the said Defendant or Defendants, before such Action shall be commenced; and in case no such Tender shall be made, it shall be lawful for the said Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CVI. And be it further enacted, That no Action or Suit shall be commenced against any Person for any Act or Thing done in execution of or under the Authority of this Act, after Three Calendar Months from the Time when the Cause of such Action shall have arisen or been committed, or have ceased and been determined; and in every such Action or Suit the Venue shall be laid and the Cause tried in the County where the Cause of Action shall have arisen or been committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead specially or the General Issue, and give this

Act

Act and the special Matter in Evidence at any such Trial, and that such Cause of Action arose and was committed in pursuance or under the Authority of this Act; and if the same shall so appear upon the said Trial, or if such Action or Suit shall have been commenced before such Notice shall have been given as aforesaid, or before the Expiration of Fourteen Days from the Service thereof, or after sufficient Amends and Satisfaction made or tendered as aforesaid, or after the Time limited for commencing the same, or shall be commenced in any other County than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the said Plaintiff or Plaintiffs upon the said Trial shall be nonsuited, or shall discontinue his, her, or their Action or Suit, after the said Defendant or Defendants shall have entered an Appearance thereto, or if upon any Demurrer Judgment shall be given against the said Plaintiff or Plaintiffs, Defendant or Defendants, then and in every such Case the said Plaintiff or Plaintiffs, Defendant or Defendants, shall recover Treble Costs, and have such Remedies for recovering the same as any other Plaintiff or Plaintiffs, Defendant or Defendants, hath or have in other Cases by Law.

Proceedings not to be reemovd by Certiorari.

CVII. And be it further enacted, That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for any Informality therein, or be removed or removable by Writ of Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Defining Meaning of certain Words.

CVIII. And be it enacted, That the Word "Person" throughout this Act shall be deemed and construed to extend to and to include any One or more Person or Persons, and of either Sex; and that the Word "Officer" shall be deemed and construed to apply to any One or more Persons holding any Office or Appointment, Offices or Appointments, under the said Commissioners, or acting under their Authority by virtue of this Act; and that the Word "Streets" shall be deemed and construed to extend and apply to all and every or any of the present and future Streets, Lanes, and other public Passages and Places within the said Parish.

Saving of Rights.

CIX. And be it further enacted, That nothing in this Act contained shall affect the Rights and Privileges of the Lords of the Manor of *Ringmer* for the Time being, or shall affect the Powers of the Commissioners of Sewers for the Time being for the *Lewes* and *Laughton Levels*, or the Powers of the Trustees for the Time being acting under several Acts for improving the Navigation of the River *Ouse* between *Newhaven Bridge* and *Lewes Bridge*, and for better draining of the Low Lands lying in *Lewes* and *Laughton Levels* aforesaid.

CX. And

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

The SCHEDULE referred to by the aforegoing Act.

—	OWNERS.	OCCUPIERS.
So much of the under-mentioned Property as lies North of a Line to be drawn from the West Side of a House in the Occupation of James Davies, parallel to the Edge of the Southern Foot Pavement, at a Distance of Nine Feet and a Half therefrom, and terminating in the East Side of a House in the Occupation of William Starnes:		
House - - -	John Webb Woollgar - -	James Davies.
House - - -	The same - - - - -	Reuben Gibbs.
House - - -	Richard Goodyer - - -	Himself and Sarah Ellis.
House and Yard -	Arthur Morris - - -	Himself.
House - - -	Samuel Woodgate Durrant -	Henry Wood.
House - - -	Edward Nutley - - -	Himself.
House - - -	Thomas Fuller the younger -	William Starnes.
So much of the under-mentioned Property as lies North of a Line to be drawn from the East Termination of the last-mentioned Line to a Point in the West Side of a House in the Occupation of Ebenezer Morris, distant Five Feet and a Half from the Edge of the said Southern Foot Pavement:		
House - - -	John Webb Woollgar and Harry Verrall - - -	Richard Martin.
House - - -	The same - - - - -	Thomas Cooke.
House - - -	Christopher Spencer the elder -	Christopher Spencer the younger.
House - - -	Edward Egles - - -	Robert Dudding.
So much of the under-mentioned Property as lies North of a Line to be drawn from the East Termination of the last-mentioned Line to the North-west Corner of a House in the Occupation of James Curtis:		
House - - -	Ebenezer Morris - - -	Himself.
House - - -	Abraham Brown - - -	Himself.
So much of the under-mentioned Property as lies South of a Line to be drawn from the Centre of the Front of a House in the Occupation of Joseph Grover, to the South-west Corner of the Church Porch:		
House - - -	Henry Green - - -	Himself.
House - - -	Mary Osmant - - - -	John Povey.
House - - -	Richard Porter - - -	Sarah Kenward.
House - - -	The same - - - - -	William Dine.
House - - -	Trustees or Feoffees of the Cliffe Charity Estates - - -	John Venus.
Three Feet off the South-east Corner or Angle of a House:		
— - - - -	Henry Hillman - - -	William Phillips.
Three Feet off the North-east Corner or Angle of a House:		
— - - - -	John Freeman - - -	Himself.

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