ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxiii.

An Act to amend the several Acts for paving, lighting, cleansing, and otherwise improving the Town of *Ipswich* in the County of *Suffolk*, and for removing and preventing Encroachments, Obstructions, and Annoyances therein.

[30th *June* 1837.]

WHEREAS an Act of Parliament was made and passed in the Thirteenth Year of the Reign of Her late Majesty Queen *Elizabeth*, intituled *An Act for the paving of the Town of* Ipswich: 13 Eliz. c. 24.
And whereas another Act was made and passed in the Thirty-third Year of His late Majesty King *George* the Third, intituled *An Act for paving, lighting, cleansing, and otherwise improving the Town of* Ipswich *in the County of* Suffolk, *and for removing and preventing Encroachments, Obstructions, and Annoyances therein:* 33 G. 3. c. 92.
And whereas another Act was made and passed in the Thirty-seventh Year of His said late Majesty King *George* the Third, intituled *An Act for amending and rendering more effectual an Act passed in the Thirty-third Year of the Reign of His present Majesty, for paving, lighting, cleansing, and otherwise improving the Town of* Ipswich *in the County of* Suffolk, *and for removing and preventing Encroachments, Obstructions, and Annoyances therein:* 37 G. 3. c. 44.
And whereas another Act was made and passed in the Fifty-fifth Year of His said late

55 G. 3. c. 26. Majesty King *George* the Third, intituled *An Act for amending and enlarging the Powers of Two Acts of His present Majesty, for paving, lighting, cleansing, and improving the Town of* Ipswich *in the County of* Suffolk, *and removing and preventing Encroachments, Obstructions, and Annoyances therein; and for watching the said Town:* And whereas the Commissioners appointed by and acting in execution of the said recited Acts have borrowed and now stand indebted in the Sum of Twelve thousand four hundred Pounds on the Security of the Rates and Duties by the said recited Acts or One of them authorized to be raised and levied, and have also incurred a further considerable Debt amounting in the whole to the Sum of Sixteen thousand Pounds and upwards, inclusive of the said Sum of Twelve thousand four hundred Pounds: And whereas the said Commissioners, in pursuance of the said recited Act of the Fifty-fifth Year of His said late Majesty, have from Time to Time invested certain Sums in the Purchase of the Sum of Three thousand two hundred and fourteen Pounds Fourteen Shillings and Eight-pence Three Pounds *per Cent.* Consolidated Annuities, as and for and towards a Sinking Fund, which Sum now stands in the Names of Four of the said Commissioners as Trustees: And whereas by a Bill now before Parliament, to amend an Act of the Forty-fifth Year of the Reign of King *George* the Third, for improving and rendering more commodious the Port of *Ipswich*, and constructing a Wet Dock there, Provision is intended to be made that certain Persons therein appointed and authorized shall on the passing of that Act pay into the Hands of the Persons to be appointed by and to act in execution of the Powers and Provisions of this Act such a Sum of Money as shall be sufficient to enable them to pay off and discharge the Money borrowed and the Debts incurred by the Commissioners appointed by and acting in execution of the Powers of the said recited Acts, save and except such of them as are due by way of Annuity: And whereas the Powers and Provisions of the said recited Acts respectively have been found in many respects insufficient and defective, and it is therefore expedient that the said Acts should be repealed, and that the Provisions therein contained should be consolidated, amended, and enlarged, and that more effectual Provision should be made for lighting and paving, and for completing and maintaining in repair the Pavement of the said Town, and otherwise improving the same: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act of the Thirteenth Year of the Reign of Her said late Majesty Queen *Elizabeth*, and all such Powers, Provisions, Clauses, and Matters therein contained as relate to the paving or repairing the Pavement of the said Town of *Ipswich*, and the said several recited Acts of the Thirty-third, Thirty-seventh, and Fifty-fifth Years of the Reign of His said late Majesty King *George* the Third respectively, and all Matters and Things therein respectively contained, shall be and the same are hereby repealed.

Recited Acts repealed.

Interpretation Clause.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Plural Number shall extend and be applied

to one Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender shall extend and be applied to a Female as well as a Male.

Commissioners.

III. And be it further enacted, That the High Steward, Recorder, Mayor, Aldermen, and Councillors of the Town and Borough of *Ipswich* for the Time being, together with every Person who now is or hereafter shall be a resident Inhabitant of the said Town and Borough of *Ipswich*, and is or shall be possessed of, in his own Right or in the Right of his Wife, or shall be the Occupier of, a House or Houses, Lands, Tenements, or Hereditaments situate within the said Town and Borough of *Ipswich* of the yearly Value of Fifty Pounds, or possessed of Real and Personal Estate, or one of them, to the Amount of One thousand Pounds, shall be and such Persons are hereby constituted and appointed Commissioners for putting this Act into execution; and if any Person other than and except the High Steward, Recorder, Mayor, Aldermen, and Councillors of the said Town and Borough for the Time being, not being qualified as aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered on the Information of any Person or Persons in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign or Protection, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or shall pay the said Penalty, without any other Proof on behalf of the Plaintiff than that such Person after the passing of this Act shall have acted as a Commissioner in the Execution of this Act, and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid, one Moiety to the Informer or Prosecutor, and the other Moiety to the Treasurer of the said Commissioners, to be applied for the Purposes of this Act.

Penalty for acting as Commissioners not being properly qualified.

Commissioners to Sign a Declaration.

IV. Provided always, and be it further enacted, That no Person, except the High Steward, Recorder, Mayor, Aldermen, and Councillors of the said Town and Borough for the Time being, shall be capable of acting as a Commissioner in the Execution of this Act until he shall have made and signed a Declaration to the following Effect, which Declaration the Commissioners are hereby empowered to take at any General or Special Meeting:

'I DO solemnly declare, That I am duly qualified to act as one of the '*Ipswich* Paving Commissioners, and that according to the best of my 'Skill and Knowledge I will faithfully, impartially, and truly execute 'the several Powers and Authorities vested in me by an Act passed in 'the First Year of the Reign of Her Majesty Queen *Victoria*, intituled '[*here insert the Title of this Act*], as such Commissioner, according to 'the Tenor and Purport of the Act in such Case made and provided.'

Officers not to be Commissioners.

V. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office of Emolument under the said Commissioners (except the Office of Treasurer), or during such Time as he shall have any Share or Interest in any Contract or Works to be performed relating to the Execution of any of the Powers of this Act, save

and

and except as a Member of any Corporation or Company engaged in any such Contract.

Meetings of Commissioners.

VI. And be it further enacted, That the said Commissioners shall meet and assemble at the Town Hall in *Ipswich* aforesaid upon the First *Friday* in the Month of *July* One thousand eight hundred and thirty-seven, or within Twenty Days after the passing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon, in order to put this Act into execution, and shall and may then and from Time to Time afterwards adjourn to the same or any other Place within the said Town as they or the major Part of them present at such Meeting shall appoint; and if it shall happen that at any such Meeting Five of such Commissioners shall not appear to act, such Meeting shall be adjourned to another Day; and if they shall refuse or neglect to adjourn, then and in every such Case the Commissioner or Commissioners then present, or their Clerk in case no Commissioner shall attend, shall then, and from Time to Time as often as such Case shall happen, by Notice in Writing to be affixed upon the principal Door of the Town Hall at *Ipswich* aforesaid at least Six Days before the next Meeting, appoint the Commissioners to meet at the Place where the then last Meeting was appointed to have been held on the Day Fortnight after the Day on which such last Meeting was appointed to have been held; and that at all Meetings to be held by virtue of this Act the Commissioners shall defray their own Expences; and no Act of the said Commissioners shall be valid unless made or done at a public Meeting to be held by virtue of this Act, and where Five or more Commissioners shall be present; and that all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any public Meeting, the Number present at such Meeting not being less than Five, except in Cases where a greater Number of Commissioners are required; and that at every such Meeting one of the said Commissioners to be appointed by the Majority of those present shall be President; and that in all Cases the said Commissioners shall vote by Ballot in case the same shall be desired by any Three or more of the said Commissioners then present; and in case of an equal Number of Votes upon any Question, including that of the President, such President shall have the casting Vote.

Commissioners may appoint a Committee of Management yearly.

VII. And be it further enacted, That for the better Execution of the Powers and Authorities hereby granted it shall be lawful for the said Commissioners and their Successors, and they are hereby authorized and empowered, at any Meeting to be held under the Authority of this Act, and whether by Adjournment or otherwise, to nominate and appoint, in such Manner as they may deem expedient, Twenty-four of the Members of their Body to be and who shall be called the Committee of Management of the Affairs of the said Commissioners, and such Committee shall continue in Office for the Space of Twelve Months from the Day of their Appointment, and until others shall be nominated in their Places, and such Committee shall at their First Meeting nominate and appoint a Chairman and Deputy Chairman from amongst themselves, and in case of an Equality of Votes at any Meeting of such Committee the Chairman of such Meeting shall have the casting Vote in addition to his own Vote; and such Committes shall meet on the First *Friday* in every Month, and at such other Times and Places from Time to Time as shall appear requisite to their

Chairman

Chairman or Deputy Chairman, and as shall be expressed in any Summons or Notice issued by the Direction of such Chairman or Deputy Chairman; and the same Committee when so met, or any Five of them, shall have and exercise the like Powers and Authorities as the said Commissioners have or can have by virtue of this Act, save and except as to any Acts, Matters, or Things in which the Power of the said Committee may be restricted by the said Commissioners at a General Meeting, and which may, by Order made at such Meeting, be reserved for the Decision or Determination of or to be done by the said Commissioners so assembled: Provided always, that on the Day of the Election or Nomination of such Committee of Management the Business shall commence at the Hour of Nine in the Morning, and shall continue until the Hour of Four in the Afternoon, and no longer; and the Clerk to the said Commissioners, or his Deputy or Deputies, whom he is hereby authorized to appoint, shall immediately after, if he think fit, and at the latest before the Hour of Four in the Afternoon of the following Day, cast up the Number of Votes, and declare the Names of the Twenty-four Persons who shall by Plurality of Votes be nominated as or on the Committee of Management aforesaid, and the Members of such Committee shall be re-eligible.

Power to convene Special Meetings of Commissioners on the Request of Twenty Commissioners.

VIII. And be it further enacted, That if any Twenty or more of the said Commissioners shall judge it necessary or expedient for carrying into execution any of the Purposes of this Act to have a Special General Meeting of the Commissioners, and shall request the same to be called by Notice in Writing under their respective Hands delivered to the Clerk to the said Commissioners, or left at his Residence for the Time being, specifying in such Notice the Business to be proceeded in at such Meeting, then and in such Case the said Clerk to the said Commissioners shall, within Seven Days after Delivery of the said Notice, and he is hereby required, to call such Special General Meeting of the said Commissioners by giving Notice thereof in any Two or more *Ipswich* Newspapers Four Days before the Day appointed for such Meeting, to assemble in the Town Hall in the said Borough, or such other convenient Place as shall be appointed by the said Commissioners for holding their Meetings, at such convenient Time as shall be specified in such Notice; and the said Commissioners or any Thirty-six or more of them being then assembled shall be deemed a Special General Meeting, and all Proceedings thereat relative to the Business specified in such Notice shall be deemed good, valid, and effectual to all Intents and Purposes, but no Business shall be transacted at any such Special General Meeting other than the Business for which such Meeting shall have been called.

No Order to be revoked without Notice.

IX. And be it further enacted, That no Order which shall be hereafter made at any Meeting of the Commissioners held under the Authority of this Act shall be revoked or altered at any subsequent Meeting, unless Notice be given at a Meeting of the said Commissioners of the Intention to revoke or alter such Order at the then next Meeting of the said Commissioners, nor unless One Week's Notice at least shall be given in Two or more *Ipswich* Newspapers of the Intention to revoke or alter the same, nor unless a greater Number of Commissioners shall attend at such Meeting so to be called to revoke or alter such Order than were present when the same was made, nor in any Case where there shall be a less Number than Nine Commissioners present.

Power for Commissioners to make Rules and Regulations for their own Government.

X. And be it further enacted, That it shall be lawful for the said Commissioners, or any Ten or more of them, present at any of their General Meetings, or at any Special General Meeting for that Purpose convened, to make such Rules, Orders, and Regulations for the Management, Direction, and Government of the Proceedings of the said Commissioners and Committee of Management as shall from Time to Time appear necessary and proper, such Rules, Orders, and Regulations respectively not being repugnant to the Laws of *England* or to any of the Provisions of this Act, and to alter, vary, or repeal the same as Occasion shall be or require, and to impose reasonable Fines and Penalties for the Breach and Non-observance of such Rules, Orders, and Regulations, so as no One Penalty shall exceed Five Pounds; which Fines and Penalties shall be recovered and levied as Fines, Penalties, and Forfeitures by this Act imposed are hereby directed to be recovered and levied; and all such Rules, Orders, and Regulations, and the Fines and Penalties for Non-observance thereof, shall be advertised twice at least in some Two or more *Ipswich* Newspapers within One Month after the same respectively shall have been made.

Proceedings to be entered.

XI. And be it further enacted, That a proper Book or Books shall be provided, in which shall be entered all Acts, Orders, and Proceedings relative to the Execution of this Act, and the Names of the Commissioners who shall be present at the respective Meetings; and One or more of the said Commissioners, or their Treasurer or Clerk, shall always subscribe his or their Name or Names at the End of the Proceedings of the said Commissioners at any such Meeting; and all Entries in such Books, being subscribed as aforesaid, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions touching any thing done or to be done in pursuance or by virtue of this Act; and such Book and Books shall at all Meetings of the said Commissioners be open to the Inspection of the said Commissioners and of all Persons affected by this Act.

A Yearly Account to be made up.

XII. And be it further enacted, That some Time between the Fifth Day of *July* and the Tenth Day of *October* in every Year a true Account shall be made and written of all Monies received and paid during the preceding Year ending upon the Fifth Day of *July* by virtue of this Act, and to and from whom and for what Purposes; and a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Commissioners, who shall permit any Person or Persons who shall be rated as herein-after mentioned, or any other Person on his, her, or their Behalf, to inspect the same at seasonable Times, paying One Shilling for such Inspection, and shall, upon Demand, forthwith give Copies of the same or any Part thereof, upon being paid at the Rate of Three-pence for every One hundred Words, and so in proportion for a less Number of Words.

Appointment of Officers.

XIII. And be it further enacted, That the said Commissioners shall and may from Time to Time, whenever they shall think necessary, by Writing under their Hands and Seals, appoint a Treasurer and Clerk, and a Collector or Collectors of the Duties, Rates, and Assessments herein-after mentioned, and also a Surveyor or Surveyors, and such other Officer and Officers, Person and Persons, for the Execution of this Act, as they shall think proper, and from Time to Time remove them or any of them, and

in like Manner appoint others in the Room of those removed, and out of the Money to be raised by virtue of this Act pay such Salaries, Wages, and Allowances to the said Officers and other Persons as they shall think reasonable; and the said Commissioners shall and they are hereby required to take such Security from such Treasurer, Collector, and other Officers as they shall think reasonable; and all such Officers so to be appointed shall under their Hands (at such Time and Times and in such Manner as the said Commissioners shall direct) deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Money which shall have been received by such Officers and Persons respectively by virtue of this Act, and how much thereof has been paid and disbursed, and for what Purpose, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Account, or to produce or deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by the said Commissioners, or any Five or more of them, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners respecting the same, then and in any of the Cases aforesaid the said Commissioners may and they are hereby authorized and empowered to cause an Action or Suit to be brought or commenced against the Officer or Person so neglecting or refusing as aforesaid for the Recovery of the Money which shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by any Person or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to Two or more Justices of the Peace for the said Town and Borough of *Ipswich*, or other Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justices may and they are hereby authorized and required by a Warrant under their Hands and Seals to cause the Officer or Person so neglecting or refusing to be brought before them, and upon his Appearance or wilful Default to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by a Warrant under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, and if it shall in manner aforesaid appear to such Justices that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto as aforesaid, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver the same as aforesaid, then and in

Officers to to account.

in any of the Cases aforesaid such Justices shall commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment aforesaid, or until he shall compound with the Commissioners for such Money and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Term than Six Months; and provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety and Sureties, who shall still remain liable to the Payment thereof in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

Office of Clerk and Treasurer not to be held by the same Person.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who may be appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of any such Clerk or Clerks, to be the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer or Treasurers, to be the Clerk or Clerks to the said Commissioners; and if any Person or Persons shall accept both the Office of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk or Clerks, shall accept the Office of Treasurer or Treasurers, or shall act as Deputy of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk or Clerks in the Execution of this Act, or shall act as Deputy of such Clerk or Clerks, or in any Manner officiate for such Clerk or Clerks, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*: Provided always, that nothing herein contained shall extend to prevent any Person from holding the said Office of Clerk or Treasurer, or from holding any other Office of Trust under the said Commissioners, by reason of his being a Director or Shareholder in any Company incorporated by Act of Parliament.

XV. And

Property of the Pavement, &c. to be in the Commissioners.

XV. And be it further enacted, That from and after the passing this Act the Property of and in all the present and future Pavement of the Highways, Streets, Lanes, and public Passages in the Town of *Ipswich* aforesaid, as well of the Footways as Carriageways, and of all Posts and Lamp Irons heretofore erected and which shall be erected by virtue of this Act, and of and in all Tools, Utensils, Materials, Implements, and other Things which have heretofore been purchased or used for the Purposes of the said recited Acts or either of them, together with the said accumulated Fund of Three thousand two hundred and fourteen Pounds Fourteen Shillings and Eight-pence Three *per Cent.* Consols, and all other Monies, Books, Debts, Real and Personal Estate and Effects whatsoever, the Property of the said Commissioners heretofore acting under the said recited Acts or either of them, shall belong to and the same is and are hereby vested in the Commissioners for the Time being acting under the Authority of this Act, who are hereby authorized and empowered to cause to be brought or preferred any Action or Bill of Indictment, as the Case may require, against any Person or Persons who shall detain, steal, embezzle, take, or carry away, spoil, injure, or destroy, any Part or Parts thereof; and full Power and Authority is hereby given to the said Commissioners to sell or dispose of all or any Part of the said Tools, Utensils, Materials, Implements, or other Things, and the Money arising therefrom shall be applied to the Purposes of this Act.

Commissioners empowered to pave.

XVI. And be it further enacted, That from and immediately after the passing of this Act, or as soon as conveniently may be, it shall be lawful for the said Commissioners, from Time to Time and at all Times when they shall think proper, to order and direct all or any of the said several Highways, Streets, Lanes, and public Passages to be paved, repaved, macadamized, raised, lowered, or altered, cleansed or lighted, and all Annoyances, Obstructions, Nuisances, and Encroachments to be removed therefrom, and Sewers, Drains, Sinks, Gutters, and Watercourses to be made, and Grates to be placed for conveying the Water from the said Highways, Streets, Lanes, and public Passages in such Manner as they shall think proper, and the Person and Persons who shall be appointed by them for such Purposes shall have full Power and Authority to do and perform the same.

Power to get Materials.

XVII. And be it further enacted, That the Surveyor to be appointed by the said Commissioners as aforesaid, or such Person or Persons as they or such Surveyor shall employ or appoint, having an Order in Writing for that Purpose made at a Meeting of the said Commissioners, and subscribed by their Clerk, is and are hereby authorized to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Clay, Sand, Chalk, and other Materials for the Purposes aforesaid, out of or from and over any Lands or Grounds situate in the said Town and Brough of *Ipswich*, or within the Liberties or Precincts thereof, (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, Avenue, or Nursery for Trees,) such Surveyor or other Person or Persons paying or tendering to the Owners and Occupiers of such Lands or Grounds such Recompence or Satisfaction as shall be agreed upon by the said Commissioners and such Owners or Occupiers, or, in case of any Difference touching the Amount of such Recompence or Satisfaction, then such as shall be settled and de-

termined by any Two Justices of the Peace for the said Town and Borough of *Ipswich*, who shall in a summary Way hear, settle, and determine the same, and the Judgment or Order of the said Justices shall be final and conclusive to all Parties; and that the said Commissioners shall have full Power and Authority to cause to be dug, carted, and carried out of or brought into the said Highways, Streets, Lanes, and public Passages such Gravel, Stones, Clay, Chalk, Sand, and other Materials, and to employ such Artificers, Carters, Workmen, Labourers, and others as they the said Commissioners shall judge necessary.

Commissioners to give Notice before getting Materials.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for any Person under the Authority of this Act to dig, gather, or take or carry away any Materials for any of the Purposes aforesaid from any inclosed Lands until Notice in Writing under the Hands of Three of the said Commissioners shall have been given to the Occupier of such Lands, or left for him at his usual Place of Residence, to appear before Two Justices of the Peace for the said Town and Borough of *Ipswich* at such Time and Place as shall be mentioned in such Notice, to show Cause why such Materials should not be had from such Lands; and in case such Occupier shall attend pursuant to such Notice, and shall not show sufficient Cause to the contrary, the said Justices shall, if they think fit, after having heard the Matter, authorize any such Person as aforesaid to dig, gather, take, and carry away such Materials at such Time or Times as the said Justices shall think proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may make such Order therein as they shall think fit, in like Manner and the same shall be as effectual as if such Occupier or his Agent had attended.

No Person to alter the Pavement without Consent of Commissioners.

XIX. And be it further enacted by the Authority aforesaid, That no Person shall make or cause to be made any Alteration in the Pavement of any of the said Highways, Streets, Lanes, or public Passages within the said Town of *Ipswich* without the Consent or Direction of the said Commissioners under their Hands, upon pain of forfeiting for every such Offence the Sum of Five Pounds, over and above all Expences incurred or to be incurred in reinstating the same.

Treasurer's Duty.

XX. And be it further enacted by the Authority aforesaid, That the Treasurer of the said Commissioners for the Time being shall and may and he is hereby authorized and required, out of the Money to be received by him under and by virtue of this Act, to pay all Sums of Money for which the said Commissioners shall draw upon him or which they shall order him to pay; and the said Treasurer shall and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose provided of all and singular his Receipts and Payments on account of or in pursuance of this Act, and shall twice at least every Year have the said Accounts audited by the said Commissioners, or any Five or more of them, duly assembled at a General or Special General Meeting.

Commissioners may contract for ing.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time

Time to Time to contract with any Person or Persons for the paving, relaying, repairing, raising, lowering, amending, altering, and cleansing the said Highways, Streets, Lanes, and public Passages within the said Town; and the Contract or Contracts so to be entered into shall be reduced into Writing, and signed by Five of the said Commissioners and the other contracting Party or Parties, and shall specify the Work to be done, and the Price or Prices to be paid for the same, and for the Materials to be therein used, and the Time or Times when such Work shall be performed and completed, and the Penalty and Penalties to be suffered in case of Nonperformance or Nonpayment thereof; and the said Commissioners are hereby authorized and empowered to pay such Sum or Sums of Money for such Work and Works as shall be respectively contracted and agreed for out of the Money to be raised by virtue and for the Purposes of this Act.

Commissioners to order Work t be surveyed.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby directed to cause all Work done in pursuance of any Contract to be surveyed and inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time for that Purpose appoint; and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract, or shall not be completed and finished at or within the Time for that Purpose specified in such Contract, the said Commissioners shall and may commence and prosecute any Action or Suit in any of Her Majesty's Courts of Record at *Westminster* against any Person or Persons so contracting or neglecting to perform such Contract, for any Penalty to be contained in such Contract, or Damage to be suffered or sustained by reason of the Nonperformance thereof, and upon proving the signing of such Contract and Nonperformance thereof the said Commissioners shall be entitled to and shall recover such Penalty or Damage, with Costs of Suit.

Lamps to set up.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, from Time to Time and at any Time or Times after the passing of this Act, to purchase and provide such and so many Lamps, of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts or other Posts and Rails as they shall judge necessary, and to direct the same to be put upon, fixed upon, or against the Walls, Rails, or Palisadoes of any Houses or Buildings (with the Consent of the Occupiers thereof), or upon or against any other Walls or Places, or to be put up and erected in such other Manner within all or any of the Streets, Market Places, or other public Ways or Places within the Limits of this Act as they shall think proper, and to cause the same to be taken down, altered, or renewed when and as often as they shall think fit, and to cause the said Lamps or any of them to be lighted with Gas or Oil, or otherwise to contract with any Person or Company for furnishing and providing and for lighting the said Lamps for such Number of Hours in every Twenty-four Hours, and during such Times and Seasons of the Year, as to the said Commissioners shall seem necessary or proper for lighting all or any of the Streets or Market Places, or other public Ways or Places within the Limits aforesaid.

XXIV. And

Penalty on wilfully destroying Lamps;

XXIV. And be it enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any of the Lamps which shall be erected by or by the Order of the said Commissioners, or any of the Posts, Irons, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any of the said Lamps, it shall be lawful for any Justice of the Peace of the Town and Borough of *Ipswich* aforesaid, and he is hereby required, upon Complaint of any One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; and it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by virtue of this Act, without any other Warrant, to deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Town and Borough of *Ipswich;* and the Party or Parties accused being brought before such Justice, or Oath being made before him that such Party or Parties cannot be found, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and such Offender, being convicted either upon Evidence as aforesaid or upon his own Confession, shall for each and every Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and shall besides make full Satisfaction, to be ascertained by such Justice, to the said Commissioners or to their Treasurer or Clerk for the Damage so done; and in case such Offender or Offenders shall not upon Conviction pay the Penalty by him, her, or them incurred, and make Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the Common Gaol or House of Correction of the said Town, there to be kept to hard Labour for any Time not exceeding Two Calendar Months; but such Offender or Offenders may be discharged before the Expiration of the Time for which he, she, or they shall be committed, upon Payment of such Penalty and making such Satisfaction as aforesaid; and one Moiety of the said Penalty and Penalties, when recovered, shall be paid to the Informer or Informers, and the other Moiety to the Treasurer of the said Commissioners, to be applied to the Purposes of this Act; and if any Person or Persons shall negligently or accidentally break, throw down, or otherwise destroy or damage any of the said Lamps, or any of the Posts, Irons, or Furniture thereof, and shall not, upon Demand made by the said Commissioners, or by their Treasurer or Clerk, make Satisfaction for the Damage so done, it shall be lawful for any Justice of the Peace for the said Town and Borough, and he is hereby required, upon Complaint thereof made by One or more of the said Commissioners or their Treasurer or Clerk, to summon the Party complained against, and upon his or their appearing or making default to appear (Oath having been made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found,) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by the Confession of the Party or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained against for the Damage so done

on negligently breaking Lamps.

done as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded (in case the same be not paid forthwith) to be levied and recovered in like Manner as any Fine or Penalty is by this Act directed to be levied or recovered.

Scavengers.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to nominate and appoint such Person or Persons as they shall think fit to be public Scavenger or Scavengers for sweeping, cleansing, and carrying away from the Streets, Lanes, and public Passages and Places of the said Town the Dirt, Dust, Filth, and Soil thereof at such Times and in such Manner as they the said Commissioners shall order and direct, and to contract with such Scavenger or Scavengers for the same; and that no Person or Persons shall take or carry away or cause to be taken or carried away any Dirt, Dust, Muck, Dung, or Soil, except the Sweepings of the Footpaths which shall be made or found in any of the said Streets, Lanes, public Passages or Places, except the Person or Persons so to be appointed or contracted with as aforesaid, upon pain of forfeiting and paying the Sum of Forty Shillings for every such Offence, unless with Leave from the said Commissioners.

Penalty on obstructing the Commissioners or their Officers.

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

Rates to be made.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required once in every Year to rate and assess the several Tenants or Occupiers or other Persons in Possession of all Houses, Buildings, Mills, Yards, Orchards, and Gardens within the Twelve Parishes of the said Town of *Ipswich*, and those Parts of the Hamlets thereof which are or have been usually rated or assessed to the Relief of the Poor of the said Twelve Parishes or any Part thereof, in any Sum not exceeding One Shilling and Sixpence in the Pound by the Year of the annual Value of such Houses, Buildings, Mills, Yards, Orchards, and Gardens respectively, and also all Tenants or Occupiers or other Persons in Possession of all Lands, Tithes, Commutation, Rent-charges, Parks, Paddocks, Pleasure Grounds, and other Hereditaments within the said Twelve Parishes, and Parts of the Hamlets thereof as aforesaid, in any Sum not exceeding Nine-pence in the Pound by the Year of such Lands, Tithes, Rent-charges, Parks, Paddocks, Pleasure Grounds, and other Hereditaments respectively; such annual Value to be from Time to Time settled and fixed according to the respective Rents which such Houses, Buildings, Mills, Yards, Orchards, Gardens, Lands, Tithes, Rent-charges, Parks, Paddocks, Pleasure Grounds, and Hereditaments have been usually or shall be taxed at for the Relief of the Poor of the several Parishes within the said Town previous to the making of such Rate or Assessment by the said Commissioners: Provided always, that where any Land or other Hereditaments not intended to be hereby made liable to such first-mentioned Rate shall be jointly occupied with any

such Houses, Buildings, Mills, Yards, Orchards, and Gardens, and shall be jointly rated to the Relief of the Poor, it shall be lawful for the said Commissioners, and they are hereby required and directed, to rate and assess such Houses, Buildings, Mills, Yards, Orchards, and Gardens according to their annual Value to be estimated as aforesaid, separate and apart from such Lands, Tithes, Rent-charges, Parks, Paddocks, Pleasure Grounds, and Hereditaments; and the First Year for which such Rate or Assessment shall be made shall commence at and be computed from the Twenty-fourth Day of *June* One thousand eight hundred and thirty-seven, and the Money so to be rated and assessed shall from Time to Time be levied and paid by quarterly Payments in advance, that is to say, at the Commencement of each Quarter for such Quarter, to such Person or Persons as the said Commissioners shall appoint to be Collector or Collectors of the same, and all such Sum and Sums of Money shall be paid over by such Collector or Collectors to the Treasurer of the said Commissioners: Provided always, that no Tenant or Occupier shall be chargeable with any Assessment in respect of any House or other Hereditament of a less Rent than Four Pounds a Year, not being the Property of such Tenant or Occupier: Provided also, that no Rate or Assessment to be made in pursuance of this Act shall be valid until the same shall be signed by Five of the said Commissioners, and the said Commissioners are hereby empowered to amend any such Rate or Assessment, after the same shall have been so signed, by inserting therein the Name of any Person who ought to have been so rated or assessed.

To limit the Rates on Land, &c.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Commissioners to raise and levy a larger Sum of Money in any One Year upon Lands, Tithes, Rent-charges, Parks, Paddocks, and Pleasure Grounds than the Sum of One hundred and thirty Pounds.

Allowance to be made by Landlords.

XXIX. Provided always, and be it further enacted, That One Third Part of the Rates and Assessments hereby imposed upon the said Houses, Buildings, Mills, Yards, Orchards, and Gardens within the said Town of *Ipswich*, and Two Third Parts of all such Rates and Assessments on the before-mentioned Lands, Tithes, Rent-charges, Parks, Paddocks, Pleasure Grounds, and Hereditaments, shall be allowed by the Owner or Owners to the Tenants or Occupiers or Persons in Possession thereof respectively who shall pay the same, and such Tenants or Occupiers or Persons in Possession as aforesaid are hereby authorized and empowered to deduct and detain out of their respective Rents such Sums of Money as they shall respectively pay for and on behalf of the respective Landlords or Owners of such respective Hereditaments; and the Payments of such One Third Part and Two Third Parts respectively by the said Tenants or Occupiers or Persons in Possession as aforesaid shall be considered as Money actually paid for Rent due or to become due to such Owners or Landlords, who shall allow the same out of their Rents accordingly, and the other Two Third Parts and One Third Part thereof respectively shall be borne and sustained by such respective Tenants or Occupiers or Persons in Possession as aforesaid.

Lodgers to be deemed Occupiers.

XXX. And be it further enacted, That when any House or Building in respect whereof any Rate shall be made shall be let out in Apartments any

any Lodger therein may be deemed the Occupier thereof for the Purposes of this Act; and every such Lodger who shall pay any such Rate or any Part thereof, or from whom the same or any Part thereof shall be recovered in pursuance of this Act, may deduct the same from and out of the next Rent due and payable from him to his Landlord, and the Receipt for such Payment shall be a sufficient Discharge for such Lodger to his Landlord for so much Money as he shall pay, or shall be levied on him by virtue of this Act: Provided always, that no such Lodger shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or any of them, or the Arrears thereof, than the Amount of the Rent actually due from him to the Landlord of the Premises occupied by him.

Rates may be levied by Distress.

XXXI. And be it further enacted, That all such Rates or Assessments shall be paid to the said Collector or Collectors by the respective Tenants or Occupiers or Persons in Possession of the said respective Houses, Buildings, Mills, Yards, Orchards, Gardens, Lands, Tithes, Rent-charges, Parks, Paddocks, Pleasure Grounds, and Hereditaments; and that if any Neglect or Refusal in payment of any Rate or Assessment as aforesaid shall be made to any such Collector or Collectors, upon Demand made by the said Collector or Collectors of the Occupier or Occupiers or Person or Persons in Possession of such Houses, Buildings, Mills, Yards, Orchards, Gardens, Lands, Tithes, Rent-charges, Parks, Paddocks, Pleasure Grounds, and Hereditaments as aforesaid, either in Person or by Writing left at the usual Place of Abode of such Occupier or Occupiers or Persons in Possession as aforesaid, by the Space of Six Days, it shall be lawful for any Justice of the Peace of the said Borough of *Ipswich*, upon Proof of such Demand and Nonpayment, by Warrant under his Hand and Seal (which he is hereby empowered to grant) to authorize and direct the said Collector or Collectors to levy such Rate or Money so in arrear, together with the Costs and Charges attending the same (to be ascertained by such Justice), by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay as aforesaid, and to sell and dispose of the Goods and Chattels so distrained for and towards the Payment of the said Rates and Assessments, and the Costs and Charges attending the same, rendering the Overplus (if any) to the Owner or Owners thereof: Provided that if any Person shall think himself aggrieved by any Rate to be made by virtue of this Act he may apply to the said Commissioners at their First Meeting to be holden after the demanding of such Rate or Assessment, and the said Commissioners are hereby authorized and required to give such Relief in the Premises as to them shall seem reasonable.

Persons removing to pay in proportion.

XXXII. And be it enacted by the Authority aforesaid, That in all Cases where any Person or Persons shall remove from or quit any Houses, Buildings, Mills, Yards, Orchards, Gardens, Lands, Tithes, Parks, Paddocks, Pleasure Grounds, or Hereditaments, the Occupiers whereof shall be rated or assessed by virtue of this Act, every such Person or Persons so removing from or quitting the same shall be liable to pay to such Rate in proportion to the Time that such Person or Persons occupied the same respectively, in the same Manner and under the like Penalty, and recoverable in the same Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person

or

or Persons shall come into or occupy any Houses, Buildings, Mills, Yards, Orchards, Gardens, Lands, Tithes, Parks, Paddocks, Pleasure Grounds, or Hereditaments rated or assessed as aforesaid, such Person or Persons shall be liable to pay to such Rate in proportion to the Time that such Person or Persons shall occupy the same respectively, and in the same Manner and under the same Penalty, and recoverable in the same Manner, as if such Person or Persons had been originally rated or assessed in such Rate; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Agreements not made void.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, deemed, or taken to alter, impeach, or make void any Agreement made between Landlord and Tenant, either expressed or implied, in any Lease already granted or to be expressed in any Lease hereafter to be made, pursuant to any Contract or Agreement for a Lease now subsisting touching or concerning the paving the said Streets, Lanes, public Passages or Places, or any Part of them; but that every Person who by virtue of any Lease already granted or hereafter to be made pursuant to any Contract or Agreement for a Lease now subsisting is or may be obliged and liable to pave and keep in repair any Part of the said Streets, Lanes, public Passages or Places, shall in lieu thereof be obliged to pay the Rates hereby directed to be assessed on Owners or Proprietors of Buildings and other Hereditaments within the said Parishes and Hamlets of the said Town of *Ipswich*, or so much thereof as by the said Commissioners shall be deemed just and reasonable, according to the true Intent and Meaning of such Lease, Contract, or Agreement, for and during such Time as such Lease, Contract, or Agreement shall remain in force or ought to have Continuance; and in case any Dispute shall arise concerning any such Lease, Contract, or Agreement the said Commissioners shall and they are hereby authorized and required to hear and finally determine the same.

Land Tax and Poor Rate Books may be inspected.

XXXIV. And be it further enacted, That it shall and may be lawful for the Collector or Collectors of the Rates or Assessments to be made by virtue of this Act, or for any other Person or Persons authorized by the said Commissioners, at all convenient Times to inspect the Books of Assessment of the Land Tax, and also the Books of Assessment and Rates made for raising Money for the Relief and Maintenance of the Poor of the said Town of *Ipswich* and Hamlets thereof, and also to take Copies thereof and make Extracts therefrom; which Inspection, Copies and Extracts, the Collectors of the Land Tax and Overseers of the Poor of the several Parishes and Places within the said Town of *Ipswich*, Liberties, Suburbs, and Precincts thereof, or other Officer or Officers, Person or Persons having the Custody of such Books, Assessments, and Rates, are hereby required to permit and suffer to be made without Fee or Reward; and in case any such Collector or Collectors of the Land Tax, Overseer or Overseers of the Poor, or other Officer or Officers, Person or Persons, shall neglect or refuse so to do within Three Days after the Order of the said Commissioners for that Purpose shall be produced and shown to him or them, or left at his or their last or most usual Place of Abode, then and in every such Case he or they so refusing or neglecting shall for the First Offence forfeit the Sum of Twenty Shillings, for the Second

Offence the Sum of Forty Shillings, and for every other Offence the Sum of Four Pounds.

Annuities granted by Commissioners to be primarily charged on the Rates on Houses, &c.; and on Cessation of the Annuities the Rates on Lands to cease.

XXXV. And be it further enacted, That the Rates and Assessments hereby granted to the said Commissioners shall be a primary Fund for the Payment of Annuities now subsisting and granted by the said Commissioners acting under the Authority of the said recited Acts of the Thirty-third and Thirty-seventh Years of the Reign of His late Majesty King *George* the Third, during the Subsistence and Continuance of such Annuities or any of them; and that when and so soon as all the Annuities so granted as aforesaid shall be determined and paid the said Rate upon the said Lands, Tithes, Rent-charges, Parks, Paddocks, and Pleasure Grounds shall cease and determine: Provided nevertheless, that the Power of the said Commissioners to rate and assess all Houses, Buildings, Mills, Yards, Orchards, and Gardens within the said Town of *Ipswich*, and whether the same shall heretofore have been assessed separately or assessed jointly with any such Lands, Tithes, Parks, Paddocks, and Pleasure Grounds, shall at all Times hereafter and thereafter be and remain in full Force and Virtue.

Roads leading through Ipswich to cease to be Turnpike.

XXXVI. And be it further enacted, That from and after the First Day of *October* next it shall not be lawful for the Trustees of any Turnpike Road passing or leading through or into the Twelve Parishes of *Ipswich* aforesaid, or any or either of them, to collect or expend any Money upon such Part of the said Road as is or may be within the said Parishes or either of them, but such Trustees shall be thenceforth exonerated and discharged from the Repair of the same; and such Parts of the said Turnpike Roads as aforesaid shall and may be maintained and repaired by the said Commissioners out of the Rates herein-before authorized to be raised by them.

Mayor and Corporation and Trustees to reimburse the Commissioners.

XXXVII. And whereas the Mayor, Aldermen, and Burgesses of the Town and Borough of *Ipswich* for the Time being, and also the Churchwardens of the several Parishes within the said Town and Borough, and the Trustees and Proprietors of Dissenting Meeting Houses and other Buildings therein, are respectively liable to the Expence of paving the *Cornhill* or certain Parts thereof, and Parts of some of the Streets, Lanes, and other public Passages and Places of the said Town and Borough; and it being intended that such paving shall in future be done by and under the Direction of the said Commissioners, it is hereby further enacted, That the said Mayor, Aldermen, and Burgesses, and the said Churchwardens, Trustees, and Proprietors respectively, shall repay and reimburse to the said Commissioners all such Money as they shall from Time to Time expend in repairing and maintaining the Pavement of such Part and Parts of the said *Cornhill* and other Parts of the said Streets, Lanes, public Passages and Places, as the said Mayor, Aldermen, and Burgesses, and the said Churchwardens, Trustees, and Proprietors respectively, are now or heretofore have been liable to repair and maintain; and the said Mayor, Aldermen, and Burgesses, Churchwardens, Trustees, and Proprietors respectively, shall stand Debtors upon an implied Promise to the said Commissioners for such Repair as for Work and Labour done and Materials found; and the said Commissioners are hereby authorized and empowered to commence and prosecute One or more Action or Actions, Suit or Suits,

in any of Her Majesty's Courts of Record at *Westminster* against the said Mayor, Aldermen, and Burgesses, Churchwardens, Trustees, and Proprietors respectively, wherein they shall recover a reasonable Satisfaction for such Work, Labour, and Materials, together with Costs of Suit; provided that it shall be lawful for the said Commissioners from Time to Time to compound and agree with the said Mayor, Aldermen, and Burgesses, Churchwardens, Trustees, and Proprietors respectively, in respect of such Repair of Pavement, for such Sum of Money as the said Commissioners shall think reasonable; and the said Mayor, Aldermen, and Burgesses, Churchwardens, Trustees, and Proprietors, are hereby authorized and allowed to take Credit in their Accounts respectively for the Money they shall pay and disburse on account of the Premises.

Application of Money to be raised.

XXXVIII. And be it further enacted, That all the Monies to arise from the said Rates and other Money hereby granted, and all Money that shall be voluntarily given or subscribed for the Purposes of this Act, and all Money due and owing to the Commissioners under the Authority of the said recited Acts or either of them, shall be paid to the Treasurer of the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of, in the first place, in paying the said Annuities, and then in defraying the Charges and Expences of widening, improving, and regulating, paving, repairing, cleansing, and lighting the Highways, Streets, and Lanes, and other public Passages and Places of and in the said Town of *Ipswich*, and in paying and 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 thereof, for such other Uses and Purposes as herein expressed, and for no other Use, Intent, or Purpose whatsoever.

Footways to be swept.

XXXIX. And be it further enacted, That the Occupiers of the several Houses, Lands, Tenements, and Hereditaments in the several Streets and other Places where the said Pavement now extends or may hereafter extend shall cause the Footways before and on the Sides of their respective Houses, Buildings, Walls, and Premises to be scraped, swept, and cleansed before the Hour of Ten of the Clock in the Morning of One or more Day or Days in every Week; such Day or Days to be from Time to Time appointed by the said Commissioners, if they shall think necessary, and make it known by Writing signed by their Clerk, to be affixed in the Town Hall of the said Town, and by Proclamation by the Common Crier of the said Town, and the Dirt and Soil arising therefrom to be immediately carried away; and every Person making default therein shall for every such Default forfeit and pay any Sum not exceeding Two Shillings and Sixpence; and that it shall be lawful for the said Commissioners to compound with any of the Inhabitants of any Street, Lane, public Passage or Place within the said Town by the Year for such Sum or Sums of Money as they shall think proper for the scraping, sweeping, and cleansing directed to be done by such Inhabitants respectively before and on the Sides of their respective Houses or Tenements, provided such Composition Money be always paid in advance.

XL. And

For regulating Projections and Encroachments.

XL. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being from Time to Time and at all Times hereafter to cause to be altered or removed in such Manner as they shall think proper all Sheds, Penthouses, Shoots, Spouts, Cranes, Steps, Scrapers, and all other Projections and Encroachments whatsoever, whether ancient or modern, over or upon or into any Part of the Footways, or any other Part of the Streets, Market Places, or other public Ways or Places within the said Borough; and that in case the same shall not have existed at the Time of the passing of this Act the reasonable Costs and Charges attending such Alteration or Removal shall be ascertained and certified by the said Surveyor for the Time being, and shall be borne and paid by the Owner or Occupier of the Projection or Encroachment altered or removed; and in case the Sheds, Penthouses, Shoots, Spouts, Cranes, Steps, Scrapers, Projections, or Encroachments so altered or removed shall have existed before the passing of this Act, then the said Commissioners shall bear and pay the Expences of such Alteration or Removal, and shall also in such Case pay to the Person who, or whose Property shall be prejudicially affected by such Alteration or Removal, such Compensation as shall be agreed upon or ascertained by such Surveyor; and that if the Costs and Charges payable by any such Owner or Occupier as aforesaid shall not be paid to the said Treasurer for the Time being, or to such other Person as he shall appoint to receive the same, within Twenty-one Days after an Account of such Costs and Charges so ascertained and certified as aforesaid shall have been given to or left for such Person at his usual or last usual Place of Abode, then the Amount of the Sum so certified shall become due and payable from such Person, and may be sued for and recovered and levied in like Manner as any Penalties imposed by this Act.

No Foundation to be carried beyond the Line of the Street.

XLI. And be it further enacted, That no Surveyor, Master Carpenter, Mason, or other Workmen, in rebuilding, new-fronting, or altering any House, Building, Wall, or Fence situate in or near any Street, Lane, Way, or public Passage within the said Town, shall under any Pretence whatsoever carry the Foundation or any Part of the Front thereof beyond the Line of such Street, Lane, Way, or public Passage, but shall build the same perpendicularly from the Foundation thereof, upon pain of forfeiting for every such Offence the Sum of Ten Pounds; and the Owner of such House, Building, Wall, or Fence shall forfeit and pay the Sum of Forty Shillings for every Month such Encroachment shall remain; and it shall be lawful for the said Commissioners by Writing under their Hands to order and cause the same to be taken down, the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners by the Owner or Proprietor of such House, Building, Wall, or Fence, or other Person or Persons ordering and directing the same; and that it shall not be lawful for any Person hereafter to build any Porch, Bulk-head, Window, or other Thing against or in the Front or at the Side of any House or other Building within any of the said Streets, Lanes, Ways, or public Passages of the said Town, so as to project into or over any of the Footways or Carriageways, upon pain of forfeiting for every such Offence the Sum of Five Pounds; and it shall be lawful for the said Commissioners to cause all such Porches, Bulk-heads, Windows, or other Projections to be taken down and removed.

XLII. And

Commissioners to order Doors and Gates to open from the Streets.

XLII. And be it further enacted, That the respective Owners and Occupiers of Houses, Buildings, Yards, Gardens, or Lands within the said Town and Borough of *Ipswich* shall and they are hereby required, at their own Costs and Charges, within such Time and in such Manner as the said Commissioners shall from Time to Time by Notice in Writing signed by their Clerk, to be delivered to such Owners or Occupiers, or left at their respective Dwelling Houses, direct or appoint, cause all Doors or Gates to such respective Houses, Buildings, Yards, Gardens, or Lands that now or shall hereafter open outwards, and into any of the Streets, Lanes, or public Passages or Places within the said Town, to be altered so as that the Doors or Gates shall thenceforward open from the said Streets, Lanes, public Passages or Places inwards, and into the said Houses, Buildings, Yards, Gardens, or Lands; and in case any such Owner or Occupier shall neglect or refuse so to do it shall be lawful for the said Commissioners to cause the same to be done, and to cause the Costs and Charges attending the doing thereof to be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of any Two of Her Majesty's Justices of the Peace for the said Town and Borough of *Ipswich*, (which Warrant such Justice is hereby authorized and required to grant,) rendering the Overplus (if any), when demanded, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; and if the Tenant or Occupier of any such House, Building, Yard, or Garden shall remove or alter any such Doors or Gates as aforesaid, it shall be lawful for him or her to deduct and retain the reasonable Charge or Expence thereof, and also any Money which shall or may have been levied upon his or her Goods and Chattels as aforesaid, out of his or her Rent; and the Owner, Proprietor, or Landlord of every such House or other Building is hereby required to allow the same accordingly; provided that nothing herein contained shall extend to the Door or Window of any Cellar; and provided also, that it shall be lawful for the said Commissioners, out of the Monies to arise by virtue of this Act, to allow and pay to such Owner and Owners, Occupier and Occupiers as aforesaid, all or any Part of the Expence he, she, or they shall be at in removing or altering such Door or Gate, as the said Commissioners in their Discretion shall see fit.

Persons not to ride on Footways or Causeways.

XLIII. And be it further enacted, That no Person shall at any Time or Times after the passing of this Act ride or drive any Horse, Mule, Ass, Beast, or other Cattle on any of the Footpaths or Causeways within the Jurisdiction of the said Town and Borough raised or kept up for the Accommodation of Persons coming, going, or returning to or from the Town of *Ipswich* aforesaid on Foot; and if any Person or Persons shall wilfully commit such Offence, such Person or Persons so offending shall forfeit and pay for each and every such Offence any Sum not exceeding Five Pounds.

For preventing Annoyances in the Streets.

XLIV. And be it further enacted, That after the passing of this Act no Person or Persons shall drive, carry, or place on any of the Footways of any of the Streets, Lanes, Ways, or public Passages any Wheelbarrow, Handbarrow, Wheelsledges, Truck, or Carriage, or shall roll any Cask for the Space of Ten Yards thereon; nor shall any Person ride, lead, or drive any Horse or other Beast or Cattle, or permit or

suffer any Horse or other Beast or Cattle that such Person or Persons may be driving to go thereon; nor kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Sheep, Lamb, or other Cattle in any of the said Streets, Lanes, Ways, or public Passages; nor throw at or set up any Cock or Fowl to be thrown at within the said Town; nor hoop, cleanse, wash, or scald any Cask; nor hew or saw any Stone, Timber, or Wood; nor bind, make, or repair the Wheel of any Carriage, unless the same shall be injured by Accident; nor shoe, bleed, dress, or farry, nor drive or turn loose any Horse; nor sift or slake, or cause to be sifted or slaked, any Lime in any of the said Highways, Streets, Lanes, Ways, or public Passages; nor set, place, or expose to Sale any Goods, Wares, or Merchandizes either on the Footways or Carriageways of any of the said Streets, Lanes, Ways, or public Passages; nor in any way wilfully obstruct the Passage of the Footways; nor hang or expose to Sale any Goods, Wares, or Merchandize, or any other Matter or Thing; nor hang out any dried or other Cloth or Linen for the Purpose of drying the same upon or from any Window or otherwise within the said Town; nor make nor assist in the making of any Fire or Fires commonly called Bonfires; nor wantonly fire off any Gun, Pistol, or Blunderbuss; nor set fire to or let off or throw any Squib, Serpent, Rocket, Cracker, or Fire-work whatsoever in or into, or play at Football, or any other Game or Games, in any of the said Streets, Lanes, or other public Passages within the said Town; or cause any Bull or other Beast to be baited within the said Town; nor cause any Privy or Necessary House within the said Town to be emptied at any other Time or Times than between the Hours of Twelve of the Clock at Night and Seven of the Clock in the Morning; nor throw down any Nightsoil, or any Muck, Manure, or Dung, in any of the said Streets, Lanes, or public Passages or Places; and in case any Person or Persons shall offend in the Cases aforesaid or any of them, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings: Provided that nothing in this Act contained shall prevent the holding of Fairs and Markets in or near the said Town of *Ipswich* in the same Places and in the same Manner as the said Fairs and Markets are now held.

Penalty on Persons carrying Sedan Chairs after Sunset without a lighted Lantern.

XLV. And be it further enacted, That no Person shall from and after the passing of this Act carry any Sedan Chair after Sunset in any Street, Lane, public Passage or Place within the said Town, without having a lighted Lantern in the Front thereof; and if any Person shall commit any such Offence such Person so offending shall for each and every Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Obstructions not to be left in the Street.

XLVI. And be it further enacted, That after the passing of this Act no Waggon, Cart, Dray, or other Carriage shall be left to stay or remain in any public Street, Lane, Passage, or Place within the said Town, with or without Horses or other Cattle, for any longer Time than shall be necessary for unloading or loading thereof; nor shall any Stage Coach, Post Chaise, or other Carriage let to Hire be left to stand or remain in any of the public Streets, Lanes, Passages, or Places aforesaid, with or without Horses, for any longer Time than shall be necessary for taking up or setting down Passengers or Travellers, and for loading or unloading their Baggage, so as to obstruct or encumber the Passage of any Footway or Carriageway; nor shall any Horse be ridden backwards and

forwards for the Purpose of showing the same; nor shall any Stallion be brought and exhibited in any of the Streets, Lanes, or public Passages, or on the *Cornhill* of the said Town; nor shall any Horse, nor any Beast, Sheep, Swine, or Cattle, be brought and exhibited for Sale in any of the Streets, Lanes, or public Passages or Places on the *Cornhill* of the said Town, or in any other Place, except the new Market Place for the Sale of Cattle; nor shall any Swine, Beast, or other Cattle be permitted to wander or to be in and about any of the said Streets, Lanes, public Passages or Places; nor shall any Timber, Bricks, Lime, Stone, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandize, or other Materials or Things whatsoever, be laid or placed and left to remain in any of the said Streets, Lanes, Passages, or Places for any longer Time than shall be necessary for moving and housing the same; nor shall any broken Glass or Earthenware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance whatsoever, be thrown or cast into or laid in any of the said Streets, Lanes, public Passages and Places; and in case any Person or Persons shall offend in any of the Cases aforesaid, then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, Chaise, Coach, or other Carriage, and the Owner, Rider, or Shower of any such Horse, and the Owner of any such Stallion, Swine, Beast, or other Cattle, and the Owner of such Timber, Bricks, Lime, Goods, Wares, and Merchandize, Materials or other Things which shall be so left or suffered to remain in any of the said Streets, Lanes, or public Passages or Places, and the Person or Persons who shall throw, cast, or lay, or cause to be thrown, cast, or laid, any broken Glass or Earthenware, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance, into any of the said Streets, Lanes, or public Passages or Places, shall for every Offence in any of the Cases aforesaid forfeit and pay the Sum of Twenty Shillings: Provided nevertheless, that no Person shall be subject to any Penalty by virtue of this Act on account of any Building Materials, Rubbish, or Dirt being in any of the said Streets or public Passages or Places before the House or Tenement of such Person, occasioned by the building, pulling down, rebuilding, or repairing such House or Tenement, so as there be sufficient Room left for Carriages to pass, and a sufficient Way kept clear for Foot Passengers, nor for erecting any Scaffolding, Shy, or Hoard where any House or Building shall be undergoing Repair, building or rebuilding; provided sufficient Room be left for Carriages and Persons to pass and repass, and provided the Consent of the Commissioners shall have been previously obtained for that Purpose, and so as the Owner or Occupier of such House or Tenement do cause such Materials, Rubbish, and Dirt to be removed out of such Street or Place within a reasonable Time after such building, pulling down, or repairing shall be finished; or upon Notice to be given to him or her, or left at such House or Tenement for that Purpose, in Writing signed by the Clerk to the said Commissioners, and so that during the Time the same shall be lying in such Street or Place such Owner or Occupier shall set up and maintain a Light during the Night-time to prevent Mischief happening to Passengers or Cattle.

Drivers of Carriages

XLVII. And be it further enacted, That if the Driver of any Cart, Car, Dray, or Waggon shall ride upon any such Carriage in any Street, Lane, public

public Passage or Place within the said Town, not having some other Person on Foot or on Horseback to guide the same (such Carriages as are usually conducted by some Person holding the Rein of the Horse or Horses drawing the same excepted), or if the Rider of any Horse, Mare, or Gelding shall furiously ride the same, or if the Driver of any Carriage whatsoever shall furiously drive the same, in any such Street, Lane, or public Passage or Place, and shall by Negligence or wilful Misbehaviour terrify, annoy, or endanger, or cause any actual Hurt or Damage to any Person passing therein, or hurt or injure any Carriage, or shall wilfully be at such Distance from such Carriage whilst it shall be passing in any such Street, Lane, public Passage or Place, that he cannot have the Direction and Government of the Horse or Horses or other Cattle drawing the same, or shall by Neglect or wilful Misbehaviour prevent or hinder or interrupt the free Passage of any other Carriage, or any Person or Persons, in any such Street, Lane, public Passage or Place, or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or Carriage, then and in every such Case every such Driver so offending, and being convicted of any such Offence, either by his own Confession, the View of any Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace for the said Borough, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings in case the Driver shall not be the Owner of any such Carriage, and in case such Driver be the Owner of such Carriage then any Sum not exceeding Twenty Shillings; and every such Driver offending in any of the said Cases shall and may, by Authority of this Act, with or without Warrant, be apprehended by any Person or Persons who shall see such Offence committed; and it shall and may be lawful to and for the Person or Persons so apprehending such Driver to convey such Driver or cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace for the said Borough, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to disclose his Name it shall and may be lawful to and for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction within the said Borough for any Time not exceeding Three Calendar Months, or to proceed against any such Offender for the Penalty aforesaid by a Description of his Person and the Offence, and expressing in such Proceedings that such Driver refused to disclose his Name.

punishable for Misbehaviour.

XLVIII. And be it further enacted, That whenever any Person, Corporation, Company, or Copartnership, incorporated or unincorporated, whether already established or hereafter to be established, for supplying the said Town or any Part or Parts thereof with Gas or Water, or their or any of their Servants or Agents, shall have opened, broken up, or removed the Stones, Soil, or Pavement of any Street, Highway, Foot Pavement, or any other public Way or Place within the said Town, a Notice in Writing, signed by or on behalf of such Person, or by the principal Clerk or Secretary of the said Corporation, Company, or Copartnership, or by their Surveyor or Inspector for the Time being, specifying the Street or other public Way or Place and the particular Part thereof opened,

Water and Gas Companies to give Notice within Three Hours after they break up any Part of the Streets.

opened, broken up, or removed, shall be given to the Surveyor for the Time being of the said Commissioners by being delivered to him or left at his Dwelling House or Office within the Space of Three Hours after such Person, Corporation, Company, or Copartnership, or their Servants or Agents, shall have begun to open or break up any of the said Streets, Highways, or Places as aforesaid, and that the Ground of the said Streets, Highways, or other Places so opened or broken up as aforesaid shall in no Case be kept open for a longer Period than shall be necessary for effecting the Purposes for which the same shall have been opened or broken up; and if any Person, Corporation, Company, or Copartnership who may have opened or broken up, or caused to be opened or broken up, any of the said Streets, Highways, or other Places as aforesaid, shall have neglected to give or deliver such Notice as aforesaid, then and in every such Case the Person, Corporation, Company, or Copartnership so breaking or taking up the said Streets, Highways, or Places, or any Part thereof, or under whose Authority and on whose Account the same shall be broken or taken up, or the Person or Persons so breaking or taking up the same, shall forfeit and pay any Sum not exceeding Twenty Shillings for every Square Foot of Pavement or Road which shall be so broken or taken up without such Notice as aforesaid, to be recovered in the same Manner in which other Forfeitures and Penalties are herein directed to be recovered by virtue of this Act.

Surveyor to repair Streets broken by Gas or Water Companies, and to charge the Costs of Repair to the respective Companies.

XLIX. And be it further enacted, That it shall be lawful for the Surveyor for the Time being of the said Commissioners and he is hereby empowered to reinstate the Ground or Soil, and to relay and replace any Carriage or Foot Pavement, or other Road or Way which shall have been broken up and removed by any Gas Company or Water Company, or any other Person or Persons, within the said Town or any Part thereof, when and so soon as the Purposes for which the same shall have been broken up and removed shall have been effected, and again to take up and relay the same Carriageway or Foot Pavement, or other Road or Way, until the same shall be made complete to the Satisfaction of the said Surveyor; and the Charges and Expences incurred by the said Surveyor shall be reimbursed and paid by the Corporation, Company, or other Person or Persons by or on whose Account or under whose Authority the said Streets, Roads, or other Places shall have been opened and broken up, such Charges and Expences to be confined to the Cost actually incurred; and the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Company or such other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hands and Seals of any Two Justices of the Peace for the Borough of *Ipswich*, and which Warrant such Justices are hereby empowered to grant, and such Sum or Sums of Money shall be paid to the said Treasurer.

Penalty for conveying Washings into any Stream, &c.

L. And be it further enacted, That if the said Commissioners, or any Company or Person making, furnishing, or supplying Gas to be used or consumed within the said Town or the Neighbourhood thereof, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other Waste Liquid, Substance or Thing whatsoever, which may arise or be produced in the making of such Gas into any Reservoir, Aqueduct, Pond, Springhead,

Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or shall do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such Reservoir, Aqueduct, Pond, Springhead, or Well, or Drain, Sewer, or Ditch, whereby such Water or any Part thereof shall or may be fouled or corrupted, then and in every such Case the said Commissioners, or such Company or 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 Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed, and the whole of such Penalty shall be paid to the Person who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months next after the Time at which such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been sued for and recovered, in case any of the said Washings or other waste Liquid, or noisome or offensive Liquid, Substance, or Thing, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any Reservoir, Aqueduct, Pond, or Springhead or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Commissioners, or to the said Company, or to such Person as aforesaid, and the said Commissioners or Company or Person shall not, within Twenty-four Hours after such Notice shall have been given, stop, hinder, or prevent such Washings, waste Liquid, or noisome or offensive Liquid, Substance, or Thing, from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done, then the said Commissioners or such Company or Person shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquid, or noisome or offensive Liquid, Substance, or Thing, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty may by this Act be recovered and levied, and shall be paid to the Informer, or to the Person who in the Judgment of the Justice before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed as aforesaid.

Penalty for allowing the Escape of Gas.

LI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or by any Company or Person making, furnishing, or supplying any Gas to be used, burned, or consumed within the said Town, the said Commissioners or such Company or Person shall at their own Expence, immediately after receiving Notice in Writing of any such Escape of Gas by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping;

and in case the said Commissioners or such Company or Person aforesaid shall not, within Twenty-four Hours next after such Notice being given, effectually prevent the Gas from escaping, and wholly and effectually remove the Cause of Complaint, then and in every such Case the said Commissioners or such Company or Person shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty shall and may be recovered and levied in the same Manner as other Penalties are by this Act authorized to be recovered and levied.

Gas Pipes to be laid Four Feet from Water Pipes, &c. in a particular Manner.

LII. And be it further enacted, That all the Pipes and other Conduits to be laid or used by the said Commissioners or by any Company or Person for the Conveyance of Gas within the said Town shall be so laid at the greatest practicable Distance, and wherever the Width of the Carriage or other Way will allow thereof at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water, except in Cases where it shall be impracticable to lay the same at such Distance, or where it shall be unavoidably necessary to lay the said Gas Pipes across any such Water Pipes, in which Cases the Gas Pipes shall be laid over the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases also the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, and so that no Joint of the said Gas Pipes may be nearer to any Part of the said Water Pipes than Four Feet; and in laying down the said Gas Pipes the said Commissioners or such Company or Person as aforesaid shall in no Case join Four or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench properly form and complete with good and sufficient Materials the joining with the other Pipes to be connected therewith, and shall also make and keep Air-tight all such Pipes and all Pipes to be connected therewith, and all the Screws, Joints, Inlets, Apertures, and Openings therein respectively, and in all respects prevent the said Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Default.

To prevent Contamination of Water.

LIII. And be it further enacted, That whenever the Water of any Owner or Proprietor of any Waterworks within the said Town and Borough or the Neighbourhood thereof, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person whomsoever within the said Borough and Neighbourhood thereof, shall be contaminated or affected by the Gas of the said Commissioners or of any Company or Person, the said Commissioners or such Company or Person shall forfeit and pay the Sum of Twenty Pounds for every such Offence, and the same shall be applied to the Use and Benefit of the Owner of such Waterworks, Well, Reservoir, or Pond, or the Party using any such Water and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever the said Commissioners, or such Company or Person so contracting to light as aforesaid, shall, within Twenty-four Hours after Notice thereof in Writing signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting the Business of the said Commissioners or

of such Company or Person, cause the most proper and effectual Measures to be taken to stop and prevent Gas from further escaping from their Mains, Works, or Pipes, and from contaminating such Water; and in case the said Commissioners or such Company or Person shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, the said Commissioners or such Company or Person shall forfeit and pay to the Party so interested in or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party (over and above the before-mentioned Penalty of Twenty Pounds), the further Sum of Ten Pounds for each Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid.

To ascertain if the Water is contaminated.

LIV. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the said Gas; be it therefore further enacted, That in every such Case it shall be lawful for the Owner or Proprietor of any such Waterworks, or for any Person interested in such Well, Reservoir, or Pond, to dig to and about and search and examine the Pipes and other Apparatus of the said Commissioners, or of such Company or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated or affected by the Escape of such Gas the Costs and Expences of the said Digging, Search, and Examination, and also of the Repair of the Pavement or Ground, or Street or Road, which shall have been taken up or disturbed, shall be paid by the said Commissioners or such Company or Person aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace for the said Town, and may 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, then and in such Case the Owner or Proprietor of such Waterworks, or the Person interested in such Well, Reservoir, or Pond, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the said Commissioners, or to such Company or Person as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Pipes or other Apparatus of the said Commissioners or of such Company or Person in and by such Examination, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be done to the Pavement or Ground of the said Street or Road so broken up or disturbed in such Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined (if necessary) by such Justice, or by any other Justice of the Peace as aforesaid.

Act not to prevent Commissioners or Persons lighting with Gas from being indicted for a Nuisance.

LV. Provided always, and be it further enacted, That the Powers and Authorities in this Act contained shall not extend to protect the said Commissioners, or any Company or Person making, furnishing, or supplying any Gas to be used, burned, or consumed within the said Town, or any of the Servants, Officers, or Workmen of the said Commissioners, or any such Company or Person, from any Indictment or Prosecution for a

a public or private Nuisance in respect of any Works, or of the Means which shall be employed by them in making or using the said Gas, or in furnishing any such Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of such Gas, or from the Method of lighting, or from the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Gas Pipes, &c. not to be laid on private Property without Consent.

LVI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies, or other Person or Persons making, furnishing, or supplying such Gas used, burned, or consumed within the said Town of *Ipswich* for lighting any Street, Lane, Passage, or Place, or any House, Shop, Warehouse, or other Building therein, to carry, lay, or fix or continue any Pipe or Pipes, or Cocks or Branches from any Pipes or Thing, for the Conveyance of Gas or Inflammable Air into or through any Dwelling House or Houses or private Buildings, or into or through any private Lands or other Hereditaments or Premises, or so to continue the same without the Consent of the Owner or Owners and Occupier or Occupiers of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively, nor to enable the said Commissioners, or any Company or Companies, or any Person or Persons, to enter into or upon any private Lands or Grounds for any Purposes relating to the Supply or Use of Gas, without such Consent as aforesaid for that Purpose first had and obtained.

Houses to be numbered.

LVII. And be it further enacted, That the said Commissioners may, if they shall think fit, cause the Houses in the said Town to be numbered in such Manner as they shall think proper, and also cause to be painted, engraved, or otherwise described on a conspicuous Part of some House or other Building, at or near the Corner of every Street, Passage, and Place, the Name by which such Street, Passage, or Place shall be called; and if any Person shall wilfully obliterate or deface any such Number or Name so to be painted or described as aforesaid, or any Figure or Letter thereof, every Person so offending shall for every such Offence forfeit and pay the Sum of Ten Shillings; and that it shall be lawful for the said Commissioners, with the Consent of any of the poor Inhabitants of the said Town, to cause the Dwelling Houses of such poor Inhabitants to be whitewashed at such Time or Times and in such Manner as the said Commissioners shall think proper, and to defray the Expence of such numbering, engraving, painting, describing, and whitewashing out of any Money to arise by virtue of this Act.

Commissioners empowered to contract for Purchase of Buildings, &c.

LVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners or any Ten of them to contract and agree with any Person or Persons, Body or Bodies Politic, Corporate, Collegiate, or Sole, or any other Persons or Parties, being Owner or Owners, Proprietor or Proprietors of or otherwise interested in any Buildings, Erections, Lands, Tenements, or Hereditaments situated within the said Town (except the Custom House of the said Town) which the said Commissioners shall judge necessary and proper to be purchased for the Purpose of improving and widening any of the said Streets, Lanes, Carriageways,

public

public Passages or Places, or any of them, and for otherwise improving the said Town, for the absolute Purchase of all such Buildings, Erections, Lands, Tenements, or Hereditaments, or any of them, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act, and to take down and alter all or any of such Buildings or Erections so to be purchased, or any Part or Parts of the same respectively, and also to appropriate all or any of the Lands, Tenements, or Hereditaments so to be purchased for all or any of the Purposes of this Act, as they the said Commissioners shall think fit.

Power for Bodies Politic to sell, &c.

LIX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves and their Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Infants, or Femes Covert, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Houses, Erections, Cellars, Steps, Projections, Encroachments, Tenements, or other Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof or any Part thereof, and to sell and 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 for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be made by virtue and in pursuance of this Act shall be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Estate, Right, Interest, Use, Property, Claim, and Demand whatsoever of the said several and respective Cestuique Trusts, and all claiming or to claim, by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Lands bought of any Corporation or Person under any Disability to be valued by Two Surveyors or an Umpire.

LX. Provided always, and be it further enacted, That the Consideration Money to be paid for any Land to be purchased from or conveyed by any Person or Corporation under any Disability or Incapacity as aforesaid, or not having Power to sell except under the Provision herein-before contained, shall in no Case be less than such Sum as the same shall be valued at by Two able practical Surveyors, one of whom shall be nominated by the said Commissioners, and the other by the Person or Corporation contracting or agreeing to sell the same, and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as any

any Two Justices acting for the said Town of *Ipswich* shall for that Purpose nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not, then the Surveyor so to be nominated by the Justices as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof.

On Payment of Purchase Money the Property to vest in the Commissioners.

LXI. And be it enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties and the said Commissioners for the Purchase of any such Lands, Tenements, or other Hereditaments, to the Person entitled to receive such Money, or his Agent or Agents, within Thirty Days after the same shall have been so agreed for, or on the same being deposited in the Bank of *England* in manner by this Act directed (as the Case may be), it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, thereupon, and not before, to enter upon and take and use such Lands, Tenements, or Hereditaments respectively, and then and thereupon the same Lands, Tenements, or Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand at Law or in Equity of any Person therein, in respect of which such Payment, Tender, or Deposit shall be made, shall from thenceforth be absolutely vested in the said Commissioners for the Purposes of this Act; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Interest, Claim, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates, Rights, Titles, and Interests of all other Persons whomsoever therein, in respect of which such Payment, Tender, or Deposit shall have been made.

Enabling the Commissioners to sell Lands not wanted.

LXII. And whereas by means of the Purchases which the said Commissioners are empowered to make by virtue of this Act they may happen to be seised or possessed of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Commissioners, and they are hereby required, within Ten Years from the passing of this Act, to contract for and to sell, and by any Deed under the Hands of any Five of the said Commissioners, and for such Considerations as they may deem reasonable, to convey to the Purchasers thereof, any Part of such superfluous Lands, or any Estate or Interest purchased by the said Commissioners in such Lands, or any Part thereof, in such Manner as they shall deem most advantageous; and such Contracts, Sales, and Conveyances from the said Commissioners shall be valid and effectual to all Intents and Purposes: Provided always, that the said Commissioners, before they shall dispose of any such superfluous Lands, shall first offer to sell the same to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands so proposed to be sold, such Persons being in *England* and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention in that Behalf to the said Commissioners within Thirty Days after such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves

themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer of Sale shall cease; and a Declaration in Writing, in due Form of Law as herein provided, made before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the Town of *Ipswich*, by some Person not interested in such Lands, stating that the Person entitled to such Right of Pre-emption was not in *England*, or was not found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Commissioners, and that such Offer was refused or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made: Provided always, that in case the said Commissioners shall not sell such superfluous Lands within the Period herein-before limited for that Purpose, the same shall revert to the Owners of the Lands immediately adjoining in proportion to the Extent of their respective Properties so adjoining the same.

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

LXIII. And be it further enacted, That if any Money shall be contracted or agreed to be paid for the Purchase of any Lands, for the Purposes of this Act which shall belong to any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Feme Covert, Infant, Idiot, Lunatic, or other Cestuique Trust not absolutely entitled in his own Right, or to any Person whose Lands are limited in strict Settlement, or to any Person under any other Disability or Incapacity, or having no Power to give a valid Receipt for the same, or to convey the Premises in respect of which the same may be payable otherwise than by virtue of this Act, or which any Corporation or Person is hereby capacitated to convey, 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 Her Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there, *ex parte* "The Commissioners for the Improvement of the Town of *Ipswich*," pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court, made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be paid to such Party, or be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Land, or affecting other Land standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court

1 G. 4. c. 35.

of

of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary, or until the same shall upon the like Application be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Land, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase can be made the said Money shall, by Order of the said Court of Exchequer 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 such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased and settled.

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

LXIV. Provided always, and be it further enacted, That if any Money so contracted or agreed to be paid for any Lands to be purchased for the Purposes of this Act, and belonging to any Corporation or to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the Persons for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under the Hands of at least Three of them, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties, and under the Hands of Three at least of the said Commissioners; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

LXV. Provided also, and be it further enacted, That when any Money so contracted or agreed to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased for the Purposes of this Act

for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

No Purchase to be made until Notice given at a Meeting, &c.

LXVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioners to contract or agree for the Purchase of any Messuages, Tenements, Buildings, or Lands for the Purposes before mentioned until a General Meeting of such of the Inhabitants of the Town of *Ipswich* as are or shall then be assessed to the Rates hereby authorized to be levied shall have been held after a Week's Notice at least in some Two or more *Ipswich* Newspapers, to authorize the Commissioners at their next Meeting to make such Contract or Agreement; any thing herein contained to the contrary thereof notwithstanding.

In case of disputed Titles.

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

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

LXVIII. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for such Lands or Hereditaments shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending the Purchase of such Lands, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands and Hereditaments, to be paid by the said Commissioners, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes (except such as may be occasioned by Litigation between Claimants), and for the Payment of the

Dividends and Interest of the Government or Real Securities upon which such Purchase Money may be invested, and also for the Payment out of Court of the Principal of such Purchase Money or of the Government or Real Securities aforesaid; and the said Commissioners shall from Time to Time pay such Sums of Money, for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

How Money may be recovered.

LXIX. And be it further enacted, That in case any or either of the Annuities granted on the Security of the Rates imposed by the said recited Acts of the Thirty-third and Thirty-seventh Years of the Reign of His late Majesty King *George* the Third, or either of them, shall be in arrear and unpaid for the Space of Three Calendar Months next after the same shall respectively become due and shall have been demanded, then and in such Case it shall and may be lawful for the Creditor or Creditors, upon his, her, or their first giving Ten Days Notice in Writing to the Treasurer to the said Commissioners for the Time being, to commence an Action on the Case or of Debt in any of Her Majesty's Courts of Record at *Westminster* against the said Treasurer for the Recovery of such Annuity or Annuities.

Power to sell out Sinking Fund of the Commissioners.

LXX. And be it further enacted, That it shall be lawful for the Persons in whose Names the said Sum of Three thousand two hundred and fourteen Pounds Fourteen Shillings and Eight-pence Three *per Centum* Consolidated Annuities, or other the Stock forming the said Sinking Fund, is now standing, or such of them as at the Time of the passing of this Act shall be capable of making such Transfer, to transfer the same to Four Trustees, to be appointed by the Commissioners acting under the Authority of this Act; and it shall be lawful for the said Trustees so to be appointed as aforesaid and they are hereby empowered to sell out so much of the said Stock as shall produce the Sum of One thousand Pounds Sterling, and to pay the same to the said Commissioners, together with the Dividends and Interest from Time to Time accruing on the Remainder of the said Stock, to be by them applied for the general Purposes of this Act.

Reserved Fund to be accumulated until it amounts to 5,000*l.*

LXXI. And be it further enacted, That when and so soon as all the said Annuities have ceased it shall be lawful for the said Commissioners from Time to Time yearly and every Year to set apart and to lay out and invest in the Names of such Four Trustees, for and on behalf of the said Commissioners, any Sum not exceeding Two hundred Pounds, out of the Monies arising under and by virtue of the Provisions of this Act, in such of the Public Funds or Stocks of *Great Britain* as the said Commissioners shall deem expedient, and from Time to Time to lay out and invest the Dividends and Interest arising from such Funds or Stocks in the same or any other Public Funds or Stocks, in order that the same may be accumulated at Compound Interest until the Fund so formed shall, together with the Residue of the said Sum of Three thousand two hundred and fourteen Pounds Fourteen Shillings and Eight-pence Three *per Cent.* Consols, amount to the Sum of Five thousand Pounds like Three *per Cent.* Consols: Provided always, that when such Fund shall, by Accumulation or otherwise, amount to the said Sum of Five thousand Pounds Three *per Cent.* Consols, the Interest and Dividends thereof shall no longer be invested, but shall be applied to the general Purposes of this Act.

Reserved Fund may be resorted to to answer Demands.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners to apply and dispose of the reserved or accumulated Fund so to be formed as aforesaid, or any Part thereof, for any of the Purposes by this Act authorized; and that when and so often as the Fund to be formed as aforesaid shall by the Means aforesaid, or from any other Cause, be reduced below the Sum of Five thousand Pounds Three *per Cent.* Consols, the said Commissioners shall in like Manner be empowered to set apart and appropriate annually any Sum not exceeding Two hundred Pounds, and the Interest and Dividends thereof in like Manner shall again be allowed to accumulate at Compound Interest until such Fund shall amount to the Sum of Five thousand Pounds Three *per Cent.* Consols, and such reserved and accumulated Fund shall thereafter be liable to be again applied and disposed of in manner herein before authorized; and it shall be lawful for the said Commissioners, from Time to Time as they shall think proper, to vary or transpose the Funds or Stocks, or any of them, in which the said Monies or reserved Fund, or any Part thereof, shall from Time to Time be invested, and also to sell and dispose of all or any Part of the said reserved Fund and Stocks, and to convert the same into Money for the Purpose of satisfying any Claims or Demands upon the said Commissioners, as herein-before mentioned.

Recovery and Application of Penalties.

LXXIII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, the Manner of levying and recovering and the Application whereof is not herein particularly directed, or in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice or Justices of the Peace acting for the Town and Borough of *Ipswich*, and by the Oath or Affirmation of One or more Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation any such Justice is hereby authorized to administer); and in default of Payment of such Penalties and Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and one Half of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any), on Demand, to the Party whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted, shall be paid to the Informer, and the other Half thereof to the Overseers of the Poor of the Parish or Place in which the Offence shall be committed, to be by them applied in aid of the Poor Rates of such Parish or Place; and in case such sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such 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 him or them 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 Ten Days from the Time of taking any such Security, and which Security such Justice or Justices is or are hereby empoweaed to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no such Distress can be had thereupon, or in case it shall appear to the Satisfaction

Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, and Charges 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 any such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Offender to the House of Correction of the said Town of *Ipswich* for any Time not exceeding Three Calendar Months.

Parties distraining not to be deemed Trespassers for Want of Form.

LXXIV. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form of any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any such Action for Irregularity, or for any Trespass or wrongful Proceeding in any such Distress or Levy, unless Notice in Writing shall be given to the Treasurer or Clerk of the said Commissioners Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by and on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall be made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall be advised, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Form of Conviction.

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

'Borough of *Ipswich*. } BE it remembered, That on the Day of in the Year *A. O.* is convicted before of His Majesty's Justices of the Peace for the said Borough of having [*here state the Offence*], and I *or* we the said Justice *or* Justices do adjudge him or her or them to forfeit and pay the Sum of . Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year aforesaid.'

Justices may administer Oaths.

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

LXXVII. And

Form of Declaration in lieu of Oath to be in the Form prescribed by 5 & 6 W. 4. c. 62.

LXXVII. And be it further enacted, That in every Case in which by this Act a Declaration is required to be made the same shall be in the Form, or as near thereto as the Circumstances of the Case will admit, prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for 'the more effectual Abolition of Oaths and Affirmations taken and made in 'various Departments of the State, and to substitute Declarations in lieu thereof, 'and for the more entire Suppression of voluntary and extra-judicial Oaths 'and Affidavits;'* and that all Declarations required by this Act to be made shall be made Form aforesaid, and shall be as valid and effectual as an Oath or Affirmation; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Appeal to the Sessions.

LXXVIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, and for which no particular Method of Relief is appointed, such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be held at *Ipswich* for the County of *Suffolk* or any Part thereof within Three Calendar Months after the Cause of such Complaint shall have arisen, such Appellant giving Fourteen Days Notice in Writing of his or her Intention to bring such Appeal and of the Matter thereof to the Clerk of the said Commissioners, and within Two Days after such Notice entering into Recognizance before some Justice of the Peace for the said County or Town, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to either Party as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final and conclusive to all Intents and Purposes.

Inhabitants of Ipswich may be Witnesses.

LXXIX. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, any Inhabitant of the said Town and Borough of *Ipswich* shall be admitted and allowed to give Evidence notwithstanding his or her being charged with or liable to pay any Rate by virtue of this Act.

No Proceedings to be removed by Certiorari.

LXXX. And be it further enacted, That no Order, Rate, or Assessment, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable, by Writ of Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Commissioners may reward Informers.

LXXXI. And be it further enacted, That it shall be lawful for the said Commissioners to reward any Informer or Informers as they shall think

think proper, so as such Reward does not exceed One Half of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred; any thing herein contained to the contrary notwithstanding.

Actions may be brought in the Name of the Treasurer, &c.

LXXXII. And be it further enacted, That when any Action or Suit or Prosecution shall be intended to be commenced or brought by the said Commissioners against any Person or Persons by virtue of this Act, or against the Commissioners for any thing done in pursuance of this Act, the same may be commenced and prosecuted or defended in the Name of their Treasurer or Clerk or Surveyor, or in the Name or Names of any One or more of the said Commissioners; and no such Action or Suit, nor any Indictment or criminal Prosecution, shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names the same shall be commenced, instituted, defended, or carried on, or by the Act of the Parties or Party bringing such Suit, or instituting such Prosecution or Proceeding; but no Person or Persons in whose Name or Names any such Action, Suit, or Prosecution shall be brought, defended, instituted, or carried on shall be subject to the Payment of any Costs or Expences on account thereof; but that all Costs and Expences to be incurred by or on behalf of the said Commissioners, or any Person or Persons employed by them, in prosecuting or defending any Action, Suit, or Prosecution touching the Execution of this Act or the Subject Matters thereof, shall be defrayed out of the Money to arise by virtue of this Act, and the Effects vested in the said Commissioners shall be liable thereto upon Process issuing out of the Court where such Costs shall be awarded.

Directing what shall be a Service of Notice, &c. upon the Commissioners.

LXXXIII. And be it further enacted, That in all Cases wherein it may be necessary for any Person to serve any Notice upon the said Commissioners, or any Writ or other legal Proceeding, the Service thereof upon the Clerk or Treasurer of the said Commissioners for the Time being, either personally or by leaving the same at his usual Place of Abode, or at his Office, shall be deemed good and sufficient Service of the same upon the said Commissioners.

Limitation of Actions.

LXXXIV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act or in relation to the Matters herein contained, after Six Calendar Months from the Fact committed; and every such Action and Suit shall be brought and tried in the County of *Suffolk* and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover

Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

For the Indemnity of the Commissioners.

LXXXV. Provided always, and be it further enacted, That all and every the Commissioners aforesaid shall from Time to Time and at all Times hereafter be fully indemnified, from and out of the Monies to be raised under and by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer, Clerk, or Surveyor as aforesaid, shall or may pay, sustain, or be put unto for or by reason of any Action, Suit, or Proceeding which may be had, sued, commenced, or prosecuted against them or any or either of them for any Matter or Thing which may be by them respectively and legally done in and about the Execution of this Act, and the Trusts reposed in them under the same: Provided nevertheless, that nothing herein contained shall be held to relieve any Commissioner from any Action, Suit, or Indictment for any Matter or Thing done or committed by him in any Manner contrary to or not in accordance with the Provisions of this Act.

Public Act.

LXXXVI. And be it enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever.

Proviso respecting the Commencement of this Act.

LXXXVII. Provided always nevertheless, That the several Provisions and Enactments herein-before contained shall not come into effect or operation unless and until the Bill now before Parliament for improving and rendering more commodious the Port of *Ipswich*, and for constructing a Wet Dock there, shall be passed into Law.

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