ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 37.

An Act for paving, cleanſing, lighting, watching, and improving the Borough of *King's Lynn*, in the County of *Norfolk*; and for removing Nuiſances and Annoyances therein; and for holding the *Saturday* and Beaſt Markets within more convenient Parts of the ſaid Borough. [17th *May* 1803.]

WHEREAS the Streets, Lanes, publick Paſſages, and Ways, within the Borough of *King's Lynn*, in the County of *Norfolk*, are not properly paved, cleanſed, lighted, or watched, and are ſubject to various Nuiſances, Annoyances, and Encroachments, and many of ſuch Streets, Lanes, Paſſages, and Ways, are narrow and incommodious: And whereas it would tend greatly to the Benefit, Convenience, and Safety of the Inhabitants of the ſaid Borough, and of all Perſons reſorting thereto, if the ſaid Streets, Lanes, publick Paſſages, and Ways, were properly paved, cleanſed, lighted, and watched, and if all Nuiſances, Annoyances, and Encroachments therein, were removed, and if Proviſion were made for preventing the like in future, and if a new and commodious Road or Carriage Way were made from the South Gates of the Borough aforeſaid, into a Street called *Saint James's Street*, in the Pariſh of *Saint Margaret*, within the ſaid Borough: And whereas the Proviſions contained in an Act made in the Twelfth and Thirteenth Years

of the Reign of His late Majesty King *William* the Third, intituled, *An Act for erecting Hospitals and Workhouses within the Borough of* King's Lynn, *in the County of* Norfolk, *for the better employing and maintaining the Poor there*, for lighting the Market Places, Streets, publick Lanes, Passages, and Places, within the said Borough, are insufficient for such Purpose, and it is expedient that such Provisions should be repealed: And whereas it would be of Benefit and Convenience to the Inhabitants of the said Borough, if Provsion were made for holding the *Saturday* Market and the Beast Markets of the said Borough respectively, in some more convenient Part or Parts of the said Borough: But as the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, and Aldermen of the said Borough for the Time being, the Representatives of the said Borough in Parliament for the Time being, *Stephen Allen* Clerk, *Thomas Audley*, *Thomas Philip Bagge*, *William Bagge*, *Samuel Baker*, *George Bailey*, *John Birkbeck*, *Thomas Blackburne*, *John Prescott Bleucowe*, *Thomas Brame*, *Thomas Cooper*, *John Dixon*, *John Edwards*, *Edward Edwards* Clerk, *George Edwards*, *Charles Elsder*, *Scarlet Everard*, *Thomas Gales*, *Harvey Goodwin*, *Robert Green*, *Samuel Hadley*, *Thomas Hankinson*, *Robert Hankinson* Clerk, *George Hawkins*, *Isaguey Hedley*, *George Hogg*, *George Hogg* the younger, *William Lake*, *Samuel Lane*, *Joseph Lawrence*, *Johnson Lee*, *Samuel Newham*, *Charles Newman*, *Thomas Oxley*, *George Peek*, *Lionel Self*, *John Stockdale* the younger, *William Swatman*, *James Bramall Toosey*, and *Robert Whincop*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby declared to be Commissioners for putting this Act into Execution.

Repeal of Part of the Workhouse Act, 12 and 13 *William* 3.

Nomination of Commissioners.

II. And be it further enacted, That so much of an Act, made in the Twelfth and Thirteenth Years of the Reign of His late Majesty King *William* the Third, intituled, *An Act for erecting Hospitals and Workhouses within the Borough of* King's Lynn, *in the County of* Norfolk, *for the better employing and maintaining the Poor there*, as relates to the lighting of the said Borough, or any of the Market Places, Streets, publick Lanes, Passages or Places therein, shall be and the same is hereby repealed.

Repeal of Part of the Act 12 and 13 *William* 3.

III. And be it further enacted, That when and as often as any of the said Commissioners herein-before named, or to be elected in Manner herein-after mentioned, (save and except such several Persons as are herein declared to be Commissioners by reason of their being Representatives for the said Borough, or by virtue of their respective Offices as aforesaid), shall die, or refuse to act in the Execution of this Act, or shall remove out of the said Borough to dwell for the Space of Twelve Calendar Months together, or shall be elected a Representative in Parliament for the said Borough, or appointed to any Office, by virtue of which he shall become a Commissioner under this Act, (such Death, Refusal, or Removal, Election or Appointment, being declared at a Meeting of the said Commissioners), then and in any one of the said Cases it shall and may be lawful to and for the surviving or remaining Commissioners, at any of their Meetings, to elect and appoint (by Ballot) such other Person,

Provision for the Election of future Commissioners.

ſon, being an Inhabitant of and reſident in the ſaid Borough, to be a Commiſſioner in the place of each Commiſſioner ſo dying or refuſing to act, or reſiding out of the ſaid Borough as aforeſaid, or being ſo elected a Repreſentative in Parliament for the ſaid Borough, or appointed to ſuch Office as aforeſaid, as they ſhall think fit; and each and every ſuch Perſon ſo elected a Commiſſioner, ſhall, from and after his Election, have the like Powers and Authorities for carrying this Act into Execution, as if he had been particularly named and appointed a Commiſſioner in and by this Act.

If Commiſſioners neglect to act for 12 Calendar Months.

IV. And be it further enacted, That if any Perſon or Perſons herein nominated or to be elected a Commiſſioner or Commiſſioners as aforeſaid, (ſave and except the Repreſentatives for the ſaid Borough for the Time being, and ſuch ſeveral Perſons as are herein nominated Commiſſioners by virtue of their reſpective Offices as aforeſaid), ſhall neglect to act in the Execution of this Act during the Space of Twelve Calendar Months, then and in every ſuch Caſe, ſuch Neglect ſhall be and be deemed to be a Refuſal to act within the Intent and Meaning of this Act.

Qualification of Commiſſioners.

V. Provided always, and be it enacted, That no Perſon ſhall be qualified to act, or be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, beſides Reprizes and Incumbrances, or ſhall be Heir Apparent to ſome Perſon having ſuch Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds, beſides Reprizes and Incumbrances, or ſhall be poſſeſſed of or entitled to a Perſonal Eſtate to the Amount or Value of Two thouſand Pounds; and if any Perſon, not being ſo qualified, ſhall act as a Commiſſioner in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information of any Perſon or Perſons whomſoever, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; and every Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof on Behalf of the Plaintiff, than that ſuch Perſon has 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 Clerk or Treaſurer to the ſaid Commiſſioners, to be appointed as herein-after mentioned, to be applied for the Purpoſes of this Act.

Commiſſioners to be ſworn, *etc.*

VI. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, (except in appointing the Firſt Meeting to be holden in purſuance of this Act, in caſe the ſame ſhall not be holden on the Day herein appointed, and in adminiſtering the Oath or Affirmation herein-after mentioned to the other Commiſſioners), until he ſhall have taken an Oath, or, being One of the People called *Quakers*, have made a ſolemn Affirmation before One or more of the ſaid Commiſſioners at a Meeting to be holden by virtue of this Act, (which

Oath

Oath or Affirmation any One of the ſaid Commiſſioners is hereby empowered to adminiſter); and ſuch Oath or Affirmation ſhall be in the Words following:

Oath of Affirmation.

'I *A. B.* do ſwear [*or*, being One of the People called *Quakers*, I *A. B.* do ſolemnly affirm] that I am duly qualified to act as a Commiſſioner in the Execution of an Act of Parliament, made in the Forty-third Year of the Reign of His Majeſty King *George* the Third, intituled, *An Act, &c.* [*here ſet forth the Title of the Act*], according to the Proviſions and Directions of the ſaid Act, and that I will act truly and impartially, according to the beſt of my Skill and Judgement, in the Execution of the Powers and Authorities repoſed in me as a Commiſſioner in and by the ſaid Act of Parliament.

'So help me GOD.'

Commiſſioners not to act where intereſted.

VII. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, during ſuch Time as he ſhall hold any Office or Place of Profit under the ſaid Commiſſioners, or during ſuch Time as he ſhall have any Share or Intereſt in any Contract or Work to be performed or done under any of the Powers of this Act, or in any Matter wherein he ſhall be in anywiſe perſonally or beneficially intereſted, (except as a Creditor on the Rates or Aſſeſſments herein directed to be made, levied, and collected); but that it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid Borough, to act as ſuch in the Execution of this Act, notwithſtanding their being Commiſſioners, except only in Caſes wherein they ſhall be perſonally intereſted.

Commiſſioners Meetings.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to meet on the Third *Monday* after the paſſing of this Act, at the Guildhall of the ſaid Borough, between the Hours of Ten in the Forenoon and Four in the Afternoon, for the Purpoſe of carrying this Act into Execution, and ſhall and may then, and from Time to Time afterwards, adjourn themſelves to meet at the Guildhall aforeſaid, or at any other convenient Place within the ſaid Borough, between the Hours aforeſaid, for the Purpoſe of proceeding in the Execution of this Act; and if it ſhall ſo happen that there ſhall not appear at the Firſt or at any future Meeting of the ſaid Commiſſioners appointed to be holden, a ſufficient Number of Commiſſioners to act or to adjourn to another Day, (Three Commiſſioners to be deemed ſufficient for the Purpoſe of Adjournment), or if the ſaid Commiſſioners ſhall refuſe or neglect to adjourn, or ſhall adjourn, and it ſhall be deemed neceſſary that a Meeting of the ſaid Commiſſioners ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe, any Five or more of the ſaid Commiſſioners, or the Clerk for the Time being to the ſaid Commiſſioners, ſhall and may call a Meeting to be holden on ſuch Day, (beween the Hours aforeſaid), by Notice in Writing, ſigned by the Commiſſioners, ſo calling ſuch Meeting, or by the ſaid Clerk, and affixed on the outward Doors of the Guildhall and Market Croſs within the ſaid Borough, Seven Days at leaſt previous to the Day of holding ſuch Meeting as they or he ſhall think proper; and that at all Meetings to be holden in purſuance of this Act, the ſaid Commiſſioners ſhall defray their own Expences.

IX. And

No Act valid only at a Meeting.

IX. And be it further enacted, That no Act of the ſaid Commiſſioners ſhall be good, valid, or effectual, unleſs done at ſome publick Meeting to be holden by virtue of this Act, (except as may be herein excepted); and that all Powers and Authorities by this Act granted to or inveſted in the ſaid Commiſſioners, ſhall and may, from Time to Time, be exerciſed by the major Part of them preſent at ſuch Meeting, the whole Number preſent at ſuch Meeting not being leſs than Five, and all the Orders and Proceedings of the ſaid Commiſſioners preſent at ſuch their ſeveral Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all the ſaid Commiſſioners for the Time being, (ſave and except as may be herein excepted); and at every ſuch Meeting of the ſaid Commiſſioners, the Mayor of the ſaid Borough (if preſent) ſhall be Chairman of ſuch Meeting, and in caſe of his Abſence the Deputy Mayor (if preſent) ſhall be Chairman; and if neither the Mayor or Deputy Mayor ſhall be preſent, then and in every ſuch Caſe One other of the ſaid Commiſſioners (to be appointed by the Majority preſent) ſhall be the Chairman; and that when and as often as it ſhall happen that there ſhall be an equal Number of Votes upon any Queſtion, (including the Chairman's Vote), the Chairman ſhall have the deciſive or caſting Vote.

No Order to be revoked unleſs a greater Number of Commiſſioners preſent than made the Order.

X. And be it further enacted, That no Order made by the ſaid Commiſſioners ſhall be revoked or altered at any ſubſequent Meeting, unleſs at ſome Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Commiſſioners deſiring ſuch Revocation or Alteration, be affixed on the ſeveral outer Doors of the Guildhall and Market Croſs within the ſaid Borough, Seven Days at the leaſt previous to the Day of holding ſuch Meeting, nor unleſs a greater Number of Commiſſioners ſhall attend at ſuch Meeting, to revoke or alter ſuch Order, than were preſent when the ſame was made; any Thing herein contained to the contrary thereof notwithſtanding.

Proviſion for General annual Meeting of the Commiſſioners.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to meet on the Third *Thurſday* in the Month of *January* yearly, at the Guildhall of and within the ſaid Borough of *King's Lynn*; and that at ſuch General annual Meeting the Accounts of all Monies received and paid from Time to Time, by virtue or in Execution of this Act, by any Perſon or Perſons whomſoever, ſhall be produced and ſtated to the ſaid Commiſſioners.

Entry of Commiſſioners Proceedings.

XII. And be it further enacted, That fair and regular Entries ſhall be made (in a Book or Books to be provided for that Purpoſe) of all the Acts, Orders, Regulations, Directions, and Proceedings of the ſaid Commiſſioners, relative to the Execution of this Act, and of the Names of the Commiſſioners who ſhall be preſent at the reſpective Meetings, and ſuch Entries ſhall be ſigned or ſubſcribed by the Name of the Chairman of each reſpective Meeting, and being ſo ſigned or ſubſcribed, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Courts whatſoever, in all Caſes, Suits, and Actions, touching any Thing done in purſuance of this Act.

For Appointment of Officers.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, to elect and appoint

point a Treaſurer and a Clerk, and alſo One or more Aſſeſſor or Aſſeſſors, Collector or Collectors, Receiver or Receivers, of the Rates or Aſſeſſments to be raiſed and levied by virtue of this Act, and alſo a Surveyor or Surveyors, and ſuch or ſo many other Officers as they ſhall find neceſſary for the Execution of this Act; and the ſaid Commiſſioners ſhall take from every ſuch Treaſurer, Collector, and Receiver, ſuch Security as they ſhall think proper, for the due Execution of his Office; and it ſhall and may be lawful to and for the ſaid Commiſſioners from Time to Time to remove, ſuſpend, or diſplace all or any of ſuch Officers as they ſhall ſee Occaſion, and appoint another or others in the Room or Place of ſuch of them as ſhall be ſo removed, ſuſpended, or diſplaced, and alſo in the Roon of ſuch as ſhall die or reſign their reſpective Offices, and alſo from Time to Time, by and out of the Monies to be raiſed by virtue of this Act, to appoint and pay ſuch Salaries, Gratuities, and Allowances, to the reſpective Officers, and to all other Perſons who ſhall be employed by them the ſaid Commiſſioners in the Execution of this Act, as they ſhall judge reaſonable or proper; and all ſuch Officers ſo to be appointed as aforeſaid, 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 by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officers and Perſons reſpectively received by virtue or for the Purpoſes of this Act, and how much thereof hath or have been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payments and Diſburſements, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and all the ſaid Officers and Perſons reſpectively ſhall, on the Third *Thurſday* in the Month of *January* yearly, (although not thereunto required by the ſaid Commiſſioners), lay their reſpective Accounts before the ſaid Commiſſioners, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and all the ſaid Officers and Perſons reſpectively ſo accounting as aforeſaid, ſhall upon Oath, verify their ſaid reſpective Accounts; and if any ſuch Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Receipts or Vouchers relating to the ſame, or to make ſuch Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within Ten Days after being thereunto required by ſuch Commiſſioners, all Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſame, or ſhall refuſe or neglect to pay ſuch Monies, as upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands, to the ſaid Commiſſioners, or as they ſhall direct or appoint, then and in any of the Caſes aforeſaid, ſuch Commiſſioners may and they are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, for the Recovery of ſuch Books, Papers, and Writings, and alſo of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively; or if Complaint ſhall be made by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint for that

Purpoſe,

Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Juſtice of the Peace for the Town, County, or Place, wherein ſuch Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing ſhall reſide or be, ſuch Juſtice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Officer or Officers, Perſon or Perſons, ſo refuſing or neglecting, to be apprehended, and upon his or their appearing, or having been ſummoned and not appearing, or not being found, to hear and determine the Matter of Complaint in a ſummary Way; and if upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or raiſed by virtue of this Act, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the Goods or Chattels diſtrained, or if it ſhall in Manner aforeſaid appear to ſuch Juſtice that ſuch Officer or Officers, Perſon or Perſons, ſhall have refuſed or neglected to render or give ſuch Account or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings as aforeſaid, ſhall be in the Cuſtody or Power of ſuch Officer or Officers, Perſon or Perſons, and that he or they ſhall have neglected or refuſed to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in any of the Caſes aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender ſo appearing or when found to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners are hereby empowered to make), and until he ſhall deliver up ſuch Vouchers, Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners.

For Appointment of Officers occaſionally in caſe of Death or Incapacity.

XIV. And be it further enacted, That if any Collector or Receiver of the Monies to be levied by virtue of this Act, ſhall die or become incapable of acting in the Execution of this Act, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, though not aſſembled at a Meeting in purſuance of this Act, by any Writing under their Hands, to appoint another Perſon to be Collector or Receiver of the ſame Monies, until a Collector or Receiver ſhall be appointed by the ſaid Commiſſioners, at a Meeting to be holden in purſuance of this Act; any Thing herein contained to the contrary notwithſtanding.

Commiſſioners may contract.

XV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to enter into any Contract or Contracts for paving, flagging, repairing, cleanſing, and lighting the ſeveral Market Places, Streets, Bridges, Lanes, Paſſages, and Places within the ſaid Borough, or any of them, or for furniſhing Materials, or any other Matters or neceſſary Things whatſoever, or for any other the Purpoſes of this

this Act; but before any ſuch Contract or Contracts ſhall be entered into, Seven Days Notice at the leaſt ſhall be given in ſome publick Newſpaper circulated in the ſaid County of *Norfolk*, expreſſing the Purpoſe or Purpoſes of ſuch Contract or Contracts, in order that any Perſon or Perſons willing to undertake the ſame may make Propoſals for that Purpoſe, to be offered to the ſaid Commiſſioners at a certain Time and Place in ſuch Notice to be mentioned; and the ſaid Commiſſioners ſhall and they are hereby required to take Security from every ſuch Contractor for the due Performance of his or her Contract.

Contracts not to be entered into for more than Three Years.

XVI. And be it further enacted, That no ſuch Contract or Contracts ſhall be deemed good or valid, if the ſame ſhall have been made for a longer Space or Term than Three Years from the Time of entering into ſuch Contract or Contracts.

Commiſſioners may compound with Perſons for Breach of Contracts.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time and at all Times hereafter, to compound and agree with any Perſon or Perſons on Account of any Breach or Nonperformance of ſuch Contract or Contracts, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences which ſhall be occaſioned thereby.

Contracts to be ſigned by the Commiſſioners.

XVIII. And be it further enacted, That every ſuch Contract or Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be received or paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Nonperformance thereof, and ſhall be ſigned by the ſaid Commiſſioners, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract or Contracts ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the Commiſſioners.

Pavements, *etc.* veſted in the Commiſſioners.

XIX. And be it further enacted, That all the preſent and future Pavements in the ſeveral Market Places, Streets, Lanes, and other publick Paſſages and Places, and in, upon, or over the publick Bridges within the ſaid Borough, and the Stones, Gravel, and other Materials, of which as well the Footways as Carriage Ways of ſuch Market Places, Streets, Lanes, and other publick Paſſages, Places, and Bridges, do and ſhall conſiſt, and alſo all the Dirt, Duſt, Dung, Aſhes, and other Filth, to be ſwept, gathered, and collected in or from thoſe Places, or any of them; and all the Soil, Dung, Manure, Dirt, Aſhes, Cinders, and other Filth, which ſhall ariſe or be made in any of the Dwelling Houſes or other Buildings or Places within the ſaid Borough (except as is herein-after excepted), and alſo all Lamps, Lamp Irons, Lamp Poſts, Watch Boxes, Watch Houſes, and other Houſes and Buildings which ſhall be erected or fixed up by virtue of this Act, and all Materials, Implements, and other Things which ſhall be purchaſed or provided by the ſaid Commiſſioners for the Purpoſes of this Act, ſhall belong to and be the Property of, and are hereby veſted in the ſaid Commiſſioners; and the ſaid Commiſſioners ſhall and may cauſe to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Caſe may require) againſt any

any Perſon or Perſons who ſhall ſteal, take, or carry away, detain, ſpoil, injure, or deſtroy, the ſeveral Articles and Things hereby veſted in them the ſaid Commiſſioners as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be ſufficient to ſtate generally that the Article or Articles, Thing or Things for or on account of which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commiſſioners for the Improvement of the Borough of *King's Lynn*, without particularly naming ſuch Commiſſioners; and the ſaid Commiſſioners ſhall have full Power and Authority, from Time to Time, to ſell and diſpoſe of, for the Purpoſes of this Act, all or any of the ſaid Articles and Things, or any Part or Parts of the ſame reſpectively, to ſuch Perſon or Perſons, and in ſuch Manner, as they the ſaid Commiſſioners ſhall think proper; and if any Perſon or Perſons ſhall wilfully or maliciouſly break up, injure, deſtroy, or otherwiſe damage any of the Articles or Things hereby veſted in them the ſaid Commiſſioners, or any of the Works done by them in purſuance of this Act, every ſuch Perſon ſo offending ſhall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Where Materials for paving may be lodged.

XX. And be it further enacted, That during the Time any Market, Street, Bridge, Lane, Paſſage, or Place ſhall be new paving, flagging, or repairing, or any of the Grates, Drains, or other Sewers therein ſhall be altering or repairing, the ſaid Commiſſioners ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Market, Street, Lane, Paſſage, or Place, or Markets, Streets, Lanes, Paſſages, or Places, according to their Diſcretion, as alſo to ſtop the Way through that or any adjacent Highway, Street, Lane, Paſſage, or Place, ſo long as they ſhall judge neceſſary; and all Perſons acting under the Direction as aforeſaid are hereby indemnified from any Proſecution or Action whatſoever.

Paviours and Carters to be appointed, and Horſes to be purchaſed.

XXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners from Time to Time to appoint ſuch and ſo many Paviours, Artificers, Workmen, Labourers, Carters, and others, and alſo to purchaſe any Horſes, Carts, Tools, and Implements as they ſhall judge neceſſary for the Purpoſe of carrying this Act into Execution.

Land to be provided for depoſiting Materials.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power to purchaſe or rent Lands, ſo that no Leaſe be made for a longer Time than Seven Years, for depoſiting of Stone and other Materials for the ſeveral Purpoſes of this Act, and for depoſiting Soil, Aſhes, Cinders, and Rubbiſh; and the Purchaſe Money or Rent thereof ſhall be paid out of the Money ariſing by virtue of this Act, and the Property thereof ſhall be and is hereby veſted in the ſaid Commiſſioners for the Purpoſes of this Act.

Power for Commiſſioners to pave the Streets, &c.

XXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required from Time to Time, to cauſe the ſeveral Market Places, Streets, Lanes, and other publick Paſſages and Places, and the ſeveral publick Bridges already made or hereafter to be made within the ſaid Borough,

or any Part or Parts thereof, as well in the Carriage as Footways, to be new paved, flagged, repaired, and amended, and the Pavements and Flagging thereof to be taken up and relaid, and the Ground thereof to be raiſed, lowered, or altered, from Time to Time, in ſuch Manner and with ſuch Materials as they ſhall think fit, and to cauſe to be cut or made in, through, over, or under any of the ſaid Market Places, Streets, Lanes, publick Paſſages and Places, any new Bridges, Tunnels, Gutters, Sinks, Drains, Sewers, or Watercourſes, for conveying the Water from the ſame reſpectively; and alſo to cauſe any of the preſent Gutters, Sinks, Drains, Sewers, and Watercourſes, to be ſtopped up, or opened or widened, and the Form thereof to be altered, turned, varied, or changed, in ſuch Manner as they ſhall think fit; and it ſhall and may be lawful to and for the ſaid Commiſſioners to take up, remove, or cauſe to be taken up and removed, all or any Poſts, Rails, Pales, or Trees, in ſuch Markets, Streets, Lanes, Paſſages, or Places, or on the ſaid Bridges, or any of them, as they the ſaid Commiſſioners ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot Paſſengers, and all and every Perſon and Perſons, Body and Bodies Politick and Corporate, who was or were before the paſſing of this Act liable to repair and maintain the aforeſaid preſent Pavements, Gutters, Sinks, Drains, Sewers, and Watercourſes, or any of them, ſhall from henceforth be exonerated and diſcharged from repairing and maintaining the ſame.

Repair of Bridges.

XXIV. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to compel or oblige the ſaid Commiſſioners to repair or maintain, or ſupport any Part or Parts of the preſent Bridges within or belonging to the ſaid Borough, or of any of them (ſave and except the Pavements upon or over the ſame reſpectively), but that each and every ſuch Bridge ſhall be repaired, maintained, and ſupported by ſuch Perſon or Perſons, Body or Bodies Politick or Corporate, as would be ſubject and liable to repair, maintain, and ſupport the ſame reſpectively, in caſe this Act had not been made.

Pavement not to be altered without Conſent of Commiſſioners.

XXV. And be it further enacted, That if any Perſon or Perſons ſhall at any Time take up the ſaid Pavements and Flagging, or any Part of the ſame reſpectively, or make or cauſe to be made any Alteration in any Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe, in any Market Place, Street, Lane, publick Paſſage, or Place, in the ſaid Borough, or in, upon, or over any of the publick Bridges, without the previous Conſent in Writing of the ſaid Commiſſioners, every ſuch Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings; and in caſe the Perſon or Perſons ſo taking up any ſuch Pavement or Flagging, or any Part of the ſame reſpectively, or any ſuch Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe, ſhall not, within Seven Days after Notice in Writing by the Surveyor to the ſaid Commiſſioners, given to or left at the laſt or uſual Place or Places of Abode of ſuch Perſon or Perſons, cauſe the ſame Pavement and Flagging reſpectively, which ſhall have been ſo taken up to be reinſtated, and the Tunnel, Gutter, Sink, Drain, Sewer, or Watercourſe ſo altered, to be put into its former State, then and in every ſuch Caſe, it ſhall and may be lawful to and for the Surveyor to the ſaid Commiſſioners to cauſe the ſame reſpectively to be ſo done, the Coſts and Charges whereof ſhall be borne and paid by the Perſon or Perſons who ſhall have taken up or altered ſuch

Pavement

Pavement or Flagging, Tunnel, Gutter, Sink, Drain, Sewer, and Watercourſe, or any Part thereof reſpectively; and in caſe of Nonpayment thereof on Demand, ſuch Coſts and Charges ſhall and may be levied and recovered in ſuch and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Power for Owners of Water Pipes, to take up Pavement to repair the Pipes.

XXVI. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Owners or Proprietors for the Time being of the publick Water Works within the ſaid Borough, or their Leſſee or Leſſees, and alſo for any other Perſon or Perſons who ſhall or may have any Pipe or Pipes for conveying Water from any publick Main Pipe or other Water Works, to take up any Part of the Pavement or Flagging within any of the ſaid Market Places, Streets, Lanes, or other publick Paſſages or Places, whenever it ſhall be found neceſſary for the Purpoſe of repairing or laying down any ſuch Water Pipe, ſuch Owners or Proprietors, and other Perſons reſpectively firſt cauſing Notice to be given to or left at the Houſe of the Surveyor to the ſaid Commiſſioners, of their Intention to take up ſuch Pavement or Flagging for the Purpoſes aforeſaid; and the ſaid Surveyor ſhall cauſe ſuch Pavement and Flagging to be properly relaid and repaired, as ſoon as the Work for which the ſame ſhall have been taken up ſhall be completed; and all the Coſts, Charges and Expences attending the relaying and repairing thereof, ſhall be reimburſed to the ſaid Commiſſioners by the Perſon or Perſons who ſhall have cauſed ſuch Pavement and Flagging reſpectively to have been taken up as aforeſaid; and in Default of Payment thereof, within the Space of Seven Days next after Notice in Writing, ſpecifying the Amount of ſuch Coſts, Charges, and Expences left by the Surveyor to the ſaid Commiſſioners at the Dwelling Houſe or uſual Place of Abode of the Chamberlain for the Time being of the Mayor and Burgeſſes of the ſaid Borough (if ſuch Pavement and Flagging ſhall have been taken up by their Order or on their Account), or at the Dwelling Houſe or laſt or uſual Place of Abode of the Perſon or Perſons, at whoſe Deſire or on whoſe Account ſuch Pavement or Flagging ſhall have been taken up, then and in every ſuch Caſe, ſuch Coſts, Charges, and Expences ſhall and may be levied and recovered in ſuch and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Power for Commiſſioners to name the Streets, and number the Doors, &c.

XXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby empowered to deſcribe and determine the Limits and Extent of the ſeveral Streets, Lanes, publick Paſſages, and Places, within the ſaid Borough, in ſuch Manner as they ſhall think proper, and ſhall and may cauſe to be placed on a conſpicuous Part of ſome Houſe or other Building, at or near the End or Corner of every ſuch Street, Lane, publick Paſſage or Place, the Name by which ſuch Street, Lane, publick Paſſage or Place, is uſually or properly, or ſhall thereafter be called or known; and may order and direct the ſeveral Houſes, Shops, Warehouſes, and Buildings, within the ſaid Streets, Lanes, publick Paſſages and Places, or any of them, to be numbered with Figures placed or painted on the Door of every ſuch Houſe, Shop, Warehouſe, or Building, or ſuch other Part thereof as the ſaid Commiſſioners ſhall think proper; and if any Perſon ſhall wilfully deſtroy, obliterate, or deface any ſuch Number, Figure, Name, or Deſcription, or any Part thereof, or cauſe or procure the ſame to be done, every Perſon

ſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend ſo as to authorize the ſaid Commiſſioners to interfere with the Power by this Act given to the Mayor of the ſaid Borough for the Time being, or his Deputy, to aſcertain the Limits of either of the publick Market Places of the ſaid Borough, in caſe of any Diſpute or Queſtion in that Reſpect.

Penalty on Owners not reſtoring Numbers.

XXVIII. And be it further enacted, That when any ſuch Number or Numbers painted or put on any Houſe, Tenement, or other Premiſes within the ſaid Borough, ſhall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of ſuch Houſe, Tenement, or other Premiſes where the Number or Numbers ſhall have been ſo defaced or rubbed out, ſhall, upon perſonal Notice given to him, her, or them, or upon Notice in Writing, left at ſuch Houſe, Tenement, or other Premiſes, ſigned by the Clerk to the ſaid Commiſſioners, cauſe the ſame Number or Numbers to be in the ſame or like Manner painted or put on ſuch Houſe, Tenement, or other Premiſes, within Seven Days after ſuch Notice; and in caſe of Neglect or Refuſal to comply with ſuch Order, every ſuch Owner or Occupier ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Ten Shillings.

Commiſſioners may direct the Streets to be cleanſed.

XXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required to nominate and appoint any Perſon or Perſons, and to purchaſe any Cart or Carts, or other Carriage or Carriages, and alſo any Horſe or Horſes, for the Purpoſe of cleanſing the ſeveral Streets, Markets, Lanes, Paſſages, and Places within the ſaid Borough, and of carrying away the Duſt, Dirt, Filth, Rubbiſh, Cinders, or Aſhes from any Houſe or Houſes, or other Premiſes within the ſame, or it ſhall and may be lawful to and for the ſaid Commiſſioners to contract with any Perſon or Perſons for cleanſing the ſame, and for carrying away the Duſt, Dirt, Cinders, or Aſhes from any Houſe or Houſes, or other Premiſes within the ſame.

Scavengers Duty.

XXX. And be it further enacted, That the Perſon or Perſons employed by or contracting with the ſaid Commiſſioners for cleanſing the ſeveral Market Places, Streets, Lanes, publick Paſſages, and Places within the ſaid Borough, or the Perſon or Perſons employed by, or acting under the Direction of ſuch Perſon or Perſons ſo contracting with the ſaid Commiſſioners, ſhall Twice in every Week (that is to ſay), on every *Wedneſday* and *Saturday*, between ſuch Hours of thoſe reſpective Days, and alſo on ſuch other Days, and at or between ſuch Hours as the Commiſſioners aforeſaid ſhall from Time to Time appoint, ſweep and collect together all Dirt, Duſt, Filth, or Rubbiſh in ſuch Market Places, Streets, Lanes, publick Paſſages, and Places, and ſhall alſo bring or cauſe to be brought a Cart or other proper Carriage into ſuch Market Places, Streets, Lanes, publick Paſſages, and Places, where ſuch Cart or other Carriage can paſs, and ſhall at his or their Approach with ſuch Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwiſe, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Paſſage or Place, into which ſuch Cart or Carriage cannot paſs, and ſuch Perſon or Perſons aforeſaid ſhall immediately take the Duſt, Dirt, Rubbiſh, Cinders, Aſhes, and other Filth (except Filth from any Privy or

Neceſſary Houſe), from the reſpective Premiſes in ſuch ſeveral Market Places, Streets, Lanes, publick Paſſages, and Places, and put the ſame into ſuch Cart or Carriage; all which Duſt, Dirt, Rubbiſh, Cinders, Aſhes, and Filth, (except as aforeſaid), as well as all ſuch Duſt, Dirt, Dung, Aſhes, and other Filth, as ſhall be ſwept up and collected together as aforeſaid, ſuch Perſon or Perſons ſhall then immediately, or as ſoon as may be, carry away, or cauſe to be carried away to the Place or Places appointed for depoſiting the ſame, upon Pain of forfeiting any Sum not exceeding Forty Shillings for every Offence or Neglect therein; and the Perſon or Perſons ſo employed as aforeſaid, ſhall cauſe the Words *Scavenger's Cart*, to be painted in large Roman Letters on the Front or on ſome other conſpicuous Part of every Cart or Carriage uſed for the Purpoſes aforeſaid, on Pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein; and if any ſuch Perſon ſo employed as aforeſaid, ſhall ſweep or throw any Duſt, Dirt, Aſhes, or Filth, into any Creek, Fleet, Drain, Sewer, Sink, or Watercourſe, within the ſaid Borough, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

For preventing Perſons from throwing Dirt into the Street.

XXXI. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall throw, caſt, or lay, or cauſe to be thrown, caſt, or laid, any Duſt, Dirt, Dung, Offal, Rubbiſh, Aſhes, or other Filth whatſoever, into any Market Place, Street, Lane, or other publick Paſſage or Place, within the ſaid Borough, (except the Duſt, Dirt, Aſhes, and Filth, to be collected and put together, and placed as aforeſaid, and except as is next herein-after mentioned), every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, or if any Perſon or Perſons whoſoever ſhall throw or caſt any ſuch Duſt, Dirt, Dung, Offal, Rubbiſh, Aſhes, or other Filth or Thing whatſoever, into any Creek, Fleet, Sewer, Drain, Sink, or Watercourſe, under the Direction of the ſaid Commiſſioners within the ſaid Borough, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty not to extend to Rubbiſh or Dirt occaſioned by building or repairing Houſes.

XXXII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to ſubject any Perſon whomſoever to any Penalty by this Act inflicted, for or on Account of any Rubbiſh or Dirt being laid or placed in any ſuch Market Place, Street, Lane, publick Paſſage or Place as aforeſaid, occaſioned by the building, pulling down, altering, or repairing his or her Houſe or other Building, ſo as there be full and ſufficient Space, in the Opinion of the ſaid Commiſſioners or of their Surveyor for the Time being, left in or at the Side of the Market Place, Street, Lane, publick Paſſage or Place, where ſuch Rubbiſh or Dirt ſhall lie or be placed, for Carriages to paſs and repaſs, and a ſufficient Way kept clean for Foot Paſſengers, by the Perſon or Perſons laying or cauſing ſuch Rubbiſh or Dirt to be laid or placed, and ſo as a ſufficient Light be at his, her, or their own Expence, ſet and maintained, at the Place where ſuch Rubbiſh or Dirt ſhall be ſo laid or placed, from Sun-ſet to Sun-riſe, to prevent any Miſchief happening to Paſſengers or Cattle, and ſo as the ſame be incloſed and fenced about in ſuch Manner and within ſuch Time as the ſaid Commiſſioners ſhall, by any Notice to be by their Order given to or left with ſuch Perſon or Perſons, direct and appoint, and ſo as ſuch Rubbiſh or Dirt be removed at the Expence

of the Perſon or Perſons ſo laying or cauſing the ſame to be laid within a Time to be expreſſed in a Notice to be in like Manner given by the ſaid Commiſſioners.

No Perſon but a Scavenger to remove any Dirt, Duſt, &c.

XXXIII. And be it further enacted, That if any Perſon or Perſons whoſoever, other than the Perſon or Perſons employed by or contracting with the ſaid Commiſſioners for cleanſing the ſeveral Market Places, Streets, Lanes, or other publick Paſſages or Places within the ſaid Borough, or the Perſon or Perſons employed by or acting under the Direction of the Perſon or Perſons ſo contracting as aforeſaid, ſhall take or carry away, or cauſe to be taken or carried away, any Dirt, Duſt, Dung, Aſhes, or other Filth, out of any ſuch Market Places, Streets, Lanes, or other publick Paſſages or Places as aforeſaid, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Perſons to be at Liberty to keep or diſpoſe of Duſt, *etc.* for their own Uſe.

XXXIV. Provided always, That nothing herein contained ſhall extend or be conſtrued to extend ſo as to prevent any Perſon or Perſons from preſerving and keeping any Soil, Dirt, Duſt, Dung, Aſhes, Cinders, Manure, Muck, Filth, or Rubbiſh, which ſhall have ariſen or have been made within his, her, or their Houſes, Yards, or other Premiſes, or otherwiſe diſpoſing of the ſame for his, her, or their own Uſe and Benefit, ſo as ſuch Soil, Dirt, Duſt, Cinders, Dung, Aſhes, Manure, Muck, Filth, or Rubbiſh, be not laid down or placed in any Market Place, Street, Lane, publick Paſſage or Place, within the ſaid Borough, for any longer Time than ſhall be neceſſary for loading and carrying away the ſame, nor be ſuffered to remain ſo as to be any Annoyance to any of the Inhabitants of the ſaid Borough; but in caſe any Perſon or Perſons ſo reſerving ſuch Soil, Dirt, Duſt, Dung, Aſhes, Cinders, Manure, Muck, Filth, or Rubbiſh, ſhall thereby annoy any of the ſaid Inhabitants, or ſhall permit or ſuffer the ſame to remain in any ſuch Market Place, Street, Lane, publick Paſſage or Place, for any longer Time than from Sunriſe to Sunſet before the ſame ſhall be carried away or removed, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings for every Day that ſuch Annoyance ſhall be ſuffered to remain after the Time limited as aforeſaid.

Direction for ſweeping Footways.

XXXV. And be it further enacted, That the reſpective Occupiers of Houſes or other Buildings in the ſeveral Market Places, Streets, Lanes, publick Paſſages and Places, within the ſaid Borough, ſhall and they are hereby required to cauſe to be well and ſufficiently ſwept and cleanſed the Footways or Foot Pavements before, behind, and at the Sides of their reſpective Houſes or other Buildings, (as the Situation thereof ſhall require), every Morning in the Year, between the Hours of Six and Ten of the Clock, upon Pain of forfeiting and paying for every Neglect therein, any Sum not exceeding Five Shillings.

Proviſion for lighting the Streets, &c.

XXXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, from Time to Time, and at any Time or Times hereafter, to purchaſe and provide ſuch and ſo many Glaſs Lamps, of ſuch Sorts and Sizes, and alſo ſuch and ſo many Lamp Irons and Lamp Poſts, as they ſhall

ſhall judge neceſſary, and to direct the ſame to be affixed or ſet up upon or againſt the Walls or Paliſadoes of all or any of the ſeveral Houſes, Buildings, or Bridges, or upon or againſt any other Walls, or in or upon ſuch other Places within the ſaid Borough, and to be altered, taken down, or renewed, in ſuch Manner as they ſhall think fit, and to cauſe ſuch Lamps, or any of them, to be lighted at ſuch Seaſons of the Year, on ſuch Evenings, and in ſuch Hours of the Evening, and to be kept burning for ſo many Hours as ſhall to them ſeem neceſſary or proper, for the well and ſufficiently lighting of all or any of the ſaid Market Places, Streets, Lanes, publick Paſſages and Places, within the ſaid Borough.

Penalty for wilful Damage to Lamps.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully take away, break, throw down, diſplace, or damage any Lamp or Lamps already ſet up or that ſhall be ſet up by virtue of this Act, by Order of the ſaid Commiſſioners, or by any Perſon or Perſons at his, her, or their own Expence, for the Purpoſe of lighting any of the ſaid Market Places, Streets, Lanes, Paſſages or Places, or ſhall wilfully extinguiſh the Light or Lights within the ſame, or ſhall thrown down or damage the Poſts, Irons, Cover, or other Furniture of any ſuch Lamp, it ſhall and may be lawful to and for any Perſon or Perſons whomſoever who ſhall ſee any ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons whomſoever to aſſiſt in ſeizing, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Cuſtody of a Watchman or of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Borough, and ſuch Juſtice ſhall proceed to examine, upon Oath, any Witneſs or Witneſſes who ſhall appear or be produced to give Information or Evidence touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted, either by his, her, or their Confeſſion, or upon ſuch Information or Evidence as aforeſaid, then and in every ſuch Caſe he, ſhe, and they ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings, and ſhall moreover pay ſuch Sum or Sums of Money as ſhall be deemed by ſuch Juſtice to be a full Satisfaction for the Damage ſo by him, her, or them, done as aforeſaid; and in caſe ſuch Offender or Offenders ſhall not on Conviction pay ſuch Forfeiture, and alſo ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit him, her, or them, to the Common Gaol or Houſe of Correction of and for the ſaid Borough, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they, ſhall be ſo committed, unleſs ſuch Forfeiture and Satisfaction ſhall be ſooner paid and given.

Satisfaction for accidental Damage to Lamps, *etc.*

XXXVIII. And be it further enacted by the Authority aforeſaid, That in caſe any Perſon or Perſons ſhall careleſsly, negligently, or accidentally break, throw down, or damage any Lamp or Lamps hung out or ſet up by Order of the ſaid Commiſſioners, or by any Perſon or Perſons at his, her, or their private Expence, or the Poſts, Irons, Covers, or other Furniture thereof, and ſhall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every ſuch Caſe it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Borough,

upon

upon Complaint to him made by One or more credible Witneſs or Witneſſes, to ſummon before him the Party or Parties who ſhall be complained of for doing ſuch Damage as aforeſaid; and upon hearing the Allegation and Proofs on both Sides, or Non-appearance of the Party or Parties ſo complained of, to award ſuch Sum or Sums of Money, by way of Satisfaction to the ſaid Commiſſioners, or to the other Owner or Owners of ſuch Lamp or Lamps, as the Caſe ſhall be, for ſuch Damages, as ſuch Juſtice ſhall think reaſonable; and in caſe of Neglect or Refuſal to pay any Sum or Sums of Money ſo awarded, within Five Days after Demand, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby required to cauſe the ſame to be levied and applied, as any Fines, Penalties, and Forfeitures, are by this Act directed to be levied and applied.

Power for Commiſſioners to appoint Watchmen.

XXXIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, from Time to Time, to appoint ſuch Number of able-bodied Men as they ſhall judge proper, to be employed as Watchmen within the ſaid Borough during the Night Time, under ſuch Regulations, and ſubject to ſuch Orders as the ſaid Commiſſioners ſhall make and give from Time to Time in that Behalf, and to provide proper Watch Houſes, Watch Boxes, or Places, for the Reception of ſuch Watchmen, and for the ſafe Cuſtody of ſuch Perſons as may be apprehended by ſuch Watchmen while on Duty; and to pay ſuch Watchmen reaſonable Wages or Allowances; and alſo to appoint One or more fit Perſon or Perſons in the Stead of any Watchman or Watchmen who ſhall die, or who ſhall be diſcharged from his or their Office for Neglect of Duty or other Miſbehaviour in Office; and alſo to impoſe, from Time to Time, any Fine not exceeding Ten Shillings, on any Watchman or Watchmen for every ſuch Neglect or other Miſbehaviour, (ſuch Fine to be deducted out of the Wages of ſuch Watchman or Watchmen), and from Time to Time to make ſuch Orders and Regulations as they the ſaid Commiſſioners ſhall judge expedient, for the better Government of the Watchmen to be ſo appointed, and to repeal ſuch Orders and Regulations, or any of them, and to ſubſtitute others; and it ſhall and may be lawful to and for ſuch Watchmen, and they are hereby required in their reſpective Stations, to apprehend and ſecure in ſome proper Place or Places of Security, to be for that Purpoſe appointed within the ſaid Borough, all Malefactors, Rogues, Vagabonds, and Diſturbers of the publick Peace, and all ſuſpected Perſons who ſhall be found wandering or miſbehaving themſelves during the Hours of keeping Watch, and to conduct all ſuch Perſons as ſoon as conveniently may be, before ſome Juſtice of the Peace for the ſaid Borough, to be examined and dealt with according to Law.

Watchmens Duty.

Penalty on Victuallers harbouring Watchmen while on Duty.

XL. And be it further enacted, That if any Victualler or Keeper of any Publick Houſe ſhall knowingly harbour or entertain, or ſuffer to remain in his or her Publick Houſe, any Watchman of the ſaid Borough as aforeſaid, during any Part of the Time appointed for his being on Duty, every ſuch Victualler or Keeper ſhall, on Conviction, forfeit and pay any Sum not exceeding Ten Shillings, and for the Second and every other Offence of the ſame Kind, any Sum not exceeding Twenty Shillings.

XLI. And

Power to reward Watchmen disabled.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Power to remove Projections and Encroachments.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any Time after the passing of this Act, to take down, take away, remove, alter, or regulate, in such Manner as they shall from Time to Time judge proper, all Signs or other Emblems used to denote the Trade, Occupation, or Calling, of any Person or Persons, and all Sign Irons, Sign Posts, and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Bow Windows, Window Shutters, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Shew Glasses, and Shew Boards, Pools, Cesspools, Cisterns, and Reservoirs for Water, and other Encroachments, Projections, and Annoyances, belonging or which hereafter shall be affixed or belong to any House or Houses, or other Buildings, and which do or shall, in the Judgement of the said Commissioners, obstruct the free and commodious Passage along the Carriage or Footways of any of the said Market Places, Streets, Lanes, publick Passages or Places, of or within the said Borough; and also to cause the Water to be conveyed from the Roofs, Cornices, Eaves, and Penthouses, of or belonging to such Houses or other Buildings respectively, by proper Pipes or Trunks, to be affixed to the Sides of such Houses or other Buildings respectively, and to be brought down to the Ground; and that the Costs, Charges, and Expences, attending the taking down, taking away, removing, altering, or regulating such Signs, Sign Irons, Sign Posts, and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Bow Windows, Window Shutters, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Shew Glasses, Shew Boards, Pools, Cesspools, Cisterns, and Reservoirs for Water, and other Encroachments, Projections, and Annoyances, or any of them, and of making and affixing such Pipes or Trunks as aforesaid, shall be borne and defrayed out of the Money to be raised by virtue of this Act: Provided always, that if the said Commissioners shall cause to be taken up or removed any Stumps, Posts, or other Guards, at the Corner of any House or Building forming a Corner of any Street or Lane, for the Protection of such House from Injury by Carriages, they the said Commissioners shall, by some other proper Ways or Means, sufficiently guard or protect the same from Damage as aforesaid; and in case any Damage shall at any Time happen to any such House by reason of taking up or removing any such Stump, Post, or other Guard, by the said Commissioners, they the said Commissioners shall, from Time to Time, make good such Damage out of the Monies to be raised by virtue of this Act.

For Protection of Corners of Buildings.

For preventing future Projections.

XLIII. And be it further enacted, That if any House or other Building, in or near any Market Place, Street, Lane, Creek, Fleet, or other publick Passage or Place, within the said Borough, shall after the passing of this Act be made, erected, or built in such Manner or Form as in the Front, or in any of the Gables or Sides thereof, to project into or over such Market Place, Street, Lane, Creek, Fleet, or other publick Passage or Place, or in any other Manner or Form than in a perpendicular

Line or Direction upwards from the Foundation of ſuch Houſe or Building; or if any Spout, Pipe, or Trunk, for conveying Water from the Roof, Eaves, or Cornices of any Houſe or other Building, in any Market Place, Street, Lane, or other publick Paſſage or Place, in the ſaid Borough, ſhall be affixed otherwiſe than from the Roofs, Eaves, or Cornices thereof, by ſuch Spouts, Pipes, or Trunks, on the Fronts or Sides of ſuch Houſes or Buildings reſpectively, and brought down to the Ground; or if any Sign, Sign Iron, Sign Poſt, or other Poſt, Shed, Penthouſe, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Paliſado, Porch, Bulk, Shew Glaſs, Shew Board, Pool, Ceſſpool, Ciſtern, or Reſervoir for Water, or any other Encroachment or Projection againſt or in the Front or Outſide of any Houſe or other Building, within or adjoining to any Market Place, Street, Lane, publick Paſſage or Place, within the ſaid Borough, ſhall be made, erected, or built, ſo as to obſtruct the free and commodious Paſſage along the Carriage or Footways of the ſame, then and in every ſuch Caſe the Owner and Owners of every ſuch Houſe or other Building, Sign, Sign Iron, Sign Poſt, or other Poſt, Shed, Penthouſe, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Paliſado, Porch, Bulk, Shew Glaſs, Shew Board, Pool, Ceſſpool, Ciſtern, or Reſervoir for Water, or other Encroachment or Projection, which ſhall be ſo made, erected, or built as aforeſaid, or of every ſuch Spout, Pipe, or Trunk, which ſhall be ſo made or affixed otherwiſe than as aforeſaid, contrary to this Act, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings a Day for every Day ſuch Houſe or other Building, Sign, Sign Iron, Sign Poſt, or other Poſt, Shed, Penthouſe, Step, Stair, Bow Window, Window Shutter, Stump, Rail, Pale, Paliſado, Porch, Bulk, Shew Glaſs, Shew Board, Pool, Ceſſpool, Ciſtern, or Reſervoir for Water, Spout, Pipe, or Trunk, or other Encroachment or Projection, ſhall continue in ſuch State as is herein provided againſt; and it ſhall and may be lawful to and for the ſaid Commiſſioners (whether any of ſuch Penalties or Forfeitures ſhall be levied or not) to cauſe all ſuch Houſes and other Buildings, Sign, Sign Irons, Sign Poſts, and other Poſts, Sheds, Penthouſes, Steps, Stairs, Bow Windows, Window Shutters, Stumps, Trees, Rails, Pales, Paliſadoes, Porches, Bulks, Shew Glaſſes, Shew Boards, Pools, Ceſſpools, Ciſterns, and Reſervoirs for Water, Spouts, Pipes, Trunks, and other Encroachments and Projections, or any of them, to be taken down, taken away, and removed.

Extinction of Quit Rents for Bulks, *etc.* removed.

XLIV. And be it further enacted, That where any Bulk, Porch, Poſt, or other Projection or Obſtruction, ſhall be removed by Authority of this Act, for the Purpoſe of widening or altering any Market Place, Street, Lane, or other publick Paſſage or Place, within the ſaid Borough, and for or in reſpect of which any annual Sum or Sums hath or have been uſually paid by Way of Quit-Rent, Fee Farm Rent, Purpreſture Rent, or other Acknowledgement, to any Perſon or Perſons, Body or Bodies Politick or Corporate, then and in every ſuch Caſe ſuch annual Sum or Sums of Money ſhall ceaſe to be any longer paid or payable, and ſhall be conſidered as abſolutely extinguiſhed: Provided always that the ſaid Commiſſioners ſhall in every ſuch Caſe make ſuch Satisfaction and Compenſation to the Perſon or Perſons, Body or Bodies Politick or Corporate, to whom any annual Sum or Sums hath or have been ſo paid as aforeſaid, by the Payment of a Groſs Sum or Sums of Money out of the Monies to be raiſed

raiſed by virtue of this Act, as the ſaid Commiſſioners ſhall judge to be the Value of the annual Sum or Sums ſo paid; and in caſe of any Difference or Diſpute between the ſaid Commiſſioners and ſuch Perſon or Perſons, Body or Bodies Politick or Corporate, reſpecting the Sum or Sums of Money ſo to be paid by the ſaid Commiſſioners as a Satisfaction and Compenſation for any ſuch Quit Rent, Fee Farm Rent, Purpreſture Rent, or other Acknowledgement as aforeſaid, ſuch Satisfaction and Compenſation ſhall be ſettled and aſcertained in ſuch and the like Manner as the Satisfaction and Compenſation to be made by the ſaid Commiſſioners for the Purchaſe of any Lands, Tenements, or Hereditaments for the Purpoſes of this Act are herein directed to be aſcertained and ſettled; and ſuch Sum and Sums of Money, when ſo ſettled and aſcertained, ſhall be paid to, or diſpoſed of, for the Uſe and Benefit of the Party or Parties entitled thereto, in ſuch and the like Manner as any Sum or Sums of Money to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments by the ſaid Commiſſioners is and are herein directed to be paid or diſpoſed of.

Proviſion with reſpect to Market Places, Markets, and Mart.

XLV. And whereas the Place for holding and keeping the Weekly Market held on *Saturday* within the ſaid Borough, is of ſufficient Size or Space, and is conveniently ſituated with a View to the general Accommodation of the Inhabitants of all Parts of the ſaid Borough; but the Market hath for many Years paſt been extended into One of the publick Streets there, uſually called *High Street Saturday Market*, and alſo into or along the North Side of a Street or Streets extending from the Guildhall of the ſaid Borough, to a Meſſuage called *The White Hart Inn*, nearly oppoſite to the North-eaſt Corner of the Chancel of *Saint Margaret*'s Church, in the ſaid Borough, to the great Inconvenience of the Inhabitants and of the Publick in general; and Inconveniencies have ariſen for want of Power in the Clerk of the Market to fix the Limits of the Market Place aforeſaid, and alſo of the *Tueſday* Market Place in the ſaid Borough, where the Weekly Market on *Tueſday* is held and kept, and where the annual Mart or Fair in the Month of *February* is uſually held and kept, and for want of Power in the Clerk of the Market to regulate and direct the Situation, Size, Form, Order, and Arrangement, of the Stalls, Booths, Benches, Stools, and other Utenſils, uſed by the Frequenters of the ſaid reſpective Markets and Mart, for ſelling or expoſing to Sale or View their reſpective Goods and Wares; be it therefore enacted, That no Part of the ſaid publick Street, uuſally called or known by the Name of *High Street Saturday Market*, nor any Part or Parts of the North Side of the Street or Streets leading from the Guildhall aforeſaid, to the Meſſuage aforeſaid called *The White Hart Inn*, ſhall ever hereafter be deemed or taken to be Part or Parts of the *Saturday* Market Place, or of the Spot of Ground for holding or keeping the Weekly Market on *Saturday*, within the ſaid Borough; but that the ſaid Weekly Market on *Saturday* ſhall be always kept and held upon the Spot of Ground adjoining to the preſent Meat Shambles, on the North-eaſt and Weſt Sides thereof, excluding the aforeſaid *High Street*, and of the North Side of the Street or Streets leading as aforeſaid from the ſaid Guildhall, to the ſaid Meſſuage called *The White Hart Inn*; and that it ſhall and may be lawful to and for the Mayor of the ſaid Borough for the Time being or his Deputy, in virtue of his Office of Clerk of the Markets of the ſaid Borough, to fix, in caſe of Diſpute or otherwiſe, the preciſe Limits of the *Saturday* Market Place, or Place for holding and keeping the Weekly Market on *Saturday*, within the ſaid Borough,

rough, excluding always the Street and Sides of Streets by this Act expreſsly excluded; and alſo that it ſhall and may be lawful to and for the ſaid Mayor or his Deputy, in virtue of his Office of Clerk of the Markets as aforeſaid, from Time to Time, when and as often as he ſhall ſee fit, to fix the preciſe Limits of the *Tueſday* Market Place, or Place now uſed for holding and keeping the Weekly Market on *Tueſday*, within the ſaid Borough, and for holding and keeping the before mentioned annual Mart or Fair in the Month of *February*, ſo as to prevent ſuch laſt mentioned Market Place from being extended over or upon any of the Carriage Ways or Footpaths of any of the adjoining or ſurrounding Streets, or other publick Paſſages or Places; and it ſhall and may be lawful to and for the ſaid Mayor or his Deputy, in virtue of his ſaid Office of Clerk of the Markets, from Time to Time as he ſhall judge expedient, to fix and place, or to give Orders for fixing and placing, all Stalls, Booths, Benches, Stools, Forms, Boxes, Packages, Baſkets, or other Utenſils of any other Denomination, to be uſed or occupied by any Perſon or Perſons frequenting the ſaid Markets and Mart or Fair, or any of them reſpectively, for the Purpoſes of ſelling or expoſing to Sale or View any Goods or Wares taken thither for Sale or Show, and alſo to direct and regulate the Situation, Size, Dimenſions, Form, Order, and Arrangement, of all ſuch Stalls, Booths, Stools, Forms, Boxes, Packages, Baſkets, and other Utenſils as aforeſaid, or any of them, ſo as to preſerve convenient Order and Regularity in ſuch Markets and Mart or Fair reſpectively, and to prevent thoſe Inconveniencies which have ſometimes ariſen for want of that Order and Regularity.

For making Compenſation to the Inhabitants, on Account of excluding *High Street* from *Saturday* Market Place.

XLVI. And foraſmuch as the Regulation hereby made for confining within convenient Limits the Place of holding and keeping the Weekly Market on *Saturday* as aforeſaid, will be a Loſs to the Owners of Meſſuages ſtanding in the *High Street* aforeſaid, and next the North Side of the aforeſaid Street or Streets leading from the Guildhall aforeſaid, to the *White Hart* Inn aforeſaid, by preventing thoſe Owners from receiving any Weekly Payment by way of Stallage, from Perſons frequenting the ſaid *Saturday* Market with Goods for Sale, but ſuch Regulation will probably increaſe the Tolls payable to the Mayor and Burgeſſes of the ſaid Borough; be it further enacted, That the ſaid Commiſſioners ſhall, as ſoon as conveniently may be, give Notice in Writing, ſigned by the Clerk to the ſaid Commiſſioners to be affixed on the Guildhall and Market Croſs within the ſaid Borough, for the Owners of Meſſuages next the ſaid Street called *High Street*, and alſo next the North Side of the ſaid Street or Streets leading from the Guildhall aforeſaid to the *White Hart* Inn aforeſaid, to appear at a Meeting of the ſaid Commiſſioners (ſuch Meeting not to be holden ſooner than Seven Days after ſuch Notice), and to deliver to the ſaid Commiſſioners an Account in Writing, of the Sum or Sums of Money received by ſuch Owners reſpectively, by themſelves or by their ſeveral Tenants, by way of Stallage, or for Liberty given to Perſons to expoſe their Goods and Wares to Sale, before their reſpective Meſſuages on the *Saturday* Market Day, for the Space of Seven Years next before the paſſing of this Act, which Account ſhall, if required by the ſaid Commiſſioners, be verified on the Oath of each reſpective Owner, or of his or her Tenant or Tenants, or otherwiſe, before the Commiſſioners preſent at ſuch Meeting; and the ſaid Commiſſioners ſhall from ſuch Account as aforeſaid, or from other good Proof, ſettle and aſcertain the Sum or Sums of

of Money, either Annual or in Groſs, or both, which the ſaid Commiſſioners ſhall think juſt and reaſonable to be paid by the ſaid Mayor and Burgeſſes to the ſaid ſeveral Owners of Meſſuages ſo ſituated as above mentioned, by way of Compenſation to them as aforeſaid, and ſhall certify in Writing the Amount of the Sum or Sums of Money to be paid to ſuch Owners reſpectively, and order and direct the Payment thereof by the ſaid Mayor and Burgeſſes, at ſuch Time and Place, or ſuch reſpective Times and Places, and in ſuch Shares and Manner, as they the ſaid Commiſſioners ſhall think proper; and in caſe any Difference or Diſpute ſhall ariſe between the ſaid Commiſſioners and the ſaid Owners, or any of them, reſpecting the Sum or Sums of Money ſo to be ſettled and aſcertained by the ſaid Commiſſioners, and to be paid by the ſaid Mayor and Burgeſſes, then and in ſuch Caſe, ſuch Sum or Sums of Money ſhall be ſettled and aſcertained, in ſuch and the like Manner by a Jury as any Sum or Sums of Money to be paid by the ſaid Commiſſioners for the Purchaſe of any Lands, Tenements, and Hereditaments, is and are herein directed to be ſettled and aſcertained, in caſe of any Difference or Diſpute about the ſame; and ſuch Sum or Sums of Money when ſo ſettled and aſcertained by the ſaid Commiſſioners or a Jury, as the Caſe may be, ſhall be paid by the ſaid Mayor and Burgeſſes to the Perſon or Perſons entitled thereto; and in caſe of Nonpayment thereof forthwith within Fourteen Days after the ſame ſhall have been ſo ſettled and aſcertained to the Perſon or Perſons entitled thereto, ſuch Sum and Sums of Money ſhall and may be recovered from the ſaid Mayor and Burgeſſes by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, with full Coſts of Suit, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance ſhall be allowed: Provided always, that nothing herein contained ſhall extend to authorize the ſaid Commiſſioners or Jury to order or direct the ſaid Mayor and Burgeſſes to pay to or among ſuch Owners, by way of Compenſation as aforeſaid, any Sum or Sums of Money, which in total Amount ſhall exceed the Sum which the ſaid Commiſſioners or Jury ſhall deem to be an Equivalent to the Increaſe of Toll, which the ſaid Mayor and Burgeſſes will receive by the Regulation of ſuch *Saturday* Market in Manner aforeſaid.

Power to alter the Place of holding the Beaſt Market.

XLVII. And, for providing a more convenient Place for holding the Beaſt Market of the ſaid Borough; be it further enacted, That it ſhall and may be lawful to and for the Mayor, Aldermen, and Common Council, of the ſaid Borough, in Council aſſembled, if they ſhall judge it expedient, and they are hereby empowered to appropriate ſuch Piece or Parcel of Waſte Ground belonging to the Mayor and Burgeſſes of the ſaid Borough, as Lords and Owners of the Soil in reſpect of their Lordſhip or Manor of *King's Lynn* aforeſaid, or otherwiſe, and lying within the ſaid Borough or the Liberties thereof, or ſome other Piece or Parcel of Land belonging to the ſaid Mayor and Burgeſſes, and lying within the Borough aforeſaid, or the Liberties thereof, as to them the ſaid Mayor, Aldermen, and Common Council, ſhall ſeem right and proper, as and for a publick Beaſt Market, and to be uſed as ſuch inſtead of the Place or Spot of Ground now uſed as a Beaſt Market as aforeſaid; and it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, and Common Council, to rail or fence off, or cauſe to be railed or fenced off, ſuch Piece or Parcel of Waſte Ground, or other Piece or Parcel of Land to be ſo appropriated, and to make or cauſe to be made proper Gateways and

and Avenues thereto, and to make and erect, or cauſe to be made and erected therein, proper Pens for Cattle or other Beaſts which may be taken thither for Sale; and it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, and Common Council to fence off and allot, or cauſe to be fenced off and allotted, certain Parts or Portions of the Ground or Land to be ſo appropriated as aforeſaid, for expoſing to Sale the different Sorts of Cattle or other Beaſts to be taken thither for Sale, and from Time to Time to vary the Form, Extent, and Situation, of ſuch Parts or Portions, as to them the ſaid Mayor, Aldermen, and Common Council, ſhall ſeem proper; and it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, and Common Council from Time to Time, when and as often as they the ſaid Mayor, Aldermen, and Common Council, ſhall judge proper, and they are hereby empowered to appropriate ſome other Piece or Parcel of ſuch Waſte Ground, or Piece or Parcel of ſuch other Ground as aforeſaid, for and as a publick Beaſt Market, within the Borough aforeſaid or Liberties thereof; and that ſuch Piece or Parcel of Waſte Ground, or Piece or Parcel of other Ground, as ſhall from Time to Time be ſo appropriated or ſet apart for a publick Beaſt Market, and to be uſed as ſuch, ſhall be, and ſhall to all Intents and Purpoſes whatſoever be eſteemed to be, the open and publick Market for the Sale of Live Cattle of every Kind, and of Swine, within the ſaid Borough, and ſhall be open on every *Tueſday* Market Day; and that ſuch and the ſame Tolls as are now taken in the preſent Beaſt Market, may be demanded and taken by the Mayor and Burgeſſes of the ſaid Borough in the new Beaſt Market for the Time being; and that ſuch new Beaſt Market for the Time being, and the Rails, Fences, Poſts, Pales, Pens, and all other Parts thereof, ſhall, in Conſideration of the Tolls to be ſo received as aforeſaid, be maintained and ſufficiently repaired by the ſaid Mayor and Burgeſſes, and their Succeſſors, at their own Coſts and Charges, out of the Revenues belonging to them in their Corporate Capacity.

For preventing Annoyances in the Streets.

XLVIII. And be it further enacted, That if any Perſon or Perſons ſhall, upon any of the Footways or Foot Pavements to be appointed under the Powers in this Act contained, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatſoever, or roll any Caſk or Tub other than for the neceſſary loading or unloading thereof, into, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premiſes in the Occupation of the Perſon from whoſe Houſe or Building ſuch Caſk or Tub ſhall have been rolled (ſuch Premiſes adjoining to or having immediate Communication with the Houſe or Building from which ſuch Caſk or Tub ſhall have been rolled); or if any Perſon ſhall wilfully ride, lead, or drive, any Horſe or other Beaſt, or any Cattle whatever, on any of the ſaid Footways or Foot Pavements, or ſet any Caſk, Tub, Pail, Bucket, Stool, Bench, or any other Matter or Thing, on or ſo as in any Manner to cauſe any Obſtruction or Impediment in the Footway or on the Foot Pavement, or ſhall in any Market Place, Street, Lane, or other publick Paſſage or Place within the ſaid Borough, or in any of the Church or Chapel Yards, burn, dreſs, or cleanſe any Cork, or hoop, fire, cleanſe, waſh, or ſcald, any Caſk or Tub, or hew, ſaw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaiſe, Waggon, Sledge, or other Carriage (except ſuch Carriage

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as may want immediate Repair from any ſudden Accident on the Spot, or which cannot be conveniently removed for that Purpoſe); or if any Perſon ſhall make, ſet, or place any Hayſtack within Fifty Yards of any Dwelling Houſe or any Building adjoining to or having immediate Communication with a Dwelling Houſe within the ſaid Borough; or if any Perſon ſhall in any Market Place, Street, Lane, or other publick Paſſage or Place within the ſaid Borough, ſhoe, bleed, or farry any Horſe or other Beaſt or Cattle, (except in Caſes of Accident); or if any Perſon ſhall in any of the ſaid Market Places, Streets, Lanes, publick Paſſages or Places (except only in the Place called *Common Staithe Yard*) within the ſaid Borough, ſhew or expoſe any Stallion or Stone Horſe, or expoſe to ſale any Horſe or other Beaſt (except in the Beaſt Market) or make or aſſiſt in the making any Bonfire (except by the Permiſſion of the Mayor of the ſaid Borough for the Time being), or any Fire for firing Caſks or Veſſels, or let off or fire any Gun, Piſtol, Serpent, or Rocket, or throw any Cracker, Squib, or other Firework; or if any Perſon ſhall ſift, throw, caſt, or lay any Aſhes (except in the Time of Froſt only and to prevent Accidents), or any Duſt, Muck, Dung, Soil, Filth, Rubbiſh, Refuſe of Garden Stuff, Blood, Offal, Carrion, or any other offenſive Matter or Thing, in any of the Market Places, Streets, Lanes, publick Paſſages or Places, within the ſaid Borough; or ſhall kill or ſlaughter, or ſhall ſcald, ſinge, dreſs, or cut up any Animal, either wholly or in Part, in any of ſuch Streets, Lanes, publick Paſſages or Places, or cauſe or permit any Blood to run from any Slaughter Houſe, Butcher's Shop or Shamble, into the ſame or any of them, or ſhall hang up, place, or expoſe to ſale any Goods, Wares, or Merchandizes whatſoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing, on or projecting over the Foot or Carriage Way of any ſuch Streets, Lanes, publick Paſſages or Places, or ſo as to obſtruct or incommode the Paſſage of any Perſon or Carriage therein; or ſhall commit any other Kind of Obſtruction or Annoyance in any ſuch Market Place, Street, Lane, publick Paſſage or Place within the ſaid Borough, then and in every ſuch Caſe every Perſon ſo offending in any of ſuch Caſes, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided nevertheleſs, that nothing herein contained ſhall extend or be conſtrued to extend ſo as to prevent or hinder the Clerk of the Markets of the ſaid Borough, or his Deputy, from placing any Stall, Booth, Stool, Bench, or Form, for the Sale of Goods or Wares, in the uſual Place of holding the annual Fair called *The Cheeſe Fair*, on the uſual Day in the Month of *October* of holding ſuch Fair, ſo as ſuch Stall, Booth, Stool, Bench, or Form, be not placed upon any Footpath or Foot Pavement to be made under the Authority of this Act.

For preventing the driving of Horſes with the Harneſs looſe about their Heels.

XLIX. And whereas Bargemen and others are accuſtomed to ride or drive the Horſes that have been employed in towing Barges, with the Ropes, Gear, or Harneſs hanging looſe at the Heels of ſuch Horſes or other Beaſts, to the great Danger of the Limbs and Perſons of the Paſſengers; be it therefore enacted, That if any Perſon or Perſons ſhall ride or drive any Horſe in any Market Place, Street, Lane, Paſſage or Place, within the ſaid Borough, with the Ropes, Gear, or Harneſs hanging looſe at the Heels of ſuch Horſe, and dragging on the Ground, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to impound Beasts wandering in the Streets.

L. And be it further enacted, That if any Sort of Swine shall, at any Time be found wandering about any of the Market Places, Streets, Lanes, or other publick Passages or Places, within the said Borough, it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners to seize and impound such Swine in one of the common Pounds of the said Borough, or in such other Place as the said Commissioners shall appoint, and the same there to detain, until the Owner or Owners thereof shall for every such Head of Swine so impounded, pay the Sum of Two Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sum, Charges, and Expences, shall not be paid within Seven Days after such impounding, it shall and may be lawful to and for the said Commissioners to sell or cause to be sold the same, and the Money arising from such Sale, after deducting the said Sum, and the Charges and Expences of impounding, keeping, and selling such Swine, shall be paid to the Person whose Property the Swine so sold shall appear to have been.

For preventing Carts and Carriages, &c. being left in the Streets.

LI. And be it further enacted, That if any Cart, Waggon, Sledge, Dray, or other Carriage, used for the Purpose of conveying or carrying Goods, Merchandizes, or any other Materials or Things whatsoever, shall at any Time be left, or suffered to stand or continue in any Market Place, Street, Lane, or publick Passage or Place, in the said Borough, for any longer Time than shall be necessary for the loading or unloading thereof, or shall be set or placed athwart or across any Part of any such Street, Lane, publick Passage or Place aforesaid (although for the Purpose of loading or unloading the same), so as that there shall not be sufficient Room left for another Carriage to pass; or if any Stage Coach, or other Carriage let to hire shall be suffered to stand in any Market Place, Street, Lane, publick Passage or Place within the said Borough, for a longer Time than shall be necessary for taking up and setting down Passengers or Travellers, or for loading or unloading their Luggage; or if any Horse shall be suffered to stand at the Door or House of any Person, so as to obstruct or incommode the Passage of any Footway; or if any Timber, Stone, or other Thing whatsoever, be drawn in any such Market Place, Street, Lane, publick Passage or Place, without the same being placed on a Sledge or Carriage for that Purpose; or if any Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandizes, Materials, or Things, Rubbish, Dust, Dirt, Dung, Filth, or other Nuisance or Annoyance whatsoever, shall be so thrown, laid, placed, or left in any such Market Place, Street, Lane, publick Passage or Place as aforesaid (except in building, taking down, adding to, altering or repairing any House or Building, or for any of the Purposes authorized or required to be done in virtue or pursuance of this Act, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and inclosed in the Manner herein expressed), and the same (except as last aforesaid) shall be suffered to remain for a longer Space of Time than shall be necessary for the housing or removing thereof; or if any Wood or Faggot Pile shall be made or erected within Twenty Feet of any such House or other Building, then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, Sledge, Coach, Chaise, or other Carriage as aforesaid, and the Owner of any such Timber, Iron, Lead,

Lead, Bricks, Stone, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Caſks, Goods, Wares, Merchandizes, Materials, or Things, Dirt or Rubbiſh as aforeſaid, or the Perſon or Perſons cauſing ſuch Annoyance as aforeſaid, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For Removal of Nuiſances.

LII. And be it further enacted, That in caſe any Slaughter Houſe, Hog Stye, Neceſſary Houſe, or other noiſome or offenſive Building or Place whatſoever, in or near any of the Market Places, Streets, Lanes, publick Paſſages, or Places, within the ſaid Borough, ſhall by the ſaid Commiſſioners be deemed a Nuiſance to any of the Inhabitants thereof or Perſons reſiding therein, the ſame ſhall be deemed a Nuiſance and an Offence againſt this Act; and it ſhall and may be lawful to and for the ſaid Commiſſioners, upon Complaint thereof to them made by any ſuch Inhabitant, or other Perſon or Perſons, by Notice in Writing under the Hands of the ſaid Commiſſioners, or under the Hand of their Clerk for the Time being, to order any ſuch Nuiſance or Offence to be removed; and in caſe the ſame ſhall not be removed within Fourteen Days after ſuch Notice given to the Perſon or Perſons who ought to remove the ſame, or left at his, her, or their laſt or uſual Place of Abode, ſuch Perſon or Perſons ſhall forfeit and pay the Sum of Twenty Shillings daily, for every Day that the ſame ſhall continue unremoved after the Expiration of the Time mentioned in ſuch Notice.

For incloſing the Ground of Houſes taken down.

LIII. And be it further enacted, That the Ground or Place whereon any Houſe or Houſes, Wall or Building, within the ſaid Borough, formerly or lately ſtood, and which is or are now or at any Time hereafter ſhall be either wholly or in Part taken down, ſhall, by the ſeveral Owners or Occupiers of ſuch Ground, Place, Houſe, or Building, immediately after the paſſing of this Act, be fenced and incloſed at the Expence of ſuch Owners or Occupiers reſpectively, in ſuch Manner as the ſaid Commiſſioners ſhall think proper or neceſſary, in order to keep the Footways and Carriage Ways near thereto as open and free from Impediment as the Nature of the Caſe will admit of, and ſo as to guard and protect all Perſons and Beaſts paſſing by or near the ſame or any Part thereof from Danger or Accident, from or in conſequence of any Hole, Vault, Area, Timber, Stones, Materials, or Things made, brought, placed, or uſed in, about, or relating to ſuch Ground, Place, Houſe, or Building; and every Houſe, Wall, or Building, now made or built, or which ſhall hereafter be made or built, within the ſaid Borough, which ſhall be taken down either in the whole or in Part, or which ſhall be altered or repaired, or added to or begun to be altered or repaired or added to, whereby or in conſequence whereof the Carriage Way or Footway near to ſuch Houſe, Wall, or Building, ſhall be in any Manner obſtructed or rendered dangerous to, or unſafe for any Perſon or Beaſt paſſing by or near ſuch Houſe, Wall, or Building, or any Part thereof, to Danger or Accident as laſt mentioned, ſhall be in like Manner fenced and incloſed by and at the Expence of the reſpective Owners or Occupiers thereof, and the Fences and Incloſures to be made in reſpect of any Houſe, Wall, or Building, which ſhall or may hereafter be taken down, altered, repaired, or added to, ſhall be made before ſuch Houſe, Wall, or Building, ſhall be begun to be altered, repaired, added to, or taken down; and all the Fences and Incloſures, hereby directed to be made for all or any of the Purpoſes aforeſaid, ſhall be continued

ſtanding and in good Condition, during ſuch Time as the ſaid Commiſſioners ſhall judge neceſſary for the Purpoſes aforeſaid, or ſhall order or direct; and if the Owner or Occupier of ſuch Ground, Place, Houſe, Wall, or Building as aforeſaid, ſhall refuſe or neglect to erect and ſet up any ſuch Fence or Incloſure as aforeſaid, or ſhall not continue the ſame ſtanding and in good Condition as aforeſaid, then and in either of the ſaid Caſes every ſuch Owner or Occupier ſhall for every Day ſuch Offence ſhall be continued, forfeit and pay any Sum not exceeding Forty Shillings; and in caſe of ſuch Refuſal or Neglect, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe ſuch Ground, Place, Houſe, Wall, or Building, to be well and ſufficiently fenced in or incloſed as aforeſaid, or the Fence or Incloſure then erected and ſet up to be well and ſufficiently repaired, as the Caſe ſhall require, and ſuch Fence or Incloſure to be ſo continued ſtanding as aforeſaid; and the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, ſhall, over and above the ſaid Penalty pay all the Coſts and Charges of making ſuch Fences and Incloſures, or repairing the ſame; and in Caſe ſuch Coſts and Charges ſhall not be paid to the ſaid Commiſſioners or their Surveyor, on Demand made by the ſaid Commiſſioners, or by their Surveyor, ſuch Coſts and Charges together with the reaſonable Coſts of recovering thereof, ſhall and may be recovered in ſuch and the like Manner as any Forfeitures or Penalties inflicted by this Act are herein directed and authorized to be recovered.

Lights to be fixed up, for preventing Accidents.

LIV. And be it further enacted, That if at any Time hereafter any Stones, Timber, Mortar, Rubbiſh, Materials, or other Things, ſhall be laid or placed in, or any Hole or Opening ſhall be made in any of the Market Places, Streets, Lanes, publick Paſſages, or Places, within the ſaid Borough, for any Purpoſe whatſoever, not prohibited by or contrary to the true Intent and Meaning of this Act, then and in every ſuch Caſe the Owner of ſuch Stones, Materials, or other Things, or Perſon or Perſons cauſing ſuch Hole or Opening as aforeſaid to be made, ſhall, at his, her, or their own Expence, cauſe a Light to be affixed in or near the ſame reſpectively, for ſecuring Paſſengers and Cattle from Accidents, every Night from Sun-ſetting to Sun-riſing, during the Time ſuch Stones or other Materials, Hole or Opening, ſhall remain; and in caſe the ſaid Commiſſioners ſhall think proper and direct, ſuch Owner, or Perſon or Perſons, ſhall at his, her, or their own Expence, cauſe ſuch Stones, Materials, or other Things, Hole or Opening, or either, as the Caſe may be, to be fenced and incloſed in ſuch Manner as the ſaid Commiſſioners ſhall think proper, and continue the ſame ſo fenced and incloſed until the Stones, Materials, or other Things, or Hole or Opening, as the Caſe may be, ſhall be removed, and in Default thereof every ſuch Owner or Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Forty Shillings for every Day or Night ſuch Neglect ſhall be continued; and the ſaid Commiſſioners, on ſuch Default being made as aforeſaid, are hereby empowered to cauſe ſuch Light to be affixed, and to fence and incloſe ſuch Stones, Materials, and Things, and to continue the ſame ſo fenced and incloſed, and to charge ſuch Owner, or other Perſon or Perſons as aforeſaid, with the Coſts and Charges thereof reſpectively; and in caſe ſuch Coſts and Charges ſhall not be paid by ſuch Owner, or other Perſon or Perſons as aforeſaid, to the ſaid Commiſſioners or their Surveyor, on Demand made by the ſaid Commiſſioners or by their Surveyor,

veyor, ſuch Coſts and Charges, together with the reaſonable Coſts of recovering thereof, ſhall and may be recovered in ſuch and the like Manner, as any Penalties or Forfeitures inflicted by this Act are directed to be recovered.

The Time of emptying Neceſſary Houſes directed.

LV. And be it further enacted, That if any Perſon ſhall empty any Neceſſary Houſe, or carry any Night Soil along any Market Place, Street, Lane, or other publick Paſſage, or Place, within the ſaid Borough, before the Hour of Twelve at Night in any Part of the Year, or after the Hour of Five in the Morning between *Michaelmas Day* and *Lady Day*, or after the Hour of Four in the Morning between *Lady Day* and *Michaelmas Day*, or put or caſt any Night Soil in or near any of the ſaid Market Places, Streets, Lanes, or other publick Paſſages, or Places, or into any of the publick Fleets or Rivers of the ſaid Borough, at any other Time than during the Continuance of Spring Tides, or at any Place above the Low Water Mark, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Private Drains not to be made without Conſent of Commiſſioners, and if made by their Leave, to be cleanſed by their Order.

LVI. And be it further enacted, That if any Perſon ſhall, without the previous Conſent in Writing of the ſaid Commiſſioners, make or branch any Drain into any publick Sewer or Drain under the Management or Direction of the ſaid Commiſſioners, every ſuch Perſon ſo offending ſhall for every ſuch Sewer or Drain forfeit and pay any Sum not exceeding Five Pounds; and that all private Sewers or Drains now made, or which ſhall hereafter, with the Conſent of the ſaid Commiſſioners, be made within any Market Place, Street, Lane, publick Paſſage, or Place, within the ſaid Borough, and which do or ſhall iſſue into any publick Sewer or Drain under the Management or Direction of the ſaid Commiſſioners, ſhall be repaired and cleanſed under the Direction of the Surveyor or other proper Officer of the ſaid Commiſſioners, at the Coſts and Charges of the Owner or reſpective Owners of the Houſes, Lands, or Tenements, to which ſuch private Sewer or Drain doth or ſhall belong; and ſuch Coſts and Charges (to be aſcertained and ſettled, in caſe of Diſpute, by ſome Juſtice of the Peace for the ſaid Borough) ſhall, on Non-payment on Demand, be levied and recovered by Warrant of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of the Occupier or reſpective Occupiers, and all ſuch Occupiers, their Executors and Adminiſtrators, are hereby empowered to deduct and retain, out of their reſpective Rents, ſuch Coſts and Charges as they reſpectively ſhall pay for or on Behalf of the Owner or reſpective Owners of ſuch Premiſes reſpectively, which Coſts and Charges ſo paid ſhall be conſidered as Money actually paid for Rent due or to become due to ſuch Owner or reſpective Owners, who ſhall allow the Deduction upon the Receipt of the Remainder of his, her, or their Rent or reſpective Rents.

New Buildings to have Party Walls, of a certain Thickneſs, and no Building to be covered with Thatch.

LVII. And, for the better preventing Damage by Fire within the ſaid Borough, be it further enacted, That if any Perſon ſhall erect or build, or cauſe to be erected or built, any Houſe or other Building adjoining to any other Houſe or Houſes, Building or Buildings, within the ſaid Borough, unleſs the End or Side of ſuch new Houſe or other Building which ſhall adjoin any ſuch other Houſe or Building, ſhall conſiſt of a Party or Diviſion Wall of Brick or Stone of the Thickneſs of Nine Inches

Inches at the leaſt; or if any Perſon ſhall cover or cauſe to be covered any Houſe or other Building within any of the ſaid Market Places, Streets, Lanes, or other publick Paſſages, or Places, in the Whole or in Part, with Thatch or Straw, then and in every ſuch Caſe the Owner of every ſuch Houſe or other Building, erected without ſuch Party or Diviſion Wall or Walls, or with a Cover of Thatch or Straw as aforeſaid, ſhall forfeit and pay any Sum not exceeding Forty Shillings, for every Month ſuch Houſe or other Building ſhall continue without ſuch Party or Diviſion Wall or Walls, or with ſuch Covering of Thatch or Straw as aforeſaid.

Power for Commiſſioners to make a new Road from the South Gates.

LVIII. And whereas it might be attended with great Convenience to the Publick, if a new Road or Way were made, by Means whereof the paſſing over the Pavement of the ſaid Borough might be avoided; be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, in caſe they ſhall think proper, to make or cauſe to be made a new Road (of at leaſt the Width of Forty Feet, and not exceeding the Width of Sixty Feet, including the Ditch or Fence on each Side), from the South Gates of the ſaid Borough, in a Northwardly Direction, and in nearly a ſtraight Line over the Scite of a Meſſuage called *The Crown Inn*, and over Part of a Yard thereto adjoining, belonging to the Mayor and Burgeſſes of the ſaid Borough, and in the Occupation of *Maxey Allen* Eſquire, and over or along a preſent Road or Highway to the South or South Weſtwardly Corner of a Piece of Land belonging to *Edward Candelor* Eſquire, and thence over the ſaid Piece of Land in a North or North Eaſtwardly Direction, and over the Eaſtwardly Part of a Piece of Land belonging to *Edward Everard* Eſquire, and over the South Weſtwardly Corner of a Piece of Land belonging to *Elizabeth Barnard* Spinſter, and thence in a North Weſtwardly Direction, and in nearly a ſtraight Line over the North Eaſtwardly Corner of the ſame Piece of Land belonging to the ſaid *Edward Everard*, over a preſent Road or Highway, over Land belonging to *Thomas Marſhall*, over another Road or Highway, over Land belonging to *Mary Dixon* Widow, at the North Eaſt Corner thereof, over another Road or Highway, and over Part of a Piece of Garden Ground belonging to Sir *Martin Browne Folkes* Baronet, and in the Occupation of *Mary Cade* Widow, and thence in a North Weſtwardly Direction, and in a curve Line over a Piece of Garden Ground belonging to the ſaid Mayor and Burgeſſes, to a Fleet or Creek called *Mill Fleet* otherwiſe *Mayors Fleet*, and over the ſame Fleet or Creek by Means of a proper Bridge (which Bridge the ſaid Commiſſioners are hereby authorized and empowered to erect and make), to and over an old Road or Highway, and thence in the ſame North Weſtwardly Direction, and in nearly a ſtraight Line over the Eaſtwardly and North Eaſtwardly Corner of a Parcel of Land called *The Grey Friars*, belonging to the ſaid Mayor and Burgeſſes, and in Leaſe to *Jane Hamilton* Widow, to the before mentioned Street called *Saint James's Street*.

Repair of Road and Bridge.

LIX. And be it further enacted, That ſuch Road when ſo made, and ſuch Bridge over the ſaid Fleet or Creek when ſo erected as aforeſaid, ſhall at all Times for ever thereafter be maintained and kept in proper Condition and Repair by the ſaid Commiſſioners, by and out of the Monies to be raiſed and received by virtue or in purſuance of this Act.

LX. And

Power for Commissioners to purchase Lands, *etc.*

LX. And be it further enacted, That for the Purpose of making the new Road herein authorized to be made from the South Gates of the said Borough into *Saint James's Street* aforesaid, and for the Purpose also of making the narrow Parts of the said Streets, Lanes, and other publick Passages and Places, safe and commodious for Carriages and Passengers, and for opening proper Communications between any of the said Streets, Lanes, and other publick Passages and Places, or any of them, and for altering, widening, and improving, the present Communications between the said Streets, Lanes, and other publick Passages and Places, or any of them, and for otherwise improving the said Borough in Manner by this Act directed, it shall be lawful for the said Commissioners to contract and agree with such Person or Persons, or Body or Bodies Politick or Corporate (Spiritual or Lay) respectively, as shall be or be deemed to be Owners of or interested in any such Lands, Buildings, Bridges, Tenements, or other Hereditaments, within the said Borough, as they the said Commissioners are hereby enabled to purchase, for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively, in the Execution or for the Purposes of this Act, and to take down or alter all or any of such Buildings, Bridges, Houses, or Tenements to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Scites thereof respectively, and also to appropriate all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

Power for Bodies Politick, *etc.* to sell.

LXI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunaticks and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their respective *Cestuique* Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, 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, and to and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, publick Buildings, Bridges, Houses, or other Buildings, Waste Grounds, void Spaces of Ground, 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, or to such Persons and their Heirs for ever, as the said Commissioners shall direct, in Trust for them the said Commissioners for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective *Cestuique* Trusts, and all claiming or to claim by, from,

from, or under them, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

Proviſion in Caſes of Refuſal or Inability to ſell.

LXII. And be it further enacted, That if any Body Politick, Corporate, or Collegiate, or any Corporation whether Aggregate or Sole, Spiritual or Lay, or any Feme Covert, or any Tenant for Life or Tenant in Tail General or Special, Owner or Owners, Occupier or Occupiers, or other Perſon or Perſons whomſoever, intereſted in any Building or Buildings, Erection or Erections, projecting into or upon any of the Footways within the ſaid Borough, or of any Door or Doors of Cellars, or of any Steps belonging thereto, or in any other Projection or Encroachments upon any ſuch Footway whatſoever, or in any Lands, publick Buildings, Bridges, Houſes, or other Buildings, Tenements, or other Hereditaments, which the ſaid Commiſſioners are enabled by this Act to purchaſe or treat for, ſhall refuſe to treat, contract, or agree as aforeſaid, or by reaſon of Abſence or otherwiſe ſhall be prevented from treating, contracting, or agreeing, or ſhall decline or refuſe to ſell, convey, and diſpoſe of the Premiſes whereof or wherein, or whereunto they reſpectively ſhall be ſo ſeiſed, poſſeſſed, intereſted, or entitled as aforeſaid, or their reſpective Rights, Titles, Claims, or Intereſts, in, to, or upon the ſame, or any Part thereof, unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall nominate for the Purpoſes, and according to the Tenor, true Intent, and Meaning of this Act, or ſhall not or cannot produce or make out a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſt they claim therein, to the Satisfaction of the ſaid Commiſſioners; or if any Diſpute or Difference ſhall ariſe touching ſuch Purchaſe or Purchaſes, the ſaid Commiſſioners are hereby empowered and authorized, before any General or Quarter Seſſion of the Peace to be holden for the ſaid Borough, or any Adjournment thereof, to give or cauſe to be given to ſuch Owner or Owners, or the principal Officer or Officers of ſuch Bodies Politick or Corporate, or to leave or cauſe to be left at the Houſe of the Tenant in Poſſeſſion Thirty Days Notice in Writing, denoting and particularly deſcribing the Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments intended to be purchaſed, and purporting that the Value thereof ſhall be adjuſted and ſettled by a Jury at the ſaid Seſſion or Adjournment thereof; and the Juſtices at the ſaid Seſſion, or any Adjournment thereof, upon Proof to them made of ſuch Notice having been ſo given or left, are hereby authorized and required to charge the Grand Jury at ſuch Seſſion aſſembled, or the Jury to try Priſoners at ſuch Seſſion, well and truly, upon their Oath, to aſſeſs the Value of the ſaid Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments comprized in the Notice ſo given, and the Damages and Recompence to be awarded or given for the ſame to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; and to which ſaid Jury the ſaid Commiſſioners, and all Perſons intereſted in the ſaid Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments, ſhall have their lawful Challenges; and the Jury, being ſo ſworn and charged as aforeſaid,

ſaid, and after proper Evidence on Oath to them given, concerning the Nature, Quality, or Value of the Lands, publick Buildings, Bridges, Houſes, or other Buildings, Waſte Grounds, void Spaces of Ground, or other Hereditaments ſo to be ſold and conveyed as aforeſaid, ſhall by their Verdict aſſeſs the Damages and Recompence to be given for the ſame to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; and ſuch Verdict of the ſaid Jury, and the Judgement of the ſaid Juſtices upon the ſame, ſhall be final, binding, and concluſive, to the ſaid Commiſſioners, and to all Perſons and Parties intereſted in the ſaid Lands, Buildings, Bridges, Houſes, Tenements, and other Hereditaments; and ſuch Verdict, and the Judgement of the Juſtices thereupon, ſhall be fairly entered and kept among the Records of the Seſſions for the ſaid Borough, and the ſame, or true Copies thereof, ſhall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatſoever, and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, paying Sixpence for every Seventy-two Words, and ſo in Proportion for any greater or leſs Number of Words.

Proviſion that Verdicts ſhall not be binding unleſs Money paid within Three Calendar Months.

LXIII. Provided always, That in caſe the Sum or Sums ſo aſſeſſed by the ſaid Jury, and ordered and adjudged to be paid by the ſaid Commiſſioners, as a Satisfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left, according to the true Intent and Meaning of this Act, within Three Calendar Months after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged, then and in ſuch Caſe the Verdict of the ſaid Jury ſhall not be binding upon the ſaid Parties; any Thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Proviſion for Payment of Coſts of Verdicts.

LXIV. And be it further enacted, That in all Caſes where any Verdict ſhall have been given for a greater Sum or Recompence than ſhall have been previouſly offered by or on the Behalf of the ſaid Commiſſioners, for any ſuch Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments, or Damages as aforeſaid, all the Expences of taking ſuch Inqueſt, and of the Witneſſes attending thereon, and recording or entering the Verdict and Judgement thereupon, ſhall be paid by the ſaid Commiſſioners out of the Monies to ariſe by virtue of this Act; but if a Verdict ſhall be given for no greater or for a leſs Sum than ſhall have been ſo previouſly offered by or on the Behalf of the ſaid Commiſſioners, then and in every ſuch Caſe ſuch Expences ſhall be paid by the Owners of or Perſons intereſted in the Premiſes in queſtion: Provided, that whenever by Abſence any Perſon or Perſons ſhall have been prevented from treating with the ſaid Commiſſioners, the Whole of ſuch Coſts and Expences ſhall be borne and paid by the ſaid Commiſſioners; and whenever any Coſts or Charges ſhall or may be payable to the ſaid Commiſſioners, ſuch Coſts and Charges ſhall and may be deducted out of the Sum to be paid by the ſaid Commiſſioners, to the ſaid Owners or Perſons reſpectively intereſted.

Proviſion for Application of Compenſation where equal to 200*l.*

LXV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politick, Corporate, or Collegiate,

Collegiate, Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Ceſtuique* Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement, or any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the ſaid Commiſſioners, to the Intent that ſuch Money may be applied, under the Directions and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts or other Incumbrances, or Part thereof, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, and Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated Bank Annuities or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court of Chancery to be ſold for the Purpoſe aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Proviſion for Application of Compenſation where leſs than 200 *l.* and exceeding 20 *l.*

LXVI. Provided alſo, and be it enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed or be equal to the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall (at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands) be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to

to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case be applicable, without requiring or being required to obtain the Direction or Approbation of the Court of Chancery: Provided also, that where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Commissioners shall direct; or in case of Infancy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Provision for Application of Money when less than 20 *l.*

LXVII. And be it further enacted, That all Sales, Conveyances, and Assurances, of any Lands, Tenements, or Hereditaments, to be made to the said Commissioners and their Successors, shall be made in the Form or to the Effect following; (*videlicet*),

Form of Conveyance.

'I *A. B.* of in Consideration of the Sum of to me paid by the Commissioners acting 'by virtue of an Act of Parliament, made in the Forty-third Year of the 'Reign of King *George* the Third, intituled, [*here insert the Title of this 'Act*] do hereby grant and convey to the said Commissioners and their 'Successors, all [*here describe the Premises to be conveyed*] and all my Right, 'Title, and Interest, to and in the same and every Part thereof, to hold 'to the said Commissioners and their Successors for ever. In Witness 'whereof I have hereunto set my Hand and Seal, this 'Day of in the Year of our Lord

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Provision for Payment of Purchase Money, &c. and for vesting of Property in the Commissioners.

LXVIII. And be it further enacted, That every Sum of Money to be agreed for, awarded, or assessed as aforesaid, shall be paid out of the Monies to be received by virtue of this Act, to the Party or Persons respectively entitled to such Monies, or to their Agents, and upon Payment thereof, or in case of Refusal to accept the same, on placing the same in the Bank of *England* to the Credit or for the Use of such Parties or Persons, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Buildings, Bridges, Houses, Tenements or other Hereditaments shall vest in the said Commissioners and their Successors, in Trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had actually conveyed the same by Lease and Release,

Bargain and Sale inrolled, Feoffment with Livery of Seiſin, Fine, Common Recovery, Surrender, or any other Conveyance or Aſſurance whatſoever; and ſuch Payments ſhall not only bar all Right, Title, Intereſt, Claim, and Demand of the Perſon or Perſons to whoſe Uſe or Credit ſuch Payments ſhall have been made as aforeſaid, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower and Dowers of the Wife and Wives of ſuch Perſon and Perſons, and all Eſtates Tail, and other Eſtates in Poſſeſſion, Reverſion, Remainder, or Expectancy, and the Iſſue and Iſſues of ſuch Perſon and Perſons, and every Perſon claiming under them, as effectually as Fines or Common Recoveries would do if levied or ſuffered by the proper Parties in due Form of Law.

Power to pay off Mortgages, *etc.* on Property purchaſed by Commiſſioners.

LXIX. And be it further enacted, That all and every Perſon and Perſons who ſhall have any Mortgage or Mortgages, or other Incumbrances upon or affecting any Houſes, Buildings, Lands, Tenements, or Hereditaments, which ſhall be purchaſed in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, reſpectively, ſhall, on Tender of the Principal Money and Intereſt due thereon, together with Six Calendar Months Intereſt of the ſaid Principal Money, by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, immediately aſſign ſuch Mortgage or Mortgages, or other Incumbrances, to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint in Truſt for them; or in caſe the Mortgagee or Mortgagees, or other Perſon or Perſons entitled to the ſaid Incumbrances, ſhall have Notice in Writing given to him, her, or them, from the ſaid Commiſſioners, or any Perſon authorized by them, that they will pay off and diſcharge the Principal and Intereſt Money, which at the Expiration of the ſaid Six Calendar Months, to be computed from ſuch Notice given, ſhall be due on ſuch Mortgage or Mortgages, or other Incumbrances, that then at the End of the ſaid Six Calendar Months, on Payment or Tender of the Principal and Intereſt Money ſo due, ſuch Mortgagee or Mortgagees, or other Perſon or Perſons entitled to the ſaid Incumbrances, ſhall convey and aſſign his, her, and their reſpective Eſtates and Intereſts in the ſaid mortgaged Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall nominate and appoint in Truſt for them; and if any ſuch Mortgagee or Mortgagees, or other Perſon or Perſons entitled to the ſaid Incumbrances, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do on ſuch Payment or Tender, then all Intereſt on every ſuch Mortgage and other Incumbrance, ſhall ceaſe and determine.

Proviſion for the Recovery of Purchaſe Money, by Perſons barred of their Claims.

LXX. Provided nevertheleſs, and be it further enacted, That if any Perſon or Perſons ſhall be barred of any Right, Title, Eſtate, Intereſt, Claim, or Demand whatſoever, in, to, or out of the ſaid Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments, by virtue of this Act, ſuch Perſon or Perſons ſhall be at Liberty to bring any Action or Actions of Debt, or for Money had and received to his, her, or their Uſe, againſt any Perſon or Perſons, who ſhall have received all or any Part of the Purchaſe Money ariſing from ſuch Sale of the ſaid Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments; and that in every ſuch Caſe the reſpective Plaintiffs, on Proof of ſuch Title as would have enabled them to recover ſuch Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments, or any Part thereof, or any Eſtate or Intereſt in the ſame, ſhall recover the ſaid Purchaſe Money, or ſo much thereof

thereof as ſhall be equivalent to their Eſtate or Intereſt in the ſaid Premiſes, together with ſuch Intereſt Money as will be equivalent to the Meſne Profits of the Premiſes which they would have been entitled to recover in caſe this Act had not been made.

Power for Delivery of Poſſeſſion of Property purchaſed.

LXXI. And be it further enacted, That every Leſſee or Tenant for Years or at Will, and every other Perſon in Poſſeſſion of any Lands, Buildings, Bridges, Houſes, Tenements, or other Hereditaments, which ſhall be purchaſed by virtue and for the Purpoſes of this Act, ſhall deliver up the Poſſeſſion of ſuch Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to take Poſſeſſion of the ſame, upon having Notice from the ſaid Commiſſioners, or the Perſon or Perſons ſo appointed by them, to quit the ſame at ſuch Time or Times as ſhall be required by ſuch Notice, they the ſaid Commiſſioners, or ſuch Perſon or Perſons, making ſuch Satisfaction and Compenſation to every ſuch Tenant or Leſſee as aforeſaid, in caſe he or ſhe ſhall be required to quit before the Expiration of his, her, or their Term in the Premiſes, as the ſaid Commiſſioners ſhall deem juſt and reaſonable; and in caſe any Diſpute or Difference ſhall ariſe touching or concerning the ſame, ſuch Satisfaction and Compenſation ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Satisfaction and Compenſation to be made by the ſaid Commiſſioners for the Purchaſe of any Lands, Tenements, or Hereditaments, is and are herein directed to be ſettled and aſcertained, in caſe of any Difference or Diſpute about the ſame; and ſuch Perſon or Perſons in Poſſeſſion ſhall, at ſuch Time or Times as he, ſhe, or they ſhall be required, by the ſaid Commiſſioners, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſes to the ſaid Commiſſioners, or to the Perſon or Perſons authorized by them to take Poſſeſſion thereof; and if any ſuch Perſon or Perſons ſo in Poſſeſſion as aforeſaid, ſhall refuſe to deliver up ſuch Poſſeſſion, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to iſſue their Precept or Precepts to One or more of the Serjeants at Mace of and for the ſaid Borough, to deliver Poſſeſſion of the Premiſes to ſuch Perſon or Perſons as ſhall in ſuch Precept or Precepts be nominated to receive the ſame; and the ſaid Serjeant or Serjeants is and are hereby required to deliver Poſſeſſion of the ſaid Premiſes accordingly, and to levy ſuch Coſts as ſhall accrue from the iſſuing and Execution of ſuch Precept or Precepts, on the Perſon or Perſons ſo refuſing to deliver up Poſſeſſion as aforeſaid, by Diſtreſs and Sale of his, her, or their Goods.

Power for Commiſſioners to cauſe Buildings taken down to be formed into Streets, *etc.*

LXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe all and every the Houſes and other Buildings which ſhall at any Time be purchaſed under the Powers and for the Purpoſes of this Act, or any of them, or any Part of them, to be appropriated to the Purpoſes of this Act, or otherwiſe to be taken down, and to cauſe ſo much of the Scites thereof, and of any other Land to be purchaſed under the Powers and for the Purpoſes of this Act, and which ſhall not be otherwiſe appropriated or uſed by or under the Authority of the ſaid Commiſſioners for other Purpoſes of this Act, to be added to or laid into the Streets, Lanes, or other publick Paſſages or Places, or to be formed and made into any new Streets, Lanes, or other publick Paſſages or Places, for the Purpoſe of making Communications between any of the preſent Streets, Lanes, or other publick Paſſages or Places,

Places, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Lanes, or other publick Passages or Places respectively, shall for ever afterwards be deemed Part thereof, and the same, and also such as shall be formed and made into any new Streets, Lanes, or other publick Passages or Places as aforesaid, shall be used as common publick Highways.

Power to stop up old Roads, and to sell the Land, and to sell useless Buildings or Land.

LXXIII. Provided always, That it shall be lawful for the said Commissioners, with the previous Consent in Writing of Three or more of the Justices of the Peace for the said Borough, to stop up any old Road or Roads, publick Passage or Passages, Lane or Lanes, within the said Borough, and which shall be deemed useless or unnecessary by the Alteration or Improvements to be made under the Powers in this Act contained, and to sell or otherwise dispose of all or any Part or Parts of any such old Road or Roads, publick Passage or Passages, Lane or Lanes, and all or any of the Materials thereof, and all or any Part or Parts of the Land or Ground over which such old Road or Roads, publick Passage or Passages, Lane or Lanes, shall extend; and also to sell or otherwise dispose of such Part or Parts of any Houses, Buildings, Lands, Tenements, or other Hereditaments, which may have been purchased under the Authority of this Act, for the Purpose of making such Alterations or Improvements as aforesaid, as may afterwards be found unnecessary for the Purpose first intended, to any Person or Persons willing to purchase the same; and that all Monies to be raised by any Sale or Sales as aforesaid, shall be considered as Part of the General Fund applicable to the Purposes by this Act declared.

Damages how to be ascertained and settled.

LXXIV. And be it further enacted, That if any Person or Persons whosoever shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any Powers given by this Act, then and in every such Case Satisfaction and Compensation shall be made by the said Commissioners to such Persons respectively out of the Monies to be raised by virtue of this Act; and in case of any Difference or Dispute between such respective Persons and the said Commissioners, respecting the Amount of such Damages, such Damages shall be settled and ascertained by a Jury, in such and the like Manner as any Sum or Sums of Money to be paid by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained, in case of any Difference or Disputes about the same, and the same shall be recovered, levied, and applied in such and the like Manner.

Rates.

LXXV. And, for raising Money towards defraying the Expences of obtaining this Act, and of carrying the same into Execution; be it further enacted, That the said Commissioners shall and they are hereby authorized and required, Once or oftener in every Year as they shall see Occasion, to cause such Sum of Money to be raised by a Rate or Assessment upon the several Tenants or Occupiers of all Messuages, Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Brewing Offices, Granaries, Malthouses, Storehouses, and other Buildings, lying within the Borough aforesaid, and of the several Gardens, Yards, and Lands, thereto respectively belonging and adjoining, and of all Gardens,

Gardens, Yards, Orchards, Paddocks, Closes, Lands, Tenements, and Hereditaments, adjoining to or upon any of the Streets, Lanes, or other publick Passages or Places, within the said Borough, and which shall be paved, cleansed, lighted, and watched, by virtue or in pursuance of this Act, according to the annual Rent or Value of the same Premises respectively, (not exceeding in any One Year the Sum of Two Shillings in the Pound upon such annual Rent or Value), as the said Commissioners shall think proper and necessary, such annual Rent or Value to be from Time to Time ascertained by or according to the respective Rents at or upon which such Messuages, Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Brewing Offices, Granaries, Malthouses, Storehouses, and other Buildings, Gardens, Yards, Lands, Orchards, Paddocks, Closes, Tenements, and Hereditaments respectively, shall from Time to Time be rated or assessed, in or by the Rate or Rates made for or towards the Relief of the Poor of the respective Parishes within the said Borough, and existing at or immediately before the Time of making the Rate or Assessment under this Act: Provided always, that if such Poor Rate or Rates shall be computed at or upon any proportionate Part or Parts of the full annual Rent or Value of such Lands, Tenements, and Hereditaments, the Rate or Assessment under this Act shall not be computed upon such proportionate Part or Parts, but upon the full annual Rent or Value upon which such proportionate Part or Parts hath or have been computed and taken; and if in any such Poor Rate or Rates any Person or Persons shall be omitted to be rated, the Name or Names of such Person or Persons so omitted, shall be added to the Rate or Assessment so hereby directed to be from Time to Time made, and he, she, or they, shall be rated and assessed according to the just and true annual Value of such Lands, Tenements, and Hereditaments, by him, her, or them occupied; and the First Year for which such Rates or Assessments shall be made, shall commence at and be computed from the First or such subsequent Quarter Day after the passing of this Act, as the said Commissioners shall appoint.

Assessors to be appointed.

LXXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, when and as often as they shall see Occasion, to nominate and appoint One or more of the Inhabitants of the said Borough, or of each Parish or Ward within the said Borough, to be the Assessor or Assessors of such Rates or Assessments; and such Assessor or Assessors is and are hereby authorized and required to make such Rates and Assessments from Time to Time accordingly, and to appear at such Time and Place as the said Commissioners shall, by Writing under their Hands, order and appoint, and then and there produce and deliver to them Two Copies or Duplicates of the Assessments made and subscribed by such Assessor or Assessors; and also from Time to Time, upon reasonable Notice to him or them given by the said Commissioners, to attend them the said Commissioners at any of their Meetings, to explain the respective Rates and Assessments; and the said Commissioners shall from Time to Time, as soon as may be after any such Rate or Assessment shall be made and delivered to them by such Assessor or Assessors, settle and sign the same, and cause a Duplicate thereof, also signed by them, to be delivered to the Collector or Collectors to be appointed in that Behalf, and shall also issue their Orders to the said Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment; and such

Collector or Collectors is and are hereby authorized and required to collect and receive the ſame accordingly; and alſo Once at leaſt in every Month, or oftener if directed ſo to do by the ſaid Commiſſioners, by Writing ſigned by their Clerk for the Time being, to pay the Money ſo to be collected and received by virtue of this Act, to the Treaſurer for the Time being to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to receive the ſame, to be applied to and for the Uſes and Purpoſes of this Act; and all and every ſuch Collector or Collectors ſhall, and is and are hereby required, at the Time of making every ſuch Payment of the Money ſo by them reſpectively collected as aforeſaid, to deliver to ſuch Treaſurer, or other Perſon or Perſons empowered to receive the ſame, a true and exact Account of all Sums of Money received by them reſpectively, and alſo of ſuch Sums of Money, Rates, or Aſſeſſments (if any) as ſhall remain uncollected, together with the Reaſons why the ſame have not been collected; and if any Perſon, who ſhall be appointed to the Office of Aſſeſſor in virtue hereof, ſhall refuſe or neglect to take upon himſelf ſuch Office without ſhewing ſome reaſonable Cauſe, to the Satisfaction of the ſaid Commiſſioners, for ſuch Refuſal or Neglect, or ſhall wilfully make Default in the Performance of the Duty of his ſaid Office, or ſhall otherwiſe miſbehave himſelf therein, he ſhall for every ſuch Refuſal, Neglect, wilful Default, or Miſbehaviour, forfeit and pay any Sum not exceeding Five Pounds, to be recovered as other Penalties are herein-after directed to be recovered, and alſo be diſcharged from his ſaid Office if the ſaid Commiſſioners ſhall think fit.

Aſſeſſors not to be appointed Twice in 5 Years.

LXXVII. Provided always, and be it enacted, That no Perſon ſo nominated or appointed an Aſſeſſor, and who ſhall have ſerved ſuch Office, or ſhall have paid ſuch Penalty as aforeſaid for not ſerving the ſame, ſhall be again compellable to ſerve the ſaid Office in leſs than Five Years after the End of ſuch Service, or Payment of ſuch Penalty.

Power for Commiſſioners to order the Pariſh Rate Books to be produced, *etc.*

LXXVIII. And, in order to aſcertain the Rates and Aſſeſſments to be made by virtue of this Act; be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered to cauſe all or any of the Books or Aſſeſſments of Rates towards the Relief of the Poor of the reſpective Pariſhes within the ſaid Borough, to be brought before them, and to take a Copy or Copies of ſuch Books or Aſſeſſments, or of any Part or Parts thereof, without Fee or Reward; and if any Perſon or Perſons, in whoſe Cuſtody or Power any of the ſaid Books or Aſſeſſments ſhall be, ſhall refuſe or neglect to attend the ſaid Commiſſioners with ſuch Books or Aſſeſſments in his, her, or their Cuſtody or Power, or to permit or ſuffer the ſaid Commiſſioners to take or cauſe to be taken a Copy or Copies thereof, then and in every ſuch Caſe every ſuch Perſon ſo offending, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Power for Commiſſioners to amend Rates, if improper, &c.

LXXIX. And be it further enacted, That if ſuch Aſſeſſor or Aſſeſſors ſo nominated and appointed ſhall at any Time or Times neglect or omit to rate or aſſeſs any Perſon or Perſons liable to pay or to be charged with any Rate or Aſſeſſment to be made by virtue of this Act, or ſhall in any ſuch Rate or Aſſeſſment over-rate or under-rate any Perſon or Perſons liable to pay any ſuch Rate or Aſſeſſment, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to rate and aſſeſs,

aſſeſs, in the ſaid Rate or Aſſeſſment, ſuch Perſon or Perſons ſo omitted to be rated and aſſeſſed, and to leſſen or raiſe the Rate or Rates, Aſſeſſment or Aſſeſſments of ſuch Perſon or Perſons ſo over-rated or under-rated, or otherwiſe to alter or amend ſuch Rate or Aſſeſſment as aforeſaid, ſo as to make the ſame conformable to the true Intent and Meaning of this Act; and it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby empowered to ſtrike out the Name or Names of any Perſon or Perſons not liable to the Payment of the Rates hereby directed to be made; and that all ſuch Additions to, or Alterations, or Amendments in ſuch Rates or Aſſeſſments, ſhall be as valid and effectual as if the ſame had been Part of the Rates or Aſſeſſments originally made.

Apportionment of Rates between Owners and Tenants.

LXXX. And be it further enacted, That One Moiety of all and every the Rates or Aſſeſſments hereby directed to be made as aforeſaid, ſhall be paid by the Owner or reſpective Owners of the Meſſuages, Houſes, Warehouſes, Shops, Cellars, Vaults, Stables, Coach Houſes, Brewhouſes, Brewing Offices, Granaries, Malthouſes, Storehouſes, and other Buildings, Gardens, Yards, Lands, Orchards, Paddocks, Cloſes, Tenements, and Hereditaments, in reſpect whereof ſuch Rates or Aſſeſſments ſhall be made as aforeſaid, his, her, or their reſpective Heirs or Aſſigns, and the other Moiety thereof by the Tenant or Occupier, or reſpective Tenants or Occupiers of ſuch Premiſes, his, her, or their reſpective Executors or Adminiſtrators; but all ſuch Rates and Aſſeſſments ſhall from Time to Time be paid to the Collector or Collectors as aforeſaid, by ſuch Tenant or Occupier, or reſpective Tenants or Occupiers, his, her, and their Executors or Adminiſtrators; and all ſuch Tenants and Occupiers, their Executors and Adminiſtrators, are hereby empowered to deduct and retain, out of their reſpective Rents, ſuch Sum or Sums of Money as they reſpectively ſhall pay for or on Behalf of the Owner or reſpective Owners of ſuch Premiſes reſpectively, which Sum or Sums of Money ſo paid ſhall be conſidered as Money actually paid for Rent due or to become due to ſuch Owner or reſpective Owners, who ſhall allow the Deduction upon the Receipt of the Remainder of his, her, or their Rent or reſpective Rents.

Apportionment of Rates between quitting and incoming Occupiers.

LXXXI. Provided always, and be it enacted, That in all Caſes where any Perſon or Perſons ſhall remove from or quit any Property for or in reſpect of which ſuch Perſons ſhall be rated or aſſeſſed, or be liable to be rated or aſſeſſed, by virtue of this Act, ſuch Perſon or Perſons ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time that he, ſhe, or they occupied the ſame reſpectively, in like Manner as if he, ſhe, or they had not removed from or quitted ſuch Property; and in all Caſes where any Perſon or Perſons ſhall come into or occupy any Property for or in reſpect whereof he, ſhe, or they, ſhall be rated or aſſeſſed, or be liable to be rated or aſſeſſed as aforeſaid, out of or from which any other Perſon or Perſons ſhall be removed, or which at the Time of making any ſuch Rate or Aſſeſſment was empty or unoccupied, the Perſon or Perſons coming into or occupying the ſame Property (although his, her, or their Name or Names may not be inſerted in the Rate) ſhall be liable to pay ſuch Rate or Aſſeſſment, in Proportion to the Time that ſuch Perſon or Perſons ſhall occupy the ſame, in like Manner as if he, ſhe, or they, had been originally rated or aſſeſſed by Name for ſuch Property, ſuch

such Proportion to be settled and ascertained, in case of Dispute, by the said Commissioners.

Rates on Houses, *etc.* let into Tenements, or at a Rent not exceeding 8*l.* *per Annum.*

LXXXII. And be it further enacted, That where any Messuage, House, or Building, within the said Borough, shall be let into separate Tenements, or into separate Rooms or Apartments, or where any Messuage, House, or Building, with the Yards and Gardens thereto belonging, or any other Property within the said Borough, shall be let at an annual Rent not exceeding Eight Pounds, it shall and may be lawful to and for the said Commissioners in each and every such Case, to rate or assess the Landlord or Owner with the whole Rate or Assessment under this Act, and the Landlord or Owner shall in each and every such Case be charged with and liable to pay the Whole of the Rate or Assessment accordingly; but that it shall and may be lawful to and for every such Landlord or Owner to recover of his or her respective Tenant One Moiety or Half Part of every such Rate or Assessment as Rent, and by the same Means as he or she shall or may be enabled to recover his or her Rent or respective Rents.

Rates on Houses let into ready furnished Lodgings.

LXXXIII. And be it further enacted, That where any Messuage, House, or Tenement, within the said Borough, shall be let into ready-furnished Lodgings, the Landlord or Owner of every such Messuage, House, or Tenement, shall be deemed and taken to be the Occupier thereof, and shall be charged with and liable to pay the Whole of the Rate or Rates to be from Time to Time assessed for or in respect of every such Messuage, House, or Tenement.

Provision in Cases where there are more Owners or Occupiers than One.

LXXXIV. And be it further enacted, That where any Messuage or other Property, for or in respect of which any Rate or Assessment ought to be made by virtue of this Act, shall be let or demised to more than One Tenant or Occupier, or shall belong to more than One Owner, any One or more of such Tenants or Occupiers, or any One or more of such Owners, shall be deemed to be the sole Tenant or Occupier or sole Owner thereof, for the Purposes of this Act, so far as relates to the Payment or Recovery of all or any Rates, Assessments, Costs, Charges, and Expences, chargeable on such Tenants or Occupiers and Owners respectively, by virtue of this Act; and all such Rates, Assessments, Costs, Charges, and Expences, may be levied and recovered by Distress and Sale of the Goods and Chattels of any One or more of such Tenants or Occupiers, or of such Owners, as the Case may be, in the same Manner as if such Tenant or Occupier, or Owner, were in fact sole Tenant or Occupier, or sole Owner.

Houses, *etc.* unoccupied, not rateable.

LXXXV. Provided always, and be it further enacted, That no Person or Persons shall be liable to pay any Rate or Assessment to be made under the Authority of this Act, for or in respect of any Messuage, House, or other Building, or of any Land which shall be unoccupied during the Whole of the Quarter of a Year, in or for which the Quarterly Portion of Rate or Assessment demanded shall have become or accrued due.

Exemption from Rates.

LXXXVI. Provided also, that nothing in this Act contained shall empower the said Commissioners to rate or assess any Person or Persons, Body or Bodies Politick or Corporate, for or in respect of any Tythes Impropriate, Appropriation

Appropriation of Tythes, Modus, or cuſtomary Payment in lieu of Tythes, or for any Farm, Meadow, Paſture, or Arable Land, within the ſaid Borough, other than for ſuch Meadow, Paſture, or Arable Land, as ſhall abut upon or adjoin to ſome Street, Lane, or other publick Paſſage or Place, within the ſaid Borough, to be paved in purſuance of this Act, or as ſhall adjoin to and belong to a Meſſuage, Houſe, or other Building, which ſhall abut upon or adjoin to ſome ſuch Street, Lane, or other publick Paſſage or Place.

Mode of Recovery of Rates.

LXXXVII. And be it further enacted, That in caſe any Perſon or Perſons who ſhall be rated or aſſeſſed, or ſubject or liable to the Payment of any Rate or Aſſeſſment to be made or laid, or made payable by virtue of this Act, ſhall refuſe or neglect to pay ſuch Rate or Aſſeſſment to any Collector to be appointed as aforeſaid, for the Space of Five Days after perſonal Demand made by the Collector or Collectors thereof, or Demand in Writing under the Hand of ſuch Collector, and left at the laſt or uſual Place of Abode of the Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Borough, by Warrant under his Hand and Seal, to authorize and direct the ſaid Collector or any other Perſon to levy ſuch Rate or Aſſeſſment, and all Arrears thereof, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, rendering the Overplus (if any) to the Owner or Owners of the Goods or Chattels to be ſo diſtrained, on Demand, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Proviſion in caſe of Agreements between Landlords and Tenants.

LXXXVIII. And be it enacted, That nothing in this Act contained ſhall be deemed or taken to make void any Contract, Covenant, or Agreement, between any Landlord and Tenant, or between any Body Politick or Corporate, and any other Perſon or Perſons, touching or concerning the paving or repairing the ſaid Market Places, Streets, Lanes, publick Paſſages and Places, or any Part thereof, but that all and every Perſon and Perſons, and Body and Bodies Politick or Corporate, who is or are now obliged by virtue of any ſuch Contract, Covenant, or Agreement, to pave or keep in Repair any of the ſaid Market Places, Streets, Lanes, publick Paſſages or Places, ſhall in lieu thereof be obliged to pay the Whole of the Rates and Aſſeſſments hereby directed to be paid, or ſo much thereof as the ſaid Commiſſioners ſhall deem to be juſt and reaſonable, for and during ſuch Time as ſuch Contract, Covenant, or Agreement, ſhall continue in Force.

Rates on Churches, Meeting Houſes, Alms Houſes, *etc.*

LXXXIX. Provided alſo, and be it enacted, That it ſhall be lawful for the ſaid Commiſſioners to determine the Number of ſquare Yards of Pavement belonging to or in the Charge of the Churchwardens and Chapelwardens of the reſpective Churches and Chapels, the Feoffees, Guardians, or Truſtees, of or for the reſpective Meeting Houſes or Places of Divine Worſhip, and the Governors of the reſpective Hoſpitals or Alms Houſes and Workhouſes, within the ſaid Borough, for or in reſpect of ſuch Churches, Chapels, Meeting Houſes, Hoſpitals, Alms Houſes, and Workhouſes reſpectively, and of the Yards thereto reſpectively belonging, and to rate and aſſeſs ſuch Churchwardens, Chapelwardens, Feoffees, Guardians, Truſtees, and Governors reſpectively, with ſuch yearly Sum or Sums of Money as they the ſaid Commiſſioners ſhall judge

reaſonable to be paid, not exceeding Eight-pence for every ſquare Yard of ſuch Pavement; and that ſuch yearly Sum or Sums to be rated, aſſeſſed, and charged as aforeſaid, ſhall be paid by the reſpective Officers or Perſons to be ſo rated, aſſeſſed, or charged therewith, to the reſpective Collectors to be appointed in that Behalf, in ſuch Quarterly or other Portions as the ſaid Commiſſioners ſhall appoint; and in caſe of Default in Payment, the ſaid Rates or Aſſeſſments reſpectively, ſhall and may from Time to Time be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of any One or more of the reſpective Officers or Perſons reſpectively charged, in the ſame Manner as if ſuch Officers or Perſons reſpectively were actual Owners and Occupiers of the Property, and were or had been charged as ſuch; and all ſuch Officers or Perſons reſpectively may charge the Sum or Sums to be ſo rated, aſſeſſed, and charged on them reſpectively, after Payment thereof, to or in their reſpective Accounts.

Rate on the Mayor and Burgeſſes.

XC. And whereas the Mayor and Burgeſſes of the ſaid Borough are by ancient Cuſtom liable to the Repair of the Pavement of, in, or upon the Market Places and Bridges, and divers void Spaces of Ground within the ſaid Borough, and of, in, or upon the Streets adjoining to divers publick Buildings within the ſaid Borough, and are alſo liable to the Repair of divers Sewers, Drains, Grates, Sinks, Gutters, and Watercourſes, uſed for cleanſing the ſaid Market Places and Streets, and divers Lanes, and other publick Paſſages and Places, within the ſaid Borough; be it further enacted, That the ſaid Mayor and Burgeſſes ſhall, in and by the Rates and Aſſeſſments to be from Time to Time made by virtue of this Act, be annually rated, aſſeſſed, and charged with ſuch a Groſs Sum or Sums of Money as ſhall in the Judgement of the ſaid Commiſſioners, bear a fair Proportion to the Rates or Aſſeſſments to be from Time to Time aſſeſſed and charged for or in reſpect of Property belonging to the ſeveral other Perſons to be rated by virtue of this Act; which Sum or Sums of Money, to be ſo annually rated and aſſeſſed or charged, ſhall from Time to Time be paid to the Treaſurer for the Time being, to be appointed by virtue of this Act, or to ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, by equal Quarterly Payments in every Year; and in Default of Payment, ſhall and may be levied and recovered by the ſame Means as are herein provided for the Recovery of any other Rate or Aſſeſſment; and in Conſideration of ſuch annual Payment, they the ſaid Mayor and Burgeſſes, ſhall be exonerated and for ever diſcharged from all future Charges and Expences of making, repairing, and cleanſing any of the Pavements, Sewers, Drains, Grates, Sinks, Gutters, and Watercourſes, within the ſaid Borough; and that all ſuch Parts of or within the ſaid Borough, as before the paſſing of this Act were or had been paved, repaired, or cleanſed (by Means of ſuch Sewers, Drains, Grates, Sinks, Gutters, and Watercourſes, or otherwiſe), at the Expence of the ſaid Mayor and Burgeſſes, ſhall for ever hereafter be paved, repaired, and cleanſed, under the Directions of the ſaid Commiſſioners.

Leſſees for long Terms, *etc.* deemed Owners and Occupiers.

XCI. Provided always, and be it enacted, That the Leſſee or Leſſees of any Meſſuages or other Buildings, Lands, Tenements, or Hereditaments, for a Term whereof Twenty-one Years ſhall be unexpired at the Time of paſſing this Act, or for the Remainder of a Term of Twenty-

Twenty-one Years or more, originally granted on Payment of a Fine or Premium, as Part of the Conſideration for the Grant, or at a reſerved Rent not equal to Two-third Parts of the annual Value, ſhall be deemed and taken to be both Owner and Occupier, or Owners and Occupiers, of ſuch Meſſuages or other Buildings, Lands, Tenements, and Hereditaments reſpectively, for the Purpoſe of being charged with and liable to the Payment of the Whole of the Rates and Aſſeſſments to be made under this Act, during the Continuance of his, her, or their Leaſe or Leaſes, in the ſame Manner as if ſuch Leſſee or Leſſees was or were ſeiſed therein reſpectively of or for an Eſtate of Freehold, and actually occupied the ſame.

Payment of Rates, *etc.* not to gain a Settlement.

XCII. And be it further enacted, That no Perſon or Perſons ſhall gain any legal Settlement in either of the Pariſhes within the Borough aforeſaid, by reaſon only of his, her, or their being rated and aſſeſſed to, or paying any Rate or Aſſeſſment to be made as aforeſaid, or by reaſon only of his or their being appointed to, or accepting, holding, or executing any Office or Place of Employment whatſoever under or by virtue of this Act.

Power to borrow Money.

XCIII. And be it further enacted, That it ſhall and may be lawful to and for any Nine or more of the ſaid Commiſſioners, from Time to Time, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall judge neceſſary for the Purpoſes of this Act, upon the Credit of the Rates or Aſſeſſments to be laid and collected by virtue of this Act, and by Writing under their Hands and Seals to aſſign all or any Part of the ſaid Rates or Aſſeſſments to ſuch Perſon or Perſons as ſhall lend or advance any Money thereon, or to his, her, or their Truſtee or Truſtees, as a Security for the Principal Money to be advanced, with legal Intereſt for the ſame; the Expence of ſuch Aſſignment, and of the Copy thereof, to be made as hereafter mentioned, to be from Time to Time defrayed by the ſaid Commiſſioners, and by the Lender of the Money, in equal Shares; and every ſuch Aſſignment ſhall be in the Words or to the Effect following:

'WE of the Commiſſioners, appointed by or in purſuance of an Act of Parliament, paſſed in the Forty-third Year of the Reign of King *George* the Third, and intituled, [*here ſet forth the Title of this Act*] in Conſideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purpoſes of the ſaid Act, do hereby grant and aſſign unto the ſaid *A. B.* [*or*, to his Truſtee or Truſtees, *as the Caſe may require*] his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates or Aſſeſſments ariſing by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum which may at any Time be borrowed, or become due and owing, or be charged upon the Credit of the ſaid Act, to be had and holden from this Day of until the ſaid Sum of with Intereſt at *per Centum per Annum* for the ſame, ſhall be repaid and ſatisfied. In Witneſs whereof, we the ſaid Commiſſioners have hereunto ſet our Hands and Seals, the Day of in the Year .'

And

And every ſuch Security ſhall be good, valid, and effectual, and ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Power for Commiſſioners to raiſe Money by Annuities.

XCIV. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall think it adviſeable or more advantageous to raiſe all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives inſtead of Aſſignments as aforeſaid, it ſhall be lawful for any Nine or more of the ſaid Commiſſioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the Treaſurer to the ſaid Commiſſioners any Sum or Sums of Money for the abſolute Purchaſe of any Annuity or Annuities, to be paid and payable during the natural Life of every ſuch Contributor, or the natural Life of ſuch Perſon as ſhall be nominated by or on the Behalf of ſuch Contributor, at the Time of Payment of his or her Contribution or Purchaſe Money, by way of Tontine or with Benefit of Survivorſhip, ſo as that the total annual Amount of all Annuities to be ſo granted, ſhall not exceed a Sum equal to the annual Intereſt of the whole Sum advanced to the ſaid Commiſſioners for the Grants of ſuch Annuities, reckoning ſuch Intereſt at the Rate of Five Pounds *per Centum per Annum*, the Expence of every ſuch Grant, and of the Copy thereof, to be made as hereafter mentioned, to be from Time to Time defrayed by the ſaid Commiſſioners, and by the ſaid Contributor, in equal Shares; and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following:

‘ WE of the Commiſſioners, appointed by or in
‘ purſuance of an Act of Parliament, made in the Forty-third Year
‘ of the Reign of King *George* the Third, and intituled, [*ſet forth the Title*
‘ *of this Act*] in Conſideration of the Sum of
‘ paid by *A. B.* to *C. D.* the Treaſurer, appointed in purſuance of the
‘ ſaid Act, do hereby grant unto the ſaid *A. B.* an Annuity or yearly
‘ Sum of out of the Rates or Aſſeſſments granted
‘ or ariſing by virtue of the ſaid Act, which Annuity or yearly Sum of
‘ ſhall be paid to the ſaid *A. B.* or his Aſſigns,
‘ during the Term of his natural Life [*or, as the Caſe may be,* to the ſaid
‘ *A. B.* his Executors, Adminiſtrators, or Aſſigns, during the natural
‘ Life of *C. D.*] upon the Day of in
‘ every Year, during the natural Life of him the ſaid
‘ at the Guildhall of the ſaid Borough; the firſt Payment thereof to be
‘ made upon the Day of next enſuing
‘ the Date hereof [*here add Clauſe of Benefit of Survivorſhip*]: In witneſs
‘ whereof, we the ſaid Commiſſioners have hereunto ſet our Hands and
‘ Seals, the Day of in the Year ’

And every ſuch Grant ſhall be good, valid, and effectual in the Law; and every Annuity ſo to be granted as aforeſaid, ſhall be and is hereby charged upon, and ſhall be payable and paid by the Treaſurer to the ſaid Commiſſioners, out of the ſaid Rates or Aſſeſſments, and other Money, according to the Grant of ſuch Annuity.

XCV. And

Power of transferring Mortgages and Annuities in a prescribed Form.

XCV. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, as the Case may be, at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

'I *A. B.* being entitled to the Sum of
'[*or*, an Annuity of secured to *C. D.* and his
'Assigns, or his Executors, Administrators, and Assigns, *as the Case may*
be] by virtue of an Assignment [*or*, Grant of an Annuity] bearing
'Date the Day of under the Hands and
'Seals of of the Commissioners acting in the Execution
'of an Act of Parliament, made in the Forty-third Year of the Reign
'of King *George* the Third, and intituled, [*set forth the Title of this Act*]
'upon the Credit of the Rates or Assessments granted or payable by the
'said Act, do hereby transfer all my Right and Title in and to the same
'Sum [*or*, Annuity] and all Interest and other Money now due and
'owing thereon, unto *E. F.* his Executors, Administrators, and Assigns.
'Dated the Day of

And a Copy of every Security or Assignment, and of every Grant of Annuity which shall be made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk shall be paid, by the Person to whom such Transfer shall be made, the Sum of Three Shillings and Sixpence, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Provision for the Payment of Creditors by Ballot.

XCVI. And, in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the Rates or Assessments to be made and raised respectively by virtue of this Act, be it further enacted, That the said Commissioners (if there shall be more Creditors than One) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot;

and where there is only One Creditor, to give Six Calendar Months Notice to such Creditor of the said Commissioners Intention to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off shall from and after the Day to be so specified cease, and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the Principal Money, in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

Power to borrow Money at a lower Interest to discharge Securities at a higher Rate.

XCVII. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Application of Money borrowed.

XCVIII. And be it further enacted, That all the Money to arise by or from the said Rates or Assessments hereby granted, or to be levied or received from Time to Time by virtue of this Act, and all the Money which may be borrowed on the Credit thereof, or advanced for Annuities as aforesaid, shall be paid to the Treasurer to 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 and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing of this Act, and of Interest for the Money which shall have been advanced by any one for defraying such Charges and Expences; and in the next Place, from Time to Time in defraying the Charges and Expences of paving, cleansing, lighting, and watching the Market Places, Streets, Lanes, and other publick Passages and Places, in the said Borough, and the Liberties thereof, in Manner hereby directed, and of carrying the several other Purposes of this Act into Execution, and in paying and defraying all Costs, Charges, and Expences, which the said Commissioners or any of their Officers may sustain or be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits, for or concerning any of the Monies granted or arising by virtue of this Act, or in any Manner relating to the Execution of this Act, or of any Thing to be done by virtue thereof, and for such other Uses and Purposes as are herein expressed, and for no other Use, Intent, or Purpose whatsoever: Provided always, that it shall and may be lawful to and for the said Commissioners, if they shall think fit, to allow and pay, out of the Rates or Assessments aforesaid, unto the Owners of the Messuages and other Buildings situate in a certain Street called *Little Port Street*, within the said Borough, who have lately paved the Carriage Way of the said Street with Cobbles or Pebbles,

Pebbles, and made a Flag Stone Footway or Pavement on each Side of the ſaid Carriage Way; and alſo unto the ſeveral Owners of the ſeveral Meſſuages and Buildings ſituate on each Side of a publick Lane called *Page Stair Lane*, for raiſing, paving, and improving the ſaid Lane, ſuch Sum or Sums of Money as they the ſaid Commiſſioners ſhall judge reaſonable, for or towards, or in reſpect of the ſaid Pavements, Flagging, and Improvements reſpectively.

Proviſion for the bringing and defending Actions in the Name of the Clerk.

XCIX. And be it further enacted, That the ſaid Commiſſioners may ſue and be ſued in the Name of their Clerk for the Time being; and that all Actions or Suits that may be neceſſary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in reſpect of any other Matter or Thing relating to this Act, may be brought in the Name of the ſaid Clerk; and that no Action or Suit which may be brought, commenced, or proſecuted, by or againſt the ſaid Commiſſioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death, Suſpenſion, or Removal of ſuch Clerk, or by any Act or Default of ſuch Clerk done or ſuffered without the Conſent or Direction of the ſaid Commiſſioners; but the Clerk to the ſaid Commiſſioners for the Time being, ſhall be always deemed Plaintiff or Defendant in every ſuch Action or Suit, as the Caſe may be, except in ſuch Action or Actions as ſhall be proſecuted between the ſaid Commiſſioners and their Clerk for the Time being, in which Action or Suit any One of the ſaid Commiſſioners ſhall or may be Plaintiff or Defendant, as the Caſe may be: Provided always, that every ſuch Clerk or Commiſſioner, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, and Expences, as ſuch Clerk or Commiſſioner ſhall be put to or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant therein, and ſhall not be perſonally anſwerable or liable for the Payment of the ſame, or any Part of them, unleſs ſuch Action or Suit ſhall ariſe in conſequence of his own wilful Neglect or Default, or have been brought or commenced, or be defended, without the Order or Direction of the ſaid Commiſſioners.

Penalty on Perſons interrupting or aſſaulting Workmen.

C. And be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times obſtruct, hinder, or moleſt, any of the Commiſſioners, or any Treaſurer, Secretary, Clerk, Aſſeſſor, Collector, Receiver, Surveyor, Watchman, or other Officer or Officers, Workman, Perſon or Perſons whomſoever, who is, are, or ſhall be employed by virtue of this Act in the Performance or Execution of his or their Duty, or of any of the Matters or Things to be done in virtue or in purſuance thereof, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

The Mode of Recovery and Application of Penalties and Forfeitures.

CI. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed and incurred (for the Recovery whereof no other Method hath been directed by this Act), ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the Borough of *King's Lynn* aforeſaid, which Warrant ſuch Juſtice is hereby empowered and required to iſſue, upon

upon Confeſſion of the Party or Parties, or upon the Evidence of any credible Witneſs upon Oath; and the Overplus of the Money (if any) ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale; and all ſuch Penalties and Forfeitures when recovered, ſhall, if not herein directed to be otherwiſe applied, be paid to the Treaſurer to the ſaid Commiſſioners, and be applied by them for ſuch of the Purpoſes of this Act as the ſaid Commiſſioners ſhall think fit; and in caſe ſufficient Goods or Chattels cannot be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of and for the ſaid Borough, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid or ſatisfied.

Form of Conviction of Offenders.

CII. And be it further enacted, That in all Caſes where any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, or any Matter in purſuance thereof, the Conviction ſhall be in the Words or to the Effect following, (*videlicet*)

'Borough of *King's Lynn*, in the County of *Norfolk*.' } BE it remembered, That on this Day of in the Year of our Lord *A. B.* is duly convicted before 'of His Majeſty's Juſtices of the Peace for the ſaid Borough, of having '[*here ſtate the Offence againſt the Act, as the Caſe may be*] contrary to the 'Form of the Statute in that Caſe made and provided, and I [*or*, we, *as 'the Caſe may be*] do declare and adjudge that the ſaid *A. B.* hath for-'feited for his [*or*, her, *as the Caſe may be*] ſaid Offence, the Sum of 'Given under my Hand [*or*, our Hands, *as 'the Caſe may be*] the Day and Year firſt above written.

Power to adminiſter Oaths.

CIII. And be it further enacted, That in all Caſes where the ſaid Commiſſioners, or any Juſtice or Juſtices of the Peace, are by this Act authorized or required to examine any Perſon or Perſons on Oath, it ſhall be lawful for ſuch Commiſſioners, and Juſtice or Juſtices reſpectively, to adminiſter ſuch Oath; and that if any Perſon or Perſons ſhall, upon his or her Examination upon Oath before the ſaid Commiſſioners, or Juſtice or Juſtices reſpectively, wilfully and corruptly give falſe Evidence, ſuch Perſon or Perſons ſo offending, and being thereof duly convicted, ſhall be, and is and are hereby declared to be, ſubject and liable to ſuch Pains and Penalties as by any Law now in being Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Proviſo for limiting the Time for Information of Offences.

CIV. Provided always, That no Perſon or Perſons ſhall be ſubject or liable to the Payment of any Penalty or Forfeiture impoſed by this Act, for any Offence againſt this Act, unleſs Information ſhall be given of the Offence within Two Calendar Months next after ſuch Offence ſhall have been committed.

Power for Inhabitants to be Witneſſes.

CV. 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 Borough aforeſaid

ſaid ſhall be deemed to be a good and competent Witneſs, notwithſtanding his or her being charged with and liable to pay any Rate or Aſſeſſment by virtue of this Act.

Power for Juſtices to make Allowances to Informers and Witneſſes.

CVI. Provided always, and be it further enacted, That it ſhall and may be lawful for the Juſtice of the Peace before whom any Offender ſhall be convicted of any Offence againſt this Act, if he ſhall think fit, to deduct, allow, and pay, any Part of the Fine, Penalty, or Forfeiture, which ſhall be impoſed and received of any ſuch Offender convicted before him of any ſuch Offence as aforeſaid, unleſs herein otherwiſe directed (not exceeding One Moiety or Half Part thereof) to the Informer or Informers, Witneſs or Witneſſes, againſt ſuch Offender, in ſuch Shares and Proportions as to ſuch Juſtice ſhall ſeem meet.

Appeal.

CVII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate or Aſſeſſment which ſhall be made or be demanded in purſuance of this Act, ſuch Perſon or Perſons may appeal to the ſaid Commiſſioners at their Firſt Meeting which ſhall be holden after the Expiration of Fourteen Days from the Time of demanding ſuch Rate or Aſſeſſment, and the ſaid Commiſſioners at ſuch Meeting are hereby authorized and empowered, if they ſhall think ſuch Perſon or Perſons aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable; and if any Perſon or Perſons ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners therein, or if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any other Order, Judgement, or Determination of the ſaid Commiſſioners, or by any Penalty impoſed, or by any Conviction made, or by any other Thing done in purſuance of this Act, (ſave and except in ſuch Caſes where any Order, Judgement, or Determination, is herein directed to be final or concluſive, and ſave and except in ſuch Caſes for which any particular Method of Relief is herein appointed), ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at any General Quarter Seſſion of the Peace to be holden for the ſaid Borough, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, or at any Adjournment of ſuch Seſſion, the Perſon or Perſons appealing firſt giving or cauſing to be given to the Clerk to the ſaid Commiſſioners Twenty-one Days Notice in Writing of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Matter thereof, and within Ten Days next after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid Borough, with two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order of and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion or Adjournment thereof; and the Juſtices at the ſaid Seſſion or Adjournment thereof, upon due Proof of ſuch Notice having been given, and of ſuch Recognizance having been entered into as aforeſaid, ſhall hear and finally determine every ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as the ſaid Juſtices ſhall think proper, and ſhall and may, at their Diſcretion, diſcharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the ſaid Juſtices, in their ſaid General Quarter Seſſion or Adjournment thereof, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever.

Proceedings not to be quashed or removed by *Certiorari.*

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

Distresses not unlawful for want of form merely.

CIX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

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

CX. Provided always, That no Plaintiff or Plaintiffs shall recover, in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode 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 to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXI. Provided always, and be it enacted, That no Action or Suit shall be brought, commenced, or prosecuted, against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, after Six Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every such Action shall be brought and laid in the County of *Norfolk* and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her, or their Election, specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall

General Issue.

have

have been given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and in all Cases where a Verdict shall be found for any Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs therein, shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited; or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Cases by Law.

Saving Clause for the Rights of the Corporation.

CXII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to take away, lessen, or diminish the Right of the Mayor and Burgesses of the said Borough, or any of their Officers or Servants, to make, erect, set, or place Booths, Stalls, Benches, Forms, and other Things, within either of the Market Places in the said Borough, on Market Days, or within any of the Market Places, Streets, Lanes, or other publick Places, during the usual Times of holding any Fair or Mart within the said Borough, nor the Right of the said Mayor and Burgesses to any Ground Rents or other Rents, Tolls, Duties, or Profits whatsoever, heretofore payable to them the said Mayor and Burgesses, for or in respect of any such Markets, Fairs, or Marts, or of any Booths, Stalls, Benches, Forms, or other Things, to be there made, erected, set, or placed as aforesaid, nor any other Right, Liberty, or Franchise whatsoever, belonging to the said Mayor and Burgesses, which is not by this Act expressly taken away, lessened, or diminished; but that the said Mayor and Burgesses, and their Successors, shall continue to enjoy all such Rights, Liberties, and Franchises, and to have, receive, and enjoy all such Rents, Tolls, Duties, and Profits, in like Manner as they could or might or ought to have done in case this Act had not been made.

Publick Act.

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

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