ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 42.

An Act for better paving, lighting, cleanſing, watching, and otherwiſe improving the Town of *Loweſtoft*, in the County of *Suffolk*. [18th *April* 1810.]

WHEREAS the ſeveral Streets, Lanes, and other public Paſſages and Places within the Town of *Loweſtoft*, in the County of *Suffolk*, are very ill-paved, and not ſufficiently cleanſed, lighted, and watched, and are much incommoded by various Encroachments, Nuiſances, and Annoyances; and it would tend greatly to the Safety, Accommodation and Convenience not only of the Inhabitants of the ſaid Town, but alſo of all Perſons reſorting to or travelling through the ſame, if the ſaid Streets, Lanes, and other public Paſſages and Places were properly paved, and well and ſufficiently cleanſed, lighted, and watched, and all Encroachments, Nuiſances and Annoyances removed; but as the ſame cannot be done without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Samuel Abbott*, *Robert Allen*, *John Amyas* Clerk, *James Balls* Surgeon, *James Brame* the elder, *John Chambers*, *John Chaſton*, *William Cleveland*, *Jarret Daſhwood* Clerk, *John Elph*, *James Everard*, *John Scad Gowing*, *William Haynes*, *Richard Lockwood* Clerk, *Thomas Mallitt*, *Michael Maurice*, *Robert Reeve* the elder, *Bartholomew Ritſon* Clerk, *Robert Sterry*, *John Grove Spurgeon* Clerk, *James Ward*, *Edward Wells*, *John Woods* Butcher, and *Robert Yea*, and their Succeſſors, to be elected as herein-after mentioned, ſhall be and they

Commiſſioners appointed.

they are hereby appointed Commiſſioners for putting this Act into Execution; and when any of the Commiſſioners hereby appointed, or to be elected as herein-after mentioned, ſhall die, or refuſe, or not be qualified to act in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or remaining Commiſſioners, or the major Part of them aſſembled at any of their Meetings, to elect and appoint by Ballot ſuch other Perſon, being an Inhabitant of and reſident in the ſaid Town, or within the Pariſh of *Loweſtoft*, as they ſhall ſee fit, to be a Commiſſioner in the Place of every Commiſſioner ſo dying or refuſing to act, or ceaſing to be qualified to act as a Commiſſioner in the Execution of this Act: Provided always, that at leaſt Seven Days Notice in Writing of the Time and Place of Meeting for the Election of every ſuch new Commiſſioner, ſigned by the Clerk to the ſaid Commiſſioners, and of the Purpoſe thereof, ſhall be given, by affixing the ſame on the outward Door of the Chapel or Town Chamber of *Loweſtoft* aforeſaid, or ſuch other conſpicuous Place or Places within the ſaid Town as the ſaid Commiſſioners ſhall at any of their Meetings appoint for that Purpoſe; and every Perſon ſo elected ſhall have and is hereby veſted with the ſame Powers and Authorities for putting this Act in Execution as if he had been named a Commiſſioner in and by this Act.

New ones to be elected.

II. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be reſident in the ſaid Town or Pariſh of *Loweſtoft*, and ſhall at the Time of his ſo acting be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands or Tenements within the ſaid Town or Pariſh of the clear yearly Value of Twenty Pounds, or be an Occupier of Lands or Tenements within the ſaid Town or Pariſh of the yearly Value of Forty Pounds; and if any Perſon not being qualified as aforeſaid ſhall preſume to act as a Commiſſioner in the Execution of this Act, he ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; and every Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, upon Proof being made of his having acted as a Commiſſioner in the Execution of this Act: Provided always, that no Perſon ſhall be capable of acting as a Commiſſioner in the Execution of any of the Powers given by this Act, (except the Power hereby given of appointing the Firſt Meeting, and of adminiſtering the Oath or Affirmation herein-after mentioned to the other Commiſſioners), until he ſhall have taken and ſubſcribed the following Oath, or made and ſubſcribed the following Affirmation; *videlicet*,

Qualification of Commiſſioners.

Commiſſioners to take an Oath.

'I do ſwear [*or*, being one of the People called *Quakers*, do ſolemnly affirm] that I will truly and impartially, according to the beſt of my Skill and Judgement, execute and perform all and every the Powers and Authorities repoſed in me, in and by an Act of Parliament, made in the Fiftieth Year of the Reign of King *George* the Third, intituled, *An Act* [*here inſert the Title of this Act*,] without Malice or Prejudice, Favour or Affection to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath or Affirmation, it ſhall be lawful for any one of the ſaid Commiſſioners to adminiſter at a public Meeting to be holden by virtue of this

Act, and they the ſaid Commiſſioners are hereby required to adminiſter the ſame to each other accordingly.

No Commiſſioner to act while in Office or under Contract.

III. Provided always, and be it further enacted, That no Commiſſioner hereby appointed or hereafter to be appointed as aforeſaid, ſhall be capable of acting or voting as ſuch during the Time he ſhall enjoy any Office of Profit under the ſaid Commiſſioners (except the Office of Treaſurer), or be concerned in any Contract made by virtue of this Act, or in any Caſe wherein he ſhall be perſonally intereſted; and that at all Meetings to be holden in purſuance of this Act the Commiſſioners ſhall defray their own Expences, (except for the Uſe of the Room or Apartment where ſuch Meeting ſhall be held); but it ſhall and may be lawful to and for ſuch of the ſaid Commiſſioners as are or ſhall be Juſtices of the Peace for the ſaid County, to act as Juſtices of the Peace in the Execution of this Act.

Meetings of Commiſſioners.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting at ſuch Houſe or Place within the ſaid Town, and upon ſuch Day as any Five or more of the ſaid Commiſſioners ſhall appoint, by Notice ſigned by them and affixed upon the outward Door of the Chapel or Town Chamber of *Loweſtoft* aforeſaid, at leaſt Fourteen Days before ſuch Meeting, and ſhall proceed to put this Act into Execution, and ſhall and may then and from Time to Time afterwards adjourn to meet at the ſame Place, or at any other Place within the ſaid Town as they or the major Part of them preſent at ſuch Meeting ſhall appoint; and if at any of the ſaid Meetings the Commiſſioners preſent ſhall omit or neglect to adjourn ſuch Meeting to another Day, or if there ſhall not appear a ſufficient Number of Commiſſioners to adjourn (Two Commiſſioners to be deemed ſufficient for that Purpoſe), then and in every ſuch Caſe every ſuch Meeting or intended Meeting ſhall be and is hereby adjourned for Three Weeks, and ſhall be then holden at the ſame Place where the former Meeting was, or was intended to have been holden, and ſo from Time to Time until a ſufficient Number of the ſaid Commiſſioners ſhall meet and adjourn, public Notice of every ſuch Adjournment, ſigned by their Clerk, being given upon the ſaid outward Door of the Chapel or Town Chamber of *Loweſtoft* aforeſaid, or on ſuch other conſpicuous Place or Places as the ſaid Commiſſioners ſhall at any of their Meetings have appointed for that Purpoſe; and that no Act of the ſaid Commiſſioners ſhall be valid (except that of appointing the Firſt Meeting, or of Adjournment as aforeſaid) unleſs made or done at ſome public Meeting to be held by virtue of this Act (except as may be herein excepted); and all Acts, Matters, and Things by this Act authorized, directed, mentioned or expreſſed to be done and performed by the ſaid Commiſſioners, may be done or performed by the Majority of the ſaid Commiſſioners preſent at their reſpective Meetings, the whole Number preſent at any ſuch Meeting not being leſs than Five, and the ſame ſhall be as valid as if done or performed by all the ſaid Commiſſioners (except in Caſes where a greater Number of Commiſſioners than Five are required), and that at every ſuch Meeting One of the ſaid Commiſſioners ſhall be appointed Chairman or Preſident by the Majority of thoſe preſent; and that in all Caſes the ſaid Commiſſioners ſhall vote by Ballot, in caſe the ſame ſhall be deſired by any Three or more of the ſaid Commiſſioners then preſent, and in

No Act valid, unleſs at a Meeting.

Commiſſioners to vote by Ballot.

in caſe of an equal Number of Votes upon any Queſtion, including that of the Chairman or Preſident, ſuch Chairman or Preſident ſhall have the caſting Vote, and that no Order ſhall be revoked, unleſs at a ſubſequent Meeting where a greater Number of Commiſſioners than were preſent when ſuch Order was made, and not being leſs than Nine, ſhall attend, and of which ſubſequent Meeting Seven Days Notice ſhall be given as aforeſaid expreſſing the Occaſion of ſuch Meeting; provided nevertheleſs, that it ſhall and may be lawful for the ſaid Commiſſioners to hold any Special Meeting between their laſt Meeting and the Day to which any ſubſequent Meeting ſhall be adjourned as aforeſaid, ſo that ſuch Meeting ſhall be required by Five at leaſt of the ſaid Commiſſioners, and Notice thereof given as aforeſaid at leaſt Seven Days before the Time to be appointed for the ſame, ſigned by the Clerk to the ſaid Commiſſioners, and ſpecifying the Cauſe of ſuch Meeting.

Commiſſioners may hold Special Meetings.

V. And be it further enacted, That regular Entries ſhall be made in a proper Book or Books to be provided for that Purpoſe, of the Names of the Commiſſioners who ſhall attend their reſpective Meetings, and of all their Acts, Orders, and Proceedings, and the Chairman or Preſident of every ſuch Meeting, or the Clerk of the ſaid Commiſſioners, ſhall ſubſcribe his Name at the End of the Proceedings of every ſuch Meeting; and all ſuch Entries being ſo ſigned ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Cauſes, Suits, and Actions relating to any Thing done in purſuance of this Act; and that every ſuch Book ſhall at any of the Meetings of the ſaid Commiſſioners, and at all other ſeaſonable Times, be open to the Inſpection of every Perſon to be rated or aſſeſſed for the Purpoſes of this Act.

Proceedings to be entered in a Book.

VI. And be it further enacted, That in the Month of *March* in every Year a true Account ſhall be made and written of all Monies received and paid by virtue of this Act during the preceding Year, ending upon the Firſt Day of *December*, ſtating to and from whom the ſame have been paid or received and for what Purpoſes, and a Copy or a Duplicate of ſuch Account ſhall be depoſited with the Clerk of the ſaid Commiſſioners, who ſhall permit any Perſon or Perſons who ſhall be rated as herein-after mentioned, or any Perſon or Perſons on his, her, or their Behalf, to inſpect the ſame at ſeaſonable Times, paying One Shilling for ſuch Inſpection, and ſhall upon Demand forthwith give Copies of the ſame or any Part thereof upon being paid at the Rate of Sixpence for every One hundred Words, and ſo in Proportion for a leſs Number of Words.

Yearly Accounts.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and may from Time to Time, whenever they think neceſſary, by Writing under their Hands, appoint and employ a Treaſurer and Clerk, and Aſſeſſor or Aſſeſſors, Collector or Collectors of the Rates or Aſſeſſments to be made as herein-after directed, and alſo a Surveyor, and ſuch other Officers and Perſons as they ſhall think neceſſary to employ in the Execution of this Act, and ſhall from Time to Time take ſuch Security from every ſuch Treaſurer and Collector for the due Execution of their reſpective Offices as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners may remove and diſplace any ſuch Officer and Perſon from Time to Time whenever they ſhall think proper, and ſhall and may out of the Monies to be raiſed by virtue of this Act, allow and pay to every ſuch Treaſurer, Clerk, Surveyor, Aſſeſſor or Collector, and other Officer or Perſon to be employed

Officers to be appointed.

employed as aforesaid, such Salary or Allowance as they the said Commissioners shall think reasonable; and that every such Treasurer, Clerk, Surveyor, Assessor, Collector and other Officer to be appointed as aforesaid, shall from Time to Time, as often as thereunto required by the said Commissioners, render and give to the said Commissioners, or to such Person as they shall appoint, a true, fair and particular Account in Writing of all Monies which shall have been by him collected or received by virtue of this Act, and how, to whom, and on what Account any such Monies shall have been paid, together with the proper Receipts and Vouchers for such Payments, and shall pay all such Monies as upon the Balance of such Accounts shall appear to be in his Hands to the said Commissioners, or to such Person, and at such Time as they shall direct and appoint; and every such Officer so accounting shall upon Oath if required, (which Oath the said Commissioners or any Two or more of them are hereby authorized to administer), verify his said Accounts and the particular Items and Articles thereof, and the several Receipts and Payments which shall be therein contained; and if any such Officer shall refuse or wilfully neglect to render or give such Account as aforesaid, or to produce and deliver up to the said Commissioners the Receipts and Vouchers relating to the same, or to verify the Items or Articles thereof upon Oath (if required), or to deliver up to the said Commissioners, or to such Person as they shall for that Purpose appoint, within Fourteen Days next after being thereunto required by Writing under the Hands of any Five or more of the said Commissioners (which Requisition shall be made once in every Year at least) all Books, Papers, and Writings in his Custody or Power relating to the Execution of his Office, or of this Act, or shall refuse or neglect to pay all such Money as upon the Balance of any such Account shall appear to be in his Hands, to the said Commissioners or to such Person as they shall direct or appoint, and Complaint shall be made by the said Commissioners, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer shall be or reside, such Justice is hereby empowered to summon the Officer against whom such Complaint shall be made to appear before him at a Time and Place in such Summons to be mentioned, and upon his appearing or non-appearing, the Service of such Summons being proved by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Officer against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be due from such Officer, the said Justice may, upon Non-payment thereof within such reasonable Time as he may appoint, by Warrant under his Hand and Seal, cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, rendering the Overplus (if any) to such Officer upon Demand, after deducting the reasonable Charges of such Distress and Sale; and if sufficient Goods and Chattels of such Officer cannot be found to answer and satisfy such Money, and the Charges of levying and raising the same, or if such Officer shall not appear before the said Justice at the Time and Place by him to be appointed in such Summons, and it shall in Manner aforesaid appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as

Officers to account.

aforesaid, or to produce the Vouchers relating thereto, or to deliver up such Books, Papers, and Writings as aforesaid, the said Justice is hereby authorized, by Warrant under his Hand and Seal, to cause such Officer to be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have delivered in his Account and verified the same as aforesaid, and shall have produced and delivered up the Receipts and Vouchers relating thereto, or delivered up such Books, Papers, and Writings, or given Satisfaction to the said Commissioners concerning the same, and shall have paid all Monies which shall appear to be in his Hands, and the Charges attending the Recovery thereof, or shall have compounded with the said Commissioners for the same, which Composition the said Commissioners are hereby empowered to make and receive; but no such Officer who shall be committed on account of his not having sufficient Goods and Chattels as aforesaid, shall be detained in Prison for any longer Term than Three Calendar Months: Provided always, that if any Money shall remain due from such Officer, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer and his Surety and Sureties shall still remain liable to the Payment thereof, in the same Manner as if such Officer or Person, Officers or Persons had not been committed to Prison.

Property of Pavements, &c. vested in the Commissioners.

VIII. And be it further enacted, That the Property of and in all the present and future Pavements both of the Carriage Ways and Foot Ways of the several Streets, Lanes, and other public Passages and Places within the said Town already or hereafter to be set out or made, and the Stones, Gravel, and other Materials of which the said Carriage Ways and Foot Ways do and shall consist, and also all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from those Places or any of them, and also all Lamps, Lamp Irons, Lamp Posts, Watch Houses, and Watch Boxes, which now are erected or fixed within the said Town, and which shall be erected or fixed, and all Materials, Implements, and other Things thereto belonging, or which shall be purchased or provided by virtue or 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 any Bill or Bills of Indictment, as the Case may require, against 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, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be and be deemed and taken to 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 Town of *Lowestoft* in the County of *Suffolk*, without particularly stating or specifying the Name or Names of all or any of the said 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.

Penalty on damaging Materials.

IX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break up, injure, destroy or otherwise damage any of the

the Articles or Things hereby veſted in the ſaid Commiſſioners, or any of the Works done by them in purſuance of this Act, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds.

Where Materials for paving may be lodged.

X. And be it further enacted, That during the Time any Street, Lane, public Paſſage or Place ſhall be new paving, flagging, altering, or repairing, the ſaid Commiſſioners ſhall have Power to order the neceſſary Materials to be lodged in that or any adjoining Street, Lane, public Paſſage or Place, according to their Diſcretion, as alſo to ſtop up the Way through that or any adjacent Street or Lane, public Paſſage or Place, ſo long as they ſhall judge neceſſary; and the ſaid Commiſſioners, and all Perſons acting under the Direction of the ſaid Commiſſioners, are hereby indemnified from any Proſecution or Action whatſoever for ſo doing.

Commiſſioners empowered to pave, &c.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time to cauſe the ſeveral Streets, Lanes, and other public Paſſages and Places within the ſaid Town, both in the Carriage Ways and Foot Ways, to be paved, pitched, flagged, repaired, relaid, amended, and altered, and the ſaid Streets, Lanes, public Paſſages and Places to be cleanſed and lighted, and all Steps, Penthouſes, Porches, bow or projecting Windows, and other Incroachments, Obſtructions, and Annoyances therein, to be removed, and Gutters, Sinks, Drains, Sewers and Watercourſes, to be cut or made in, through, or under any of the ſaid Streets, Lanes, public Paſſages and Places, and any the Gutters, Sinks, Drains, Sewers, and Watercourſes already made therein to be opened or widened, and the Form or Courſe thereof altered, and the Ground of any of the ſaid Streets, Lanes, and other public Paſſages and Places to be raiſed, lowered, or altered in ſuch Manner as the ſaid Commiſſioners ſhall think expedient, neceſſary, or proper, according to the true Intent and Meaning of this Act; and that if any Perſon or Perſons ſhall take up or cauſe to be taken up, or make or cauſe to be made any Alteration in the Form of the Pavement or Flagging, or of any Part thereof, within any of the ſaid Streets, Lanes, public Paſſages or Places, without the Conſent of the ſaid Commiſſioners, or any Five or more of them, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds; and in caſe the Perſon or Perſons ſo taking up or altering any ſuch Pavement or Flagging, or any Part of the ſame reſpectively, ſhall not within Seven Days after Notice in Writing by the Surveyor to the ſaid Commiſſioners, or by ſome other Perſon or Perſons acting under their Direction, given to or left at the laſt or uſual Place or Places of Abode of ſuch Perſon or Perſons, cauſe the ſame Pavement or Flagging reſpectively, which ſhall have been ſo altered or taken up, to be re-inſtated and put into its former State, then and in every ſuch Caſe the Surveyor to the ſaid Commiſſioners ſhall cauſe the ſame to be ſo done, and the Coſts and Charges thereof ſhall be borne and paid by the Perſon or Perſons who ſhall have taken up or altered ſuch Pavement or Flagging or any Part thereof reſpectively; and in caſe of Non-payment thereof on Demand to the ſaid Surveyor or other Perſon by or under the Authority of the ſaid Commiſſioners, 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.

XII. And

Paviors and Carters to be appointed, and Implements purchased.

XII. 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 Paviors, Artificers, Workmen, Labourers, Carters, and others, and to provide such Tools, Implements, and Things as they shall judge necessary for the Purpose of carrying this Act into Execution.

Materials may be taken from Commons.

XIII. And be it further enacted, That any Person to be appointed by the said Commissioners may and is hereby empowered to search for, dig, get, and carry away any Stone, Gravel, Sand or other Materials fit and proper for the Purposes of this Act, in, out of, and from any Commons or Waste Grounds within the Parish of *Lowestoft* aforesaid, without paying any Thing for the same, such Person filling up the Pits or levelling the Ground and sloping down the Banks where or from whence such Materials shall be had or taken, or railing or fencing such Pits, so as the same shall not remain in a dangerous State.

Materials to be taken from other Places.

XIV. And be it further enacted, That such Person or Persons as the said Commissioners shall employ, having an Order in Writing for the Purpose made at a Meeting of the said Commissioners, and subscribed by their Clerk, is and are hereby authorized to search for, dig, cut, gather, take and carry away any Stone, Gravel, Clay, Sand, or other Materials for the purpose of paving, flagging, mending, or repairing any of the said Streets, Lanes, public Passages or Places, out of or from any other Lands or Grounds situate in the Parish of *Lowestoft*, (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, or Nursery for Trees), such Person or Persons tendering to the Owners or Occupiers of such Lands and Grounds for such Materials, and for Damage done thereto, such Recompence and Satisfaction as shall be agreed upon by the said Commissioners and such Owners or Occupiers, or (in case of any Difference touching the Amount of such Recompence or Satisfaction) as shall be settled and determined by the Justices assembled at a General Quarter Sessions of the Peace of the said County for the Division in which *Lowestoft* is situated, who shall in a summary Way settle and determine the same, and award Costs to either Party, and the Judgement or Order of such Justices therein shall be final and conclusive to all Parties; and the said Commissioners shall have full Power and Authority to cause to be dug, carted and carried out of or brought into the said Streets, Lanes, public Passages and Places, such Gravel, Stones, Clay, Sand and other Materals.

Notice to be given before Materials are taken.

XV. Provided always, and be it further enacted, That it shall not be lawful for any Person under the Authority of this Act to dig, gather, take, or carry away any Materials for any of the Purposes aforesaid from any inclosed Lands, until Notice in Writing under the Hands of Five or more of the said Commissioners shall have been given to the Occupier of such Lands, or left for him at his usual Place of Residence, to appear before the said Commissioners at such Time and Place as shall be mentioned in such Notice, to shew cause why such Materials should not be had from such Lands; and in case such Occupier shall attend pursuant to such Notice, the said Commissioners shall, if they think fit, after having heard the Matter, authorize any such Person as aforesaid to dig, gather, take, and carry away such Materials at such Time or Times as the said Commissioners shall think proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Commissioners shall and may make such

Order as they reſpectively ſhall think fit, as fully and effectually to all Intents and Purpoſes whatſoever, as if ſuch Occupier or his Agent had attended.

Lamps to be ſet up.

XVI. 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 after the paſſing of this Act, to purchaſe and provide ſuch and ſo many Glaſs Lamps of ſuch Sorts and Sizes, and ſuch and ſo many Lamp Irons, and Lamp Poſts, and other Things for lighting ſuch Lamps as they ſhall judge neceſſary, and to direct the ſame to be affixed or ſet up on or againſt the Walls or Paliſades of all or any of the Houſes, Tenements or Buildings, or againſt any other Walls within the ſaid Town, or in any other Manner they ſhall think proper and convenient, and to be taken down, altered or renewed when and as often 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 ſuch Hours of the Evening, and to be kept burning for ſo many Hours as ſhall to them the ſaid Commiſſioners ſeem neceſſary or proper for the well and ſufficient Lighting of all or any of the ſaid Streets, Lanes, public Paſſages or Places within the ſaid Town.

Penalty for breaking Lamps.

XVII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, take away, throw down, or otherwiſe deſtroy or damage any Lamp or Lamps already erected, or which ſhall be erected by or 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 Streets, Lanes, public Paſſages or Places, or any Poſt, Iron, Cover or other Furniture thereof, or ſhall wilfully extinguiſh the Light or Lights of any ſuch Lamp or Lamps, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid County of *Suffolk*, and he is hereby required, upon Complaint to him made by any one or more credible Witneſs or Witneſſes of any ſuch Offence, to iſſue a Warrant for apprehending the Party or Parties accuſed; or it ſhall and may be lawful to and for any Perſon or Perſons who ſhall ſee ſuch Offence committed to apprehend, and alſo for any Perſon or Perſons to aſſiſt in apprehending, the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid County; and on the Party or Parties accuſed being brought before ſuch Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath any Witneſs or Witneſſes who ſhall appear or be produced to give Evidence touching ſuch Offence; and if the Party or Parties accuſed ſhall be convicted of ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Evidence as aforeſaid, then and in every ſuch Caſe, he, ſhe, or they ſhall for each and every ſuch Offence reſpectively, and if more than one, ſhall ſeverally forfeit any Sum not exceeding Five Pounds, and ſhall beſides make full Satisfaction (to be aſcertained by ſuch Juſtice) to the ſaid Commiſſioners or other Party injured for the Damage ſo done; and in caſe ſuch Offender or Offenders ſhall not upon Conviction forthwith pay ſuch Penalty by him, her, or them incurred, and alſo ſuch Satisfaction as aforeſaid, ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to ſome Common Gaol or Houſe of Correction in the ſaid County of *Suffolk*, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; but ſuch Offender or

Offenders may be discharged before the Expiration of the Time for which he, she, or they shall be committed, upon Payment of such Penalty and making such Satisfaction as aforesaid, and one Moiety of the said Penalty and Penalties when recovered shall be paid to the Informer or Informers, and the other Moiety thereof to the Treasurer of the said Commissioners, to be applied for the Purposes of this Act; and if any Person or Persons shall negligently or accidentally break, throw down, or otherwise destroy, damage or injure any of the said Lamps, or any of the Posts, Irons, or Furniture thereof, and shall not upon Demand made by the said Commissioners, or by their Treasurer or Clerk, make Satisfaction for the Damage so done, it shall be lawful for any Justice of the Peace for the said County, and he is hereby required, upon Complaint thereof made by one or more credible Witness or Witnesses, by Warrant under his Hand, to summon before him the Party or Parties complained of for doing such Damage, and upon his, her, or their appearing, or making Default to appear (Oath having been made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party or the Oath of one or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons complained against, rendering to him, her, or them upon Demand the Overplus (if any) after such Sum so awarded, and the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be paid.

Or negligently breaking Lamps.

Power to remove Projections.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to take down, 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 and other projecting Windows, Window Shutters, Stumps, Trees, Rails, Pales, Palisades, Porches, Bulks, Shew Glasses, and Shew Boards, Pools, Cesspools, Cisterns, and Reservoirs for Water, and other Encroachments, Projections and Annoyances belonging, or which shall be hereafter 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 Foot Ways of any of the said Streets, Lanes, public Passages or Places of or within the said Town; 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 or other projecting Windows, Window Shutters, Stumps, Trees, Rails, Pails, Palisades, Porches, Bulks,

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.

Profections for Corners of Buildings.

XIX. 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 Stumps, Poſts, or other Guards 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.

No Encroachment to be hereafter erected.

XX. And be it further enacted, That no Surveyor, Maſter Carpenter, Maſon, or other Workman, in rebuilding, new-fronting, or altering any Houſe, Building, Wall, or Fence ſituate in or near any Street, Lane, public Paſſage or Place within the ſaid Town, ſhall under any Pretence whatſoever carry the Foundation, or any Part of the Front thereof, beyond the Line of ſuch Street, Lane, or public Paſſage, but ſhall build the ſame perpendicularly from the Foundation thereof, upon pain of forfeiting for every ſuch Offence the Sum of Ten Pounds, and the Owner of ſuch Houſe, Building, Wall, or Fence ſhall forfeit and pay the Sum of Forty Shillings for every Month ſuch Encroachment ſhall remain; and that it ſhall not be lawful for any Perſon hereafter to build or make any Sign, Sign Iron, Sign Poſt, or othe Poſt, Shed, Penthouſe, Step, Stair, Bow or other projecting Window, Window Shutter, Stump, Rail, Pale, Paliſade, Porch, Bulk, Shew Glaſs, Shew Board, Pool, Ceſſpool, Ciſtern, or Reſervoir of Water, or other Encroachment, Projection, or Annoyance againſt or in the Front or Side of any Houſe or other Building, ſo as to project into or over any of the Foot Ways, or Carriage Ways, upon pain of forfeiting for every ſuch Offence the Sum of Five Pounds; and it ſhall be lawful for the ſaid Commiſſioners (whether any ſuch Penalties or Forfeitures ſhall be levied or not) to cauſe all ſuch Houſes and other Buildings, Signs, Sign Irons, Sign Poſts, Sheds, Penthouſes, Steps, Stairs, Bow Windows, or other projecting Windows, Window Shutters, Stumps, Trees, Rails, Pales, Paliſades, Porches, Bulks, Shew Glaſſes, Shew Boards, Pools, Ceſſpools, Ciſterns, and Reſervoirs for Water, Spouts, Pipes, Trunks, and other Encroachments, Projections, or Annoyances, or any of them, to be taken down, removed and taken away.

Under a Penalty.

Inhabitants to cleanſe the Foot Pavements.

XXI. And be it further enacted, That the Occupier of every Houſe or other Tenement in any of the ſaid Streets, Lanes, public Paſſages and Places to be paved, cleanſed, and lighted by virtue of this Act, ſhall from and after the Foot Pavement in Front of or adjoining ſuch Houſe or Tenement ſhall be made and completed, ſweep and cleanſe or cauſe to be ſwept and cleanſed the ſaid Foot Pavement before ſuch Houſe or Tenement, upon ſuch Days in every Week, between the Hours of Six and Ten of the Clock in the Forenoon, as the ſaid Commiſſioners ſhall order and direct, by Writing, to be affixed upon the outward Door of the ſaid Chapel or

Town Chamber of *Loweſtoft*, or on ſuch other conſpicuous Place as aforeſaid, upon pain of forfeiting the Sum of Five Shillings for each Neglect.

Commiſſioners may direct the Streets to be cleanſed.

XXII. 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 or hire any Cart or Carts or other Carriage or Carriages, and alſo any Horſe or Horſes, for the Purpoſe of cleanſing the ſeveral Streets, Lanes, public Paſſages and Places within the ſaid Town, and of carrying away the Duſt, Dirt, and Soil thereof; 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, and Soil thereof.

No Perſon to take away Dirt, &c. but the Contractors.

XXIII. And be it further enacted, That if any Perſon or Perſons whomſoever other than the Perſon or Perſons employed by or contracting with the ſaid Commiſſioners for cleanſing the ſeveral Streets, Lanes, public Paſſages or Places within the ſaid Town, 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, Soil, Aſhes or other Filth out of ſuch Streets, Lanes, or other public Paſſages or Places as aforeſaid, every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Annoyances in the Streets.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall run, draw, drive, carry, or place on any of the Foot Paths or Flag Pavements in any of the ſaid Streets, Lanes, public Paſſages or Places, any Coach, Waggon, Cart, Dray, Wheel, Sledge, Wheel Barrow, Hand Barrow, Truck, or other Carriage whatſoever, or roll any Caſk or Tub for a greater Space than Ten Yards thereon, or ſhall wilfully ride, drive, or lead any Horſe or other Beaſt or Cattle on any of the ſaid Foot Paths or Flag Pavements aforeſaid, or ſhall kill, ſlaughter, ſinge, ſcald, dreſs, or cut up any Cattle, Swine or other Beaſt in any of the ſaid Streets, Lanes, public 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 the Drain of any Sty, Cot, Court, or Yard wherein any Sort of Swine ſhall be kept or fed to run into any of the ſaid Streets, Lanes, public Paſſages or Places, to the Annoyance of any of the Inhabitants of the ſaid Town, or ſhall hoop, cleanſe, waſh, or ſcald any Caſk, or hew or ſaw, or cauſe to be hewn or ſawn any Stone, Wood, or Timber; or bind, make or repair the Wheel of any Carriage, or ſhoe, bleed, or farry any Horſe or other Beaſt or Cattle (except in Caſes of Accident), or turn or drive looſe any Horſe in any of the ſaid Streets, Lanes, public Paſſages or Places; or if any Perſon ſhall ſet, place, or expoſe to Sale, or cauſe to be ſet, placed, or expoſed to Sale any Goods, Wares, or Merchandizes whatſoever, or any Fruit, Vegetables or Garden Stuff, Butcher's Meat, or other Matter or Thing projecting over or upon the Foot Paths or Carriage Ways of any of the ſaid Streets, Lanes, public Paſſages or Places (except in the Market Place, or in the uſual Place of holding the annual Fairs on the uſual Days) or hang up or expoſe to Sale any Goods, Wares, Merchandizes or other Matter or Thing upon any Flap Window, or otherwiſe ſo as to obſtruct or incommode the Paſſage of any of the ſaid Foot Paths; or

if

if any Perſon ſhall at any Time leave open any Cellar Door or Grate in any of the ſaid Streets, Lanes, public Paſſages or Places in the Night Time, without being ſufficiently lighted to prevent Accidents to Paſſengers, or ſhall make, or aſſiſt in making any Fires, commonly called *Bonfires*, or ſet fire to, or let off any Gun, Piſtol, Squib, Serpent, Cracker, or Fire Works within any of the ſaid Streets, Lanes, public Paſſages or Places; or if any of the Inhabitants of the ſaid Town in removing any Aſhes, Cinders, Duſt, Dirt, Filth, Soil, Dung, or Rubbiſh from any Houſe, Shop, Building, Warehouſe, or Yard within the ſaid Town, ſhall wilfully or negligently permit or ſuffer the ſame to lay in any of the ſaid Streets, Lanes, public Paſſages or Places in the ſaid Town for any longer Time than Two Hours, for the Purpoſe of loading and carrying away the ſame, or ſhall ſuffer the ſame to annoy his or their Neighbour or Neighbours, or permit or ſuffer the Soil or Contents of any Privy or Neceſſary Houſe to remain in any of the ſaid Streets, Lanes, public Paſſages or Places after the Hour of Ten in the Morning; every Perſon offending in any of the Caſes aforeſaid ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Penalties on leaving Carriages in the Streets.

XXV. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage, ſhall be left or remain in any of the ſaid Streets, Lanes or other public Paſſages or Places, with or without Horſes or other Cattle, for any Time longer than ſhall be neceſſary for the loading or unloading thereof; or if any Stage Coach, Diligence, Poſt Chaiſe or other Carriage let to hire ſhall be left, or remain in any ſuch Street, Lane, public Paſſage or Place, with or without Horſes, for any longer Time than ſhall be reaſonable and neceſſary for the taking up or ſetting down the Paſſengers, or of loading or unloading their Baggage; or if any Stone Horſe or Stallion ſhall be brought and exhibited in any of the Streets, Lanes, public Paſſages or Places of the ſaid Town, or if any Sort of Swine ſhall be kept or fed in any Sty or Cot, Court Yard or Garden adjoining to any of the ſaid Streets, Lanes, public Paſſages or Places not well and ſufficiently walled in ſo as to prevent the ſame from becoming a Nuiſance to the Inhabitants of the ſaid Town; or if any Swine or other Beaſt ſhall be permitted to wander or be at large in any of the ſaid Streets, Lanes, public Paſſages or Places; or if any Timber, Bricks, Stones, Dung, Wood, Goods, Wares, or Merchandizes or other Materials, or Things ſhall be laid or placed, and left to remain in any of the ſaid Streets, Lanes, public Paſſages or Places for any longer Time than ſhall be neceſſary for removing or houſing the ſame; or if any broken Glaſs or Earthen Ware, Aſhes, Rubbiſh, Duſt, Dirt, Filth, or other Nuiſance or Annoyance, ſhall be thrown, caſt, or laid in any of the ſaid Streets, Lanes, public Paſſages or Places, (except Aſhes, Sand, or Saw Duſt, in the Time of Froſt only and to prevent Accidents), and ſuffered to remain for any longer Time than ſhall be neceſſary for removing the ſame; or if any Perſon or Perſons ſhall throw out or pour down upon any of the ſaid Foot Pavements or Carriage Ways, any Water, Soap Suds, Rincings, or other Liquid Matter, or permit the ſame to run into the ſaid Streets, Lanes, public Paſſages or Places, otherwiſe than by ſuch Drains as ſhall be made under or through the ſaid Foot Pavements by the Order or Direction of the ſaid Commiſſioners (except in Caſes of Fire); then and in every ſuch Caſe the

Owner or Driver of every ſuch Carriage, and the Owner of any ſuch Stone Horſe, or Stallion, Swine, or other Beaſt, Timber, or other Things as aforeſaid; and the Perſon who ſhall ſo throw, caſt, or lay any Dung, Filth, Aſhes, Rubbiſh, Duſt, Dirt, or other Nuiſance or Annoyance, Soap Suds, Rincings, or other liquid Matter as aforeſaid, ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Twenty Shillings, and it ſhall be lawful for any Perſon or Perſons to impound any ſuch Swine or other Beaſt ſo wandering or being at large as aforeſaid, in the Common Pound, and the ſame to detain in ſuch Pound until the ſaid Penalty ſhall be fully paid and ſatisfied; and if ſuch Penalty ſhall not be paid within Six Days after ſuch Swine or other Beaſt ſhall be ſo impounded, it ſhall be lawful for ſuch Perſon or Perſons as ſhall be appointed by the ſaid Commiſſioners for that Purpoſe to ſell ſuch Swine or other Beaſt, and the Overplus (if any) of the Money ariſing by ſuch Sale ſhall be paid to the Owner or Owners of ſuch Swine or other Beaſt: Provided always, that no Perſon ſhall be ſubject to any Penalty by virtue of this Act on Account of any Rubbiſh and Dirt lying in any of the ſaid Streets, Lanes, public Paſſages, or Places before the Houſe, Tenement, or other Building of ſuch Perſons which may be occaſioned by the building, pulling down or repairing of any ſuch Houſe, Tenement, or Building, ſo as convenient Room ſhall be left for Carriages to paſs, and a ſufficient Way kept clean for Foot Paſſengers, and ſo as the Owner or Occupier of ſuch Houſe, Tenement, or Building ſhall cauſe ſuch Rubbiſh or Dirt to be removed out of ſuch Street, Lane, public Paſſage, or Place, at his or their own Coſt and Charges, within a reaſonable Time after ſuch building, pulling down, or repairing ſhall be completed, and ſo as whilſt the ſame ſhall be lying in ſuch Street, Lane, public Paſſage or Place ſuch Owner or Occupier ſhall during the Night Time ſet up and maintain a ſufficient Light upon or againſt or properly incloſe the ſame, in order to prevent any Accident happening to Paſſengers, Cattle, or Carriages.

Not to extend to Rubbiſh, &c. in the Streets, for building or repairing Houſes.

Names of Streets may be ſet up.

XXVI. And be it further enacted, That the ſaid Commiſſioners may, if they think fit, order and direct to be painted, engraved, or otherwiſe deſcribed, on a conſpicuous Part of ſome Houſe or other Building at or near the End or Corner of every ſuch Street, Lane, public Paſſage and Place, the Name by which ſuch Street, Lane, public Paſſage and Place is now, or ſhall hereafter be called or known; and may order and direct the ſeveral Houſes, Shops, Warehouſes, and Buildings within the ſaid ſeveral Streets, Lanes, public Paſſages and Places, or any of them, to be numbered with Figures painted or placed on the Door of every ſuch Houſe, Shop, Warehouſe, or other Building, or ſuch other Part thereof as the ſaid Commiſſioners ſhall think proper; and if any Perſon ſhall wilfully obliterate or deface any ſuch Name or Numbers or any Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending in any of the ſaid Caſes ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Power to appoint Watchmen.

XXVII. And be it further enacted, That the ſaid Commiſſioners may and they are hereby authorized and empowered from Time to Time (if they think neceſſary or proper) to appoint ſuch and ſo many Watchmen and Night Conſtables to be employed in the ſaid Town for ſo long Time in every Night, and during the Whole or any Part of the Year, and

and under ſuch Regulations and for ſuch Wages as they ſhall think proper, and alſo to diſplace any ſuch Watchmen or Night Conſtables for Miſbehaviour, and to appoint others in the Room of thoſe ſo diſplaced; and that they the ſaid Commiſſioners may, if they think neceſſary, provide proper Watch Houſes and Watch Boxes or Places of Reception for ſuch Watchmen and Night Conſtables for the ſafe Cuſtody of ſuch Perſons as may be apprehended by ſuch Watchmen and Night Conſtables whilſt on Duty; and it ſhall be lawful for the ſaid Watchmen and Night Conſtables, or any of them, and they are hereby authorized and required to apprehend and ſecure all ſuch Malefactors, Diſturbers of the public Peace, and other ſuſpected Perſons who ſhall be found wandering or miſbehaving themſelves during the Hours of keeping watch, and to detain, confine, and carry ſuch Perſons, as ſoon as conveniently may be, before ſome Juſtice of the Peace for the County of *Suffolk*, to be dealt with according to Law.

Commiſſioners may contract for performing the Works.

XXVIII. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby authorized and empowered from Time to Time to contract with any Perſon or Perſons for paving, flagging, repairing, cleanſing, and lighting the ſaid Streets, Lanes, public Paſſages and Places within the ſaid Town, and for furniſhing Materials therefore, and for doing or performing all or any other of the Works by this Act directed to be done or performed, in ſuch Manner and under ſuch Penalties for the due Performance of ſuch Contracts as the ſaid Commiſſioners ſhall think fit, giving Fourteen Days Notice of their Intention to enter into every ſuch Contract, in order that any Perſon, willing to undertake the ſame, may make Propoſals to the ſaid Commiſſioners at the Time and Place to be mentioned in ſuch Notice, and every ſuch Contract ſhall be good, valid, and binding as well upon the ſaid Commiſſioners as upon the other Party or Parties thereto; and in caſe any ſuch Work ſhall not be well and ſufficiently done and performed according to ſuch Contract, the ſaid Commiſſioners may cauſe an Action or Suit to be brought in any of His Majeſty's Courts of Law or Equity againſt every ſuch Contractor, either for a ſpecific Performance of ſuch Contract, or for any Penalty contained therein, or for any Damage ſuſtained by reaſon of the Non-performance thereof: Provided always, that it ſhall be lawful for the ſaid Commiſſioners (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Non-performance of any ſuch Contract, for ſuch Sum of Money as the ſaid Commiſſioners ſhall think proper, not being leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract, and of all Coſts, Charges, and Expences which ſhall be occaſioned thereby; provided alſo, that no ſuch Contract ſhall be made for a longer Space of Time than Three Years from the Time of entering into ſuch Contract.

Contracts not to be for more than Three Years.

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

XXIX. And for the Purpoſe of rendering the narrow Parts of the ſaid Streets, Lanes, public Paſſages and Places ſafe and commodious, and for opening proper Communications between any of the ſaid Streets, Lanes, public Paſſages and Places, and otherwiſe improving the ſaid Town, and for carrying the Intentions of this Act into Execution; be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to contract and agree with any Perſon or Perſons, Bodies

Politic, Corporate or Collegiate, Corporations, whether Aggregate or Sole, Spiritual or Lay, or Feoffees in Truſt, as ſhall be deemed to be Owner or Owners, Proprietor or Proprietors, or otherwiſe intereſted in any Houſes, Buildings or Erections, Lands, Tenements, or Hereditaments, which the ſaid Commiſſioners ſhall judge neceſſary or proper to be purchaſed for the before-mentioned Purpoſes, for the abſolute Purchaſe thereof, or for any Damage to be done thereto in the Execution of any of the Powers given by this Act, or for the Hire or Uſe of any temporary Carriage Way, during ſuch Time as any of the ſaid Streets, Lanes, public Paſſages or Places ſhall be new paving, amending, or repairing, and in any of the ſaid Caſes to pay for ſuch Purchaſe, Damage, or hiring, ſuch Sum or Sums of Money as ſhall be agreed upon by the ſaid Commiſſioners, and the Perſon and Perſons reſpectively ſo intereſted in the Premiſes, out of the Monies to be raiſed by virtue of this Act, and to take down ſuch Houſes, Buildings, or Erections, and throw the Scites thereof, and the Lands, Tenements, and Hereditaments ſo purchaſed, or ſuch Parts thereof, as the ſaid Commiſſioners ſhall think proper, into the ſaid Streets, Lanes, public Paſſages and Places.

Enabling incapacitated Perſons to ſell.

XXX. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations, whether Aggregate or Sole, Spiritual or Lay, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees of or for Lunatics, and Idiots, and other Truſtees whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their reſpective *Ceſtuique* Truſts; whether Infants, or Iſſue unborn, Lunatics, Idiots, or Femes Covert, or other Perſon or Perſons, and alſo to and for all Femes Covert who are or ſhall be ſeiſed in their own Right, and to and for all Perſons, whether Tenants for Life or Tenants in Tail, General or Special, or for Years determinable on any Life or Lives, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Houſes, Buildings, or Erections, Lands, Tenements, or Hereditaments, or any Part thereof, which ſhall be thought neceſſary to be purchaſed for the Purpoſes aforeſaid, or for any other of the Purpoſes of this Act, to treat, contract, and agree with the ſaid Commiſſioners for the Sale thereof, or of any Part thereof, and to ſell, convey, ſurrender, and aſſure all or any Part thereof, and all his, her, or their Eſtate, Right, Title, and Intereſt whatſoever of, in, and to the ſame, to the ſaid Commiſſioners and their Succeſſors, or to ſuch Perſon or Perſons, and his, her, or 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, or to agree with the ſaid Commiſſioners for any Recompence to be made for the Damage which may be done to any ſuch Houſes, Buildings, Erections, Lands, Tenements, or Hereditaments, in the Execution of any of the Powers of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, Aſſignments, Surrenders, and Aſſurances, which ſhall be ſo made by virtue and in purſuance of this Act, ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever, not only to convey the Eſtate and Intereſt of the Perſon or Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever of the ſaid ſeveral and reſpective *Ceſtuique* Truſts,

and

and all claiming or to claim by, from, or under them, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politic, 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 whomſoever, are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

Application of Compenſation when amounting to 200 l.

XXXI. And be it further enacted, That if any Money ſhall be agreed to be paid for any Lands, Tenements, Buildings, or other Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Commiſſioners for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, (to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way, by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, Buildings, or other Hereditaments), in the Purchaſe or Redemption of the Land Tax or Diſcharge of any Debt or Debts or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, Buildings, or Hereditaments, or affecting other Lands, Tenements, Buildings, or other Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, Buildings, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, Buildings or other 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 or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Buildings, or other Hereditaments ſo hereby authorized to be purchaſed in caſe ſuch Purchaſe or Settlement were made.

Application of Compenſation when leſs than 200 l.

XXXII. Provided always, and be it further enacted, That if any Money ſo agreed to be paid for any Lands, Tenements, Buildings, or other Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging

belonging to any Corporation or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed 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, Buildings, or other Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees in caſe of Infancy, Idiotcy, 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 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 Five 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 any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

XXXIII. Provided alſo, and be it further enacted, That where ſuch Money, ſo agreed to be paid as next before mentioned, ſhall be leſs than the Sum of 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, Buildings, or other Hereditaments ſo purchaſed, taken, or uſed, for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners, ſhall think fit; or in caſe of Infancy, Idiotcy, 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.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion at the Time of ſuch Purchaſe ſhall be deemed entitled thereto, according to ſuch Poſſeſſion.

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

wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, Buildings or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XXXV. Provided alſo, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, Buildings, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, Buildings, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery, to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, to be paid by the ſaid Commiſſioners out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money, for ſuch Purpoſes as the ſaid Court ſhall direct.

Bargains and Sales to have the Operation of Fines and Recoveries.

XXXVI. And be it further enacted, That the Surrender or Conveyance of any ſuch Eſtate or Intereſt of any Feme Covert to the ſaid Commiſſioners, or any Perſon or Perſons in Truſt for them, by Indenture or Indentures of Bargain and Sale, ſealed and delivered by ſuch Feme Covert in the Preſence of and atteſted by Two credible Witneſſes, and to be duly inrolled in His Majeſty's High Court of Chancery within Six Calendar Months next after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Feme Covert in the Premiſes as any Fine or Fines, Recovery or Recoveries, would or could do if levied or ſuffered thereof in due Form of Law; and further, that all Bargains and Sales whatſoever to be made of any ſuch Lands, Tenements, Buildings, and Hereditaments as ſhall be purchaſed by the ſaid Commiſſioners by virtue and for the Purpoſe of this Act, and inrolled as aforeſaid, ſhall have the like Force, Effect, and Operation in Law to all Intents and Purpoſes as any Fine or Fines, Recovery or Recoveries whatſoever would have had if levied or ſuffered by the Bargainer or Bargainers, or any Perſon or Perſons ſeiſed of any Eſtate in the Premiſes in Truſt for ſuch Bargain or Bargainers in any Manner or Form whatſoever.

Commiſſioners empowered to ſell Ground, &c. not neceſſary for the Purpoſes of the Act.

XXXVII. And whereas ſome Part or Parts of the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments ſo to be purchaſed as aforeſaid, may happen to be more than is neceſſary to be made uſe of for the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby authorized and required to ſell or diſpoſe of, and to convey, ſurrender, and aſſure, or cauſe to be ſold or diſpoſed of, and conveyed, ſurrendered and aſſured, ſuch Part or Parts of the ſaid Houſes, Buildings, Lands, Tenements, or Hereditaments, to any Perſon or Perſons willing to contract, agree for, or purchaſe the ſame, and the Money ariſing therefrom ſhall be paid and applied for the Purpoſes of this Act.

Rates.

XXXVIII. And, in order to enable the ſaid Commiſſioners to raiſe Money to anſwer and defray the Charges and Expences of obtaining and paſſing

paſſing this Act, and for carrying the ſame into Execution; be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required once in every Year to rate or aſſeſs ſuch Sums of Money as they ſhall think neceſſary, for or towards the Purpoſes of this Act, upon the ſeveral Tenants or Occupiers of Dwelling Houſes, Shops, Warehouſes, and of any other Buildings whatſoever within the ſaid Town, and adjoining to or near any of the ſaid Streets, Lanes, public Paſſages, or Places there, and alſo upon the ſeveral Tenants or Occupiers of Manſion Houſes, Fiſh Offices, Dwelling Houſes, and Farm Houſes, wheresoever ſituate in the Pariſh of *Loweſtoft*, and the Yards and Gardens with any of the before-mentioned Buildings and Premiſes reſpectively occupied, and who in reſpect of ſuch Occupation are reſpectively aſſeſſed or rated towards the Relief of the Poor of the ſaid Pariſh in Manner following; that is to ſay, in any Sum not exceeding in any One Year Two Shillings and Sixpence in the Pound, to be computed upon the then exiſting Aſſeſſment made for or towards the Relief of the Poor of the ſaid Pariſh, when the ſame ſhall have been calculated and made upon and ſhall not exceed Two Thirds of the actual annual Value of ſuch Dwelling Houſes, Shops, Warehouſes and other Buildings, Manſion Houſes, Fiſh Offices, and Farm Houſes reſpectively, with the Yards and Gardens reſpectively occupied therewith, and in any Sum not exceeding in any One Year Two Shillings in the Pound, to be computed upon the ſaid exiſting Aſſeſſment made for or towards the Relief of the Poor of the ſaid Pariſh, when the ſame ſhall have been calculated and made upon more than Two Thirds of the actual annual Value, or upon the Rack Rent of the ſaid Dwelling Houſes, Shops, Warehouſes, and other Buildings, Manſion Houſes, Fiſh Offices, and Farm Houſes reſpectively, with the Yards and Gardens reſpectively occupied therewith; but where it ſhall happen that any of the ſaid Dwelling Houſes, Shops, Warehouſes, or other Buildings, Fiſh Offices, Manſion Houſes, or Farm Houſes, with their reſpective Yards and Gardens, ſhall not in and by any ſuch Rate be ſeparately aſſeſſed, but ſhall be mixed and blended in any ſuch Aſſeſſment with any Lands or other Hereditaments; then whenever it ſhall ſo happen the ſaid Commiſſioners ſhall from Time to Time ſeparately aſſeſs any ſuch Dwelling Houſe, Shop, Warehouſe, or other Building, Fiſh Office, Manſion Houſe, or Farm Houſe, with their reſpective Yards and Gardens, ſo circumſtanced, according to the beſt of their Skill and Judgement, and in the Proportion which the general Aſſeſſment of the ſaid Pariſh ſhall bear to the Rack Rent; and that all the ſaid Rates or Aſſeſſments ſhall be paid to the Collector or Collectors thereof, to be appointed as aforeſaid, by the reſpective Tenants or Occupiers of the ſaid reſpective Dwelling Houſes, Shops, Warehouſes, or other Buildings, Fiſh Offices, Manſion Houſes, or Farm Houſes, rateable by virtue of this Act.

When Poor Rate is not more than Two Thirds of the Rack Rent;

when at Rack Rent.

Exemptions from Rates.

XXXIX. And be it further enacted, That no Perſon ſhall be chargeable with any ſuch Rate or Aſſeſſment who ſhall not occupy within the ſaid Pariſh of *Loweſtoft* a Houſe or Houſes, or other Hereditaments of the annual Rent of Four Pounds, ſuch Houſe or Houſes, or other Hereditaments not being the Property of ſuch Occupier; and it ſhall be lawful for the ſaid Commiſſioners, upon the Application of any Perſon or Perſons ſubject to the Payment of the ſaid Rates or any Part thereof, to exempt ſuch Perſon or Perſons ſo applying from the Payment of the

ſaid

ſaid Rates or any Part thereof, where by Reaſon of the Poverty of ſuch Perſon or Perſons they ſhall judge it expedient or proper, provided that Nine at the leaſt of the ſaid Commiſſioners be preſent at the Meeting where ſuch Exemption ſhall be ordered or directed, any Thing in this Act to the contrary notwithſtanding; but the Owner or Owners of any ſuch Houſe or Houſes ſo exempted, ſhall nevertheleſs be liable to be rated or aſſeſſed at One Third Part of the Sum at which ſuch Occupier or Occupiers would otherwiſe have been rated or aſſeſſed in reſpect thereof.

Poor Rates may be inſpected.

XL. And be it further enacted, That that ſaid Commiſſioners ſhall and may, and they are hereby authorized and empowered to cauſe the Books or Aſſeſſments of Rates towards the Relief of the Poor of the Pariſh of *Loweſtoft* aforeſaid, to be brought before them, and the Overſeers of the Poor of the ſaid Pariſh for the Time being are hereby required to permit the ſaid Commiſſioners or any of them, or any Perſon to be by them appointed, at any ſeaſonable Time or Times to peruſe and inſpect, and to take Copies of any ſuch Rate or Aſſeſſment made within One Year then next preceding; and if any ſuch Overſeer ſhall refuſe or wilfully neglect to attend the ſaid Commiſſioners with ſuch Books or Aſſeſſments, or to permit any ſuch Peruſal or Inſpection, or the taking of any ſuch Copy, he ſhall forfeit and pay any Sum not exceeding Ten Pounds for every ſuch Refuſal or Neglect.

Rates on Houſes not aſſeſſed to Poor's Relief.

XLI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, if they think fit, to rate and aſſeſs the ſeveral Landlords and Owners of all Dwelling Houſes, Shops, Warehouſes, Fiſh Offices, and other Buildings whatſoever within the ſaid Town and Pariſh, with the Yards and Gardens thereto reſpectively belonging, which ſhall not from Time to Time be rated or aſſeſſed to the Relief of the Poor of the ſaid Pariſh, in any Sum not exceeding Ten-Pence in the Pound by the Year, to be computed on Two Thirds of the annual Value of ſuch Dwelling Houſes, Shops, Warehouſes, Fiſh Offices, and other Buildings, with the Yards and Gardens thereto belonging.

Frontage Rate of public Buildings.

XLII. And be it further enacted, That the ſaid Commiſſioners, ſhall and they are hereby authorized and empowered once in every Year to rate and aſſeſs the Churchwardens, Chapelwardens, Truſtees, or Agents of the Chapel of the ſaid Town, or of any Meeting Houſe, or Place of public Worſhip, or of any Dwelling Houſe or other Building veſted in them, or under their Care and Management; for any charitable Purpoſe within the ſaid Town, and adjoining to or near any of the ſaid Streets, Lanes, public Paſſages or Places, for and in reſpect of the ſame reſpectively, not rated or aſſeſſed to the Relief of the Poor of the ſaid Pariſh, in any Sum they ſhall from Time to Time think reaſonable and proper, provided the ſame do not in any One Year exceed the Rate or Proportion of One Shilling for every running Foot which the ſaid Chapel, Meeting Houſe, or Place of public Worſhip, Dwelling Houſe, or other Building for any ſuch charitable Purpoſe, may reſpectively extend againſt any of the ſaid Streets, Lanes, public Paſſages or Places.

When Rates are to commence and when payable.

XLIII. And be it further enacted, That the First of the said Rates and Assessments herein-before authorized to be made, shall commence at and upon the Twenty-fourth Day of *June* One thousand eight hundred and ten, and shall be made for One Half-year only, and thereafter the said Rates shall be made for One Year, commencing upon the Twenty-fifth Day of *December* in every Year, and the Money so to be raised and assessed shall from Time to Time be levied and paid by Four Quarterly Payments to such Person or Persons as the said Commissioners shall nominate and appoint to be Collector or Collectors of the same; and all such Sum and Sums of Money shall be paid over by such Collector or Collectors to the Treasurer to the said Commissioners at such Times and in such Manner as the said Commissioners shall from Time to Time direct; provided that no Rate or Assessment to be made in pursuance of this Act shall be valid until the same shall be signed by Five or more of the said Commissioners; and the said Commissioners are hereby empowered to amend any such Rate or Assessment after the same shall have been so signed, by inserting the Name of any Person who ought to have been rated or assessed, or striking out the Name of any Person who ought not to have been so rated or assessed, or to raise or lower the Assessment or Assessments on any Person or Persons, who shall be under-rated or over-rated in the said original Rate or Assessment.

Rates may be amended.

Manner of rating where Houses are empty, or let to Inmates, or quitted.

XLIV. Provided always, and be it further enacted, That where any such Dwelling House, Shop, Warehouse, or other Building, Fish Office, Mansion House, or Farm House, rateable as aforesaid by virtue of this Act, after the same shall have been once inhabited or occupied, shall at any Time be or become empty or unoccupied, then the said Commissioners shall rate such Premises during the Time the same shall be so empty or unoccupied at One Half only of the Sum at which the Occupier thereof (if inhabited) would have been rated or liable to be rated or assessed in respect of such Premises by virtue of this Act, and the said Half Rates, and all Arrears thereof, shall be paid by the Person for the Time being entitled to such Premises, or by the First or any other Tenant or Occupier thereof, and every such Tenant shall and may deduct and retain the same out of his or her Rent: And that where any Dwelling House, Shop, Warehouse, or other Building, Fish Office, Mansion House, or Farm House, in respect whereof any Assessment shall be made as aforesaid by virtue of this Act, shall be let to more than one Tenant, any one or more of such Tenants shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act, and every such Tenant paying more than his or her proper Share of such Rate, shall and may deduct the Sum he or she shall so pay over and above his or her proper Share as aforesaid out of his or her Rent; but no such Tenant or Tenants shall be subject or liable to the Payment of any greater Sum or Sums of Money towards the Discharge of the said Rates or Assessments than the Amount of the Rent actually due from him, her, or them, in respect of the said Premises: Provided always, that where any Person shall remove from or quit any Dwelling House, Shop, Warehouse, or other Building, Fish Office, Mansion House, or Farm House rated by virtue of this Act, such Person shall be liable to pay such Rate or Assessment in Proportion to the Time that he or she shall have occupied the same; and in all Cases where any Person shall come into or occupy any House rated as aforesaid, out of or from which any other Person who shall have been rated for the same

ſame ſhall be removed, or which at the Time of making any ſuch Rate was empty or unoccupied, the Perſon coming into or occupying the ſame ſhall be liable to pay ſuch Rate in Proportion to the Time that he or ſhe occupied the ſame, which ſaid reſpective Proportion, in caſe of Diſpute, ſhall be aſcertained and ſettled by the ſaid Commiſſioners; provided alſo, that nothing in this Act contained ſhall extend to make void any Contract, Covenant, or Agreement between any Landlord and Tenant touching the paving or repairing any of the ſaid Streets, Lanes, or other publick Paſſages or Places.

Apportionment of Rates between Landlords and Tenants.

XLV. And be it further enacted, That One Third Part of all and every the Rates or Aſſeſſments hereby directed to be made as aforeſaid on the ſeveral Tenants or Occupiers of Dwelling Houſes, Shops, Warehouſes, or other Buildings, Fiſh Offices, Manſion Houſes, or Farm Houſes, with their reſpective Yards and Gardens, ſhall be born and ſuſtained by the Landlord or Landlords, Owner or Owners thereof reſpectively; and ſuch Tenants and Occupiers are hereby authorized and empowered to deduct and retain out of their reſpective Rents ſuch Sums of Money as they ſhall reſpectively pay for or on Behalf of the reſpective Landlords or Owners of ſuch reſpective Premiſes; and the Payments of ſuch One Third Part by the ſaid Tenants or Occupiers ſhall be conſidered as Money actually paid for Rent due or to become due to ſuch Owners, who ſhall allow the ſame to their reſpective Tenants or Occupiers out of their Rent accordingly, and the other Two Third Parts thereof ſhall be borne and ſuſtained by ſuch reſpective Tenants or Occupiers of ſuch Premiſes, his, her, or their reſpective Executors or Adminiſtrators: Provided always, that the Whole of the Rates or Aſſeſſments to be made or aſſeſſed on the Landlords or Owners of any ſuch Dwelling Houſes, Shops, Warehouſes, Fiſh Offices, and other Buildings, with their reſpective Yards and Gardens, not rated or aſſeſſed to the Rate for the Relief of the Poor of the ſaid Pariſh, and to be made on the Churchwardens or Chapelwardens, Truſtees or Agents of the ſaid Chapel, or of any Meeting Houſe or Place of public Worſhip, Dwelling Houſe, or other Building for any charitable Purpoſe, ſhall be paid by ſuch Landlords or Owners, Churchwardens, Chapelwardens, Truſtees or Agents thereof reſpectively, to the Collector or Collectors thereof to be appointed as aforeſaid.

Rates to be paid by Landlords.

Recovery of Rates.

XLVI. And be it further enacted, That in caſe any Perſon or Perſons whomſoever who ſhall be rated or be liable to pay any Rate or Aſſeſſment by virtue of this Act, ſhall refuſe or neglect to pay any ſuch Rate or Aſſeſſment to any Collector or Collectors, to be appointed as aforeſaid, for the Space of Seven Days next after perſonal Demand thereof made, or Demand in Writing left at the uſual Place of Abode of ſuch Perſon or Perſons, it ſhall be lawful for any Juſtice of the Peace for the County or Place wherein ſuch Perſon or Perſons ſo neglecting or refuſing ſhall be or reſide, upon Proof made upon Oath of ſuch Demand and Non-payment (which Oath ſuch Juſtice is hereby empowered and required to adminiſter *gratis*), by Warrant under his Hand and Seal to authorize and direct ſuch Collector or Collectors to levy ſuch Rate or Money ſo in Arrear, together with the Coſts and Charges attending the ſame (ſuch Coſts and Charges to be aſcertained by ſuch Juſtice) by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo neglecting or refuſing to pay as aforeſaid,

ſaid, rendering the Overplus (if any) to the Owner of ſuch Goods and Chattels on Demand.

Payment of Rates not to gain a Settlement.

XLVII. And be it further enacted, That no Perſon or Perſons ſhall gain any legal Settlement in the ſaid Town or Pariſh, 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 or holding any Office or Place of Employment whatſoever under or by virtue of this Act.

Power to raiſe Money by Loan.

XLVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby empowered from Time to Time to borrow and take up at Intereſt any Sum or Sums of Money as they ſhall think neceſſary for the Purpoſes of this Act, upon the Credit of the ſaid Rates or Aſſeſſments, ſo as the Sum borrowed ſhall not at any one Time exceed Four thouſand Pounds, and by Writing under their Hands and Seals to mortgage or aſſign over all or any Part of ſuch Rates or Aſſeſſments to the Perſon or Perſons who ſhall advance or lend the Money ſo to be borrowed, or his, her, or their Truſtee or Truſtees, as a Security for ſuch Money, together with the Intereſt for the ſame; and the Charges and Expences of ſuch Mortgage or Aſſignment thereof, to be made as hereafter mentioned, ſhall be from Time to Time defrayed by the ſaid Commiſſioners out of the Monies ſo borrowed, and every ſuch Mortgage or Aſſignment ſhall be in the Words or to the Effect following; *videlicet*,

‘ WE of the
‘ Commiſſioners acting in Execution of an Act of Parliament made
‘ in the Fiftieth Year of the Reign of King *George* the Third, intituled,
‘ [*here ſet forth the Title of this Act*], in conſideration of the Sum of
‘ advanced and lent by
‘ to the Treaſurer appointed in purſuance of the ſaid Act, upon the Cre-
‘ dit and for the Purpoſes of the ſaid Act, do grant and aſſign unto the
‘ ſaid [*or*, to his Truſtee or Truſtees, *as the Caſe may*
‘ *require*] his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion
‘ of the Rates or Aſſeſſments to be raiſed, levied, and collected 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 bor-
‘ rowed or become due and owing, or be charged upon the Credit of
‘ the ſaid Rates or Aſſeſſments, to be had and holden from this
‘ Day of until the ſaid Sum of
‘ with Intereſt at *per Centum per Annum* 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 every ſuch Mortgage or Aſſignment ſhall be good, valid, and effectual in Law, and 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.

XLIX. Provided

Or by granting Annuities.

XLIX. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners ſhall think it adviſable to raiſe all or any Part of the Money neceſſary for the Purpoſes of this Act by the granting of Annuities for Lives, then it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, 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, 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 the Payment of his or her Contribution or Purchaſe Money, and either with or without Benefit of Survivorſhip, as the ſaid Commiſſioners ſhall think proper, ſo that no ſuch Annuity do exceed the Rate of Ten Pounds for One hundred Pounds for a Year upon a ſingle Life, except in ſuch Caſes where the Perſon for whoſe Life ſuch Annuity ſhall be granted ſhall be of the Age of Fifty-two Years or upwards, and the Expence of every ſuch Grant ſhall be paid by the ſaid Commiſſioners out of the Money ſo contributed, and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following; *videlicet*,

‘ WE of the
‘ Commiſſioners appointed by or in purſuance of an Act of Parliament, made in the Fiftieth Year of the Reign of King *George* the
‘ Third, intituled, *An Act* [*here ſet forth the Title of this Act*], in Conſideration of the Sum of paid by
‘ to the Treaſurer appointed in purſuance of the ſaid Act, do hereby
‘ grant unto the ſaid an Annuity or yearly Sum of
‘ to be paid out of the Rates or Aſſeſſments to be raiſed,
‘ levied, and collected by virtue of the ſaid Act, which Annuity or yearly
‘ Sum of ſhall be paid to the ſaid
‘ or his Aſſigns during the Term of his natural Life [*or, as the Caſe*
‘ *may be*, to the ſaid his Executors, Adminiſtrators, or Aſ-
‘ ſigns, during the natural Life of] upon the
‘ Day of in every Year during the natural Life of
‘ him the ſaid at the
‘ the Firſt Payment thereof to be made upon the
‘ Day of next enſuing the Date hereof. 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, without any Inrolment or Regiſtry of the Memorial thereof in the High Court of Chancery or elſewhere, any Law or Statute to the contrary thereof in anywiſe notwithſtanding; and every Annuity 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, according to the Grant of ſuch Annuity.

Power of transferring Aſſignments and Annuities in a preſcribed Form.

L. 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

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, and every ſuch Transfer may be in the Words or to the Effect following; *videlicet*,

'I being entitled to the Sum of [*or*, an Annuity of ſecured to 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 Fiftieth Year of the Reign of King *George* the Third, intituled, *An Act*, [*here 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 ariſing thereon, unto his Executors, Adminiſtrators, and Aſſigns. Dated the Day of'

And a Copy of every Security or Aſſignment and Grant of Annuity which ſhall be made in purſuance of this Act, and Extracts or Memorials of all Transfers thereof, ſhall be entered by the Clerk to the ſaid Commiſſioners in a Book to be kept for that Purpoſe, which Extracts or Memorials ſhall ſpecify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred, to which Book any Perſon intereſted ſhall at all ſeaſonable Times have acceſs, and ſhall have 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 Two Shillings and no more; and after ſuch Entry made of any ſuch Transfer, every ſuch Transfer ſo entered ſhall entitle the Perſon to whom the ſame ſhall be made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred.

When Part of the original Debt is paid off, Commiſſioners may borrow more.

LI. Provided always, and be it further enacted, That if at any Time after the ſaid Commiſſioners ſhall have borrowed or raiſed the ſaid Sum of Four thouſand Pounds or any Part thereof, the ſame or any Part thereof ſhall be paid off and diſcharged, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, again to borrow and take up the ſame or any other Sum or Sums of Money, ſo as that the Sum or Sums of Money to be ſo borrowed or raiſed ſhall not at any Time exceed in the Whole the ſaid Sum of Four thouſand Pounds.

Application of the Money.

LII. And be it further enacted, That all the Money to ariſe by the Rates or Aſſeſſments and other Money hereby granted, or to be levied or received by virtue of this Act, and 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 in the next Place, from Time to Time in defraying the Charges and Expences of widening, improving, regulating, paving, repairing, watching, cleanſing, and lighting the Streets, Lanes, and other public Paſſages and Places of and in the ſaid Town,

Town, and in paying and defraying all Expences which the ſaid Commiſſioners and their Officers ſhall neceſſarily ſuſtain or be put unto in carrying this Act into Execution, or in proſecuting or defending any Proſecutions, Actions, or Suits, in any Manner relative to the Execution of this Act, or of any Thing to be done under or by virtue thereof, and in paying the Intereſt of the Principal Money to be borrowed and the Annuities to be granted as aforeſaid, and in paying off the ſaid Principal Money, in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time direct, and for ſuch other Uſes and Purpoſes as are herein expreſſed, and for no other Uſe, Intent, or Purpoſe whatſoever.

Rents of certain Lands to be applicable for the Purpoſes of this Act.

LIII. And whereas in and by Three ſeveral Deeds Poll, or Inſtruments in Writing, bearing Dates reſpectively the Fifth Day of *April* One thouſand ſeven hundred and ninety-five, the Twentieth Day of *March* One thouſand eight hundred and one, and the Twenty-ſeventh Day of *February* One thouſand eight hundred and five, under the Hand of the Committee of the Lord of the Manor of *Loweſtoft*, and alſo under the Hands of divers Perſons being Tenants of the ſaid Manor and entitled to Rights of Commonage there, certain Lands now commonly called *Lamp Lands*, containing by Eſtimation Forty-two Acres, ſituate in the ſaid Pariſh of *Loweſtoft*, are veſted in Truſtees upon Truſt, to permit the Churchwardens of *Loweſtoft* aforeſaid for the Time being to receive and take all the Rents and Profits thereof, and to apply the ſame for and towards the Reparation and Amendment of the Pavements of the Streets of the Town of *Loweſtoft*, and for lighting the ſaid Town with Lamps, and for purchaſing all Things neceſſary for thoſe Purpoſes; and whenever the Whole of ſuch Rents and Profits ſhould not be wanted for paving and lighting the ſaid Town, ſuch Surplus Monies were to be applied to ſuch other Purpoſes as the Churchwardens and Inhabitants of *Loweſtoft* aforeſaid ſhould from Time to Time order and direct: Now, in order that the Rents and Profits of the ſaid Lands ſhould continue to be applied for the like Purpoſes as the ſame are now applicable, be it further enacted, That from and after the paſſing of this Act all the Rents and Profits which ſhall grow due and payable for and in reſpect of the Occupation of all the ſaid Lands, and which by the Terms of any Inſtrument creating the Truſts thereof, are directed to be applied for the Purpoſes aforeſaid, and which ſhall be received by the Truſtees or Feoffees of the ſaid Lands for the Time being, or which ſhall be received by the Churchwarden or Churchwardens of *Loweſtoft* aforeſaid for the Time being or any of them, ſhall be paid over by ſuch Truſtees or Feoffees, or by ſuch Churchwarden or Churchwardens reſpectively to the ſaid Commiſſioners, or to their Treaſurer for the Time being, to be applied and diſpoſed of by the ſaid Commiſſioners in like Manner and for the like Purpoſes as the Monies to be raiſed under the Authority of this Act are hereinbefore directed to be applied and diſpoſed of; and in caſe any ſuch Truſtees or Feoffees, Churchwarden or Churchwardens or any of them, ſhall neglect or refuſe to pay the Monies ſo by them reſpectively received as aforeſaid to the ſaid Commiſſioners or to their Treaſurer, Demand thereof being firſt made, it ſhall be lawful for the ſaid Commiſſioners to ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend to charge any Truſtee or Truſtees, Feoffee or Feoffees of the ſaid Lands, or any ſuch Churchwarden or Churchwardens, with any more of the ſaid Rents and Profits thereof than ſhall actually come into their reſpective Hands; nor ſhall any ſuch

Truſtee or Truſtees, Feoffee or Feoffees, Churchwarden or Churchwardens, be anſwerable or accountable for any Loſs which my happen of ſuch Rents and Profits, if not occaſioned by wilful Default: Provided alſo, that after the new Pavements of the ſaid Streets, Lanes, and other public Paſſages and Places of the ſaid Town, ſhall be completed under the Authority of this Act; and after all the Monies which may be borrowed for effecting the ſame ſhall be paid off, and the Debt thence incurred be extinguiſhed, if it ſhould happen that the Whole of the Rents and Profits of the ſaid Lands ſhould not be annually wanted for keeping the ſaid Pavements in Repair, and for lighting and watching the ſaid Town, then and in ſuch Years ſuch Part of the annual Rents of the ſaid Lands as may not be wanted for the Purpoſes aforeſaid, ſhall be applied to the ſame Uſes and Purpoſes as ſuch Surplus Monies are by the ſaid Inſtruments directed to be applied.

Penalty on obſtructing Commiſſioners.

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

Creditors to be paid off by Ballot.

LV. And in order that no undue Preference may be given to any of the Perſons entitled to the Principal Money which ſhall be borrowed as aforeſaid, in diſcharging and paying off the ſame; be it further enacted, That whenever the ſaid Commiſſioners think proper to pay off any of the Principal Money to be borrowed as aforeſaid, they ſhall cauſe all the Mortgages or Aſſignments to be granted or made and then in Force for ſecuring the Principal Monies borrowed, to be numbered, and the Numbers to be written upon diſtinct Pieces of Paper of an equal Size, and all ſuch Papers to be rolled up in the ſame Manner as near as may be, and put into a Box or Glaſs, and one Number of the ſaid Mortgages or Aſſignments ſhall be drawn out of the ſaid Box or Glaſs by the Clerk to the ſaid Commiſſioners, in the Preſence of Three or more of the ſaid Commiſſioners, and the Perſon or Perſons holding the Security, the Number of which ſhall be ſo drawn out, ſhall be entitled to receive the Sum ſo to be paid off, or ſo much thereof as may be due upon ſuch Security: Provided always, that if it ſhall happen that any Mortgage or Aſſignment, the Number whereof ſhall be drawn out as aforeſaid, ſhall be for a greater Sum than Fifty Pounds, no more than Fifty Pounds ſhall be diſcharged in conſequence of ſuch Number being ſo drawn; and if more than one Fifty Pounds ſhall at any ſuch Time be intended to be paid off, then and in ſuch Caſe the ſaid Ballot is and ſhall be repeated.

Notice to be given to the Perſons whoſe Mortgages are to be paid off.

LVI. Provided always, That after any Ballot ſhall be had as aforeſaid, the ſaid Commiſſioners ſhall cauſe a Notice ſigned by their Clerk to be given to or left at the uſual Place of Abode of the Perſon or Perſons who ſhall be entitled to the Money to be paid off purſuant to ſuch Ballot, which Notice ſhall expreſs the Sum to be paid, together with the Intereſt due thereon, and that the ſame will be paid at the Place to be mentioned in ſuch Notice at the Expiration of Six Calendar Months from the Day of giving or leaving ſuch Notice as aforeſaid; and the Intereſt of the Principal Money ſo to be paid off ſhall, from and after the End of the ſaid Six Calendar Months, ceaſe and be no longer paid or payable, unleſs ſuch Principal Money ſhall be demanded purſuant to ſuch Notice and not paid; but the Principal Money

Money in reſpect whereof ſuch Notice ſhall be given, and alſo the Intereſt thereof to the End of the ſaid Six Calendar Months, ſhall nevertheleſs be payable on Demand; but nothing herein contained ſhall extend ſo as to require the ſaid Commiſſioners to pay off and diſcharge any Monies lent on the Credit of the ſaid Rates or Aſſeſſments by Way of Annuity, until all the other Creditors on the ſaid Rates or Aſſeſſments ſhall be paid off and diſcharged; and the ſeveral Parties ſo lending Money by Way of Annuity ſhall agree to accept the Sum or Sums of Money offered by the ſaid Commiſſioners for the Repurchaſe of his, her, or their Annuity or Annuities.

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

LVII. 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 of 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 no ſuch Clerk or Commiſſioner ſhall be perſonally anſwerable for or liable to the Payment of the ſame or any Part of the ſame, unleſs ſuch Action or Suit ſhall ariſe in conſequence of his own wilful Neglect or Default, or have been brought or commenced without the Order or Direction of the ſaid Commiſſioners, or any Five or more of them.

Recovery of Penalties.

LVIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not hereby particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place where the Offender ſhall be or reſide, which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), and the Overplus (if any), of the Money 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 the Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwiſe applied) ſhall be paid to the Treaſurer to the ſaid Commiſſioners, and be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice and he is hereby authorized and required, by Warrant under his Hand and

Seal, to cauſe the Offender to be committed to the Common Goal or Houſe of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

Diſtreſs not unlawful for want of Form.

LIX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form 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 that ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover Satisfaction for the ſpecial Damage in an Action on the Caſe.

Plaintiff not to recover after Tender of Amends in any Action.

LX. And be it further enacted, 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 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 any ſuch Action, if Tender of ſufficient Amends ſhall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall be made it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court, at any Time before Iſſue joined to pay into Court ſuch Sum or Sums of Money as he, ſhe, or they ſhall be adviſed, whereupon ſuch Proceeding, Order and Judgment ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Form of Conviction.

LXI. And be it further enacted, That all and every Juſtice and Juſtices before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe ſuch Conviction to be drawn in the Form or to the Effect following; *videlicet*,

County of } ‘BE it remembered, That on the Day of in the Year of our Lord is convicted before of His Majeſty's Juſtices of the Peace for by virtue of an Act of Parliament, made in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act, and ſpecify the Offence, and the Time and Place when and where the ſame was committed, as the Caſe ſhall be*], and I [*or*, we], the ſaid Juſtice [*or*, Juſtices] do adjudge him [her, *or* them] to forfeit and pay the Sum of Given under my [*or*, our] Hand and Seal [*or*, Hands and Seals] the Day and Year above ſaid.’

Juſtices empowered to adminiſter Oaths.

LXII. And be it further enacted, That in all Caſes where Cognizance is given to any Juſtice or Juſtices of the Peace by this Act, it ſhall and may be lawful to and for ſuch Juſtice and Juſtices of the Peace to adminiſter an Oath to any Perſon for his, her, or their more certain Information in the Matter then depending; and if any Perſon or Perſons ſhall upon his, her, or their Examination on Oath before the ſaid Commiſſioners, or before any Juſtice or Juſtices, wilfully and corruptly give falſe Evidence, ſuch Perſon and Perſons ſo offending, and being thereof duly convicted, ſhall be and is and

are

are hereby declared to be ſubject and liable to ſuch Pains and Penalties as by any Law in Force and Effect Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Appeal againſt Rates and Commiſſioners.

LXIII. Provided always, and be it 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 Seven 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 aggrieved, to give ſuch Relief in the Premiſes as to them the ſaid Commiſſioners ſhall ſeem reaſonable; and if any Perſon or Perſons ſhall be diſſatisfied with the Determination of the ſaid Commiſioners therein, or if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any ſuch 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 Seſſions of the Peace to be holden for ſuch Diviſion of the County of *Suffolk* in which the Town of *Loweſtoft* aforeſaid is ſituate, within Four Calendar Months next after the Cauſes of Complaint ſhall have ariſen, or at any Adjournment of ſuch Seſſions, the Perſon or Perſons appealing firſt giving, or cauſing to be given to the Perſon or Perſons appealed againſt, and to the Clerk to the ſaid Commiſſioners, Fourteen 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 County of *Suffolk*, 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 ſuch 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.

Juſtices may relieve on appeal from Rates without quaſhing whole Rates; and if the whole Rate is ſet aſide, the Commiſſioners may make a new one.

LXIV. Provided always, and be it enacted, That in any Appeal from the ſaid Rates or Aſſeſſments or any of them to be made for the Purpoſes of this Act, the Juſtices at the General Quarter Seſſions to be holden for the ſaid Diviſion of the ſaid County of *Suffolk*, or any Adjournment thereof, ſhall and may amend the ſame in ſuch Manner as may be neceſſary for giving Relief, without quaſhing or altering ſuch Rates or Aſſeſſments with reſpect to other Perſons mentioned therein; but if upon Appeal from the whole Rate or Aſſeſſment it ſhall be found neceſſary to ſet aſide the ſame, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Juſtices to order a new Rate or Aſſeſſment to be made in Manner herein directed.

LXV. And

Inhabitants may be Witneſſes.

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

No Proceeding to be removed by Certiorari.

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

Commiſſioners may reward Informers.

LXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to reward any Informer or Informers as they ſhall think proper, ſo as ſuch Reward does not exceed One Half of the Penalty or Forfeiture proved by the Information of ſuch Informer or Informers to have been incurred, any Thing herein contained to the contrary notwithſtanding.

Limitation of Actions.

LXVIII. And be it further enacted, That no Action or Suit ſhall be brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months after the Fact committed, and every ſuch Action ſhall be brought in the County of *Suffolk* and not elſewhere, and the Defendant and Defendants in every ſuch Action or Suit ſhall or may, at his, her, or their Election, plead ſpecially, or the General Iſſue, and give this Act, and the ſpecial Matter in Evidence at any Trial, and that the ſame was done in purſuance and under the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall have been brought before the Expiration of Twenty-one Days next after ſuch Notice ſhall have been given as aforeſaid, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then and in every of the ſaid Caſes the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon any Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs; then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

Public Act.

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

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