ANNO PRIMO

VICTORIÆ REGINÆ.

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Cap. ii.

An Act for better paving, cleansing, lighting, watching, and otherwise improving the Town of *Milton-next-Sittingborne* in the County of *Kent*. [30th *March* 1838.]

WHEREAS an Act was passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving, cleansing, lighting, and watch-* 44 G. 3. c. 19. *ing the Streets, Lanes, and other public Passages and Places within the Town of* Milton-next-Sittingborne *in the County of* Kent, *and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein:* And whereas the Commissioners appointed in or by virtue of the said recited Act have proceeded in the Execution thereof, and have borrowed considerable Sums of Money on the Credit of the Rates by the same Act authorized to be made, which Sums are still due and owing: And whereas the Rates authorized by the said recited Act are insufficient to pay the Interest of such Monies and the existing Annuities, and to provide for the other Objects of the said Act; and it is expedient that the said Act should be repealed, and better and more effectual Powers granted for paving, cleansing, lighting, watching, watering, draining, repairing, and improving, not only the Streets, Lanes, and other public Passages now repaired, main-

tained, and supported by the Commissioners for executing the said Act, but also the several other Streets, Lanes, Passages, and Places within the said Town: And whereas the Powers and Provisions necessary for the Purposes aforesaid might be more conveniently executed if the same were comprised in One Act; but the several Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Forty-fourth Year of the Reign of His late Majesty King *George* the Third shall, from and after the Second *Monday* next after the passing of this Act, be and the same is hereby repealed; and this Act shall from thenceforth commence and take effect in lieu and stead thereof.

Recited Act repealed, and this Act to take effect.

Books under the recited Act to be Evidence.

II. And be it further enacted, That all Books of the Commissioners for executing the said recited Act, and all Entries therein, made according to the Directions or Provisions of the same Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Agreements and other Instruments executed under the Authority of the recited Act to remain in force.

III. And be it further enacted, That all Agreements, Contracts, Debts, Stipulations, Bonds, Mortgages, and Securities made to or by or entered into or incurred by or on account of the Commissioners acting by or under the said recited Act, or by any Person or Persons, to or with the said Commissioners, and also any Rate which may have been made according to the Provisions of the same Act, shall, notwithstanding such Repeal of the same Act, subsist and continue and shall remain in full Force and be carried into effect by and with the Commissioners under this Act, and shall be and continue available in all Courts of Law and Equity, and shall and may be recovered and paid, levied and collected, for such Term and in such Manner as according to the Tenor thereof respectively the same would have subsisted and continued and ought to have been carried into effect by and with the said Commissioners under the said recited Act, and all Contracts, Agreements, or Notices made, entered into, or given by the said Commissioners acting by or under the said recited Act, in conformity with the Provisions of the said Act, shall remain in full Force and Effect, and shall be observed and kept by the said Commissioners under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding such Repeal as aforesaid of the said recited Act.

Annuities under former Acts to be charged on Rates, &c. to be collected under this Act.

IV. And be it further enacted, That all Annuities or other Charges which have been charged upon or made payable out of the Rates, Duties, or Assessments by the said recited Act authorized to be collected, received, and taken shall remain and be charged upon and payable out of the Rates and Assessments by this Act authorized to be raised and collected; and all such Annuities and Charges shall be

payable for the same Periods respectively, at the same Place, at the same Times, in the same Proportions, to the same Persons respectively, and recoverable in the same Manner, and subject to the same Powers and Provisions in every respect, as they would have been respectively if the said recited Act had not been repealed, and shall be considered to all Intents and Purposes as the same subsisting Annuities and Charges, but charged upon and payable out of the Fund provided by this Act.

Former Officers to continue.

V. And be it further enacted, That the Clerk, Surveyor, Collector of the Rates, or other Officer nominated or appointed by virtue of the said recited Act (except the Treasurer), shall hold and enjoy their several and respective Offices, and receive the respective Salaries, Gratuities, and Allowances thereunto annexed, until he or they shall be removed therefrom respectively by the Commissioners acting by virtue of this Act; and every such Officer shall be subject to the like Pains and Penalties, and Power of Removal, and to the like Rules and Regulations, as if he had been nominated or appointed by virtue of this Act.

Construction of certain Words in this Act.

VI. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as One Person, Matter, or Thing; and every Word importing the Plural Number shall comprise and be applied to One Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and apply to Females as well as Males; and the Word "Corporations," where used, shall include all Bodies Politic, Corporate, or Collegiate, and Corporations Aggregate or Sole; and the Expression "Justice of the Peace or Justices of the Peace" shall be understood to mean a Justice of the Peace or Justices of the Peace for the County of *Kent;* and the Word "Officer" shall be construed to extend to any Clerk, Treasurer, Collector, or Servant, or any other Person employed by the Commissioners acting by virtue of the said recited Act or of this Act; unless it be otherwise specially directed or provided for, or there be something in the Subject or Context repugnant to such Construction.

Commissioners appointed.

VII. And be it further enacted, That all Her Majesty's Justices of the Peace for the County of *Kent* residing in the Hundred of *Milton* for the Time being, together with *David Thomas Alston*, *William Bennett* Clerk, *William Brightman*, *Daniel Budds*, *Thomas Blaxland*, *Edward Nicholas Braddon* Clerk, *Stephen Court*, *William Cooper* Tanner, *Edward Elfick*, *Richard Elfick*, *Thomas Eason*, *James Fullagar*, *William James Foot*, *John Goldfinch*, *Robert Hinde*, *John Hinde*, *William Hills*, *George Wells Harrison*, *Thomas Hunt*, *John Jordan*, *Lawrence Jordan*, *William Ismay*, *James Jay*, *John Palmer*, *George Peake*, *John Packer*, *George Ray*, *Thomas Redman*, *Charles Smith*, *Edward Shilling*, *Robert Strouts*, *Thomas Tarpe*, *Edmund Thomas*, *William Thompson*, *Charles Wood*, *Humphrey Wickham*, *William Henry Willson*, *George Willson*, *George Willson* Innkeeper, and *Henry Webb*, and their Successors (to be elected in manner herein-after mentioned), shall be and they are hereby appointed Commissioners for putting this Act into execution;

execution; and as often as any of the Commissioners herein named or hereafter to be elected in pursuance of this Act shall die, or refuse or neglect to act for the Space of Two Years, it shall be lawful for the surviving or remaining Commissioners, or any Five or more of them, from Time to Time, whenever they shall think proper, to nominate and appoint another fit Person in the Place or Stead of every such Commissioner so dying, refusing or neglecting to act as aforesaid, Notice of the Time and Place for every such Election being given by the Clerk to the said Commissioners by affixing the same on the Door of the Court Hall of the said Town, and on the Door of the Parish Church of *Milton* aforesaid, Six clear Days at the least before the Meeting for such Election; and every Person so elected shall have the same Power and Authority for putting this Act into execution as if he had been named a Commissioner in and by this Act.

Qualification of Commissioners.

VIII. 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 an Inhabitant in the said Town or within Three Miles thereof, and shall be seised or possessed of, in his own Right or in the Right of his Wife, and be in the actual Possession and Receipt of, the Rents and Profits of a Real Estate of the clear yearly Value of Twenty-five Pounds above Reprizes arising within the Hundred of *Milton*, or shall be an Occupier of a House rated in pursuance of this Act at the annual Value of Fifteen Pounds, or shall be an Inhabitant within the said Town or within Three Miles thereof, and possessed of or entitled unto a Real or Personal Estate, or a Real and Personal Estate together, of the Value or to the Amount of One thousand five hundred Pounds, clear of all Incumbrances whatsoever.

Certain Persons disqualified from acting as Commissioners.

IX. Provided always, and be it further enacted, That no Commissioner hereby appointed or hereafter to be appointed as aforesaid shall be capable of acting as a Commissioner during the Time he shall hold or enjoy any Office or Place of Trust or Profit under this Act, or be concerned in or have any Benefit or Interest in any Contract whatsoever made by virtue of this Act, or in any Case wherein he shall be directly or indirectly personally or beneficially interested, nor shall any such Commissioner be capable of taking any Contract under the said Commissioners whilst he shall be a Commissioner: Provided nevertheless, that nothing herein contained shall extend or be deemed to extend to prevent any Commissioner who is or may be a Member of any Gas Company within the said Town from acting as a Commissioner by reason of any Contract entered into between the Commissioners for executing this Act and such Company, but no Commissioner being a Member of such Company shall vote on any Question relating to this Act in which the said Company may be interested.

Penalty on Commissioners acting not being qualified.

X. And be it further enacted, That if any Person, not being qualified in manner herein-before mentioned, or being disqualified by any of the Causes aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall inform or sue for the same, to be recovered, with full Costs, by Action of Debt in either of Her Majesty's Courts of Record at *Westminster*; and the Person

so

so prosecuted shall prove that he was so qualified, and not disqualified as aforesaid, without any other Proof or Evidence on the Part of the Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, although such Person shall not be duly qualified as aforesaid, or shall be disqualified previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

Justices of the Peace may act, notwithstanding they are also Commissioners.

XI. And be it further enacted, That it shall be lawful for any Commissioner who shall be a Justice of the Peace to act and he is hereby authorized and empowered to act as a Justice of the Peace for putting in execution the several Powers and Authorities granted by this Act, notwithstanding his being a Commissioner under this Act.

First Meeting of the Commissioners.

XII. And be it further enacted, That the said Commissioners shall meet at the Court Hall or at some other convenient Place in the Town of *Milton* aforesaid within One Calendar Month next after the passing of this Act, or so soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon, and shall then and there proceed to put this Act into execution, and shall and may, at any Meeting held in pursuance of this Act, from Time to Time adjourn themselves to and meet at the Place aforesaid, or at any other convenient Place in the said Town as they the said Commissioners at such Meeting shall appoint, provided that no Adjournment shall be made for more than Two Calendar Months; and the said Commissioners shall then and there make such Orders, Rules, and Regulations as shall to them or the major Part of them appear necessary and proper for the better and more effectually carrying this Act into execution; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Commissioners a sufficient Number to act at such Meeting and to adjourn to any other Day (Two Commissioners being always deemed sufficient for the Purpose of adjourning), or if they shall neglect or omit to adjourn, or if any Adjournment shall be made longer than for Two Calendar Months, or any wrong Adjournment shall be made, then and in every such Case any Five of the said Commissioners, although not assembled at a Meeting, shall and may, by public Notice signed by them, to be fixed upon the Door of the Court Hall and Parish Church of *Milton* aforesaid Six clear Days at the least before every such Meeting, call a Meeting at the Court Hall aforesaid, or at the Place where the last Meeting of the said Commissioners was appointed to be held, or other convenient Place in the said Town, and the said Commissioners shall and may meet accordingly at the Time and Place mentioned in the said Notice, and proceed to the Execution of this Act; and at all Meetings to be held in pursuance of this Act the Commissioners shall defray their own Expences.

Meetings of Commissioners may be convened

XIII. And be it further enacted, That notwithstanding any Adjournment or Non-adjournment of any previous Meeting of the said Commissioners it shall be lawful for any Five of the said Commissioners,

on Three Days Notice.

sioners, although not assembled at a Meeting, from Time to Time and at any Time, by Notice in Writing under their Hands to be delivered to the Clerk to the said Commissioners or left at his usual Place of Abode, and to be fixed on the Door of the Court Hall and Church aforesaid, to convene and appoint a Meeting of the said Commissioners, to be held at any Time and in any convenient Place in the said Town to be specified in such Notice, such Time not being less than Three clear Days after such Notice shall have been so delivered and affixed as aforesaid: Provided always, that no other Business shall be transacted at any such Meeting than what shall have been specified in such Notice as being the Purpose for which such Meeting shall be called.

Proceedings of the Commissioners at their Meetings.

XIV. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by them or by the major Part of them present at any Meeting to be held in pursuance of this Act, such Commissioners present at any such Meeting not being less than Five in Number (or by a smaller Number in Cases where a smaller Number is in this Act mentioned); and all the Acts, Orders, and Proceedings of such Commissioners or of such major Part of them as aforesaid shall have the same Force and Effect as if the same were made and done by all the Commissioners for the Time being; and such One of the Commissioners present as the major Part of them then attending shall appoint shall preside as Chairman, and in case of Equality of Votes of the Commissioners assembled (including the said Chairman's Vote) such Chairman shall have upon all such Occasions another and decisive Voice; and no Act of the said Commissioners in the Execution of this Act shall be good or valid unless done at some Meeting to be held in pursuance of this Act (except in Cases particularly specified in this Act); and all Acts, Orders, and Proceedings of the said Commissioners made or had at such Meetings shall be entered in a Book, and signed by the Chairman of such Meeting; and all Entries in such Book, being so signed, shall be deemed Originals, and shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others; and such Book shall be kept by the Clerk to the said Commissioners, or by such other Person and at such Place as the said Commissioners shall direct, and the same shall at all convenient and reasonable Times, without Fee or Reward, be open and liable to the Inspection of any of the said Commissioners, and of every Person rated and assessed for the Purposes of this Act, or otherwise affected thereby.

Accounts to be kept of Receipts and Disbursements.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Book to be provided and kept in which shall be entered true and regular Accounts of all Monies received, paid, laid out, and expended in the Execution of this Act, and of the several Articles, Matters, and Things for which such Monies shall have been disbursed, laid out, and paid, which Book shall at all reasonable Times be open to the Inspection of the said Commissioners, or any Creditor on the Rates hereby authorized to be made, without Fee or Reward; and the said Commissioners and Creditors shall or may take Copies of or Extracts from the said Book

or any Part thereof, without paying any thing for the same; and if the Clerk to the said Commissioners or other Person with whom any Book or Account belonging to the said Commissioners shall have been deposited, shall, on any reasonable Demand, refuse to permit or shall not permit any of the said Commissioners or Creditors to inspect such Book or Account, or to take Copies thereof or Extracts therefrom, such Clerk or such other Person so refusing or offending shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Accounts to be made up and settled half-yearly.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required, in the Months of *October* or *November* in every Year, to make up and settle such Accounts to the Eleventh Day of such Month of *October*, and within One Calendar Month after such Accounts shall be so made up and settled to publish a full Abstract of such Accounts in some Newspaper printed and circulated in the said County of *Kent*, or otherwise to be fixed on the Door of the Court Hall and Church aforesaid, and distributed among the Ratepayers, as the said Commissioners shall order and direct.

Officers to be appointed.

XVII. And be it further enacted, That the said Commissioners at any Meeting may nominate and appoint a Clerk, Treasurer, Collector of the Rates or Assessments herein-after mentioned, and such other Officer for the Execution of this Act as they shall think proper; and the said Commissioners may remove and displace any such Clerk, Treasurer, Collector, or Officer from Time to Time when they shall think proper; and the said Commissioners shall take such Security from every such Treasurer and Collector, for the due Execution of such their Offices, as to them shall seem meet, and shall and may, out of the Monies which shall arise and be collected by virtue of this Act, allow and pay to such Officer such Salaries or Allowances as the said Commissioners shall think reasonable.

Clerk and Treasurer not to be the same Person.

XVIII. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or may be appointed to act as their Clerk, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of such Treasurer or of his Partner, the Clerk of the said Commissioners; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay

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the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered by Action of Debt, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

Officers to account.

XIX. And be it further enacted, That all Officers continued or appointed under this Act shall, under their Hands, at such Time and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of the said recited Act or this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue of and for the Purposes of the said recited Act or this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person as they shall appoint to receive the same; and if any such Officer shall refuse or wilfully neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person as they shall appoint to receive the same, within Ten Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of the said recited Act or this Act, or give Satisfaction to the said Commissioners, or to such other Person as aforesaid, respecting the same, then and in every such Case, upon Complaint made on behalf of the said Commissioners by any Person whom they shall appoint for that Purpose of any Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the County or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to summon the Officer so neglecting or refusing to appear before him; and on his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way, and to settle the said Account, if produced, in the same Manner as the said Commissioners might have done; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of the said recited Act or this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of Distress and Sale, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Book, Paper, or Writing relating to the Execution of the said recited Act or this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction

rection for the County or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or until he shall have delivered a true Account as aforesaid, together with such Vouchers as aforesaid, or until he shall have delivered up such Book, Paper, or Writing, or give Satisfaction in respect thereof, to the said Commissioners, or to such other Person as aforesaid (as the Case may be): Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Six Calendar Months; provided also, that no Prosecution or Commitment under the Provisions of this Act of any such Officer shall acquit or discharge any Security that shall or may have been taken by or given to the said Commissioners for the due and faithful Execution of his Office, or the Payment of the Monies received or to be received by him.

Commissioners may sue and be sued in the Name of their Clerk or Treasurer, or any One of the Commissioners.

XX. And be it further enacted, That the said Commissioners may sue and be sued for or in respect of any Matter or Thing relating to this Act in the Name of their Clerk or Treasurer for the Time being, or in the Name of any One of the said Commissioners; and no Act or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners by virtue or on account of this Act shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Treasurer, or by the Death of such Commissioner, or by any Act or Default of such Clerk, Treasurer, or Commissioner done or suffered without the Consent and Direction of the said Commissioners, but such Clerk, Treasurer, or Commissioner shall be deemed Plaintiff or Defendant in any such Action or Suit (as the Case may be), except such Action as shall be prosecuted between the said Commisioners and their said Clerk or Treasurer; provided also, that in all Cases in which the said Clerk, Treasurer, or any such Commissioner as aforesaid shall in pursuance of this Act be the Plaintiff or Defendant on the Record in any Action or Suit in which in effect the said Commissioners shall be suing or sued in the Name of such Clerk, Treasurer, or of such One Commissioner as aforesaid, such Clerk, Treasurer, or such One Commissioner (although appearing as the Plaintiff or Defendant on the Record) may and shall nevertheless (if not otherwise interested or objectionable) be a good, examinable, and competent Witness in every Action or Suit, either for or against the said Commissioners; and all Affidavits of Debt, Service, or otherwise, which may be necessary or expedient to be made preparatory to or in the Prosecution or Defence of any and every such Action, Suit, or Proceeding, or consequent thereupon, shall and may be lawfully made by such Clerk, Treasurer, or such One Commissioner (as the Case may be), notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid; provided also, that any or every such Clerk, Treasurer, 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 Damages, Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Direction of the said Commissioners.

Decree against the Clerk, &c. to have effect against the Commissioners.

XXI. And be it further enacted, That every Judgment, Decree, or Order made or pronounced in any Action, Suit, or Proceeding in any Court of Law or Equity against the Clerk, Treasurer, or such One Commissioner as aforesaid, shall have the like Effect and Operation upon and against the Property and Funds of the said Commissioners as if all the Commissioners were Parties before the Court in such Action, Suit, or Proceeding; and it shall be lawful for any Court in which such Judgment, Decree, or Order shall have been made to cause such Judgment, Decree, or Order to be enforced against all and every or any of the said Commissioners in like Manner as if all the said Commissioners were Parties before the Court in such Action, Suit, or Proceeding.

Pavements and other Property vested in the Commissioners.

XXII. And be it further enacted, That all the present and future Pavements in the several Streets, Lanes, and other Passages and Places within the said Town, paved by the Commissioners for executing the said recited Act, and also in the several other Streets, Lanes, and other Places within the said Town which shall hereafter be paved by the Commissioners for executing this Act, and the Stones, Gravel, and other Materials of which as well the Footways as the Carriageways of such Streets, Lanes, and other Passages and Places do and shall consist, and also all Lamps, Lamp Irons, Lamp Posts, Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections, or Buildings which now are used, erected, or fixed up, or which hereafter shall be used, erected, or fixed up by virtue of this Act, and all Materials, Implements, and other Things to be purchased for the Purposes of this Act, and also all the Dust, Dung, Dirt, Ashes, and Filth to be swept, gathered, and collected in or from the said Streets, Lanes, and other public Passages and Places, or any of them, shall belong to and be the Property of and are hereby vested in the said Commissioners; and the said Commissioners shall have full Power and Authority to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things, to such Person and in such Manner as the said Commissioners shall think proper; and the said Commissioners shall and may cause to be brought any Action or direct the prosecuting of any Bill of Indictment, as the Case may require, against any Person who shall steal, take away, or detain, damage, injure, or destroy, the several Articles and Things hereby vested in the said Commissioners as aforesaid, or any of them, or any Part thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Thing for or on account of which such Action shall be brought or such Bill of Indictment shall be preferred is the Property of "The Commissioners of the *Milton* Paving Act," without stating or specifying the Names of all, any, or either of the said Commissioners.

XXIII. And

Commissioners empowered to pave Streets, &c.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and required, from Time to Time and at all Times hereafter, when they shall think proper, to cause, order, and direct all or any of the Streets, Lanes, and other Passages and Places now paved or hereafter to be paved, cleansed, and lighted under the Provisions of this Act, as well Carriageways as Footways, or any Part thereof, to be repaired, made, formed, paved, amended, and sustained in such Manner and with such Materials as the said Commissioners shall think proper, and also to cause the Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, and altered, from Time to Time, in such Manner and with such Materials as the said Commissioners shall think proper; and also to cause all or any of the said Streets, Lanes, and other Passages and Places from Time to Time to be cleansed and watered, at such Seasons and Times and in such Manner as the said Commissioners shall think proper and order and direct; and the said Commissioners may and they are hereby empowered, from Time to Time as Occasion shall require, to contract with any Person for cleansing, watering, paving, and repairing, and also for keeping in good and sufficient Repair, all or any of the said Streets, Lanes, and other Passages and Places, and may enter into any Contract for the doing the same; but whenever the Work to be performed exceeds the Sum of Twenty Pounds, previous to the making of any such Contract Seven clear Days previous Notice in Writing shall be given, signed by the Clerk for the Time being or by Five of the said Commissioners, to be fixed on the Doors of the Court Hall and Church aforesaid, or by Advertisement in some Newspaper printed or published within the said County of *Kent*, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

Pavement not to be altered without the Consent of the Commissioners.

XXIV. And be it further enacted, That if any Person 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 Carriageways or Footways in any of the said Streets, Lanes, and other Passages or Places now paved, cleansed, or hereafter to be paved, cleansed, and lighted within the said Town, without the Consent in Writing of the said Commissioners, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case the Person so taking up or altering any such Pavement or Carriageway or Footway respectively shall not within Ten Days after Notice in Writing by the Surveyor to the said Commissioners, or such other Person as they shall appoint, given to or left at the last or usual Place of Abode of such Person, cause the same Pavement or Carriageway or Footway respectively, which shall have been so taken up or altered, to be reinstated 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 who shall have taken up or altered such Pavement or Carriageway or Footway respectively; and in case of Nonpayment thereof, on Demand, to the said Surveyor or other

other Person acting by or under the Authority of the said Commissioners, such Costs and Charges shall and may be levied and recovered by the said Commissioners, or by or on behalf of such Surveyor or other Person, in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Regulations with respect to rebuilding or new fronting old Houses.

XXV. And be it further enacted, That no Head Builder, Master Carpenter, Mason, or Workman shall (without the Consent of the said Commissioners), in rebuilding or new fronting any old Building situate in or near any Street, Lane, Passage, or Place in the said Town, bring the Foundation thereof forward beyond the old Foundation or the ancient Story Posts supporting the Front thereof, so as to obstruct or narrow the Passage through the same, upon Pain of forfeiting for every such Offence the Sum of Twenty Pounds; and the Owner of such Building shall forfeit and pay the Sum of Forty Shillings for every Calendar Month such Obstruction or Encroachment shall remain by the Foundation of such Building being brought forward as aforesaid, unless allowed by the said Commissioners.

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

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time, to cause the several Houses and other Buildings in the several Streets, Lanes, Passages, and Places within the said Town to be numbered, and also to cause to be affixed or painted on a conspicuous Part of some House or Building or Place at or near each End, Corner, or Entrance thereof respectively, the Names by which such Streets, Lanes, Passages, or Places are respectively to be called or known; and if any Person shall wilfully or maliciously destroy, pull down, or deface any such Number or Name, or any Part thereof, or shall fix or put up any Number or Name different to the Number or Name fixed or put up by Order of the said Commissioners, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Sewers and Drains to be constructed.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners to cause such and so many Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, of such Materials, Dimensions, and Forms as they may think sufficient and necessary, to be constructed and made in, along, or across any Street, Lane, Passage, or Place within the said Town, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, enlarged, repaired, cleansed, or completed, when and so often as to such Commissioners shall seem proper; and in case it shall be found necessary, for making or completing any of the aforesaid Sewers, Drains, Vaults, Culverts, and Watercourses, Wells or Pumps, to carry and continue the same into and through any inclosed Land or Ground lying within the said Town, it shall be lawful for the said Commissioners to carry and continue the same into and through the said Land and Ground accordingly, such Land or Ground respectively not being occupied as a Court Yard or Garden attached to any Dwelling House: Provided always, that if the Owner of any such Land or Ground into, through, or in which any such Sewer, Drain, Vault, Culvert or Watercourse, Well or

Pump, shall be made, carried, or continued by such Commissioners as aforesaid, shall be injured or damnified thereby, and such Owner shall refuse to treat or cannot agree with such Commissioners as to the Recompence or Compensation to be paid for such Injury or Damage, then such Owner may apply to the next or Second General or Quarter Sessions of the Peace to be holden for the Eastern Division of the said County of *Kent*; and the Justices of the Peace at such Sessions shall have Power to direct the Jury which shall attend at such Sessions for the Trial of Traverses to inquire into and assess the Recompence Money which ought to be paid to such Owner for such Injury or Damage as aforesaid; and thereupon the Justices in such Sessions shall adjudge and order such Recompence so found and assessed by the Jury to be paid to such Owner accordingly, and such Inquiry and Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award, order, and adjudge Costs to either Party as they shall think proper.

Private Drains may, with Consent of Commissioners, be turned into Common Sewers.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to authorize and empower any Person, at his own Expence, to turn or carry any Private or Branch Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made, or which shall be made by virtue of this Act; but if any Person shall at any Time hereafter turn or carry any such Private or Branch Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse, without the Licence and Consent of such Commissioners first had and obtained, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Private Drains to be made and cleansed at the Expence of the Owners.

XXIX. And be it further enacted, That all Private Drains which now do or which by Permission of the said Commissioners hereafter shall issue into any of the said Public Sewers, Drains, Vaults, Culverts, or Watercourses, shall be made, repaired, and cleansed by or under the Inspection and Direction of and according to such Plan as shall be approved of by the proper Officer of the said Commissioners, at the Costs and Charges of the Owner and Occupier of the Lands or Tenements to which the said Private Drains do or shall respectively belong, such Costs and Charges, if paid by the said Commissioners, to be recovered by them in like Manner as the Rates to be raised by virtue of this Act are directed to be recovered.

Commissioners may obtain Gravel and Materials for the Purposes of the Act.

XXX. And be it further enacted, That the said Commissioners, or any Surveyor or other Person to be employed by them, or any Person to be appointed or employed by such Surveyor or other Person, shall and may and they and he are and is hereby empowered to search for, dig, gather, take, and carry away any Stones, Gravel, or other Materials fit and proper for paving and covering the Pavements, and pitching or repairing the said Streets, Lanes, and other Passages and Places, or for any other Purpose whatsoever in the Execution of this Act, or of any of the Powers or Authorities herein contained, in, upon, out of, and from any Waste or Common within the said Town, or within any adjoining Parish, without paying for the same, upon Condition nevertheless of filling up the Pits and levelling the Ground from which such Materials shall be taken; and in case proper Materials

rials cannot be found on such Wastes or Commons, it shall be lawful for the said Commissioners, or any Surveyor or other Person to be employed by them, or any Person to be employed by such Surveyor or other Person, to search for, dig, gather, take, and carry away any such Materials in, upon, out of, and from the Lands, Fields, or Grounds within the said Parish of *Milton-next-Sittingbourne* of any Person where the same may be had and found, (such Lands, Fields, and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground planted with any Avenue of Trees for Ornament,) they the said Commissioners, or their Surveyor or other Person having an Order from the said Commissioners for so doing, filling up the Pits and levelling the Ground from which such Materials shall be taken, and paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds such Damages for cutting, digging, taking, and carrying away such Materials, and for carrying the same over any inclosed Lands or Grounds, as the said Commissioners shall adjudge reasonable; and in case of any Difference concerning the same any Two or more Justices of the Peace for the said County of *Kent* shall and may, on Ten clear Days Notice given by the said Commissioners or their Surveyor to the said Owner or Occupier, or by him to the said Commissioners or to their Surveyor, or left at their or his respective Places of Abode, hear, settle, and determine the Matter in dispute, and ascertain what Damages shall be paid; and the Order and Determination of the said Justices shall be final and conclusive upon all Parties.

Materials not to be taken from inclosed Lands without Ten Days previous Notice.

XXXI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners, or any Person acting under their Authority, to search for, dig, take, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Lands or Grounds until Ten clear Days Notice in Writing, signed by the Clerk of the said Commissioners, shall have been given to the Occupier of the Lands from which such Materials are intended to be taken to appear before some Two Justices of the Peace for the County of *Kent* to show Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Occupier or his Agent shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, the said Justices shall, if they shall think proper, authorize such Person as the said Commissioners shall appoint for the Purpose to dig, take, and carry away such Materials at such Time as to the said Justices shall seem meet; and if such Occupier shall neglect or refuse to appear in Person or by his Agent, then the said Justices shall and may (upon due Proof of the Service of such Notice) make such Order in the Premises as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended in pursuance of such Notice.

Penalty on removing Materials obtained and deposited by the Commissioners.

XXXII. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause any Stones, Gravel, Sand, Earth, or other Materials as aforesaid to be carried and brought into the said Streets, Lanes, Passages, and Places, or any of them, and laid down there for the Purposes of this Act; and if

any Person whosoever shall, without the Licence and Authority of the said Commissioners or their Surveyor for the Time being, remove or take away any such Stones, Gravel, Sand, Earth, or other Materials which shall be so brought or laid in the said Streets, Lanes, Passages, and Places, or any of them, or shall remove or take away any such Stones, Gravel, Sand, Earth, or other Materials which shall have been dug or gathered by Order of the said Commissioners or their Surveyor, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Commissioners may employ Scavengers.

XXXIII. And be it further enacted, That the said Commissioners shall and may contract with or employ such Persons as they shall think proper to act as Scavengers, with such Salary, Wages, or Reward as they the said Commissioners shall think proper and direct; and the Persons employed as Scavengers shall, in such Manner in every Week, or as often as the said Commissioners shall direct, bring or cause to be brought such Sort of Cart or other Carriage as the said Commissioners shall direct and appoint in all and every the Streets, Lanes, and other Passages and Places which shall at any Time be paved, cleansed, and lighted by the said Commissioners, where such Cart and Carriage can pass; and such Scavengers shall, at or before their Approach, by Sound of Bell or otherwise, give Notice to the Inhabitants, and give the like Notice in every Court, Alley, and Place in which the said Cart and Carriage cannot pass, and shall abide and stay a convenient Time in or near the said Places respectively, to the Intent that all Persons concerned may bring forth their respective Dust, Dirt, Ashes, and Filth to the Door of their respective Houses or other Premises, wherefrom the Scavengers shall carry or cause the same to be carried away to such Place as the said Commissioners shall appoint; and the said Scavengers shall sweep and cleanse, or cause to be swept and cleansed in a proper Manner, all the said Streets, Lanes, and other Passages and Places as the said Commissioners shall direct and appoint, and afterwards take up and carry away the Dirt and Soil there made and found or swept up out of the same immediately, or within such Time as the said Commissioners shall direct, under a Penalty not exceeding Twenty Shillings for every Neglect.

Duty of Scavengers.

No Person but the Scavengers to take away the Soil of the Streets.

XXXIV. And be it further enacted, That no Person shall take or carry away, or cause to be taken or carried away, any Ashes, Dust, Dirt, Muck, Dung, or Manure which shall be made in or laid upon any of the said Streets, Lanes, or other public Passages or Places, besides the Scavengers appointed by the said Commissioners, or such other Persons as they shall from Time to Time order and direct, upon Pain of forfeiting and paying the Sum of Ten Shillings for every such Offence.

Power for the Commissioners to light the Streets, &c.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to cause the several Streets, Lanes, and other Passages and Places within the said Town, although the same or some of them may not be public Streets, Lanes, Passages, or Places, or such of them as they

they shall think proper, to be lighted either by means of Oil Lamps or by means of Gas or Inflammable Air, or partly by one means and partly by another, or otherwise, at such Times and Seasons as the said Commissioners shall think fit, and to direct what Part of the same shall be lighted with Oil, and what by means of Gas or Inflammable Air, or otherwise; and it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Company or other Person to light the said Streets, Lanes, and other Passages and Places, or any of them, or any Part thereof respectively, by means of Oil or Gas or Inflammable Air, or otherwise, in such Manner, and upon such Terms and Conditions, Stipulations and Agreements, as the said Commissioners shall think proper, and to provide and set up, fix, or place all necessary Lamps, Lamp Posts, Lamp Irons, and Iron or other Pipes for the Conveyance of Gas or Inflammable Air, or otherwise, and other Works necessary for the Purposes of this Act, upon or against the Walls or Palisadoes of any House, Tenement, Building, or Inclosure (doing as little Damage or Injury thereto as possible), or in such other Manner as they shall think proper, and for the Purpose of lighting all or any of the said Streets, Lanes, Passages, and Places with Gas or Inflammable Air or otherwise, to direct the breaking-up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, Passages, and Places, and the opening, digging, sinking, and removing the Ground, and the laying and fixing or placing Pipes, Stopcocks, Plugs, Branches, and any other Works or Machinery, by any Company or other Person, for the Conveyance of the said Gas or Inflammable Air, or otherwise, for the Purpose of lighting such Streets, Lanes, Passages, and Places, or any Part thereof, and for the Purpose of repairing, altering, and renewing the same.

Commissioners may manufacture Gas and establish Gasometers.

XXXVI. And be it further enacted, That for the Purpose aforesaid it shall be lawful for the said Commissioners to manufacture Gas or Inflammable Air, and for that Purpose to establish Gasometers and all Apparatus and Machinery necessary or convenient thereto, and to purchase and hold or rent or lease for a Term of Years any Land or Ground, not exceeding Three Statute Acres, for such Purposes.

In case the Commissioners erect Gas Apparatus, they may supply private Lights.

XXXVII. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, Passages, and Places, or any of them, within the Limits of this Act, with Gas or Inflammable Air, without contracting for the same, it shall and may be lawful for the said Commissioners, after sufficiently lighting the said Streets, Lanes, Passages, and Places, or any of them, to let out or grant to any Person whomsoever who shall be willing to take the same any Light or Lights, or Argand, Cockspur, Batwing, or any other Kind of Burner, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such annual or other Rents for the same, and in such Manner, as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that the Surplus of all Monies to proceed therefrom or arise thereby, or by the Sale of any Coke, Tar, or other Product of Coal, after defraying the

the Expence of the Gas Apparatus and other Things connected therewith, and of maintaining the same, and of the Manufactory of Gas or Inflammable Air, shall be applied in aid of the Rates by this Act authorized to be made.

Power to recover Sums due for such Supply.

XXXVIII. And be it further enacted, That in case any Persons who shall contract with the said Commissioners or otherwise agree to take or shall use or enjoy the Benefit of the said Gas or Inflammable Air in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect for the Space of Ten Days after Demand to pay the Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners to collect and recover and they shall have the same Powers and Remedies for collecting and recovering the same as Landlords may collect and recover Rents on common Demise.

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

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Commissioners, or any Company or any other Person, to carry, lay, or fix or continue any Pipe or Cock or Branch from any Pipe or Thing for the Conveyance of Gas or Inflammable Air, into or through any Dwelling House or private Building, or into or through any private Lands, or other Hereditaments or Premises, or so to continue the same, without the Consent of the Owner or Occupier of every such Dwelling House, Building, Lands, and Hereditaments respectively, nor to enable the said Commissioners or any Company or any Person to enter into or upon any private Lands or Grounds for any Purposes relating to the Supply or Use of Gas, without such Consent as aforesaid for that Purpose first had and obtained.

For repairing Damage done to any Building by affixing Lamps, &c.

XL. Provided also, and be it further enacted, That if any Injury or Damage shall be occasioned to any Building or Wall or other Erection by the affixing, setting up, taking down, altering, or removing any Lamp or any Lamp Iron or other Fastening thereof, or any Pipe or other Matter or Thing used for the Conveyance of Gas or Inflammable Air within the said Town, and laid under the Authority of this Act, the said Commissioners or Company or Person occasioning the same shall immediately cause the said Injury or Damage to be well and sufficiently repaired.

Pipes to be kept fully charged with Gas.

XLI. And be it further enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Streets, Lanes, or other Passages and Places shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent any such Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Gas Pipes to be laid at a Distance from Water Pipes, and in a particular Manner.

XLII. And be it further enacted, That every Pipe or other Conduit to be used or laid for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, or other Passage or Place in the said Town, shall be laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street, Lane, or

or other Passage or Place will allow thereof, at the Distance of Four Feet at the least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, or other Passages or Places, excepting in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Case the said Gas Pipes so crossing the said Water Pipes shall be at the least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes the said Commissioners, Company, or other Person supplying Gas, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, Air-tight, and in every respect prevent the said Gas from escaping therefrom, upon Pain of forfeiting for every Offence the Sum of Five Pounds, which shall be paid either to the Informer or to any other Person who (in the Judgment of the Justice of the Peace before whom the Conviction shall take place) shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed, as the said Justice shall direct, and which shall be levied and recovered as any other Penalty is by this Act directed to be levied and recovered.

Penalty for conveying Washings into any River, Stream, or Well.

XLIII. And be it further enacted, That if the said Commissioners or any Company or other Person whosoever shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in the Prosecution of any such Gas Work, or in the Manufacture or Process of making or procuring any such Gas, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Moat, Pond, Spring-head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Moat, Pond, Spring-head, or Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in such Case the said Commissioners, Company, or Person shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall or may be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, and one Moiety thereof shall be paid to the Person who shall sue for the same, and the other Moiety to the Person against whom any such Annoyance, Act, or Thing shall have been done or committed, or who shall have been

been injured thereby: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or Reservoir, Canal, Aqueduct, Waterway, Feeder, Moat, Pond, Spring-head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person to whom the same shall belong, or by any other Person whomsoever, to the said Commissioners, Company, or other Person, and the said Commissioners, Company, or other Person as aforesaid shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company, or Person as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

For preventing the Escape of Gas.

XLIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall hereafter be laid down or set up by the said Commissioners, or by any Company or other Person whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, the said Commissioners, Company, or other Person as aforesaid shall, immediately after Notice in Writing of any such Escape of Gas by any Person whomsoever, to be left at the usual Office or Place of transactiug Business of the said Commissioners, Company, or other Person making, furnishing, or supplying such Gas as aforesaid, (as the Case may be,) cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, Company, or other Person as aforesaid shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, Company, or other Person as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each Day after the Expiration of

of Twenty-four Hours after the Time of giving such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath or Affirmation of a credible Witness, before a Justice of the Peace, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or of such Company or other Person, by the Warrant of such Justice, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered, and shall be paid to the Informer or to the Person who, in the Judgment of the said Justice, shall have sustained any Annoyance, Injury, or Damage thereby.

For preventing the Contamination of Water by the Gas.

XLV. And be it further enacted, That whenever the Water of any Company of Proprietors of Waterworks, or any Water in any Well or Pond belonging to or used by any Person within the said Town, shall be contaminated by any Gas used, burnt, or consumed within the said Town, the said Commissioners, Company, or Person making, furnishing, or supplying such Gas shall forfeit and pay the Sum of Twenty Pounds, to be levied and recovered as any Penalty is hereby directed to be levied and recovered, and the same shall be applied to and for the Benefit of the Person aggrieved thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, Company, or Person making, furnishing, or supplying such Gas shall, within Twenty-four Hours next after Notice thereof in Writing signed by any Person interested in or making use of such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company, or other Person making, furnishing, or supplying such Gas, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water as aforesaid; and in case the said Commissioners, Company, or Person making, furnishing, or supplying such Gas shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent every such Contamination whereof Notice shall be given as aforesaid then the said Commissioners, Company, or Person making, furnishing, or supplying such Gas as aforesaid shall, on each Complaint, forfeit and pay to the Person aggrieved, for the Use and Benefit of the same Person, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty shall and may be recovered as any other Penalty is hereby directed to be recovered, and shall be applied to and for the Benefit of the Person aggrieved.

For ascertaining if the Water is contaminated.

XLVI. And whereas it may become a Question, upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners or Company or Person as aforesaid; be it therefore further enacted, That in every such Case it shall be lawful for the said Company of Proprietors of Waterworks,

or for any Person interested in such Well or Pond which may be deemed affected as aforesaid, to dig to and about, and search and examine, the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Company, or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company, or Person as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Company, or Person as aforesaid, and such Company of Proprietors of Waterworks or Person interested as aforesaid shall have given Twenty-four Hours Notice in Writing to the said Commissioners or Company or Person as aforesaid, or to their or his Clerk or Surveyor, of their or his Intention to dig and make such Search and Examination, to the Intent that they or he may attend such Search or Examination, then and in such Case the Costs and Expences of the digging, Search, and Examination, and Repair of any Pavement which shall be taken up or disturbed in any such Examination or Search, shall be borne and paid by the said Commissioners or Company or Person as aforesaid, which Costs and Expences shall be ascertained and determined (if necessary) by any One Justice of the Peace, and be recovered in like Manner as Penalties or Damages may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners or Company or Person as aforesaid, then and in such Case the said Company of Proprietors of Waterworks, or other Person interested as aforesaid, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Company, or Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Company, or Person in and by such Search and Examination, and also to any Pavement, Gutter, and Watercourse broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, in case of any Dispute respecting the same, by such Justice of the Peace, and shall or may be levied and recovered, in case of Nonpayment thereof, as any other Penalties are herein-after directed to be levied and recovered.

Act not to prevent the Commissioners or Persons supplying Gas from being indicted for a Nuisance.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to protect the said Commissioners, or any Company or any Person making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, or any of the Servants, Officers, or Workmen of the said Commissioners, Company, or other Person as aforesaid, from any Indictment or Prosecution for a public or a private Nuisance in respect of any Gas Works, or the Means which shall be employed by them in making the said Gas and using the same, and furnishing any Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use

of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for wilfully damaging Lamps, &c.

XLVIII. And be it further enacted, That if any Person shall wilfully, wantonly, or maliciously break, throw down, destroy, or otherwise deface, damage, or injure any Lamp, Pipe, Post, Pillar, Pilaster, Lamp Iron, Lamp Cover, or Furniture thereof, or any Engine or Cart or other Property hereby vested in the said Commissioners, or shall wilfully, wantonly, or maliciously extinguish the Light in any such Lamp, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also make full Satisfaction, in addition to the said Penalty, to the said Commissioners or to the Party injured, for the Damage so done; and in case any Person shall negligently or accidentally break, throw down, or otherwise damage any Lamp, Pipe, Post, Pillar, Pilaster, Lamp Iron, Lamp Cover, or Furniture thereof, Engine, Cart, or other Property of the said Commissioners, and shall not upon Demand make Satisfaction to the said Commissioners, or to the Party injured, for the Damage so done, it shall be lawful for any Justice of the Peace and he is hereby required, on Complaint thereof made to him on Oath, to summon the Party complained of, and upon his appearing or making default to appear, (Oath being made that the Party complained of was served with such Summons, or that the same was left at his Dwelling House or Place of Abode, if known, or that he could not be found,) such Justice shall proceed to examine the Matter of the said Complaint, and upon Proof thereof, either upon the Confession of the Party complained of, or by the Oath of One credible Witness, shall award and order such Sum of Money, by way of Satisfaction for such Damage, with Costs, to be made by the Party complained of to the said Commissioners or to the Party injured, for such Damage, as such Justice shall think reasonable.

Persons accidentally damaging Lamps, &c. to make good the same.

Commissioners may appoint Watchmen and Patrols.

XLIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered from Time to as they shall think necessary, to appoint a sufficient Number of fit and able-bodied Men to patrol, watch, and guard the said Streets, Lanes, and other public Passages and Places, or any Part thereof, for and during such Periods of the Year, and during such and so many Hours of the Night, as they the said Commissioners shall think fit, and to pay such Men so employed such reasonable Wages or Allowances as they shall think proper, and find such Men so employed in Clothing, Arms, Ammunition, and Weapons, and to give such Orders and Directions concerning the Manner in which they shall be armed and stationed for the due and regular Performance of their Duty, as the said Commissioners shall judge proper and expedient, and from Time to Time, at their Pleasure, to remove any of them and appoint others in their Stead; and it shall be lawful for such Watchmen or Patrols so to be appointed as aforesaid, or any of them, and they are hereby respectively authorized, directed, and required, to use their utmost Endeavours to prevent any Mischief by Fire, and also to

prevent all Robberies, Burglaries, and other Felonies and Misdemeanors, and other Outrages, Disorders, and Breaches of the Peace within the said Streets, Lanes, and other public Passages and Places, or any Part thereof, and to apprehend and secure all Felons, Thieves, Rogues, Vagabonds, Prostitutes, Nightwalkers, and disorderly Persons who shall disturb the public Peace, or any Persons wandering, secreting, or misbehaving themselves, or whom they shall have reasonable Cause to suspect of any evil Designs, or who shall refuse to give a good Account of themselves, and to secure and keep in safe Custody every such Person, in order that he may be conveyed, as soon as conveniently may be, before One of Her Majesty's Justices of the Peace for the said County of *Kent*, to be examined and dealt with according to Law; and it shall be lawful for the said Watchmen or Patrols so to be appointed as aforesaid to call and require any Persons to aid and assist them in taking such Felons, Thieves, Rogues, Vagabonds, Prostitutes, Nightwalkers, and all disorderly or suspected Persons as aforesaid; and in case any Person shall assault or resist, or shall promote or encourage the assaulting or resisting, any of the Watchmen or Patrols so to be appointed as aforesaid in the Execution of their Duty, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in case any such Offender shall not, on Conviction, pay the said Forfeiture, such Justice is hereby required to commit him to the House of Correction, there to be kept to hard Labour, if the said Justice shall so order, for any Time not exceeding Three Calendar Months, unless such Forfeiture shall be sooner paid, or, instead of committing the said Offender as aforesaid, the said Justice may, by Warrant under his Hand and Seal, cause the said Forfeiture, as well as the Costs (if any), to be levied by Distress and Sale of the Goods and Chattels of the Offender, returning the Overplus (if any) of the Money raised or recovered, after discharging the said Forfeiture, and the Costs and Expences of recovering and levying the same, to the Owner of the Goods and Chattels so seized and distrained.

Watchmen to be sworn in as Constables.

L. And be it further enacted, That all Watchmen and Patrols so to be appointed as aforesaid shall be sworn in as Constables before some Justice of the Peace for the said County of *Kent*, and shall and may act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy during such Time, in addition to the Powers hereby given, the like Powers and Authorities, Privileges and Immunities, as any Constables are invested with or have and enjoy by Law, or which any Watchmen, Serjeants, Patrols, and other Persons can or may exercise and execute under and by virtue of the Provisions contained in an Act of Parliament made and passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the Eleventh Year of His late Majesty King* George *the Fourth, for the lighting and watching of Parishes in* England *and* Wales, *and to make other Provisions in lieu thereof.*

Penalty on Watchmen neglecting their Duty.

LI. And be it further enacted, That if any Watchman or Patrol shall not observe, perform, and keep the Orders, Rules, and Regulations which

which shall be made for the Purposes aforesaid by the said Commissioners, or shall in any Manner neglect his Duty, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Five Pounds, and shall, if the Commissioners think proper, be immediately discharged from his Office or Employment.

Penalty on Publicans harbouring Watchmen during the Time of their being on Duty.

LII. And be it further enacted, That if any Victualler, Alehouse Keeper, Beerhouse Keeper, or any other Person selling Beer, Ale, spirituous or other Liquors, shall entertain or harbour in his House, Outhouse, or Premises any Watchman or Patrol employed under or by virtue of this Act, or permit or suffer any of them to remain in his House or Premises during any Part of the Time appointed for his being on Duty, every such Victualler, Alehouse Keeper, Beerhouse Keeper, or other Person aforesaid so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

On any Information that a Building is in a ruinous Condition, the Commissioners shall place a Hoard for the Safety of Passengers.

LIII. And whereas Houses, Walls, and Buildings within the said Town may be, either from litigated Titles thereto, or the Obstinacy, Neglect, or Poverty of the Owners thereof, or of the Parties interested therein, or from some other Cause, in so ruinous a Condition that the Inhabitants thereof and Passengers thereby may be in danger of their Lives or Limbs from the falling thereof, or of the Bricks, Stones, or Timber therefrom; be it further enacted, That on any Information, signed by Four or more Householders living near to any House, Wall, or Building within the said Town, that such House, Wall, or Building is in a ruinous and dangerous Condition, it shall be lawful for any Two Justices of the Peace to cause a Survey to be made by Two Surveyors or able Workmen, and if upon such Survey it shall be certified that such House, Wall, or Building is dangerous or ruinous it shall be lawful for the said Commissioners, and they are hereby required, on Notice of any such Presentment being made, and a Copy thereof being laid before them, to cause with all convenient Speed a proper and sufficient Hoard to be put up for the Safety of all Passengers passing thereby, and to cause Notice in Writing to be given to the Owner or other Person interested therein, if he can be found, and if not, to cause such Notice in Writing to be affixed to or upon the Door or other conspicuous Part of such House, Wall, or Building so presented to be in such ruinous Condition, to repair or to pull down the same, as the Case may require, within Twenty Days then next ensuing; and if such Owner or other Person interested in any such House, Wall, or Building do not begin to repair or take down the same within the said Twenty Days after such Notice so given or affixed as aforesaid, and complete such Repairs or take down the same as soon as the Nature of the Case will admit, then, a Declaration being made before any Justice of the Peace for the said County of such Notice having been so given or affixed as aforesaid, the said Commissioners are hereby authorized and required, with all convenient Speed, to order and cause such House, Wall, or Building so presented to be in a ruinous Condition, or so much thereof as the said Commissioners find necessary for the Safety of Passengers, to be taken down and secured in such Manner as shall from Time to Time be

be requisite, and to sell and dispose of such of the Materials as the said Commissioners shall judge necessary and expedient, and out of the Monies arising from the Sale thereof to reimburse, repay, and satisfy themselves and every Person employed for the Purposes aforesaid all the Costs and Charges of such Survey and Presentment, and putting up every such Hoard, and of such taking down and securing all or any Part of every such House, Wall, or Building so taken down or secured as aforesaid, and of selling the said Materials as aforesaid, or so much thereof as the Monies arising by such Sale will extend to pay, and shall account for and pay the Surplus of the Monies arising by such Sale (if any be) to the Owner of every such House, Wall, or Building, upon personal Demand thereof made by such Owner to the said Commissioners or their Treasurer: Provided nevertheless, that any such Owner, his Executors or Administrators, shall be entitled to have and receive such Overplus from the said Commissioners, or their Treasurer for the Time being, within Ten Days after Demand thereof personally made by such Owner, his Executors or Administrators; and if it shall happen that the Money arising by such Sale shall fall short and is deficient to repay and satisfy all such Costs and Charges, then such Deficiency shall from Time to Time be paid by the Owner of every such House, Wall, or Building, if known and to be met with; and if such Owner, on Demand thereof, shall neglect or refuse to pay the same then such Deficiency may be levied, by Warrant under the Hand and Seal of any Justice of the Peace, by Distress and Sale of the Goods and Chattels of such Owner, if any such can be found; and if no such Owner can be met with, or being met with, shall not, on Demand, pay the said Deficiency, and no sufficient Distress of his Goods and Chattels can be met with whereupon such Deficiency of such Costs and Charges may be levied and recovered, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground where the same or any Wall stood, is and are hereby required and authorized to pay and deduct the same out of the Rent thereof; and if he neglect or refuse to pay such Deficiency of Charges then the same shall, by Warrant under the Hand and Seal aof ny such Justice, be levied by Distress and Sale of the Goods and Chattels of any such Occupier of the Premises, together with the Costs of every such Distress and Sale; and the Owner of the Premises is hereby required to allow to every such Occupier all such Deficiencies and Charges which he shall so pay, or which shall be recovered or levied by Distress and Sale from him as aforesaid, out of any Rent which shall become due for the said Premises, or any Part thereof; and every Occupier paying any such Deficiency and Charges shall be acquitted and discharged for so much Money as he shall so pay, in the same Manner as if the same had been actually paid to such Person to whom his Rent was due and should have been paid.

For Removal of existing Projections.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Porches, Sheds, projecting Windows, Steps, Cellar Windows, Cellar Doors, Signs, Sign Posts and Sign Irons, Showboards, Stalls, Window Shutters and Flaps, Walls, Gates, Railings, and all other Obstructions

Encroachments, and Projections whatsoever, which at the Time of the passing of this Act are erected, fixed, set up, laid down, or exist against or in front of any House or other Building in any of the Streets, Lanes, Passages, or Places within the said Town, and which in the Judgment of the said Commissioners are public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the said Streets, Lanes, Passages, or Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, as shall be thought proper and expedient by the said Commissioners, first causing Twenty clear Days Notice in Writing under the Hands of the said Commissioners or their Clerk to be given to the respective Owners and Occupiers of such Houses and Buildings of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in effecting every such Removal or Alteration as the Nature of the Case will allow: Provided always, that the said Commissioners shall and they are hereby required to make reasonable Satisfaction and Compensation to the several Owners and Occupiers of such Houses and Buildings for any Damage or Injury which shall be done thereto in consequence of such Removal or Alteration as aforesaid; and if the said Commissioners and such Owners and Occupiers cannot agree as to the Sum to be paid by the said Commissioners, the Amount thereof shall be ascertained, fixed, and determined by any Two or more Justices of the Peace for the said County of *Kent*, who, upon Application made to them by both or either of the Parties, shall examine into the Matter in dispute, and determine and settle the Amount of Compensation which shall be payable by the said Commissioners.

Future Projections to be removed.

LV. And be it further enacted, That the several Owners or Occupiers of Houses, Buildings, and Premises situate in the several Streets, Lanes, Passages, and Places within the said Town, and every of them, are hereby required, at their Expence respectively, within Twenty Days next after their respectively receiving Notice in Writing, signed by the said Commissioners, to cause all the Porches, Sheds, projecting Windows, Steps, Cellar Windows, Cellar Doors, Signs, Sign Posts and Sign Irons, Showboards, Stalls, Window Shutters and Flaps, Walls, Gates, Railings, and other Obstructions, Encroachments, and Projections whatsoever, which shall hereafter be erected, affixed, set up, or laid down, or stand or be against or in front of or belonging to their respective Houses or other Buildings, and which in the Judgment of the said Commissioners (at any Meeting of the said Commissioners to be called for that Purpose, and which Meeting the said Commissioners are hereby empowered to hold, giving by their Clerk Ten clear Days Notice thereof in Writing, to be affixed on the principal outer Doors of the Court Hall and Church aforesaid, stating the Object of such Meeting,) shall be considered public Obstructions, Annoyances, or Nuisances, to be taken down, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as shall be directed by the said Commissioners; and in case the Owner or Occupier of any such Houses, Buildings, or Premises

as aforesaid shall neglect or refuse to cause any such Porches, Sheds, projecting Windows, Steps, Cellar Windows, Cellar Doors, Signs, Sign Posts, Sign Irons, Showboards, Stalls, Window Shutters and Flaps, Walls, Gates, Railings, or other Obstructions or Projections whatsoever, so adjudged to be a public Obstruction, Annoyance, or Nuisance as aforesaid, to be taken down, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person acting under their Authority, and the Costs and Charges attending the same shall and may be recovered from the Owner or Occcupier of such House or Building in the same Way and Manner as the Rates and Assessment by this Act granted may be levied or recovered: Provided always, that the Occupier of any such House or Building, being a Tenant at Rackrent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, and not being the Person who originally made or occasioned such Nuisance, shall and may deduct and retain the Amount thereof out of his Rent, and the Owner or Person entitled to the said Rent is hereby required to allow the same accordingly.

Pipes, &c. to be provided for carrying off the Water from Houses.

LVI. And be it further enacted, That the Owner or Occupier of every House or Building in or adjoining any Street, Lane, or other Passage or Place within the said Town, shall, within Twenty Days next after Service of any Order or Direction for that Purpose, signed by the said Commissioners or their Clerk, on him personally, or left at his last or usual Place of Abode, put up and place, and for ever afterwards keep in good Repair and Condition, a Shute, Spout, or Trough, of the whole Length of such House or Building, with a Pipe or Trunk, to be fixed to the Front or Side of such House or Building, from the Roof to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such Manner that such Water shall not fall upon or incommode the Persons passing near such House or Building, and every Tenant or Occupier at Rack Rent of any such House or Building who shall put up or place any such Shute, Spout, or Trough, Pipe or Trunk, or keep the same in repair, shall be entitled to deduct out of the Rent payable to the Owner of such House or Building so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in repair any such Shute, Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him for so much of his Rent as the Amount of such Expences shall be equal to, and shall be abated or allowed to him by the Owner of such House or Building out of such Rent; and if any such Owner or Occupier shall, for the Space of Twenty Days next after Service as aforesaid of any such Order or Direction, neglect to put up or place, or neglect to repair, any Shute, Spout, Trough, Pipe, or Trunk as aforesaid, then and in every such Case it shall be lawful for the said Commisioners to cause any such Shute, Spout, Trough, Pipe, or Trunk to be put up or placed against any such House or Building at the Expence of the Owner or Occupier thereof;

thereof; and in case any such Owner or Occupier shall refuse to pay such Expences the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied or recovered.

The Water from all Buildings to be conveyed by under-ground Drains.

LVII. And be it further enacted, That the Water from all Houses and Buildings in any Street, Lane, or other Passage or Place within the said Town shall be conveyed from such Houses and Buildings, either by means of under-ground Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by Means of Iron-drain or other Gutters, to be fixed and placed in the Flagging or Pavement; and that for the Purpose of laying or forming such Drains or Tunnels, or fixing or placing such Iron-drains or other Gutters as aforesaid, it shall be lawful for the Owner of any such House or Building, and he is hereby required, at his own Expence, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite, and to lay down and form the said Drains or Tunnels, or fix or place the said Iron-drain or other Gutters, under the Direction of the said Commissioners, or such Person as they shall appoint, and all Damage which may be thereby occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner: Provided always, that in case Default shall be made in the Formation of such Drains or Tunnels, or in the fixing or placing of such Iron-drain or other Gutters in manner aforesaid, it shall be lawful for the said Commissioners, or any Person acting by or under their Authority, to lay down and form the said under-ground Drains and Tunnels, or to fix and place the said Iron-drain or other Gutters; and the Costs and Charges thereof shall be paid and borne by the Owner of any such Houses and Buildings, and in default of Payment thereof for Ten Days next after Demand made by any Person acting by or under the Authority of the said Commissioners such Costs and Charges shall and may be levied and recovered from the Person so making such Default, in the same Way and Manner as any Rates or Assessments are by this Act authorized to be recovered.

No Buildings to be covered with Thatch.

LVIII. And be it further enacted, That no House, Outhouse, or other Building which shall hereafter be built or erected abutting to or adjoining any Street, Lane, or other Passage or Place within the said Town, shall be covered with Thatch or Straw, wholly or in part; and in case any such House, Outhouse, or other Building shall be so erected, the Owner thereof shall forfeit and pay the Sum of Forty Shillings for every Calendar Month the same shall continue with such Covering.

Footways to be swept and cleansed.

LIX. And be it further enacted, That the respective Occupiers of Houses, Buildings, Yards, and Tenements within or adjoining the Streets, Lanes, and other Passages and Places in the said Town, shall and they are hereby required, once in every Day (*Sundays* excepted), before Ten of the Clock in the Forenoon of each Day, to scrape, sweep, and cleanse, or cause to be scraped, swept, and cleansed, the Footways and Pavements in front or at the Sides of their respective Houses,

Houses, Buildings, Yards, and Tenements, and every such Occupier making default herein shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings.

Cattle straying may be impounded.

LX. And be it further enacted, That if any Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle shall be found straying in any Street, Lane, or other Passage or Place within the said Town, the Owner thereof shall, for every such Horse, Bull, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Head of Cattle, forfeit and pay any Sum not exceeding Five Shillings; and it shall be lawful for any Officer appointed by the said Commissioners to impound any such Horse or other Beast or Cattle as aforesaid in any Pound such Commissioners may provide (and which they are hereby authorized and empowered to provide and sustain within the said Town), or in any other public Pound in the said Town, and to detain the same in such Pound until the said Penalty, and the Expences of impounding, feeding, and keeping the same in the Pound, shall be fully paid and satisfied; and if in any such Case the said Penalty and Expences shall not be paid within Three Days after such Horse or other Beast or Cattle as aforesaid shall be so impounded, it shall be lawful for any Person who shall be appointed by such Commissioners for that Purpose to sell or cause the same to be sold; and the Costs and Charges of impounding, feeding, and keeping such Horse or other Beast or Cattle as aforesaid in Pound, and of selling the same, and the said Penalty, shall be defrayed by such Sale, and the Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner of the said Horse or other Beast or Cattle, upon Demand: Provided always, that whether such Horse or other Beast or Cattle as aforesaid shall be impounded as aforesaid, or otherwise, the Owner thereof shall nevertheless be liable to the Payment of the Penalty aforesaid.

For Punishment of Persons guilty of Pound-breach.

LXI. And be it further enacted, That in case any Person shall release or attempt to release any Horse or other Beast or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act from the Pound or Place where the same shall be impounded; or shall pull down, damage or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened; or shall rescue or release, or shall attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse or other Beast or Cattle, Article, Matter, or Thing, so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law; every Person so offending shall, upon Conviction thereof before any Justice of the Peace, either upon Confession of the Party offending, or upon the Oath of One credible Witness, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction for the Eastern Division of the said County of *Kent*, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months.

For punishing Misbehaviour in Drivers of Carriages.

LXII. And be it further enacted, That if any Driver of any Waggon, Cart, Dray, Sledge, or other Carriage of the like Description, (except Carriages driven by some Person holding the Reins of the Horse, Beast, or Cattle drawing the same,) shall ride upon

upon the Shaft or upon any other Part of such Carriage, or upon any of the Horses, Asses, Mules, or Cattle drawing the same, or shall drive the same faster than a Walk, in any Street, Lane, or other Passage or Place within the said Town; or if the Driver of any Carriage whatsoever shall be at such a Distance from the same during its Passage through any Part of the said Town as not to possess the complete Direction over the Horse or Beast drawing the same; or if any Person shall place any Cart or other Carriage athwart or across any such Street, Lane, or other Passage or Place; or if any Person, when driving any Sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his Carriage on the Left or Near Side of the Street, Lane, or other Passage or Place, or shall in any Manner wilfully prevent any other Person from passing him or any Carriage under his Care within any such Street, Lane, or other Passage or Place, or by Negligence or Misbehaviour prevent or interrupt the free Passage of any Carriage, or of Her Majesty's Subjects, within any such Street, Lane, or other Passage or Place; or when riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, so as to endanger the Life or Limb of any Person; then and in every such Case every such Driver, Rider, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For preventing Obstructions in the Streets.

LXIII. And be it further enacted, That if, in any Street, Lane, or other Passage or Place within the said Town, any Person shall leave or suffer to stand or continue any Waggon, Cart, Dray, or other Carriage of the like Description, either in the Night or in the Day Time, either loaded or unloaded, or with or without Horses, for any longer Time than for the necessary loading or unloading thereof, and except whilst the same shall be loading or unloading, or in case the same shall not, during such Time, be placed so as to interrupt the public Passage as little as possible, or shall lay, place, or suffer to remain any Timber, Iron, Bricks, Stones, Slates, Tiles, Sand, Lime, Mortar, Hay, Straw, Goods, Wares, Merchandize, Materials, Articles, Matters, or Things whatsoever, longer than shall be necessary for removing and housing the same, then and in every such Case every such Person and the Owner of every such Carriage, or of any such Goods, Wares, Merchandize, Materials, Articles, Matters, or Things, shall for every such Offence in any of the aforesaid Particulars, forfeit and pay any Sum not exceeding Forty Shillings, provided that only One Penalty shall be levied for one and the same Offence.

For preventing Obstructions on the Footways.

LXIV. And be it further enacted, That if any Person shall run, draw, or drive, or carry any Truck, Wheel-sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, on any Foot Pavement or other Footway in any Street, Lane, or other Passage or Place within the said Town, except only for the Purpose of crossing the same; or shall set or place any Furniture, Goods, Wares, or Merchandize, or erect, set up, or place any Blind, Shade, Covering, or Awning, except such Blind, Shade, Covering, or Awning shall be Eight Feet at least in Height in every Part thereof from the Surface of the Ground, and shall extend over the whole of such Footway, or any other Matter or Thing in the front of or before any House, Shop, or other Building,

so as in any way to cause any Obstruction or Impediment on any such Footway; or shall wilfully ride, lead, or drive on any such Footway any Horse or other Beast or Cattle of any Kind whatsoever; or shall annoy, insult, or wilfully jostle any Passenger or Person travelling, passing, or going on such Foot Pavement or other Footway; or shall, by loitering or standing, or in any other Manner, obstruct or incommode, hinder or prevent the free Passage of any such Footway; then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalties on Persons guilty of certain Nuisances.

LXV. And be it further enacted, That if any Person shall, in any Street, Lane, Passage, or Place in the said Town, expose for Sale or sell, or fodder any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle, except in such Place or in such Manner as shall be appointed for that Purpose; or exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or other public Show, or in any other Manner exhibit or cause to be exhibited any public Show (except in such Place as shall be appointed for that Purpose); or turn loose or suffer to be at large any Bulldog, Mastiff, or other ferocious Dog of any other Species, not being muzzled; or permit or suffer any Dog whatsoever to go at large after any public Notice given by the said Commissioners during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness (and which said Dogs so at large such Commissioners are hereby authorized to destroy or direct to be destroyed); or shall after Nine of the Clock in the Morning wash or clean or make or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage (except such Carriages as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose); or shall mischievously or wantonly let off or fire any Musket, Gun, or Pistol, or other Firearms, or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Firework, or play at Fives, Cricket, Football, or any other Game, in or near any such Street, Lane, Passage, or Place, to the Annoyance of any Inhabitant or Passenger; or if any Person shall hew, saw, bore, or cut any Timber or Stone; or shall kill or slaughter, or singe, scald, or dress, or shall cause or procure to be killed, slaughtered, or singed, scalded or dressed, any Beast, Swine, Ox, Cow, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, in any such Street, Lane, Passage, or Place, or in any Shop or other Place adjoining and exposed to or opening into the same; or cause or permit any Offal, Blood, Filth, or other offensive Matters to run from any Slaughter-house, Shambles, Butcher's Shop, Swine-stye, Stable, or Dunghill into any such Street, Lane, Passage, or Place within the Limits of this Act; or kill or slaughter or dress within the said Town any unsound Swine, Ox, Cow, Calf, Sheep, Lamb, or other Beast or Cattle, and which shall be unwholesome Meat, for the Purposes of Sale; or sell or offer or expose for Sale within the said Town any unwholesome Fish or Meat; or use any false or deficient Weights or Measures; or if any

Person,

Person, being a Licensed Publican or Victualler, or being a Dealer in Beer, Ale, Cider, or other strong Liquors, by Retail, within the said Town, shall not erect or construct with Flags or other proper Materials, in some convenient and proper Situation, and as little exposed as possible, about such Public House or Victualling House, a Recess or Convenience, with proper Drains from the same, for making Water against, so as effectually to prevent any unnecessary and indecent Exposure of the Person; or if any Person shall, in any such Street, Lane, Passage, or Place, engage or instigate or abet any Prize Fight or pitched Battle; or in any public Situation in any Part of the said Town bathe so as to expose his Person; or shall in any such Street, Lane, Passage, or Place leave open (after Sunset) the Door, Window, or other Covering giving Light or Air to any Cellar or Office or other under-ground Room or Apartment, or of any Area, without having placed a sufficient Light to warn Persons from falling into such Cellar, Office, or other under-ground Room or Apartment; or shall leave open or not effectually secure any Grate, Board, or other Covering over any Opening in the Pavement used for putting Coals or other Articles into any Cellar or other Place under Ground; or if any Person in any such Street, Lane, Passage, or Place shall sift, screen, wet, slack, or mix any Lime; or shall cause or instigate any Dog Battle or Dogs to fight; or shall shoe, bleed, or farry (unless in case of any sudden Accident), or clean, dress, drive, or turn loose, show, exhibit, train, exercise, or break in, any Horse or other Beast; or shall show or expose any Stallion; or shall indecently expose his Person; or shall use any obscene or indecent Language; or write or describe any obscene or indeceut Language or Figure on any Wall, Doorpost, or public Place within the said Town; or post or distribute any indecent or obscene Handbill or Placard; or expose to Sale or distribute any indecent or obscene Print, Ballad, or Pamphlet within the said Town; or affix any Posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof; or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material whatsoever; or if any Person shall, within the Distance of Two hundred Yards from any Dwelling House situate in or near any Street, Lane, public Passage or Place within the said Town, burn any Rags or Bones or other offensive Substance for making Manure, Ivory or other Black, or Ammonia, or for any other Purpose of Trade, Manufacture, or Commerce, to the Annoyance of any Inhabitant of the said Town, or whereby any such Inhabitant shall be annoyed; or place, deposit, or keep any Nightsoil, or the Emptyings, Cleansings, or Filth taken from any Privy, Drain, or Cesspool, or the Refuse, Offal, Garbage, Filth, or Sweepings of any Slaughterhouse, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground within the aforesaid Distance from any such Dwelling House as aforesaid, to the Annoyance of any Inhabitant of the said Town, or whereby any such Inhabitant shall be annoyed, otherwise than during the Time of the same being removed; each and every Person so offending in any of such Cases, or the Person causing any of such Offences, Matters, or Things to be committed or done, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXVI. And

LXVI. And it further enacted, That if any Blacksmith, Whitesmith, Anchor-smith, Nail-maker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the said Town, shall not close such Door or fasten the Shutters or other Fastenings of such Window, and close such Aperture, every Evening within One Hour after Sunset, so as effectually to prevent the Light in such Forge from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Ten Shillings.

Penalty on Persons using Forges and not preventing the light from shining into the Streets.

LXVII. And be it further enacted, That if any Person shall set fire to, or cause, permit, or suffer the Chimney of any House, Workshop, Outhouse, or other Building within the said Town to be on fire, the Person setting fire to the same, or the Occupier of every such House, Workshop, Outhouse, or other Building, or of any Part thereof, from whence such Fire shall commence or happen, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Penalty on firing Chimneys.

LXVIII. And be it further enacted, That in case any Slaughterhouse, Pigstye, Necessary House, Manure Heap, Dung Heap, Cesspool, or any other noisome Matter whatsoever, in or near any of the Streets, Lanes, Passages, or Places within the said Town, shall be complained of by any Inhabitant as a Nuisance or Annoyance, it shall be lawful for the said Commissioners, on such Complaint being made to them, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk or Surveyor, to order such Nuisance or Annoyance to be abated or removed within Fourteen Days next after such Notice given to the Person who ought to abate or remove the same, or left at his last or usual Place of Abode or Business, or on the Premises where such Nuisance shall be occasioned; and in case the same be not abated or removed as aforesaid within the Time mentioned in such Notice, every such Person shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unabated or unremoved after the Expiration of the Time mentioned in such Notice, unless an Appeal as herein-after mentioned shall be prosecuted with Effect against the Order of the said Commissioners, and in case Notice of such Appeal shall be given the said Penalty shall not be inflicted until after the Determination of such Appeal: Provided always, that the said Commissioners shall and are hereby required, upon the Abatement and Removal of any such Nuisance or Annoyance, to make reasonable Satisfaction and Compensation to the Party or Parties for any Damage or Injury which shall be sustained by them by the Abatement or Removal of such Nuisance or Annoyance; and if the said Commissioners and such Party or Parties claiming Satisfaction or Compensation cannot agree as to the Sum to be paid by the said Commissioners, the Amount thereof shall be ascertained, fixed, and determined by any Two or more Justices of the Peace for the said County, who, upon Application made to them by both or either of the Parties, shall examine into the Matter in dispute, and determine and settle the Amount of Com-

Slaughterhouses, Pigstyes, &c. may be removed.

pensation which shall be payable by the said Commissioners, and shall be recovered by such Parties in the Manner herein-after specified for the Recovery of Penalties and Forfeitures in Cases where no other Mode of levying the same is directed by this Act.

Privies to be erected.

LXIX. And be it further enacted, That the Proprietors or Owners of all Messuages, Cottages, or other Tenements occupied by several distinct Tenants within the said Town, shall and they are hereby required, where no sufficient Necessary Houses or Privies are attached, to provide and keep in good Repair such and so many Necessary Houses or Privies, with such proper Doors and Coverings to the same, as the said Commissioners shall consider requisite for the Use of the Tenants or Occupiers thereof; and if such Proprietor or Owner shall not provide and keep in repair such Necessary Houses or Privies, with such Doors and Coverings to the same, within Twenty-one Days next after Notice in Writing for that Purpose from the Clerk or Surveyor of the said Commissioners given to such Proprietor or Owner, or left at his usual Place of Abode or Dwelling, then and in every such Case every such Proprietor or Owner making default shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Necessary House or Privy, and Door or Covering to the same, which shall not be so provided and kept in repair, and any further Sum not exceeding Five Shillings for every Week during which such Necessary House or Privy, or such Door or Covering to the same, shall not be provided after the Expiration of such Notice.

Hoards may be erected during the rebuilding or repairing of Houses.

LXX. And be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to hinder or prevent any Person from erecting or building any Hoard or Inclosure, either within or without the Area of his House, Wall, or Building, for the Purpose of making Mortar or laying down Bricks or Stones, or making or working up of any Lime, Sand, or other Materials, or for making, building, altering, or repairing any House, Wall, or other Building, or to subject him to any Penalty on account thereof, or for or on account of any Building Materials, Rubbish, or Dirt being in or upon any of the said Streets, Lanes, or other Passages and Places before or near the House or Building of such Person, occasioned by the building or pulling down, altering or repairing, of such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clear for Foot Passengers: Provided always, that the Owner or Occupier of such House or Building do and shall, within One Calendar Month next after such House or Building shall be covered in, cause such Hoard or Inclosure as aforesaid to be placed in such Manner as to leave One Half of the Width of Flagging or Pavement on the Outside for the Convenience of Foot Passengers, and do and shall cause such Hoard or Inclosure, and such Materials, Rubbish, and Dirt, to be removed out of the said Streets, Lanes, and other Passages and Places within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice given to him, signed by the said Commissioners or by the Clerk or Surveyor to the said Commissioners; and in case any Person shall neglect or refuse to remove such Hoard or Inclosure, Materials, Rubbish, and Dirt, within the Time to be specified by such Notice, after such build-

ing, repairing, or pulling down as aforesaid, any Person making such Default shall forfeit and pay the Sum of Ten Shillings for every Day during which any such Obstruction or Annoyance shall continue after the Expiration of the Time specified in such Notice for the Removal thereof.

Regulations with respect to Night Soil.

LXXI. And be it further enacted, That no Person shall empty or begin to empty any Privy, or take or carry away any Night Soil, or bring or place any Cart for removing the same from any House, Building, or Place within any Street, Lane, or other Passage or Place within the said Town, before the Hour of Twelve in the Night, or shall continue to take away the same after the Hour of Five in the Morning; and no Person shall unload, or cast or spill, or wilfully cause or suffer to be unloaded, cast, or spilt, any such Night Soil out of any Cart, Tub, or otherwise, in any Street, Lane, or other Passage or Place within the said Town; and if any Person shall offend herein he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Fire Engines to be provided.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to purchase or provide such Engines for extinguishing Fire, and such Water Buckets for the Supply of such Engines, and such Pipes, Tubes, and other Apparatus for such Engines, and also such Fire Escapes, Ladders, or other Implements of Safety or Use in case of Fire, and to hire or purchase and keep such Horses for the Use of the same, as they the said Commissioners shall think fit, and to erect and purchase, or to hire and rent, a proper Place for keeping such Engines, Buckets, and Apparatus, and to hire and employ a proper Number of Persons as Firemen to attend the same, and to pay them such Wages or Salaries as they may think proper, and from Time to Time to displace all or any of such Persons or Firemen, and to appoint others in their Stead, and also to give to such Firemen or other Persons such Rewards for their Exertions in Cases of Fire, and to make such Rules and Orders for the Regulation of such Firemen, as the said Commissioners shall think fit; and such Firemen or other Persons hired or employed as aforesaid shall, in all Cases of Fire, be at liberty to take and use, for the Purpose of extinguishing any such Fire, or working the said Engines thereat, any Water now or hereafter to be provided for watering the said Town.

Proprietors of Houses, &c. to cause the Street and Footway in front thereof to be paved.

LXXIII. And be it further enacted, That the Proprietor or Owner of any Messuage or Dwelling House, or other Erection or Building, now erected, built, set up, standing, or being adjoining to or by the Side of any Street, Lane, Passage, or Place within the said Town, and the Proprietor or Owner of any Messuage or Dwelling House or other Erection or Building which shall at any Time hereafter be erected, built, or set up adjoining to or by the Side of any of the said Streets, Lanes, Passages, or Places, or any Street, Lane, Passage, or Place hereafter to be formed within the said Town, shall forthwith cause the Front of such Messuage or Dwelling House, Erection or Building, to the Middle of such Street, Lane, Passage, or Place, both in the Carriageway and Footway, to be paved, pitched, stoned, or put in good Order and Repair in such Manner as the said Commissioners shall

shall direct; and in case any such Proprietor or Owner shall neglect or refuse to cause the same to be paved, stoned, or put in good Order and Repair as aforesaid, for the Space of One Calendar Month next after due Notice shall have been given to him by the said Commissioners or their Clerk for that Purpose, then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to do and complete the same; and in case such Proprietor or Owner shall refuse to pay the Charges of such Carriageway and Footway being paved, pitched, stoned, or put in good Order and Repair, for the Space of Ten Days next after Demand made thereof by the said Commissioners or their Clerk, then and in such Case such Charges, together with all reasonable Charges attending the same, shall and may be recovered in such and the like Manner as the Rates or Assessments by this Act authorized to be levied are and may be recoverable: Provided also, that the Expence of all future Repairs of the Carriage and Foot Way to be made in pursuance of this Act (such first Work herein-before directed to be done at the Expence of the said Proprietor or Owner having been certified by Two of Her Majesty's Justices of the Peace to have been well and sufficiently done) shall be borne and paid by the said Commissioners out of the Money to be raised by virtue of this Act.

Commissioners empowered to treat for the Purchase of Property for the Improvement of the Town.

LXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to treat, contract, and agree for the absolute Purchase of any Messuages, Buildings, Tenements, Lands, Grounds, Hereditaments, and Premises within the said Town, which the said Commissioners shall deem desirable and proper to purchase for the general Improvement of the said Town, or for other the Purposes of this Act, with any Person, or any Tenant for Life or by the Courtesy, or in Fee Tail, General or Special, or for any Term of Years absolute or determinable on any Life, or with any Feoffee in Trust, Executors, Administrators, Husband, Guardian, or Committee of or for Lunatics or Idiots, or other Trustee whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised, possessed of, or interested in their own Right, or with any other Person whomsoever, who shall be willing to sell the same, or his Estate, Right, or Interest therein; and it shall and may be lawful to and for the said Commissioners to purchase and hold to them and their Successors and Assigns such Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments, and any Term, Right, and Interest therein so purchased, and also to sell, either by public Auction or private Contract, and dispose of such Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments, or any Part thereof, and again from Time to Time to purchase and hold other Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments which the said Commissioners shall deem more eligible for the Purposes aforesaid, as they shall think proper, and afterwards to sell and dispose of the same as aforesaid, without incurring or being subject or liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever.

LXXV. And

Persons under Disability empowered to sell.

LXXV. And be it further enacted, That it shall be lawful for all Corporations, and all Tenants for Life, or by the Courtesy, or in Fee Tail, General or Special, or for any Term of Years absolute or determinable on any Life, and all Feoffees, Trustees, Executors, Administrators, Husbands, Guardians, Committees 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 Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and to and for all other Persons whomsoever who are or shall be seised, possessed of, or interested in any Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, of what Nature or Tenure soever, or any Part thereof, which shall be thought necessary by the said Commissioners to be purchased for the Uses and Purposes of this Act, to contract and agree with the said Commissioners for the Sale thereof and of any Part thereof, and to sell and convey the same or any Part thereof to the said Commissioners for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be made by virtue of this Act shall, without any other Conveyances or Assurances in the Law whatsoever, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Corporation or Person conveying, but also to convey all Estate, Right, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower of the Wives of such Persons, and all Estates Tail and other Estates in Possession, Remainder, Reversion, or Expectancy, and the Issue of such Person claiming under them, as effectually as Fines or Common Recoveries would have done if levied, suffered, or executed by proper Parties in due Form of Law, or as the Conveyances substituted in lieu thereof would do, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Corporations, and all Tenants for Life or in Fee Tail, General or Special, or for any Term of Years absolute or determinable on any Life, and all Feoffees, Trustees, Executors, Administrators, Husbands, Guardians, Committees, and other Trustees whomsoever, and every other Person, is, are, and shall be hereby indemnified for what he or they shall do by virtue of this Act.

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

LXXVI. And be it further enacted, That if any Money shall be agreed to be paid for the Purchase of any Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments to be taken or used by virtue of this Act, or for any Compensation or Satisfaction for Damages in respect of any Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments which any Corporation, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or otherwise capacitated to convey, such Money shall, in case the same

same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* "The Commissioners for improving the Town of *Milton* in the County of *Kent*," pursuant to the Directions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court; and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; 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 who would have been entitled to the Rents and Profits of the said Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, or Part thereof, or affecting other Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments, which shall be conveyed, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments which shall be purchased for the Purposes of this Act, or in respect of which Compensation or Satisfaction shall be payable as aforesaid, stood and were settled and 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 meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application being made thereto as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities 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, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Corporation or Person who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

1 G. 4. c. 35.

When less than 200*l.* and amounting to 20*l.*

LXXVII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Messuages, Buildings, Tene-

ments, Lands, Grounds, or Hereditaments, or any Estate or Interest therein purchased for the Purposes of this Act, belonging to any Person under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments, or Parts, Estates, or Interests, so purchased, or of his Guardian or Committee, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, 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 named by the Person making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties, in order that such Principal Money, and the Dividends to arise thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When less than 20*l.*

LXXVIII. Provided also, and be it further enacted, That where such Money so to be paid as last before mentioned shall not exceed or amount to the Sum of Twenty Pounds, then and in such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, Parts, Estates, and Interests, so to be purchased 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 to his or their Guardian or Committee, to and for the Use and Benefit of such Person so entitled respectively.

In Cases of disputed or doubtful Titles.

LXXIX. And be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person to any Money to be paid into the Bank of *England* in pursuance of this Act for the Purchase of any Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, or of any Share, Estate, Right, or Interest in any Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person who shall have been in possession of such Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, or Share, at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, or Share, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of

such

such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, or to some Estate or Interest therein.

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

LXXX. And be it further enacted, That where by reason of any Disability or Incapacity of any Person entitled to any Messuages, Buildings, Tenements, Lands, Grounds, Hereditaments, and Premises to be purchased under the Authority of this Act, or from any other Cause, the Purchase Money for any Messuages, Buildings, Tenements, Lands, Grounds Hereditaments, and Premises, or any Money to be paid by way of Compensation or Satisfaction for any Damage done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Messuages, Buildings, Tenements, Lands, Grounds, Hereditaments, and Premises, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or of the Government or Real Securities purchased therewith, in the Purchase of other Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Goverment or Real Securities as aforesaid, to be paid by the said Commissioners; and the said Commissioners shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

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

LXXXI. And be it further enacted, That upon the Payment of the Money so agreed to be paid for the Purchase of such Messuages, Buildings, Tenements, Lands, Grounds, or Hereditaments, by the said Commissioners, to the Party or Person entitled to such Money, or his Agent, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein directed (as the Case may be), all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or in Equity of the Party and Person to whom or for whose Use the same shall be paid in, to, or out of such Messuages, Buildings, Tenements, Lands, Grounds, and Hereditaments, shall be vested in the said Commissioners and their Successors, for ever, for the Purposes of this Act.

Form of Conveyance to the Commissioners.

LXXXII. And be it further enacted, That all Conveyances and Assurances to be made to the said Commissioners of any Messuages, Buildings, Tenements, Lands, Grounds, Hereditaments, and Premises, or any Estate or Interest therein, by virtue of this Act, may be made in the Form or to the Effect following; that is to say,

'I

'I of in consideration of the Sum of
' to be paid by the Commissioners acting by virtue
' of an Act passed in the Year of the Reign of Her
' Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*],
' do hereby grant and convey unto the said Commissioners all [*here*
' *describe the Premises to be conveyed*], and all my Estate, Right, Title,
' Term, and Interest to and in the same and every Part thereof, to
' hold to the said Commissioners and their Successors for ever. In
' witness whereof I have hereunto set my Hand and Seal this
' Day of One thousand eight hundred and .'

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Tenements, Lands, Grounds, Hereditaments, and Premises so purchased and conveyed as aforesaid in the said Commissioners for the Uses and Purposes of this Act; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Power to sell Lands not wanted.

LXXXIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to sell or dispose of so many and such Part of the Messuages, Buildings, Tenements, Lands, Grounds, Hereditaments, and Premises to be purchased by or vested in them by virtue of the Powers herein contained as shall at any Time be found to be unnecessary or more than sufficient for the Purposes of this Act, within Seven Years after the same respectively shall have been so purchased by or vested in them; and for completing and carrying any such Sale into effect the said Commissioners are hereby authorized and empowered to make and execute any Conveyance of such of the said Premises as shall have been so sold or disposed of unto the Purchaser thereof; and such Conveyance shall in all Cases be deemed sufficient in the Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyance in the Purchaser thereof, and in his respective Heirs, Executors, Administrators, or Assigns, as the Case may be: Provided always, that the said Commissioners, before they shall sell or dispose of any such Messuages, Lands, or Hereditaments, shall first offer to resell the same to the Person from whom the same shall have been purchased by them, in case he shall be the Owner of any Lands or Ground adjoining thereto; and in case such Person shall have died or cannot be found, or shall refuse or neglect to repurchase such Messuages, Lands, or Hereditaments, then the Offer to sell the same shall be made to the Owner of any adjoining Land or Ground, and a Declaration, pursuant to an Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirma-
' tions taken and made in various Departments of the State, and to
' substitute Declarations in lieu thereof,' and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths,'* made before a Master or Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace for the said County, by some

5 & 6 W. 4. c. 62.

Person not interested in the said Messuages, Lands, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was then and thereupon not agreed to or was refused by the Person to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person to whom such Offer was made, as the Case may be; and the Money produced by the Sale which may be made by the said Commissioners of such Messuages, Lands, or Hereditaments as aforesaid shall be applied to the Purposes of this Act, but the Purchaser thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

Money to be raised by means of Rates.

LXXXIV. And for raising Money to defray the Expences attending the obtaining of this Act, and of carrying into execution the several Purposes thereof, be it further enacted, That the said Commissioners shall have full Power and Authority, and are hereby required, from Time to Time, once in every Year, or oftener if they shall think necessary, (the first Year to be computed from the Eleventh Day of *October* One thousand eight hundred and thirty-eight, and every succeeding Year from the said Day in every Year respectively,) to rate and assess and to make an equal Rate or Assessment upon the Tenants or Occupiers of all Houses situate within the said Parish of *Milton*, according to the net annual Value of the same respectively; that is to say, of the Rent at which the same might reasonably be expected to let from Year to Year, free of all usual Tenants Rates and Taxes, and deducting therefrom the probable annual average Cost of the Repairs, Insurance, and other Expences, if any, necessary to maintain them in a State to command such Rent, so that no such Rate or Assessment shall exceed in the whole the Sum of Three Shillings in the Pound in any One Year for which such Rate or Assessment shall be made; and the Money so rated or assessed on the said several Tenants or Occupiers shall be paid by such Tenants or Occupiers respectively to the Collector or other Person appointed by the said Commissioners to collect the same upon such Day or Time as the said Commissioners shall order and appoint; and the said Rate or Assessment, and the Monies arising therefrom respectively, shall be and are hereby vested in the said Commissioners: Provided always, that no such House as shall not be occupied at the Time of making such Rate or Assessment shall be chargeable therewith until the same shall become occupied.

Rate may be increased in case of the Insufficiency of the original Rate.

LXXXV. Provided always, and be it further enacted, That in case it shall at any Time appear that the said Rate hereby authorized to be made and assessed as before mentioned is not sufficient for the Purposes aforesaid, then and in such Case it shall and may be lawful to and for the Rate-payers under this Act, assembled at any Meeting to be holden for that express Purpose in pursuance of this Act, of which Fourteen clear Days Notice in Writing at the least shall be given, signed by the Clerk to the said Commissioners, and affixed on the Doors of the Court Hall and Church of the said Parish, specifying the Purpose of such Meeting, to increase such Rate to any Sum not exceeding in the whole Four Shillings in the Pound; but no such Rate shall be so

increased unless a Majority in Number of the Rate-payers as aforesaid present at such Meeting shall agree to the same.

Annual Payment to be made by the Surveyor of the Highways.

LXXXVI. And be it further enacted, That the present Surveyors of the Highways for the Parish of *Milton* aforesaid, and their Successors, shall and they are hereby directed, from and after the Commencement of this Act, yearly and every Year, within Ten Days after the Twenty-fifth Day of *July*, to pay or cause to be paid to the said Commissioners and their Successors, or to such Person or Persons as they shall appoint, from and out of the Highway Rates of the Parish of *Milton* aforesaid, the Sum of Thirty Pounds for and towards the better cleansing, paving, repairing, amending, and keep in repair the several Streets, Lanes, Ways, and Places within the Limits of this Act, to be recovered, in case of Nonpayment thereof, with full Costs, in such and the same Manner as any of the Rates or Assessments to be made by virtue of this Act can or may under the Authority of this Act be recovered, or by Actions of Debt or on the Case, or by any other lawful Ways or Means.

Annual Payment to be made by the Portreeve of Milton.

LXXXVII. And whereas the Portreeves of *Milton* for the Time being, since the passing of the said recited Act hereby repealed, have paid to the Commissioners under the said recited Act various Sums of Money, which have been applied for the Purposes of the said Act; be it therefore further enacted, That from and after the Twenty-fifth Day of *July* One thousand eight hundred and thirty-eight the Portreeve of *Milton* for the Time being shall, yearly and every Year, by Two half-yearly Payments, within Ten Days after the Twenty-fifth Day of *January* and Twenty-fifth Day of *July* in every Year, pay or cause to be paid to the said Commissioners or their Successors under this Act, or their Treasurer, Two Third Parts of the Portreeve's Tolls or Duties on Coals payable within the Hundred of *Milton*, to be applied by the said Commissioners to the Purposes of this Act, and to be recovered, in case of Nonpayment thereof, with full Costs, in such and the same Manner as any of the Rates or Assessments to be made by virtue of this Act can or may under the Authority of this Act be recovered, or by Action of Debt or on the Case, or by any other lawful Ways or Means.

Commissioners may rate Persons omitted or under-rated.

LXXXVIII. And be it further enacted, That if the said Commissioners shall at any Time neglect or omit to rate or assess any Person liable to such Rate or Assessment, or shall under-rate or assess any Person liable to such Rate or Assessment, and therein rated and assessed, then and in any such Case it shall be lawful for the said Commissioners to rate and assess such Persons so omitted or under-rated in such Manner as to the said Commissioners shall seem just; and such Addition or Alteration shall be as valid, to all Intents and Purposes whatsoever, as if the same had been Part of the original Rate or Assessment, any Statute, Law, Usage, or Custom to the contrary notwithstanding.

Commissioners may inspect the Books of Poor Rates.

LXXXIX. And in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to cause all or any of the Books or Assessments of the Rates towards the Relief of the Poor of the said Parish of *Milton* to be brought before

before them, and to take Copies of such Books or Assessments, or any Part thereof, without Fee or Reward; and if any Person in whose Custody or Power any of the said Books or Assessments shall be shall, upon Notice to him for that Purpose given by the Clerk to the said Commissioners, refuse or wilfully neglect to attend the said Commissioners with such Books or Assessments in his Custody or Power, or to permit or suffer the said Commissioners to take or to cause to be taken Copies thereof, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

One Moiety of the Rates to be defrayed by the Landlords.

XC. And be it further enacted, That one Moiety of the said Rates and Assessments shall be borne and defrayed by the Landlords or Owners of all Houses so to be rated and assessed, but all such Rates and Assessments shall from Time to Time be paid to the said Collector for the Time being by the respective Tenants and Occupiers of the said respective Premises; and all such Tenants or Occupiers shall have Liberty, and they are hereby authorized and empowered, to deduct out of their respective Rents such Sums of Money as they shall respectively pay for and on behalf of the respective Landlords, Owners, or Proprietors of such respective Premises: Provided always, that nothing herein contained shall extend to alter, affect, or make void any Covenant, Contract, or Agreement in Writing heretofore made between Landlord and Tenant relating to the Payment of any Rate or Assessment within the said Parish of *Milton*, and such Covenant, Contract, and Agreement in Writing shall be deemed to extend to any Rate or Assessment made under and by virtue of this Act.

For Recovery of Rates.

XCI. And be it further enacted, That the Rates or Assessments by this Act authorized to be made shall be paid by the Tenant or Occupier of the several Premises so rated to the Collector or Person appointed to receive the same; and if any such Tenant or Occupier shall neglect or refuse to pay any of the said Rates or Assessments respectively to the said Collector or other Person appointed to collect the same for the Space of Ten clear Days next after Demand made thereof by Notice in Writing under the Hand of the said Collector or other Person as aforesaid, to be delivered to or left at the Dwelling House or usual Place of Abode of such Tenant or Occupier, or on the said Premises, the same shall be levied and recovered on and from such Tenant or Occupier so neglecting or refusing, by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace, such Defaulter having been duly summoned by such Justice to appear before him at a Time and Place to be mentioned in such Summons to show Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned, on Demand, to the Owner of the Goods and Chattels so distrained and sold, together with such Part of the said Goods and Chattels (if any) as shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs and Expences to be ascertained and determined by the said Justice; and in default of such Distress it shall be lawful for any Justice of the Peace to commit such Person to the Common Gaol or House of Correction

Correction for the Eastern Division of the County of *Kent*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sum of Money as shall have been found to be due and in arrear upon any of such Rates or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, the Amount of such Costs, Charges, and Expences to be ascertained and determined by the said Justice.

Actions may be brought for Rates.

XCII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think it expedient, to bring or cause to be brought any Action or Actions of Debt or Special Action on the Case in any of Her Majesty's Courts of Record at *Westminster* for all or any of the Rates or Assessments to be made by virtue of this Act, in which Action or Actions it shall be sufficient for the said Commissioners to declare that the Defendant is indebted to them in the Sum of Money they shall suppose to be due for Rates or Assessments under this Act; and in case the said Commissioners shall recover such Sum so declared for, or any Part thereof, they shall have and recover full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered: Provided always, that no such Action or Actions shall be brought where the Rate or Assessment sought to be recovered is under Twenty Pounds.

When a House shall be let to more than One Tenant.

XCIII. And be it further enacted, That when any House shall be let or demised to more than One Tenant or Occupier, any One or more such Tenant or Occupier shall be deemed the Tenant or Occupier for the Purposes of this Act; and in case any Tenant or Occupier shall remove out of or from or give up the Possession of such House before such Rates or Assessments shall be paid by him, or if the Goods and Chattels of such Tenant or Occupier shall be insufficient to defray such Rates or Assessments, then and in every such Case such respective Premises shall remain a Security for and be chargeable with all such Rates or Assessments, and the same shall and may be levied by Distress and Sale, by Warrant as aforesaid, of any Goods and Chattels which shall be thereafter found in or upon the same.

The Landlords or Owners may be rated in cetrain Cases.

XCIV. And be it further enacted, That where the yearly Value of any Premises within the said Parish hereby made liable to be rated as aforesaid shall not amount to Eight Pounds, and also where any such Premises, whatever the yearly Value of the same may be, shall be let to any weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, the Rent whereof shall become payable or be collected at any shorter Period than quarterly, then and in every such Case it shall be lawful for the Persons making any Rate or Assessment by virtue of this Act in or by such Rate or Assessment, at their Discretion, to rate and assess the Landlord or Owner of any such Premises for the Payment of such Rate or Assessment; and in each such Case the Landlord or Owner of such Premises respectively shall, from thenceforth and until the Expiration of the Period for which such Rate or Assessment shall be made, be deemed and taken for the Purposes of this Act to be the Oc-

cupier of such Premises, and shall thereupon pay or cause to be paid such Rate or Assessment made upon and in respect of the same; and upon Nonpayment thereof the said Collector or Person appointed to receive the same is hereby authorized to levy the same by Distress and Sale of the Goods and Chattels of such Landlord or Owner wheresoever the same may be found respectively: Provided always, that where any of such Premises shall be void and unoccupied during the whole of any Period equal to a Quarter of a Year, or Two or more Quarters of a Year, the said Commissioners and their Collector are hereby authorized and required to allow and forego to the Landlord or Owner aforesaid a Proportion of the said Rate charged upon him in respect of the Quarter or Quarters of a Year during which the same Premises shall have been void and unoccupied: Provided also, that the Goods and Chattels of every Person renting or occupying any such Premises, or any Part thereof, rated and assessed by virtue of this Act, are hereby made liable and subject at all Times to be distrained and sold for Payment of the said Rate or Assessment, and of all Arrears thereof, but no such Person so renting or occupying shall at any Time be required to pay, or be subject or liable to pay, or to have his Goods or Chattels distrained and sold for or in respect of any greater Sum for or towards the Discharge of the said Rate or Assessment, or any Arrears thereof, than the Amount of the Rent actually due by such Person so renting or occupying to the Person rated in such Rate or Assessment, in respect of the Premises so occupied by him: Provided also, that every such Person so renting or occupying as aforesaid, who shall pay any such Rate or Assessment, or any Arrear thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the Amount of the Sum which shall be so paid or levied from the Rent then due or at any Time thereafter to become due from him to the Person who was liable to pay such Rate or Assessment in respect of such Pemises; and the Receipt for such Payment shall be a good and sufficient Discharge for the Person so renting or occupying as aforesaid to such Person for so much Money as he shall pay in the Manner directed by this Act.

Defining Landlords or Owners for the Purposes of this Act.

XCV. And be it further enacted, That the Person legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rent of any such Premises as aforesaid from the Tenant or Occupier thereof, shall be deemed and taken for the several Purposes of this Act to be Landlord or Owner thereof; and in all Cases in which either the Landlord or Owner is made liable by this Act, such Person so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rent of any such Premises from the Tenant or Occupier thereof, shall be liable as Landlord or Owner thereof, unless the Landlord or Owner shall be distinctly and certainly known to be such to the Satisfaction of the said Commissioners; and the Receiver or Collector of such Rent is hereby authorized to pay the said Rate and Assessment charged and payable for and on account of the said Premises, and to deduct the same out of the Rent received or to be received by him.

XCVI. And

Form of Warrant of Distress.

XCVI. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rate or Assessment to be made under or by virtue of this Act may include One or more Person or Persons, and may be in the Words or to the Effect following, *mutatis mutandis*; (that is to say,)

‘ } To the Collector of the Rates made by the Commis-
‘ to wit. } sioners for executing an Act passed in the
‘ Year of the Reign of Her Majesty Queen *Victoria*, inti-
‘ tuled [*here insert the Title of this Act*], and also to the
‘ Constables and other Peace Officers of the .

‘ WHEREAS the undersigned Persons, now or late Inhabitants, Landlords, Tenants, or Occupiers of Houses within the said ‘ Parish of *Milton*, have been duly rated and assessed under the ‘ Authority of the said Act, and there are now due from them ‘ respectively the several Sums of Money at their Names herein-after ‘ respectively set down, and which they have respectively refused or ‘ neglected to pay, as appeareth upon due Proof upon Oath to me, ‘ One of Her Majesty's Justices of the Peace for the said , ‘ and the said several Persons, having been summoned to appear before ‘ me to answer the Premises, not having shown any sufficient Cause ‘ why such Sums of Money should not be paid: These are therefore, ‘ in Her Majesty's Name, to will and require you forthwith to levy ‘ the said several Sums herein mentioned by Distress and Sale of the ‘ respective Goods and Chattels of the Persons aforesaid, rendering ‘ to them respectively the Overplus (if any), the reasonable Charges ‘ of such Summonses, Warrants, Distresses, Sale, and keeping being ‘ first deducted; and if no sufficient Distress can be had or taken ‘ that then you certify the same to me, to the end that such further ‘ Proceedings may be had as the Law doth authorize and direct; ‘ and I do hereby strictly charge and command all and singular the ‘ Constables and other Her Majesty's Peace Officers for the said ‘ County to be aiding and assisting in all things relating to the Pre- ‘ mises. Given under my Hand and Seal this Day ‘ of One thousand eight hundred and .

	Sum due.
‘ *A. B.*	
‘ *C. D.*	

Commissioners empowered to borrow Money.

XCVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time, and so often as they shall think it expedient, to borrow and take up at Interest any Sum of Money they shall judge necessary upon the Credit of the Rates or Assessments to be made or collected by virtue of this Act, and in the event of the same Sum of Money or any Part thereof being repaid by the said Commissioners, or Annuities redeemed under the said recited Act, to borrow and take up at Interest, in like Manner, any other Sum of Money, and so, *toties quoties*, but so nevertheless that there shall not be owing upon the Security aforesaid at any One Time more than the Sum of Three thousand five hundred Pounds, exclusive of the Annuities under the said recited Act, and by Writing under their Hands and Seals to assign over the Rates and Assessments, or any Part thereof, to the Person who shall advance

advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same; and the Charges and Expences of every Assignment to be made by the said Commissioners shall be from Time to Time defrayed by the said Commissioners out of the Money so to be borrowed; and every such Assignment shall be by Deed duly stamped, in which the Consideration for such Assignment shall be truly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

Form of Security.

'BY virtue of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], we, of the Commissioners appointed by or by virtue of the said Act, in consideration of the Sum of , paid to us by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to be had and holden from this Day until the said Sum of with Interest at *per Centum per Annum* for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals this Day of One thousand eight hundred and .'

Securities may be transferred.

XCVIII. And be it further enacted, That it shall be lawful for the Person entitled to any Security for Money borrowed under this or the said recited Act, or his Executors, Administrators, or Assigns, by Writing under his Hand and Seal, to transfer such Security to any Person whomsoever; which Transfer shall be by Deed duly stamped, in which the Consideration for such Transfer shall be truly stated and specified; and such Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer of Security.

'I being entitled to the Sum of secured to his Executors, Administrators, and Assigns, by virtue of an Assignment bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], upon the Credit of the Rates and Assessments granted or payable by the said Act, do hereby, in consideration of the Sum of , transfer all my Right and Title in and to the same Sum, and all Interest and other Money due and owing thereon, unto , his Executors, Administrators, and Assigns. Dated the Day of One thousand eight hundred and .'

And a Copy of every Security or Assignment which shall be made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person

interested shall at all seasonable Times have Access, and have free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Five Shillings, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the same shall be made, and his Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred; and all Persons to whom such Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any such Assignments respectively, except nevertheless as herein-after provided in respect of the Monies borrowed for Payment of the Expences of this Act.

Commissioners may borrow Money at a lower Rate to pay off Securities at a higher Rate of Interest.

XCIX. Provided always, and be it further enacted, That in case the said Commissioners can at any Time borrow any Money for any of the Purposes of this Act at a lower Rate of Interest than any Security which shall then be in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates, or any Part thereof, in the Manner aforesaid, with such Sum of Money as they shall think proper, and the Interest thereof at such lower Rate as aforesaid, to pay off and discharge any Security bearing a higher Rate of Interest, so that the whole Sum to be charged on the said Rates shall not at any One Time exceed the Sum authorized to be borrowed, raised, and charged thereon by this Act.

Mortgages and Annuities may be redeemed.

C. And be it further enacted, That every Assignment which shall be made by virtue of this Act, or may have been made by virtue of the said recited Act, shall and may be redeemed by the said Commissioners at such Time and in such Manner as they shall think fit, Three Calendar Months previous Notice in Writing under the Hands of the said Commissioners or their Clerk having been given to the Person entitled to the Sum advanced upon such Assignment, of the Intention of the said Commissioners to redeem the same; and this present Provision shall extend to the Redemption of the Annuities granted under the said recited Act, with the Consent of the Parties entitled thereto.

Application of Rates and other Monies.

CI. And be it further enacted, That all Money in the Hands of the Commissioners acting under the said recited Act, or of their Treasurer or Clerk, at the Time of the Commencement of this Act, and all Money to arise by or from the said Rates or Assessments hereby or by the said recited Act granted, and all Money to be levied or received from Time to Time by virtue of this Act, and all the Money which may be borrowed upon the Credit thereof, shall be paid to the Treasurer of the Commissioners acting under this Act, or to such Person 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 have been incurred in or shall be incident to and attending the soliciting, obtaining, and passing of this Act, and in the Repayment of any Money which shall

have beeu advanced or borrowed for defraying such Charges and Expences, together with legal Interest for the same from the Time of such Advance, and which Monies to be borrowed for the Purposes last mentioned shall have Priority over as well the Securities made under the said recited Act or this Act as also all other Debts and Liabilities whatsoever, and any Security or Securities to be executed by the said Commissioners for securing the Repayment thereof, the Principal Monies shall and may be made payable by Instalments or otherwise, as the said Commissioners shall in their Discretion direct; in the next place, in paying the Interest of all Monies and the Annuities due and owing on the Credit of the Rates and Assessments by the said recited Act granted; then in paying the Interest of all Monies hereafter to be borrowed on the Credit of the Rates and Assessments by this Act granted; then in defraying the Costs, Charges, and Expences of paving, cleansing, watching, lighting, draining, and watering the several Streets, Lanes, and other Passages and Places in the said Town, and otherwise improving the same in manner hereby directed, and of carrying the several other Purposes of this Act into execution; and afterwards in reducing, paying off, and discharging the Principal of all Monies due and owing on the Credit of the Rates and Assessments by this or the said recited Act granted, and for no other Use, Intent, or Purpose whatsoever.

For the Formation of a Sinking Fund.

CII. And be it further enacted, That any Sum not exceeding Fifteen Pounds *per Centum* on the Mortgage Debts actually owing under this or the said recited Act shall, if the said Commissioners in their Discretion think it expedient at any Time hereafter to adopt a Sinking Fund, from thenceforth be appropriated and paid out of the Rates and Assessments in order to form a Sinking Fund for the gradual Payment of all Principal Sums due under this or the said recited Act; and as often as the said Sinking Fund shall amount to the Sum of Three hundred Pounds then and in every such Case that Sum shall be applied in the Payment of an equal Amount of the said Principal Money then due and owing on the Credit of this or the said recited Act.

Commissioners may release poor Householders from the Payment of their Rates.

CIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to exonerate and release any poor Householders or Occupiers of any Houses from the Payment of all or any Part of the Rates to be assessed or imposed by virtue of this Act, for and during such Time or Times, and in such Proportions, as the said Commissioners shall think them incapable of paying.

Damages or Charges, in case of Dispute, to be settled by a Justice.

CIV. And be it further enacted, That in all Cases wherein any Payment, Damages, or Charges by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof, is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by any Justice of the Peace, and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Part thereof, or of any Dispute respecting the same, shall be settled and determined by the

the Justice by or before whom any Offender shall be convicted of such Offence; and such Justice is hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Recovery and Application of Penalties.

CV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, the Manner of levying and recovering whereof is not herein otherwise particularly directed, may, in case of Nonpayment thereof, be recovered in a summary way by the Order and Adjudication of some Justice of the Peace, on Complaint for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Payment, by Distress and Sale of the Goods and Chattels of the Offender or Person liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon any Witness touching or concerning such Offence, Matter, or Thing; and the Overplus (if any) of the Money so raised or recovered, after discharging such Fine, Penalty, or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Fines, Penalties and Forfeitures not directed to be otherwise applied shall be paid, one Moiety to the Informer, and the Remainder to the said Commissioners, to be by them applied to the Purposes of this Act, unless any such Fine, Penalty, or Forfeiture shall be incurred by the said Commissioners, and in such Case one Moiety of such Fine, Penalty, or Forfeiture shall be paid to the Informer, and the other Moiety to such public Charity as the convicting Justice shall direct; and in case such Fines, Penalties, or Forfeitures shall not be forthwith paid it shall be lawful for such Justice and he is hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance at such Time as shall be appointed for the Return of such Warrant of Distress, such Time being not more than Eight Days from the taking such Security, and which Security any such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of any such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Fines, Penalties, or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Fines, Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice shall not be required to issue such Warrant of Distress, but he is hereby required, by Warrant under his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction for the Eastern Division of the County of *Kent*, there to remain for any Time not exceeding Three Calendar Months, or until such Fine, Penalty, or Forfeiture shall be paid and satisfied,

satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

CVI. And be it further enacted, That in all Cases in which by this Act any Fine, Penalty, or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, it shall be lawful for such Justice to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Fine, Penalty, or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual, to all Intents and Purposes, as if an Information in Writing or in Print had been exhibited.

For compelling the Attendance of Witnesses.

CVII. And be it further enacted, That if any Person having been summoned as a Witness to give Evidence before any Justice of the Peace touching any Complaint for any Offence against this Act, or against any Rule or Order made in pursuance thereof, whether on the Part of a Prosecutor or of the Person complained against, a reasonable Sum for his Costs and Charges having been tendered to him, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, to be approved of by the said Justice, or appearing shall refuse to be examined on Oath or Affirmation, and to give Evidence before such Justice, then and in either of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty for obstructing the Commissioners or Officers in the Execution of this Act.

CVIII. And be it further enacted, That if any Person shall obstruct, assault, hinder, or molest any of the said Commissioners, or any Collector of Rates, or any other Officer, in the Execution or Performance of his Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue of or under the Authority of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For securing transient Offenders.

CIX. And be it further enacted, That it shall be lawful for any Commissioner under this Act, or for any Officer or Servant of the said Commissioners, or any Person rated under this Act, to seize and detain any Person whose Name and Residence shall be unknown to such Commissioner, Officer, Servant, or Rate-payer, who shall commit any Offence against this Act, and to convey him with all convenient Dispatch before some Justice of the Peace, without any Warrant or other Authority than this Act, and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Form of Conviction.

CX. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this

this Act, shall and may cause the Conviction to be drawn up according to the Form or to the Effect following; (that is to say,)

'
' to wit. } BE it remembered, that on The Day of
' One thousand eight hundred and is
' convicted before of Her Majesty's Justices of
' the Peace for the of having [*here specify the Offence or*
' *Omission, and the Time and Place when and where committed, as the*
' *Case may be*]; and I do adjudge that the said hath
' forfeited for the said Offence the Sum of . Given
' under my Hand and Seal the Day and Year first above written.'

Distress not to be deemed unlawful for Want of Form.

CXI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by the Party distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed Any act, Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay such Money into Court as he shall see fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Power of Appeal.

CXII. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rate or Assessment made in pursuance of this Act such Person shall apply for Relief to the said Commissioners at their First or Second Meeting to be held after Demand made of such Rate, and the said Commissioners are hereby authorized and empowered to grant or refuse Relief to the Person appealing, or not, and make such Order therein as to them shall seem meet; and if any Person shall think himself aggrieved by any thing done in pursuance of this Act, such Person, in any of the said Cases, may appeal to the Justices of the Peace at the then next General or Quarter Sessions of the Peace to be held for the Eastern Division of the said County of *Kent* within Six Calendar Months after the Determination of the said Commissioners or cause of Complaint shall have arisen, such Appellant first giving Eight clear Days Notice in Writing, at least, of his Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Commissioners, and within Three Days after such Notice entering into a Recognizance before a Justice of the Peace of the said County conditioned to try such Appeal, and to abide the Order of such General or Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice

being given and Recognizance entered into, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as the said Justices shall think proper; and the Determination of such General or Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Rates may be amended without being quashed.

CXIII. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, the Justices at the General or Quarter Sessions to be holden for the said County 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 against the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall be lawful for the said Justices to order a new Rate or Assessment to be made in manner herein directed.

Proceedings not to be quashed for Want of Form.

CXIV. And be it further enacted, That no Rate or Assessment, or any Proceeding to be had touching the Conviction of any Offender against this Act, or Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster*.

General Power to Justices to administer Oaths.

CXV. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

Commissioners not to be personally liable.

CXVI. And be it further enacted, That no Commissioner acting in execution of this Act shall be held or adjudged to have rendered himself personally liable to or for the Repayment of any Money or the Interest thereof, under and by virtue of this Act, or under and by virtue of the said recited Act, or either of them, by reason of his having executed or signed any Mortgage or other Instrument for the Payment of any Sum which such Commissioner shall not have bound himself to pay personally as an Individual, independent of his Office of Commissioner under this Act or the Act hereby repealed, or either of them.

Saving Rights of the Lord of the Manor of Milton.

CXVII. And be it further enacted, That nothing in this Act contained shall extend or be deemed or be construed to extend to prejudice, lessen, or defeat any Right, Interest, or Property of the Lord of the Manor and Hundred of *Milton* aforesaid as the Lord of the Fairs and Markets within the said Town or Hundred of *Milton*, of any Power, Privilege, Franchises, or Authority exercised by him, but all and every such Powers, Privileges, Franchises, and Authorities may be exercised and enjoyed in as full and ample Manner, to all

Intents and Purposes, as the same were exercised and enjoyed at any Time before the passing of this Act.

CXVIII. 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. Public Act.

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