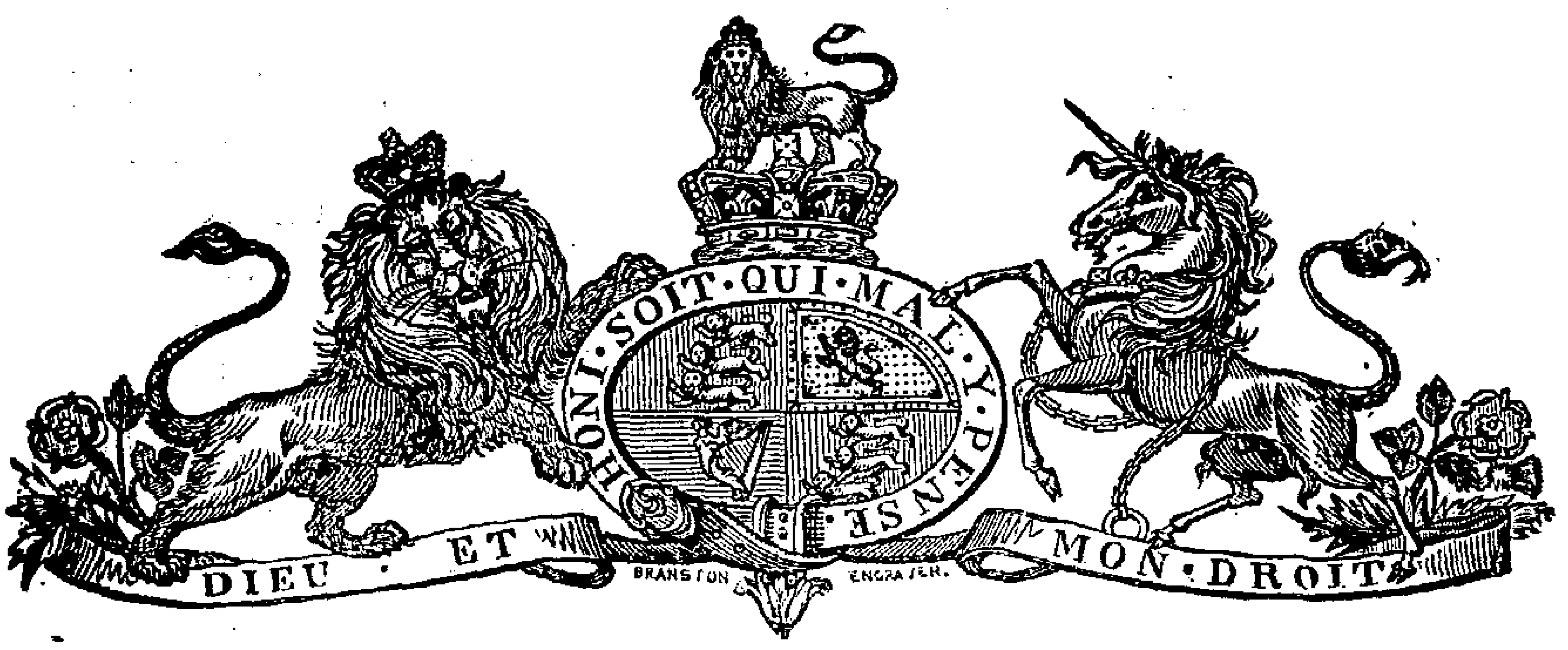


ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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Cap. lxxxvii.

An Act to amend, alter, and enlarge the Powers and Provisions of an Act for paving, lighting, cleansing, watching, watering, and improving the Town and Borough of *Sudbury* in the County of *Suffolk*. [30th *June* 1842.]

WHEREAS an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, for paving, lighting, cleansing, watching, watering, and improving the Town and Borough of *Sudbury* in the County of *Suffolk*: And whereas by the said Act Twenty-four Persons therein named were appointed Commissioners for carrying the same into execution; and it was enacted, that whenever the Number of Commissioners should by Death or Disqualification be reduced to less than Twelve, and also as often as there should be a similar Diminution of Twelve, it should be lawful for the remaining Commissioners to cause Notice to be given of such Diminution, and for such of the Inhabitants as should be assessed to the Rates under the said Act in the Sum of Five Pounds and upwards to elect and appoint such a Number of Commissioners in the Room of the Commissioners dying, removing, becoming incapable of acting, or refusing to act, as should be necessary to make up the Number of Twelve Commissioners: And whereas the said Regulation has been found inconvenient: And whereas by the said

Act it was enacted, that it should be lawful for the Commissioners, and they were thereby empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Seven thousand Pounds, upon the Credit of the Rates or Assessments to be laid and collected by virtue of the said Act: And whereas the Commissioners have proceeded in the Exercise of the Powers and Authorities vested in them by the said Act, and have borrowed and taken up at Interest the said Sum of Seven thousand Pounds, which is still due and owing: And whereas by the said Act it was enacted, that (for raising Money for defraying the Expences of obtaining and passing the same, and carrying into execution the several Purposes thereof,) the Commissioners should and they were thereby authorized and required to make and apportion Rates or Assessments within the said Borough upon Property according to the annual Value thereof respectively, as estimated from Time to Time in the Rates or respective Rates for the Relief of the Poor of the said Town, so that the same did not exceed in the whole in any One Year the several Sums and Rates therein mentioned; that is to say, upon Dwelling Houses, Shops, Workshops, Warehouses, Mills (other than Corn Mills), Factories, Coach-houses, Stables, and other Buildings, Cellars and Vaults, and upon the several Gardens, Yards, Pleasure Grounds, Pastures, and Orchards thereto belonging, such Pastures in no Instance exceeding Two Acres, the Sum of Six Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid; and upon all Messuages, and the Gardens and Orchards thereto belonging, which should for the Time being be assessed at the Sum of Forty-five Shillings and under, the Sum of Two Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid; and also upon all Water and Wind Corn Mills the Sum of Five Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid; and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments the Sum of Four Shillings in the Pound in One Year of the yearly Value thereof, to be estimated as aforesaid: And whereas the rateable Value of Property to be assessed to the Poor Rate within the said Town has, by reason of the Alteration of the Laws regulating Parochial Assessments, since the passing of the said recited Act, been more than doubled, and it is therefore expedient the said Powers and Provisions of the said Act for assessing and rating such Property should be repealed or altered, and that a lower graduated Scale of rating upon all Property to be assessed within the said Town and Borough should be authorized: And whereas the Commissioners have purchased the several Messuages, Houses, and Buildings included in the Schedule of the said Act, and also divers others in the said Town, for the Purpose of being added or laid to the Streets, Roads, and other public Places within the said Town and Borough, but the same have not yet been so appropriated, inasmuch as it is requisite for the effectual Improvement of the said Town that several other Messuages and Buildings should be first purchased for that Purpose: And whereas the Powers and Provisions of the said Act are insufficient for the effectual Improvement of the said Town and Borough, and for carrying into execution the other Purposes thereof, and are in other respects defective; and it is expedient that further Powers should

 be

be granted for the Improvement of the said Town and Borough, and for the better carrying the other Purposes of the said Act into execution, and for borrowing a larger Sum of Money than is authorized by the said Act to be raised on the Credit of the Rates thereby authorized to be made, and that the Powers and Provisions of the said Act should in other respects be amended, altered, and enlarged: 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 all the Powers, Provisions, Matters, and Things contained in the said recited Act passed in the Sixth Year of the Reign of King *George* the Fourth, except such of them as are or is varied, altered, or repealed, or repugnant to the Provisions in this Act contained, shall extend to this Act as fully as if the same were repeated and re-enacted in this Act, and the said recited Act and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as One Act.

Powers, &c. of former Act extended to this Act.

II. And be it enacted, That so much and such Part and Parts of the said recited Act of the Sixth Year of the Reign of King *George* the Fourth as enacts that no Person shall be capable of acting as a Commissioner in the Execution thereof unless he shall be possessed of such Property as is therein mentioned, nor until he shall have taken and subscribed an Oath or Affirmation in the Form and Words therein mentioned, shall be and the same is and are hereby repealed.

Repealing so much of former Act as relates to Qualification of Commissioners;

III. And be it enacted, That so much of the said recited Act of the Sixth Year of the Reign of King *George* the Fourth as enacts, that whenever and as often as the Number of Commissioners shall, by Death or Disqualification be reduced or diminished to less than Twelve, Notice thereof shall be given as therein mentioned, and that it shall be lawful for such of the Inhabitants of the Borough as shall be assessed to the Rates in the Sum of Five Pounds and upwards to assemble and to elect Persons to be Commissioners in the Room of the Commissioners dying, removing, becoming incapable of acting, or refusing to act, shall be and the same is hereby repealed.

also as relates to Election of Commissioners on Vacancies;

IV. And be it enacted, That so much of the said recited Act of the Sixth Year of the Reign of King *George* the Fourth as enacts, that it shall be lawful for the Commissioners to make One or more Rate or Rates, Assessment or Assessments, in every Year, in the following Proportions; (that is to say,) upon all Dwelling Houses, Shops, Workshops, Warehouses, Mills (other than Corn Mills), Factories, Coach-houses, Stables, and other Buildings, Cellars and Vaults, and upon the several Gardens, Yards, Pleasure Grounds, Pastures, and Orchards thereto belonging, such Pastures in no Instance exceeding Two Acres, the Sum of Six Shillings in the Pound in One Year of the yearly Value thereof; and upon all Messuages, and the Gardens and Orchards thereto belonging, which shall for the Time being be assessed at the Sum of Forty-five Shillings and under, the Sum of Two Shillings in the Pound in One Year of the yearly Value thereof; and also upon all Water and Wind Corn Mills

also as relates to Assessments and Amount of Rates.

the

the Sum of Five Shillings in the Pound in One Year of the yearly Value thereof; and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments, the Sum of Four Shillings in the Pound in One Year of the yearly Value thereof, shall be and the same is hereby repealed.

Repeal of so much of former Act as relates to the Repair of the Turnpike Roads within the Town.

V. And be it enacted, That so much and such Parts of the said recited Act as enacts or provides that nothing in the Act contained should extend or be construed to extend to release, exonerate, or discharge the Trustees or Commissioners of the several Turnpike Roads within the said Town and Borough, or the Tolls respectively arising therefrom, from the Repairs of the said Turnpike Roads, or the Custom or Liability to which they had been or might be exposed, of repairing or maintaining, or contributing to the Repair or Maintenance of so much of the same Roads as lay within the said Town and Borough, or to exempt the Trustees or Commissioners of such Turnpike Road from making, maintaining, and repairing any Causeways, Sewers, Gutters, Drains, or Watercourses within the said Borough, which the said Trustees or Commissioners were by Law liable to make, maintain, and repair, notwithstanding that under the Provisions of the Act the making, maintaining, and repairing all such Causeways, Sewers, Gutters, Drains, and Watercourses in or upon the said Turnpike Roads within the said Borough were and should be under the Management and Control of the Commissioners for executing the Act, and that such Trustees and Commissioners of the said Turnpike Roads should pay or cause to be paid to the said Commissioners for executing the Act, or to such Person as they should appoint, such Proportion of the Charge and Expence of making, maintaining, and repairing the said Causeways, Sewers, Gutters, Drains, and Watercourses as they the said Trustees or Commissioners of the said Turnpike Roads were or should be by Law liable or subject to, shall be and the same is hereby repealed.

Repeal of so much of former Act as relates to the Payment of Juries on Claims of Compensation.

VI. And be it enacted, That so much of the said recited Act as enacts, that in every Case where the Verdict of a Jury should be given for a greater Sum than previously offered or tendered by the Commissioners for the Purchase of any Lands for the Purposes of the Act, or as a Compensation or Recompence for any Damage, Loss, or Injury in the Execution of any of the Powers thereby granted, all the Costs of summoning the Jury, and of taking the Inquest, and of Witnesses, should be defrayed by the Commissioners, and be settled and determined by some Justice of the Peace, and be levied and recovered by Distress and Sale of any Goods and Chattels of the Commissioners, or of the Treasurer of the Commissioners, under a Warrant thereby required to be issued by any Justice of the Peace; but that if the Verdict of the Jury should not be given for a greater Sum than previously offered or tendered by or on behalf of the Commissioners, or if no Verdict be found for Damages, where the whole Dispute should be whether any Damage had or had not been done, that then and in every such Case one Moiety of the Costs and Expences should be defrayed by the Person or Persons with whom the Commissioners should have such Controversy or Dispute, and the other Moiety thereof should be defrayed by the Commissioners, and

and that all such Costs and Expences, having been ascertained and settled by some Justice of the Peace in manner therein-before described, should and might be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as so much Money advanced to and for his, her, or their Use, and that the Payment or Tender of the Remainder of the Money so to be determined or adjudged should be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in satisfaction of the whole thereof, shall be and the same is hereby repealed.

Repeal of so much of former Act as relates to Limitation of Actions.

VII. And be it enacted, That so much of the said recited Act as enacts, that no Action or Suit should be brought against any Person or Persons for any thing done in pursuance of the Act or in relation to the Matters therein contained, after Three Calendar Months from the Fact committed, and that every such Action or Suit should be brought and tried in the County where the Cause of Action should have arisen, and not elsewhere, and that the Defendant or Defendants in every such Action or Suit should or might, at his or their Election, plead specially or the General Issue, and give the Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance of and under the Authority of the Act, and that if the same should appear to have been so done, or if such Action or Suit should have been brought before the Expiration of Twenty-eight Days next after Notice should have been given to the Defendant or Defendants, or after sufficient Satisfaction made or tendered, or after the Time limited for bringing the same, or should be brought in any other County or Place than as aforesaid, that then and in any of the said Cases the Jury should find a Verdict for the Defendant or Defendants, and that upon such Verdict, or if the Plaintiff or Plaintiffs should be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants should have appeared, or upon any Demurrer Judgment should be given against the Plaintiff or Plaintiffs, that then and in every such Case the Defendant or Defendants should recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants had in other Cases by Law, shall be and the same is hereby repealed.

Appointment of Commissioners.

VIII. And be it enacted, That *Thomas Goldsmith*, *Branwhite Oliver*, *Thomas Jones*, Sir *Lachlan Maclean* Knight, *Henry Watts Wilkinson* Clerk, *Alexander Duff*, *James Bell*, *John Chrisp Gooday*, *William Bass*, *John Warwick*, *William Cole Adams*, *George William Andrews*, *William Baker*, *Joseph Barker*, *William Robert Bevan*, *John Clark*, *Robert Death*, *Richard Gainsborough Dupont*, *George Ely*, *John Francis Sikes Gooday*, *Joseph Garnham*, *Thomas Hibble*, *William Wood Humphrey*, *John King*, *William Doubleday King*, *George Lambert*, *Thomas Meeking*, *Benjamin Pratt*, *John Purr*, *Robert Ransom*, *Charles Ray*, *Abraham Stevens Syer*, *John Sikes*, *William Bestoe Smith*, *William Warner*, and *William Wallace*, shall be Commissioners for carrying the said recited Act of the Sixth Year of the Reign of King *George* the Fourth, and this Act, into execution.

Qualification of such of the Commissioners as have taken the Oath of Qualification under former Act.

IX. And be it enacted, That such of the Commissioners herein-before named as have, previously to the passing of this Act, and conformably with the Provisions of the said recited Act, taken and subscribed the Oath or Affirmation thereby prescribed, and as are possessed of such Property as is by the said recited Act required for the Qualification of a Commissioner for executing the same, may respectively act as Commissioners under this Act so long as they respectively shall continue qualified conformably to the Provisions of the said recited Act.

Qualification of other Commissioners.

X. And be it enacted, That every Commissioner under this Act (except such of the Commissioners herein-before named as have, previously to the passing of this Act, taken and subscribed the Oath or Affirmation mentioned in the said recited Act according to the Provisions thereof, and as are and shall continue to be possessed of such Property as is by the said recited Act required for the Qualification of a Commissioner for executing the same,) shall be a resident Inhabitant of the said Town and Borough of *Sudbury*, and shall either be rated to the Rate made for the Relief of the Poor of the said Town and Borough in the annual Sum of Thirty Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Town and Borough, of the annual Value of Twenty-five Pounds, for an Estate not less than a Life in being for his own Use, or be possessed of a Personal Estate of not less than Five hundred Pounds beyond what will satisfy all his Debts.

Same Property not to give Two Qualifications.

XI. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof.

No Bankrupt or Insolvent to be a Commissioner.

XII. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

No Person holding Office or concerned in a Contract to be a Commissioner.

XIII. And be it enacted, That if, at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under the said recited Act or this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done, under the Authority of the said recited Act or this Act, such Person shall cease to be a Commissioner.

Shareholders in Companies not disqualified by reason of Contracts.

XIV. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners, but no such Commissioner, being a Member of such Company, shall vote on any Question relating to the Execution of the said recited Act or this Act in which such Company may be interested.

Commissioner not incapable of acting as Justice.

XV. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of the said recited Act or this Act by reason of his being a Commissioner.

XVI. And

Declaration by Commissioners.

XVI. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, (and except such of the Persons herein-before named and appointed Commissioners as have previously to the passing of this Act taken and subscribed the Oath or Affirmation mentioned in the said recited Act according to the Provisions thereof,) until he shall have made and signed before One of the Commissioners a Declaration to the Effect following:

'I *A. B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament, intituled [*here insert the Title of this Act*], and also that I am a resident Inhabitant of and am rated to the Rates made for the Relief of the Poor of the Town and Borough of *Sudbury* in the annual Sum of Thirty Pounds [*or* that I am a resident Inhabitant of and am seised and possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Town and Borough, of the annual Value of Twenty-five Pounds, for an Estate not less than a Life in being, for my own Use, *or* am a resident Inhabitant of the said Town and Borough, and am in possession of a Personal Estate of not less than Five hundred Pounds Value beyond what will satisfy all my Debts].'

False Declaration a Misdemeanor.

XVII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Declaration to be taken at the first Meeting.

XVIII. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as one of such Commissioners, such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as one of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty on Commissioner acting not being qualified.

XIX. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or (except Persons having previously to the passing of this Act taken and subscribed the Oath or Affirmation prescribed by the said recited Act, according to the Provisions thereof as aforesaid,) before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of the said recited Act or this Act; nevertheless, all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated,

pacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Commissioner neglecting to act.

XX. And be it enacted, That if any Commissioner fail to act in the Execution of the said recited Act and this Act for One Year, such Commissioner shall be deemed to have refused to act, and therefore shall cease to be a Commissioner.

Commissioner re-eligible.

XXI. And be it enacted, That any Person ceasing to be a Commissioner from Failure of acting as aforesaid, or other Cause of Disqualification, and afterwards becoming again duly qualified according to the Provisions of this Act, may be re-elected at a Meeting as herein-after mentioned.

For supplying Vacancies.

XXII. And be it enacted, That if any of the Commissioners die or resign, or be disqualified, or cease to be a Commissioner from any Cause, some Person, qualified according to the Provisions of this Act to act as a Commissioner, shall be elected in the Place or Stead of each Commissioner so dying, resigning, or becoming disqualified.

Number of Commissioners.

XXIII. Provided always, and be it enacted, That no such Election shall take place until the Number of Commissioners hereby nominated shall be reduced to a less Number than Twenty-four, and thenceforth the Number of Commissioners shall not exceed Twenty-four.

Qualification of Electors.

XXIV. And be it enacted, That every Person who shall be assessed to the Rates to be raised under this Act in the Sum of Ten Pounds and upwards shall be entitled to vote in the Election of Commissioners to supply the Places of any of the Commissioners who shall die or resign, or be disqualified, or cease to be a Commissioner from any Cause.

Manner of Election for supplying Vacancies.

XXV. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat shall be held at the Town Hall or some other convenient Place in the said Borough, on the Twenty-fifth Day of *March* in each Year, or within Fourteen Days thereafter, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon; and the Mayor of the said Borough shall preside as Chairman at all such Meetings, when present, or, in his Absence, some other Person to be appointed by the Commissioners; and between the Hours aforesaid the Persons by whom such Election is to be made shall respectively deliver to the Chairman of the Meeting a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Commissioners; and the Persons, not exceeding the Number of Commissioners proper to be elected at such Meeting, having the Majority of Votes at such Election, shall be Commissioners for the Purpose of carrying the said recited Act and this Act into execution; and if at any such Election there be an Equality for Two or more Persons, the Clerk to the said Commissioners, or such Chairman, shall, if necessary

to prevent an Excess in the Number of Commissioners, decide by Lot upon the Person to be elected.

Power to purchase Lands.

XXVI. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of the Lands mentioned in the Schedule marked (A.) to this Act annexed, which they are hereby authorized to enter into and take for the Purpose of further improving the said Town and Borough, for the absolute Purchase for a Consideration in Money of any such Lands, or such Parts thereof as they shall think proper, and of all Mortgages or Incumbrances affecting any such Lands, and all other Estates and Interests in such Lands, of what Kind soever: Provided always, that the Commissioners shall not take any Quantity of the Lands of *John Sperling* or of *Thomas Jones* in *Friars Meadow*, *et cætera*, in the Parish of *Saint Gregory*, exceeding in Breadth Thirty Feet of such Lands; and the Lands so taken shall be used for the Purpose of widening and altering and diverting the Sewers running along the Side of the same, and for no other Purpose whatsoever.

Parties under Disability enabled to sell and convey.

XXVII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Consideration to be a gross Sum.

XXVIII. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for

XXIX. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by

Price of or Damage to Lands.

by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands or any Interest therein to which such Party shall be entitled; and, in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XXX. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provision herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Compensation to absent Parties to be ascertained by Valuation.

XXXI. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party who, by reason of Absence or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as Two Justices shall nominate for that Purpose; and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyances.

XXXII. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in the Schedule marked (B.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in the Commissioners, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and

assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Costs of Conveyances.

XXXIII. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences, incurred on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof, as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

XXXIV. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Chancery, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed in the usual Manner, and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party, and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in Bank of England.

XXXV. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall

shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Commissioners for improving the Town and Borough of *Sudbury*," pursuant to the Method prescribed by an Act of the Twelfth Year of
12 G. 1. c. 32. the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds, and Indorsements thereon, as likewise Indorsements on* South Sea *Bonds*, and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of
12 G. 2. c. 24. the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Case of the Suitors, by applying the Interest therefrom for answering the Charges of the Office of the Accountant General of the said Court;* and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies so deposited.

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for Application.

XXXVI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold, or converted into Money, for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

XXXVII. And

Sums from 20*l.* to 200*l.* to be deposited, or invested in Trustees.

XXXVII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled, and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees, but such last-mentioned Application of the Monies shall not be made unless the Commissioners approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of Five of the Commissioners; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XXXVIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

XXXIX. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same; or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners; or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Parties interested in such Lands (describing them, so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners, or to the Party paying

in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Application of Monies so deposited.

XL. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, the said Court of Chancery may in a summary Way, as to such Court shall seem fit, order the same to be laid out or invested in the Public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c. or Reversions, as they may think just.

XLI. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into the Court of Chancery shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reverson dependent on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid, in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be Owner.

XLII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

XLIII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of

the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Payment of Price to be made previous to Entry.

XLIV. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Lands, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

XLV. And be it enacted, That if the Commissioners or any of their Contractors shall wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in possession of such Lands the Sum of Ten Pounds over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before Two Justices; and if the Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of such Lands, with full Costs of Suit, in any of the Superior Courts: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid, if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands, to any Persons whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto.

Decision of Justices not conclusive as to Commissioners Right.

XLVI. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the Justices under the Provision herein-before contained shall not be held conclusive as to the Right of Entry on any such Lands by the Commissioners.

XLVII. And

Notice of Intention to take Lands.

XLVII. And be it enacted, That when the Commissioners shall require to purchase any of the Lands which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the Execution of the Improvements.

Parties interested in Lands to state their Claims.

XLVIII. And be it enacted, That if, for One Month after the Receipt of such Notice, any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Improvements, the Amount of such Compensation shall be settled in the Manner herein-after provided for settling Cases of disputed Compensation.

Proceedings in case of Refusal to deliver Possession of Lands.

XLIX. And be it enacted, That where, according to the Provisions of this Act, the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of the Improvements, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to issue their Precept under the Hands of Five of them to the Sheriff to deliver Possession of the same to the Person appointed in such Precept to receive the same, and upon the Receipt of such Precept the Sheriff shall deliver Possession of any such Lands accordingly; and the Costs accruing by reason of the issuing and Execution of such Precept, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession, and such Costs, if not paid, on Demand, shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Dispute as to Compensation to be settled by a Jury.

L. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Improvements, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest

Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands or to proceed in the Execution of the Improvements, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands in the Execution of the Improvements, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Claims not exceeding 50*l.* to be settled by Two Justices.

LI. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds the same shall be settled by Two Justices.

Notice by Commissioners of Intention to have a Jury summoned.

LII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Warrant for summoning a Jury as herein-after provided, the Commissioners shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the Improvements.

Requisition by Party claiming Compensation that a Jury be summoned.

LIII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the Improvements, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Warrant to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Warrant for summoning a Jury to be addressed to the Sheriff.

LIV. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Commissioners shall issue their Warrant to the Sheriff under the Hands of Five of them, requiring him to summon a Jury for that Purpose, and if such Sheriff be interested in the Matter in dispute, by being one of the Commissioners, or otherwise, such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate, and if all the Coroners of such County be so interested such Application may be made to some Person having filled the

Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute, and with respect to the Persons last mentioned Preference shall be given to One who shall have most recently served either of the said Offices.

Provisions applicable to Sheriff to apply to Coroner.

LV. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term "Sheriff" is used the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff, such Sheriff shall, immediately on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the County where the Lands in question shall be situate.

Summoning of Jurymen.

LVI. And be it enacted, That upon the Receipt of such Warrant the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at the Time and Place named in the Warrant for that Purpose.

Impannelling of Jury.

LVII. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Issues joined in the Superior Courts are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other indifferent Men, duly qualified as aforesaid, of the Bystanders or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen, but no such Party shall challenge the Array.

Notice of Inquiry.

LVIII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Inquiry shall be given in Writing by the Commissioners to the other Party.

Sheriff to preside.

Witnesses to be summoned.

LIX. And be it enacted, That the Sheriff shall preside on the said Inquiry, and the Party claiming Compensation shall be deemed the Plaintiff, and shall have all such Rights and Privileges as the Plaintiff is entitled to in the Trial of Actions at Law; and, if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and, on the like Request, the Sheriff shall order the Jury, or any Six or more of them, to view the Place or Matter in controversy, in like Manner as Views may be had in the Trial of Actions in the Superior Courts.

Oath of Jurymen.

LX. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and

the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury for Purchase of Lands and for Damage to be assessed separately.

LXI. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Improvements, or of any Interest therein, belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Commissioners, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Improvements, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage of which the Cause is then only in part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Value of Interests previously purchased to be deducted.

LXII. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Commissioners shall be first deducted.

Verdict and Judgment to be recorded.

LXIII. And be it enacted, That the Sheriff before whom such Inquiry shall be held shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and, being so signed, shall be kept by the Clerk of the Peace among the Records of the Quarter Sessions of the County in which the Lands, or any Part thereof, shall be situate, in respect of which such Purchase Money or Compensation shall have been awarded; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom, on paying for each Inspection thereof One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Inquiry.

LXIV. And be it enacted, That on every such Inquiry before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Inquiry shall be borne by the Commissioners; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Commissioners, One Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where, by reason of Absence in foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

LXV. And

Particulars of the Costs.

LXV. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the Commissioners, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to any Justice he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

LXVI. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial or Inquiry, he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act, whether common or special, do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Inquiry, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Issue joined in any of the Superior Courts.

Penalty on Witnesses making Default.

LXVII. And be it enacted, That if any Person duly summoned to give Evidence upon any such Inquiry, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

Special Jury to be summoned at the Request of either Party.

LXVIII. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and, before the Commissioners have issued their Warrant to the Sheriff, give Notice in Writing of such Desire, such Question shall be so tried, and for that Purpose the Commissioners shall, by their Warrant to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him,

him, for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts, and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties, and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty, in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency of Jurymen.

LXIX. And be it enacted, That the Special Jury on such Inquiry shall consist of Twelve of the said Twenty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if, after such Challenges, a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons, qualified to act as Special or Common Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury; and such Trial shall be attended in all respects with the like Incidents and Consequences as herein-before provided in the Case of a Trial by Common Jury.

Other Inquiries before same Special Jury by Consent.

LXX. And be it enacted, That any other Inquiry than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Special Jurymen not to attend more than once.

LXXI. And be it enacted, That no Special Juryman shall, without his Consent, be summoned or required to attend any such Proceeding as aforesaid more than once in any Year.

Reference of Dispute as to Compensation to a Justice or Sheriff.

LXXII. And with respect to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of Two Justices, be it enacted, That either Party may apply to such Justices in respect to any such Matter, and thereupon such Justices, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to them, as to them shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Justices, and they shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Justices the same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Limiting the Time for compulsory Purchase.

LXXIII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Commissioners empowered to make Improvements.

LXXIV. And be it enacted, That, subject to the Provisions and Restrictions in this Act contained, it shall be lawful for the Commissioners to take down and remove and appropriate, as they shall think proper, any Messuages, Buildings, and Land to be purchased as aforesaid for the further Improvement of the said Town and Borough.

Provision for Deficiency in Land Tax.

LXXV. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax occasioned by the making of the Street in the several Parishes wherein the same or any Part thereof may be situate, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax, the Commissioners shall from Time to Time, until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, be liable to make good the Deficiency arising within such Parishes by reason of such Lands having been taken or used for the Purposes of the Works; and such Deficiency shall be computed according to the Rental at which such Lands were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of such Assessments; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Road Trustees not to collect Toll within the Limits of the Act.

LXXVI. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll, or repair, or expend any Money on any Road which shall lie within a Radius of One Quarter of a Mile from the *Swan* Inn in the Centre of the Town of *Sudbury*, or on any Part of the said Town having Houses on each Side of the Road to the Extent of One hundred Yards.

Fire Engines and Firemen may be provided by the Commissioners.

LXXVII. And be it enacted, That it shall be lawful for the Commissioners to purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Apparatus for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and to purchase, keep, or hire such Horses for drawing such Engines as they shall think fit, and to build, provide, or hire Places for keeping such Engines and other Apparatus, and to employ a proper Number of Persons to act as Firemen, and to allow them such Salaries, and to make such Rules for their Regulation, as they shall think proper, and to give such Firemen and other Persons such Rewards for their Exertions in Cases of Fire as they shall think fit.

Power to Commissioners to provide House for Meeting.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners to purchase, hire, or rent from any Person any Building for the Purpose of holding the Meetings and transacting the Business

of the Commissioners, and to furnish and fit up the same, and to employ proper Persons to take care thereof.

Houses on Market Hill to be taken down.

LXXIX. And be it enacted, That the Houses and Buildings on the *Market Hill* which have been or may hereafter be purchased by the said Commissioners shall be taken down, and the Sites thereof laid into the Streets, and the said Commissioners shall apply the Money arising from the Rents of such Houses and Buildings, until taken down, in the Purchase of the other Houses on the said *Market Hill* by this Act authorized to be taken.

Commissioners may exercise certain Powers for diverting Roads, &c.

LXXX. And inasmuch as the District within this Act comprises a large Quantity of Land used for agricultural Purposes, and also open Common Meadows and Pasture or Lammas Lands, it is expedient that Power should be given for stopping up, diverting, and altering unnecessary or inconvenient Highways, Bridle Roads, and Footways within the same; be it therefore enacted, That it shall be lawful for the Commissioners assembled at any Meeting, by Writing under the Hands of any Five or more of them, with the Consent of any Two Justices of the Peace for the said Borough, to order and direct any Highway, Bridle Road, or Footpath, or any Part of any Highway, Bridle Road, or Footpath, that they shall deem useless or unnecessary, or that may for public Convenience require to be altered, diverted, turned, or stopped up, to be altered, diverted, turned, or stopped up, either wholly or in part, at any future Time to be mentioned in such Order.

Proceedings previously to stopping up and diverting Roads, &c.

LXXXI. Provided always, and be it enacted, That before any public Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the Commissioners, or any such Order of Two Justices shall be made, the Commissioners shall cause to be affixed, at each End of such Highway, Bridle Road, or Footpath, a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioners; and the Commissioners shall also cause the same Notice to be given by Advertisement in some One County Newspaper for Four successive Weeks, and also on the Church Doors of the several Parish Churches within the Borough on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given, and after such Order as herein-before mentioned shall have been made, such Highway, Bridle Road, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject, however, to such Appeal as is hereinafter mentioned.

Appeal to Quarter Sessions.

LXXXII. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered, as the Case may be, within Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Court of Quarter Sessions of the said Borough, upon giving to the Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof, but it shall not be lawful for the Appellant

Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Quarter Sessions to determine whether old Roads, &c. shall be discontinued.

LXXXIII. And be it enacted, That in case of such Appeal the Court at such Quarter Sessions shall, for the Purpose of determining whether such Highway, Bridle Road, or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that such Highway, Bridle Road, or Footpath is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Commissioners, and the same shall be recoverable in the same Manner as any Penalties or Forfeitures are recoverable under the said recited Act; but if the said Jury shall return a Verdict that such Highway, Bridle Road, or Footpath is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the Commissioners out of their Funds.

Parties may appeal to Quarter Sessions on giving Security.

LXXXIV. And be it enacted, That if any Person shall think himself aggrieved by any Rate or Assessment made by virtue of this Act, or by any Order, Determination, or Adjudication of any Justice, or of the Commissioners, under the Provisions of this Act, he may appeal to the General Quarter Sessions for the said Borough; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they shall think reasonable.

LXXXV. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination,

mination, or Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

Power to borrow the further Sum of 4,000*l.*

LXXXVI. And for effecting such Improvements, and carrying the said recited Act and this Act into execution, be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money which, together with the said Sum of Seven thousand Pounds previously borrowed as aforesaid, shall not exceed the Sum of Eleven thousand Pounds, and, in the event of any Part of such Sum of Money being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*, but so, nevertheless, that there shall not be owing on the Security aforesaid any more than the Sum of Eleven thousand Pounds in the whole at any One Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Three of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall 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.

Form of Mortgage.

LXXXVII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated, and every such Deed shall be under the Hands and Seals of Three of the Commissioners, and may be according to the Form of Mortgage or Assignment prescribed by the said recited Act in respect of any Assignment of the Rates thereby authorized to be raised, or to the like Effect.

Assignment of Mortgages.

LXXXVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment may transfer his Right and Interest therein to any other Person by Deed in Writing duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form of Transfer of Securities prescribed by the said recited Act in respect of any Transfer of Securities thereby authorized to be made, or to the like Effect:

Transfers of Interest to be stamped.

LXXXIX. And be it enacted, That the Interest on any such Mortgage or Assignment shall not be transferrable, except by Deed duly stamped.

Repeal of Rates not to affect existing Mortgages.

XC. Provided always, and be it enacted, That the Rates and Assessments by this Act granted, and all Monies to arise in respect thereof, shall be and are hereby made liable to the Repayment of all Monies borrowed on the Credit of the former Rates and Assessments, and to the Payment of all Interest due and to accrue upon any

existing Mortgage of such Rates and Assessments, according to the Conditions of the Mortgage in respect of such former Rates.

For preventing improvident Grants of Annuities.

XCI. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any Annuity to be granted, under the Powers and Provisions of the said recited Act and this Act, on the Rates and Assessments by this Act authorized to be made, shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Power to make Rates.

XCII. And in order to raise Money for carrying the several Powers of the said first-recited Act and of this Act into execution, be it enacted, That it shall be lawful for the said Commissioners, in every Year after the passing of this Act, to be computed from the Day of the passing thereof, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by the said Commissioners, upon the Occupiers of all Dwelling Houses, Shops, Workshops, Water, Steam, and Wind Corn Mills, and other Mills, Warehouses, Factories, Coach-houses, Stables, and other Buildings, Cellars and Vaults, and upon the several Gardens, Yards, Pleasure Grounds, Pastures, and Orchards thereto belonging, and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments within the said Town and Borough, according to the annual Value of the same, so as such Rates or Assessments do not exceed in any One Year the Sums following; that is to say, upon all Dwelling Houses, Shops, Workshops, Mills (other than Water Corn, Steam, and Wind Corn Mills), Warehouses, Factories, Coach-houses, Stables, and other Buildings, Cellars and Vaults, and upon the several Gardens, Yards, Pleasure Grounds, Pastures, and Orchards thereto belonging, (such Pastures in no one Instance exceeding Two Acres,) the Sum of Three Shillings in the Pound on such annual Value; and upon all Messuages, and the Gardens and Orchards thereto belonging, which shall for the Time being be assessed at the Sum of Three Pounds Fifteen Shillings and under, the Sum of One Shilling in the Pound on such annual Value; and also upon all Water Corn, Steam, and Wind Corn Mills, the Sum of Two Shillings and Sixpence in the Pound on such annual Value; and upon all Dwelling Houses and other Buildings beyond any of the present Streets and Buildings, and distant Fifty Yards or more from any public Lamp, (except Houses which shall be assessed at the Sum of Three Pounds Fifteen Shillings and under,) and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments within the said Town and Borough, the Sum of Two Shillings in the Pound on such annual Value, except as herein-after provided.

Rates may be increased.

XCIII. And be it enacted, That if it shall at any Time appear that the said respective Sums of Three Shillings, One Shilling, Two Shillings and Sixpence, and Two Shillings in the Pound are not sufficient for the Purposes aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of Rate-payers assessed at Four Pounds and upwards, assembled at the annual Meeting for

the Settlement of Accounts, to increase the Rates, so as the same do not in any One Year exceed the respective Sums of Four Shillings, One Shilling and Four-pence, Three Shillings and Four-pence, and Two Shillings and Eight-pence in the Pound on such respective annual Values as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them, and signed by the Chairman of any Meeting of the Commissioners, One Month previous to such annual Meeting, by affixing the same on the Town Hall of the said Borough.

Assessments to be according to the Poor's Rate.

XCIV. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the Assessment for the Relief of the Poor in operation at the Time of making such Assessment within the said Town and Borough.

Owners to pay the Rate in certain Cases.

XCV. And be it enacted, That the Owners of all rateable Property within the said Town and Borough, the yearly Rent or Value whereof respectively shall not exceed Three Pounds Fifteen Shillings, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Application of Monies.

XCVI. And be it enacted, That the Monies which shall arise from the said Rates, or other Money to be received by the Commissioners under the said first-recited Act and this Act, shall be applied, in the first place, in Payment of the Expences of obtaining and passing this Act, and, secondly, in the same Manner as is mentioned and declared in the said first-recited Act with respect to the Monies to be raised under the Provisions thereof, so far as the same shall be applicable.

Annual Account to be transmitted to the Clerk of the Peace.

XCVII. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of the said recited Act or this Act for the past Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Suffolk*, or to the Clerk of the said Borough, on or before the Thirty-first Day of *January* in each Year, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Penalty on suffering Dogs to go at large after Notice.

XCVIII. And be it enacted, That if any Person shall, after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness, suffer any Dog to be at large within the Limits of this Act during the Time specified in such Notice, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

XCIX. And

Dogs suspected to be mad may be destroyed.

XCIX. And be it enacted, That it shall be lawful for any Constable or other Officer appointed by the Watch Committee of the said Town to destroy any Dog or other Animal within the said Town reasonably suspected to be in a rabid State, or to have been bitten by any Dog or Animal reasonably suspected to be in a rabid State.

Penalty for suffering mad Dogs to be at large.

C. And be it enacted, That the Owner of any such Dog or Animal, who shall permit the same to go at large within the Limits of the said Borough after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Five Pounds.

Power to impound stray Cattle.

CI. And be it enacted, That if any Horse, Cattle, or other Animal, shall at any Time be found at large in any of the Streets, Roads, or Lanes of the said Town, without any Person therewith claiming the same, or shall be found in any of the Roads, Lanes, or other public Places damaging the Hedges and Fences, it shall be lawful for any Constable, Ranger of the Commons, or other Peace Officer, or for any of the Inhabitants or Persons residing within the said Borough, to seize and impound any such Horse, Cattle, or Animal in the common Pound of the said Borough, or in such other Place as the Commissioners shall appoint for that Purpose, and to detain the same there until the Owner thereof shall for each Animal so impounded pay a Sum of Money not exceeding Ten Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding the same, besides the Damage, and the reasonable Expences of impounding and keeping the same.

Persons guilty of Pound Breach or Rescue of Distress to be committed for Three Months.

CII. And be it enacted, That in case any Person shall release or attempt to release from the Pound or Place where the same shall be impounded any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, 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 attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal 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, forfeit and pay any Sum not exceeding Forty Shillings, or be committed to the Common Gaol or House of Correction, there to remain without Bail for any Time not exceeding Three Months.

Penalty of 40s. for certain Offences.

CIII. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, in any Street within the Limits of the said Borough, shall commit any of the following Offences; (that is to say,)

Every Person who shall use any Dog for the Purpose of drawing or helping to draw any Cart, Carriage, Truck, or Barrow:

Every

Every common Prostitute or Night-walker loitering in any Thoroughfare or public Place, for the Purpose of Prostitution or Solicitation, to the Annoyance of Inhabitants or Passengers:

Every Person who shall use any threatening, abusive, or insulting Words or Behaviour, with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned:

Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell, or by knocking at any Door, without lawful Excuse, or by wrenching off or attempting to wrench off any Knocker or Handle to any Door or Bell:

Every Person who shall fly any Kite or play at any Game to the Annoyance of the Inhabitants or Passengers, or who shall make or use any Slide upon Ice or Snow, to the common Danger of the Passengers:

Every Person who shall remove any Dung, Manure, or other offensive Matter from any House or Yard into any public Street or Place, or shall therein load or unload into or from any Waggon or other Carriage any such Dung, Manure, or other offensive Matter, between the Hours of Ten of the Clock in the Morning and Ten of the Clock in the Evening.

Publication of Penalties.

CIV. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under the said recited Act or this Act, be it enacted, That from Time to Time the Commissioners shall publish the short Particulars of the several Offences for which any such Penalty is imposed by the said recited Act or this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Commissioners; and such Particulars shall be renewed as often as the same, or any Part thereof, is obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing Boards used for such Publication.

CV. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by the said recited Act imposed may be recovered.

Penalties to be summarily recovered before Two Justices or more.

CVI. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act or the said recited Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justices; and on the Complaint being made to any One Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and

every such Summons shall be served on the Party offending, either in Person, or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Justices shall think fit.

Penalties to be levied by Distress.

CVII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Two or more Justices shall issue the Warrant accordingly.

Imprisonment in default of Distress.

CVIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices, then such Justice shall cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Tender of Amends.

CIX. And with respect to Actions brought in respect of any Proceeding under the Provisions of the said recited Act or this Act, be it enacted, That if before Action brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of the said recited Act or this Act, or by virtue of any Power or Authority thereby or hereby given, make Tender of sufficient Amends to the Party injured, such Party shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

CX. And

Interpretation Clause.

CX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Sheriff" shall include Under Sheriff or other legally competent Deputy:

The Word "Justice" shall mean Justice of the Peace for the County, City, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

The Word "Rate" shall include any Rate or Charge or other Payment payable under this Act, for carrying the Purposes of this Act or the former Act into execution:

The Word "Commissioners" shall mean the Commissioners for executing this Act and the recited Act of the Sixth Year of the Reign of King *George* the Fourth:

The Word "Person" shall include Corporation, whether Aggregate or Sole.

Public Act.

CXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Description of Property.	Owners or reputed Owners.	Occupier.
Parish of Saint Peter.		
Stable and Brewhouse, Newton Road	Edmund Stedman	Edmund Stedman.
House, Ditto	Ditto	Unoccupied.
House, Cornard End	Ditto	William Hasell.
House, Newton Road	Robert Frost Stedman	John Smith.
House, Cornard End	James Durham	James Durham.
House, Ditto	Ditto	John Dynes.
House, Ditto	Ann Simkin	Ann Simkin.
House, Ditto	Ditto	James Mingay.
House, Ditto	Ditto	Isaac Smith.
House, Ditto	Ditto	James Hasell.
House, Ditto	Frances Murrells	Frances Murrells.
House, Ditto	Thomas Mills senior	Thomas Mills senior.
House, Ditto	Ditto	George Mills.
House, Ditto	Ditto	Ann Clark.
House, Borehamgate Street	James Goddard	James Goddard.
House and Shop, Market Hill	Samuel Simkin	Samuel Simkin and William Simkin.
House and Butcher's Shop, Ditto	James Bell	Samuel Collis.
House and Shop, Ditto	Mary Ray	Mary Ray.
House, Market Hill and Chequer Lane	Sarah Holman	Sarah Holman.
House, Chequer Lane	Ditto	George Frost.
House, Ditto	Ditto	Unoccupied.
House, the George Inn	Messieurs Robert Ransom, William Goldsmith, Alexander Duff, John Chrisp Gooday, Branwhite Oliver, Henry Watts Wilkinson, William Wallis, Joseph Barker, William Spooner, William Warner, Thomas Hibble, Samuel Keeble, William Dowman, Joseph Garnham, and Abraham Stevens Syer, Trustees of the Borough of Sudbury	Robert Shelly.

Description of Property.	Owners or reputed Owners.	Occupier
House, Wigan End - -	William Alston - -	George Strutt.
House, Ditto - - -	Ditto - - -	Ditto.
House, Ditto - - -	Ditto - - -	Thomas Cook.
House, North Street - -	John Clark - -	Golding Herbert.
House, Ditto - - -	William Brock - -	James Brunning.
House, Ditto - - -	Ditto - -	William Davies.
House, Back Lane, North Street	George Ward - -	Edward Smith.
House, Ditto Ditto -	Ditto - - -	James White.
House, North Street - -	John James - - -	Unoccupied.
House, the Horn Inn - -	Alexander Duff senior -	Ambrose Sillitoe.
House, North Street - -	Susan Brown - -	William Strutt.
House, Ditto - - -	Alexander Duff senior -	James Game.
House, Ditto - - -	Ditto - -	Jane Bitten.
House, Ditto - - -	Ditto - - -	Henry Wheeler.
House, Ditto - - -	Ditto - -	William Brock.
Such Part of the Churchyard on the North Side of Saint Peter's Church as extends beyond the Distance of Ten Feet from the said Church -	Incumbent - -	The Churchwardens of Saint Peter.

Parish of Saint Gregory.

House, Stour Street - -	James Hasell - -	James Hasell.
A Piece of Land called the Tenterfield, with the Houses and Warehouses thereupon built, Gregory Street - -	Alexander Duff senior -	Alexander Duff senior, Jonathan Hale, John James, John Strutt, and William Smith.
Piece of Land, North Meadow -	Earl Howe - -	John Green.
Two Houses and Garden, North Street - - -	James Twight - -	Thomas Goody and —— Smith.
Three Cottages, Ditto - -	Mary Philpott - -	Samuel Filer, John Scott, and One void.
Two Cottages and Garden, and Outbuildings, Ditto - -	Elizabeth Potter - -	Mrs. Fisher and herself.
Cottage, Back of Ditto - -	John Chrisp Gooday -	Widow Moulton.
Stable - - - -	Ditto - - -	John Francis Sikes Gooday.
Ground, Slaughter-house, and Buildings - - -	James Bell - -	Samuel Collis.
House and Premises - -	William Brand - -	Robert Mears.
Piece of Land - - -	John Chrisp Gooday -	Himself.
Ditto - - -	Thomas Jones - -	Himself.
Ditto - - -	Henry Baldwin - -	Himself.
Ditto - - -	—— Sperling - -	William Sparrow.
Rights of Commons - -	Mayor and Burgesses of Sudbury - -	Themselves.
Piece of Land - - -	Thomas Jones - -	Himself.
Ditto - - -	River Stour Navigation Company - -	Themselves.

Description of Property.	Owners or reputed Owners.	Occupier.
Parishes of Saint Peter and Saint Gregory.		
A Piece of Land called the Lion Garden, situate in the Parishes of Saint Peter and Saint Gregory aforesaid, or in One of them - - -	Henry Watts Wilkinson -	George Davis.
Parish of All Saints.		
House, Cross Street - -	Ann Simmonds - -	Daniel Hibble.
House, Ditto - - -	Elizabeth Wyatt - -	Elizabeth Spareham.
House, Ditto - - -	Ditto - - -	James Fish.
House, Ditto - - -	Ditto - - -	Charles Hicks.
House, Ditto - - -	Ditto - - -	James Bell.
Wall and Piece of Ground, Ditto	John King - -	Unoccupied.
House, Ditto - - -	William Wiffin - -	William Wiffin.
House, Ditto - - -	James Handey - -	William Cross.
House, Ditto - - -	Ditto - - -	Jeremiah Bacon.
House, Ditto - - -	Decimus Sewell - -	James Saxby.
House, Ditto - - -	Ditto - - -	Charles Holland.
House, Ditto - - -	Sarah Jones - -	George Coates.
House and Yard, Ditto - -	James Bell - - -	Isaac Overall.
House, Ditto - - -	Ditto - - -	John Ware Bonney.
Part of a Wall, Land, and Glazier's Shop, Church Street -	Francis Cunningham -	Joseph Taylor.
Stable, Church Street - -	Ditto - - -	Giles George Whorlow.
House, Ditto - - -	Margaret Stammers -	James Read.
House, Ditto - - -	Ditto - - -	Robert Petley.
Large Bow Window, Ditto -	Joseph Goody senior -	Joseph Goody senior.

SCHEDULE (B.)

Form of Conveyance.

I of in consideration of the Sum of paid to me [*or, as the Case may be,* into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, ex parte "The Commissioners for improving the Town and Borough of Sudbury," (*or* to *A. B.* of and *C. D.* of Two Trustees appointed to receive the same,)] pursuant to an Act passed in the Fifth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend," *&c.*, by "The Commissioners for improving the Town and Borough of Sudbury," do hereby convey to the said Commissioners, their Successors and Assigns, all [*describing the Premises*

mises to be conveyed], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the Premises to the said Commissioners, their Successors and Assigns for ever, acording to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and .

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