ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. cccxlix.

An Act for paving, lighting, watching, cleansing, regulating, and otherwise improving the Town of *Tunbridge Wells* in the Counties of *Kent* and *Sussex*.

[3d *August* 1846.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for lighting, watching, cleansing, regulating, and otherwise improving the Town of* Tunbridge Wells *in the Counties of* Kent *and* Sussex, *and for regulating the Supply of Water and establishing a Market within the said Town:* And whereas the said Town of *Tunbridge Wells* is situate in Three several Parishes, and it is expedient that the Repairs and Maintenance of the Streets, Roads, and public Passages and Places in the said Town should be put under the Care and Management and Control of the Commissioners for executing this Act, with Powers to pave and water the same: And whereas some of the Powers and Provisions of the recited Act have been found defective, and it is expedient that the same should be repealed, and that other Powers and Provisions should be granted and made in lieu thereof or in addition thereto: May it therefore please Your Majesty that it 5 & 6 W. 4. c. 72.

may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the recited Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, except all the Powers, Provisions, Matters, and Things therein contained in relation to or concerning the Establishment, opening, Maintenance, or Management of a Market upon the Estate called *Calverley* Estate, or in relation to or concerning *John Ward* Esquire, his Heirs and Assigns, or the Owner or Lessee for the Time being of the said *Calverley* Estate or Market, or in relation to or concerning the Continuation, Construction, Maintenance, or Management of the present or future Waterworks for the Supply of Water to the Inhabitants of the said Town of *Tunbridge Wells*, or in relation to or concerning *Henry* late Earl of *Abergavenny*, his Heirs and Assigns, and the said *John Ward*, his Heirs and Assigns, or the Owner or Lessee for the Time being of the several Springs of Water in the recited Act mentioned, shall be and the same is, except as aforesaid, hereby repealed.

Recited Act repealed, except such of its Provisions as relate to the Calverley Estate, or Markets or Waterworks, being private Property.

II. Provided always, and be it enacted, That the partial Repeal of the recited Act shall not extend to annul any Rate made in pursuance of the recited Act, but the same shall continue in force and be paid to the Commissioners for executing this Act, and the same, and all Arrears thereof, shall be collected and recovered by the same Ways and Means as any Rates made in pursuance of this Act, or any Arrears thereof, may under this Act be collected and recovered.

Rates under recited Act to continue in force.

III. And be it enacted, That all Rates due or in arrear from any Person, and all Monies due to and all Property and all Choses in Action vested in the Commissioners under the recited Act at the Time of the passing of this Act, and all Contracts, Bonds, and Engagements entered into with, to, or by the Commissioners under the recited Act, shall immediately after the passing of this Act be vested in the Commissioners appointed for carrying this Act into execution, who may sue for, recover, and enforce the same, and act in respect thereof, as effectually as if the same had been vested in or entered into with them under this Act; and the Commissioners for carrying this Act into execution shall be liable to all the Contracts, Bonds, Debts, and Engagements to which the Commissioners under the recited Act were liable at the Time of the passing of this Act.

Rates and Property under recited Act vested in the Commissioners.

IV. And be it enacted, That the Repeal of the recited Act shall not extend to prevent the suing for or Recovery of any Penalty incurred in respect of any Offence against the Provisions of the recited Act previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or which might have been brought for any such Offence, but all Penalties which have been incurred before the passing of this Act, under the Provisions of the recited Act, may be sued for and recovered under the Provisions of this Act; and all Offences which have been committed before the passing of this Act, against the Provisions of the recited Act, may be prosecuted under the Provisions of this Act.

Repeal of recited Act not to prevent Recovery of Penalties, &c.

V. And

Officers appointed under recited Act to continue.

V. And be it enacted, That every Person appointed to an Office or Employment under the recited Act shall hold and enjoy his Office and Employment, together with the Salaries and Allowances thereunto annexed, until he shall be removed therefrom by the Commissioners for carrying this Act into execution: Provided always, that every Person holding any such Office or Employment shall be subject to the Provisions of this Act, and to the like Penalties and Powers of Removal, and to the like Rules, Regulations, and Proceedings, as if he had been appointed by virtue of this Act.

Officers under recited Act to account.

VI. And be it enacted, That every such Person, and also the Treasurer of the Commissioners under the recited Act, who shall have in his Custody or Power any Money collected or received by virtue of the recited Act, or any Books, Deeds, Papers, Writings, or Effects belonging to such Commissioners, or relating to the Execution of the recited Act, shall be liable to account for such Monies, and to deliver up all such Books, Deeds, Papers, Writings, and Effects, to the Commissioners for carrying this Act into execution, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officer, Person, and Treasurer had been appointed by the Commissioners for carrying this Act into execution, and shall be liable to the Payment of and shall pay all such Monies to the Commissioners for carrying this Act into execution, or to the Treasurer to be appointed in pursuance of this Act, and shall be subject to the Provisions of this Act for the Recovery thereof in case of Refusal or Neglect.

Books under recited Act to be Evidence under this Act.

VII. And be it enacted, That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever, of the Commissioners under the recited Act, kept according to the Directions of the recited Act, and made Evidence thereby, or which might have been received as Evidence at the Time of the passing of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Short Title.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Tunbridge Wells* Improvement Act, 1846."

Commissioners.

IX. And be it enacted, That every Male Person of full Age who shall be seised in Fee or for Life or Lives, or who shall be Mortgagee in possession or in receipt of the Rents and Profits of any Freehold Messuage, Building, Land, or Tenement rated or rateable by virtue of this Act, of the clear yearly Value of Fifty Pounds at the least, or who shall be possessed, either as Lessee or Assignee, of any such Premises for a Term of Years of a clear yearly Value of not less than Fifty Pounds, over and above all Ground and other Rents to which the same may be subject, or who shall occupy as Tenant any such Premises, and shall *bonâ fide* be liable to a yearly Rent for the same of not less than Fifty Pounds, and shall be rated for the same, and shall have duly taken and subscribed, before the passing of this Act, the Oath or Affirmation in the recited Act mentioned, (or shall have

have made and subscribed the Declaration herein-after mentioned), shall be a Commissioner for carrying this Act into execution; and such Commissioners shall be called "The *Tunbridge Wells* Improvement Commissioners."

Same Property not to qualify Two Commissioners.

X. 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.

XI. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified according to the Provisions of this Act, shall be capable of being or continuing a Commissioner.

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

XII. And be it enacted, That if at any Time any Commissioner shall accept or continue to hold any Office or Place of Profit under this Act, or be interested or concerned in any Contact, or participate in any Manner in any Work to be done or Materials to be supplied under the Authority of this Act, such Person shall cease to be a Commissioner.

Shareholders in Joint Stock Companies not disqualified to be Commissioners.

XIII. Provided always, and be it enacted, That no Person shall be prevented from acting as a Commissioner in the Execution of this Act by reason of any Contract entered into between the Commissioners and any Joint Stock Company of which such Person shall be a Shareholder or Member, or by reason of his being interested as such Shareholder or Member in any Work to be done under any such Contract, or by reason of his being a Proprietor of any Works for supplying the said Town with Water; but no such Commissioner, being such a Shareholder or Member or Proprietor, shall vote on any Question relating to the Execution of this Act in which such Company or Proprietor may be interested, or be present at any Meeting of the Commissioners at which such Question shall be discussed, during the Time of such Discussion.

Commissioners not to take Contract under this Act.

XIV. And be it enacted, That no Commissioner shall be capable of taking or entering into any Contract under this Act, or of receiving or participating in any pecuniary Advantage for Work or Business to be done under the same, save as herein-after mentioned.

Persons may participate in pecuniary Advantages as Shareholders in a Company in certain Cases.

XV. Provided always, and be it enacted, That no Person shall be incapable of receiving or participating in any pecuniary Advantage for any Work or Business done under any Contract for the Commissioners by any Joint Stock Company of which such Person shall be a Shareholder or Member, or by himself as Proprietor of any Works for supplying the said Town with Water, by reason of his being a Commissioner, unless such Person shall have voted on any Question relating to such Work, Business, or Contract, or have been present at any Meeting of the Commissioners at which any such Question shall have been discussed, during the Time of such Discussion.

Commissioner not incapable of acting as a Justice.

XVI. And be it enacted, That no Person shall be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner.

XVII. And

No Person to act as a Commissioner until he has subscribed the following Declaration.

XVII. And be it enacted, That no Person (except Persons who before the passing of this Act shall have duly taken and subscribed the Oath or Affirmation prescribed by the recited Act) shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and subscribed 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 the Tunbridge Wells Improvement Act, 1846; and also that I am seised in Fee [*or* (*as the Case may be*) for Life or Lives, *or* am Mortgagee in possession or in receipt of the Rents and Profits] of a Freehold Messuage, Building, Land, or Tenement within the Limits of the said Act of the clear yearly Value of Fifty Pounds [*or* am possessed, as Lessee or Assignee of such Premises for a Term of Years, of a clear yearly Value of Fifty Pounds over and above all Ground and other Rents, *or* occupy as Tenant such Premises, and am for the same bonâ fide liable to a yearly Rent of not less than Fifty Pounds], and am rated for the same.'

Provided always, that no Person shall, after the Expiration of Six Months from the Day on which shall be held the first Meeting of the Commissioners under this Act, be capable of acting as a Commissioner in the Execution of this Act by reason of his having made and subscribed the said Declaration, until after the Expiration of Three Months from the Time of his so making and subscribing the same.

False Declaration a Misdemeanor.

XVIII. 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 on first Attendance at Meeting.

XIX. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as One of such Commissioners such Person (except Persons who before the passing of this Act shall have duly taken and subscribed the Oath or Affirmation prescribed by the recited Act) shall make and subscribe the Declaration herein-before 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 Commissioners acting, not being qualified.

XX. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or after having become disqualified, or without having either, before the passing of this Act, duly taken and subscribed the Oath or Affirmation prescribed by the recited Act, or made and subscribed such Declaration as aforesaid, 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 the Superior Courts, 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 either before the passing of this Act duly taken and subscribed the Oath or Affirmation prescribed by the recited Act, or 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 this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

First and other General Meetings.

XXI. And be it enacted, That the Commissioners for executing this Act shall hold their first Meeting at the Office of the Commissioners in *Bedford Place*, or at some other convenient Place within the Limits of this Act, on the first *Monday* next after the passing of this Act, or on some subsequent *Monday*, at the Hour of Eleven in the Forenoon, and proceed to put this Act into execution; and a General Meeting of the Commissioners shall be held on the first *Monday* in every Month after the passing of this Act, at the said Office, or at some other convenient Place within the Limits of this Act, and at the Hour aforesaid; and it shall be lawful for the Commissioners present at such first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other convenient Place within the said Limits; and if at any such first or general or monthly Meeting, or any Adjournment thereof, or at any Meeting which shall stand adjourned as herein-after mentioned, there shall not be Seven Commissioners present to act within One Half Hour after the Time appointed for such Meeting, then such Meeting shall stand adjourned to the next following *Monday*, and be then held at the same Place and the Hour aforesaid.

Meetings may be adjourned.

Special Meetings.

XXII. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings; and any Two or more of the Commissioners may require a Special Meeting to be held; but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum of Commissioners.

XXIII. And be it enacted, That all Powers of this Act may be exercised by any Seven or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Seven or more Commissioners shall be present at such Meeting.

How Notices of Meetings are to be given.

XXIV. And be it enacted, That all Notices of any Special Meeting to be held under the Authority of this Act, or of any Meeting for the Revocation or Alteration of any Resolution or Act of the Commissioners under this Act, shall be in Writing, and shall be delivered at or sent by the Post to the usual Place of Abode of each of the Commissioners Seven Days at least previous to such Meeting; and every Notice shall specify the Time and Place of meeting, and the Object thereof; and no Business shall be transacted

acted at any Special Meeting, except such as is stated in the Notice thereof.

Expences at Meetings.

XXV. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

General Meeting may appoint Committees.

XXVI. And be it enacted, That it shall be lawful for the Commissioners at any General or Special Meeting to appoint a Committee, consisting of not less than Seven of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General or Special Meeting to continue, alter, or discontinue such Committee; but no such Committee shall be appointed to act for a longer Term than until the General Meeting of the Commissioners in the Month of *September* next following its Appointment.

Quorum of Committees

XXVII. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Order of Business at Meetings of Commissioners and Committees. Questions to be decided by the Majority of Votes.

XXVIII. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes, the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

No Resolution of Commissioners to be revoked at a subsequent Meeting, unless under certain Circumstances.

XXIX. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Seven Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

For what Contracts may be made.

XXX. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Work directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done, and a Copy

Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

How Contracts to be signed.

XXXI. And be it enacted, That every such Contract shall be signed by any Five of the Commissioners, and shall be signed or sealed, as the Case may require, by the other Parties thereto; and such Contracts shall be binding on the Commissioners and such other Parties, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners or the other Parties failing in the Execution thereof.

Indictments how to be preferred.

XXXII. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment or any Information against any Person who shall steal, or shall rip, cut, or break with Intent to steal, or shall embezzle, or shall maliciously set fire to, destroy, or injure any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment or Information it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment or Information shall be preferred to be the Property of the *Tunbridge Wells* Improvement Commissioners, without specifying or proving the Names of any such Commissioners.

Commissioners not to be personally liable.

Liability of Funds in their Hands.

XXXIII. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made, by or on the Behalf of the Commissioners, for any of the Purposes of this Act, shall extend to charge or affect the Persons of all or any of the Commissioners, or of any of their respective Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instruments, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit against the Commissioners or any of them, or against any of their respective Heirs, Executors, or Administrators, in consequence of any such Instrument, or which any such Commissioners, or any such Heirs, Executors, or Administrators, shall otherwise be put to by reason of any such Instrument or otherwise, by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages, Costs, or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same; or unless such Action or Suit has been defended, or such Damages, Costs, or Charges have been incurred, without the Order or Direction of the Commissioners made at any Meeting of the Commissioners.

Actions or Suits to be brought in the Name of any One Commissioner or Clerk.

XXXIV. And be it enacted, That in all Actions and Suits in respect of any Contract, Matter, or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Name of any One of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action or Suit shall abate or be discontinued by the Death or Disqualification

qualification of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions against Goods of Commissioners.

XXXV. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners or their Clerk in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity to Commissioners and Clerk.

XXXVI. And be it enacted, That every such Commissioner or Clerk in whose Name any legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed out of the Monies which shall be raised under the Provisions of this Act all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of his being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless such Action have been brought or pertinaciously defended by the Clerk or One Commissioner as aforesaid without the Order or Direction of the Commissioners made at any Meeting of the Commissioners: Provided always, that such Commissioner or Clerk shall not by reason of his being so made Plaintiff or Defendant be deemed an inadmissible Witness in any such Action or Suit, unless he be personally or individually interested or concerned therein.

Proceedings to be entered in a Book, and to be open for Inspection.

XXXVII. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed, or by Five or more of the Commissioners; and such Entries, purporting to be so signed, and examined Copies thereof, shall be received as *primâ facie* Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners, or Members of Committee, or Clerks of the Commissioners respectively, or of the Signature or Election of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and any of the Creditors or Rate-payers or other Parties interested.

Commissioners to appoint Treasurer and other Officers.

XXXVIII. And be it enacted, That the Commissioners may from Time to Time appoint a Treasurer, Clerk, Surveyor, Collector, Assessor, and such other Officers as they shall think fit, for the Purposes of this Act, with such Salaries and Allowances as they shall

shall think reasonable, and may remove such Clerk, Treasurer, Surveyor, Collector, Assessor, and Officers, and appoint others in their Stead.

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

XXXIX. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer; and that neither the Person who shall be the Treasurer, nor the Partner of such Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty either by Action of Debt or on the Case in any of the Superior Courts, and shall on Recovery thereof be entitled to full Costs of Suit.

Penalty on Officer taking Fees other than those allowed.

XL. And be it enacted, That if any such Treasurer, Clerk, Surveyor, Assessor, Collector, or other Officer employed by the Commissioners, shall exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, or forbearing to do any thing ordered or directed by the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Officers intrusted with Money to give Security.

XLI. And be it enacted, That the Commissioners shall take from their Treasurer, Collector, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money, Securities, and Property which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Commissioners so to do, of all Monies

Monies by them respectively received, collected, or paid for the Purposes of this Act, and when, of whom, and for what Purpose the same were so received, collected, or paid.

Officers to account.

XLII. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall, from Time to Time when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received or paid by him on behalf of the Commissioners; and such Account shall state when, of whom, and on what Account such Monies have been received, and when, to whom, and for what Purpose such Monies have been paid or disposed of; and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies and Securities which shall appear to be due or owing from him upon the Balance of such Account.

Remedy against Officers failing to account.

XLIII. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall summon such Officer to appear before any Two or more Justices, at a Time and Place to be set forth in such Summons, to answer to such Charge; and upon the Appearance of such Officer, or in his Absence upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Officer to pay the same forthwith; and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain, without Bail, for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justices at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power;

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Monies, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Proceedings not to discharge Sureties.

XLIV. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Separate Accounts to be kept.

XLV. And be it enacted, That the Commissioners shall keep separate Accounts under Two distinct Heads, the one to be called the Town Improvement Accounts, which shall comprise all Matters concerning the Execution of so much of this Act as relates to lighting, watching, cleansing, draining, and watering the Streets, and making and maintaining Wells and Works for providing Water for watering the Streets, and all other Matters, except the paving, repairing, and maintaining the Streets, and the other to be called the Paving Accounts, which shall comprise all Matters concerning the Execution of so much of this Act as relates to paving, repairing, and maintaining the Streets.

Books of Account to be kept, and to be open for Inspection.

XLVI. And be it enacted, That the Commissioners shall cause Two separate Books of Account to be kept by their Clerk, in one of which he shall enter or cause to be entered, under the Head "Paving Rate," a true and regular Statement of all Sums of Money received for paving, repairing, and maintaining the Streets, and on what particular Account, and from whom and when the same shall have been received, and of all Sums of Money expended in the Execution of so much of this Act as relates to paving, repairing, and maintaining the Streets, and on what particular Account, and to whom and when the same shall have been expended; and in the other Book he shall enter or cause to be entered, under the Head "Town Improvement Rate," a like particular Statement of all Sums of Money received or expended for the Purposes or in the Execution of so much of this Act as does not relate to paving, repairing, and maintaining the Streets; and such Books shall at all seasonable Times be open to the Inspection of any Commissioner, and of any Creditor on the said respective Rates, and of any Person rated in such respective Rates, without Fee; and any such Person as aforesaid may at seasonable Times take Copies of or Extracts from the said Books, without paying any thing for the same; and if on Request for that Purpose the Clerk shall fail to permit any such Person as aforesaid to inspect such Books, or to take Copies or Extracts as aforesaid, he shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

XLVII. And

Accounts to be settled and examined at a General Meeting annually.

XLVII. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners under the Powers or Provisions of this Act during the Twelve Months terminating on the Thirty-first Day of the preceding Month of *July* shall be produced at the General Meeting of the Commissioners which shall be held in the Month of *September* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled and balanced by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Accounts shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be instituted against such Accounts at the first General or Quarter Sessions of the Peace either for the County of *Kent* or for the County of *Sussex*, or at any Adjournment thereof respectively which shall be held next after the Expiration of One Month from the Date of such Meeting, in and for either of the Counties of *Kent* or *Sussex*, which Appeal it shall be lawful for any Person interested to institute and prosecute, Notice in Writing of such Appeal, and of the Matter or Cause thereof, being given to the Clerk of the Commissioners Fourteen Days at least before the entering of any such Appeal.

Statement of Accounts to be prepared, and to be open for Inspection.

XLVIII. Provided always, and be it enacted, That, Ten Days at the least previously to such Examination and Settlement as aforesaid, the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act, during the Twelve Months terminating on the Thirty-first Day of the preceding Month of *July*, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Commissioners; and every Creditor on any Rate heretofore made, or on the respective Rates by this Act authorized to be made, and every Person rated in such respective Rates, or any Person acting on behalf of any such Creditor or Rate-payer, may at all seasonable Times inspect such Statement and Account, without Fee; and the said Statement and Account shall be printed, and the Clerk shall, on Demand, furnish a printed Copy thereof to every such Creditor and Rate-payer as aforesaid respectively, without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Account the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account will be at the Office of the Commissioners, ready for the Inspection of the Creditors or Rate-payers, or other Parties interested therein respectively, Ten Days before such Meeting.

Auditors may be appointed.

XLIX. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners, it shall be lawful for the Rate-payers, not being Commissioners, to nominate, if

if they think fit so to do, Two or more Persons to be Auditors of the Accounts of the Commissioners: Provided always, that the Persons so to be nominated Auditors shall have the like Qualification, and shall be subject and liable to the like Disqualification, Disability, and Penalty, as the Commissioners; and before entering on their Office they shall make and sign, before One of Her Majesty's Justices of the Peace, a solemn Declaration of the like Purport and Effect to that required to be made and signed by the Commissioners.

Auditors to inspect Accounts, and to appeal against Part, if they think fit.

L. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year terminating on the Thirty-first Day of *July* preceding the Appointment of such Auditors; and the Commissioners shall by their Clerk produce and lay before such Auditors at every such Meeting the Statement and Accounts herein-before mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors approve of such Accounts they shall sign the same in Evidence of their Approval, but if they think there is just Cause to disapprove of any Part of the said Accounts they shall certify thereon their Disapproval, whereupon it shall be lawful for such Auditors, or for any Person interested, to appeal against any such Parts of the said Accounts as shall be so disapproved of, at the first General or Quarter Sessions of the Peace either for the County of *Kent* or for the County of *Sussex*, or at any Adjournment thereof respectively, which shall be held next after the Expiration of One Month from the Date of such Disapproval, in and for either of the said Counties of *Kent* or *Sussex*, Notice in Writing of such Appeal, and of the Matter or Cause thereof, being given to the Clerk of the Commissioners Fourteen Days at least before the entering of such Appeal; and the Remuneration of such Auditors and their Expences shall be defrayed by the Commissioners out of the respective Rates by this Act authorized to be levied.

Security for Payment of Costs on Appeals.

LI. Provided always, and be it enacted, That no Person shall be permitted to appeal against the Accounts so allowed by the Commissioners as aforesaid, or in the event of Auditors being appointed, no Person, other than and except such Auditors, shall be permitted to appeal against any such Parts of the said Accounts as shall be so disapproved of by such Auditors, unless, within Five Days after Notice of Appeal shall have been given to the Clerk of the Commissioners by such Person so intending to appeal, he shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try such Appeal without Delay, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at either of such General or Quarter Sessions, or at any Adjournment thereof;

thereof; and such Justices are hereby authorized to hear and finally determine the Matter of any such Appeal, whether prosecuted by any such Person as aforesaid or by the said Auditors, and to make such Order therein as to them shall seem meet, as also according to their Discretion to award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

Annual Account to be transmitted to the Clerk of the Peace, and to be open to Inspection.

LII. And be it enacted, That the Commissioners shall every Year cause an annual Account, under separate Heads as aforesaid, in abstract, to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the past Twelve Months terminating on the Thirty-first Day of *July* in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the separate Balances of such Account, duly audited and certified by the Chairman of the Meeting as aforesaid, and also (in case Auditors shall have been appointed as aforesaid) by the Auditors thereof, and shall transmit, free of Charge, One Copy of the said Account, signed by the Clerk of the Commissioners, to the Clerk of the Peace for the County of *Kent*, and One other Copy thereof, signed as aforesaid, to the Clerk of the Peace for the County of *Sussex*, on or before the last Day of *October* next after such Account shall have been so audited and certified as aforesaid; which Accounts shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling to the Clerk of the Peace 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.

Power to borrow on Mortgage of Rates.

LIII. And be it enacted, That for the Purposes of this Act it shall be lawful for the Commissioners from Time to Time to borrow at Interest on the Credit of the Town Improvement Rates any Sums of Money which shall not exceed in the whole the Sum of Two thousand Pounds, and on the Credit of Paving Rates any Sums of Money which shall not exceed in the whole the Sum of Two thousand Pounds, and in the event of any Part of such Monies respectively being repaid by the Commissioners, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security of either of the aforesaid Rates respectively any more than the Sum of Two thousand Pounds at any One Time; and for securing the Repayment of the Monies so respectively borrowed, with Interest, the Commissioners may mortgage the said Town Improvement Rates and Paving Rates respectively, or any Part thereof respectively, to the Person who shall advance or lend such Monies respectively, or his Trustee, as a Security for the Payment of the Monies respectively so borrowed, together with Interest for the same.

Form of Mortgage.

LIV. And be it enacted, That every Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every

every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

LV. And be it enacted, That all Persons to whom any Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Town Improvement Rates or the said Paving Rates respectively, as the Case may be, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Mortgages respectively.

Expences of Mortgages.

LVI. And be it enacted, That the Expences of every Mortgage shall from Time to Time be defrayed by the Commissioners out of the Monies raised by the same.

Register of Mortgages to be kept, and to be open to Inspection.

LVII. And be it enacted, That a Register of such Mortgages shall be kept by the Clerk to the Commissioners; and within Fourteen Days after the Date of any such Mortgage an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Addition, shall be made in such Register; and such Register may be perused at all seasonable Times by any Person interested therein, without Fee or Reward; and if, on Request for that Purpose, the Clerk shall fail to permit any Person as aforesaid to peruse such Register, or shall demand or take any Fee or Reward for such Perusal, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Assignments of Mortgages.

LVIII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage may transfer his Right and Interest therein to any other Person, by Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

LIX. And be it enacted, That within Thirty Days after the Date of every such Transfer the same shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made, in the same Manner as in the Case of the original Mortgage, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the same Benefit as the Holder of the original Mortgage may be entitled to; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage so transferred, or any Sum thereby secured.

Interest on Mortgages to be paid half-yearly.

LX. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed upon every such Mortgage shall be paid half-yearly to the several Parties entitled thereto.

LXI. And

Power to take up Money at a low Rate of Interest, to pay off those at a higher Rate.

LXI. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Town Improvement Rates or the Paving Rates respectively, as the Case may be, or any Part thereof respectively, with Payment of such Sum at such lower Rate of Interest, in manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of paying off Mortgages.

LXII. And in order that no undue Preference may be given in paying off any Mortgages, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put into a Box, and the Clerk of the Commissioners shall, in the Presence of Seven or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, or to be left at his usual or last Place of Abode; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice, and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Application of Monies to be borrowed.

LXIII. And be it enacted, That the Money which shall be raised on the Credit of the Town Improvement Rate shall be applied, in the first place, in paying Two Third Parts of the Expences of obtaining and passing this Act, or incident thereto, together with Interest at not more than Five *per Centum per Annum* for Two Third Parts of any Money advanced for those Purposes from the Time of such Advance, and afterwards in carrying into execution such of the Purposes of this Act as are by this Act directed to be paid out of the Town Improvement Rate; and that the Money which shall be raised on the Credit of the Paving Rate shall be applied, in the first place, in paying One Third Part of the Expences of obtaining and passing this Act or incident thereto, together with Interest at not more than Five *per Centum per Annum* for

One Third Part of any Money advanced for those Purposes from the Time of such Advance, and afterwards in carrying into execution such of the Purposes of this Act as are by this Act directed to be paid out of the Paving Rate.

Annual Payment off of a Part of Monies borrowed.

LXIV. And be it enacted, That the Commissioners shall yearly and every Year, out of the Monies to be raised on the Credit of the Town Improvement Rate and Paving Rate respectively, pay off and discharge, or provide a Fund for paying off and discharging, One Twentieth Part at least of all Monies so to be borrowed on the Credit of such Rates respectively.

Commissioners may make Bye Laws to governthemselves and their Servants.

LXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business, and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or the Provisions of this Act, and so as the same be reduced into Writing, and signed by Five or more of the Commissioners.

Fines for Breach of such Bye Laws.

LXVI. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeiture and Fines upon their Officers and Servants or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LXVII. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices.

LXVIII. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners, the Signature thereof by Two Commissioners, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

Tender of Amends.

LXIX. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought, any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make

make sufficient Tender of Satisfaction, the Plaintiff 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 Party offending, 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.

Limits of the Act.

LXX. And be it enacted, That the Limits of this Act shall comprehend and include such Parts of the respective Parishes of *Tunbridge* and *Speldhurst* in the County of *Kent*, and *Frant* in the County of *Sussex*, respectively, as lie within the Boundary Line following; (that is to say,) a Line commencing at the present Bridge near *Huntley's Mill* in the said Parish of *Speldhurst*, and extending from thence along the Lane or Highway recently stopped by Order of Sessions which heretofore led into *Brightridge Lane*, then along *Brightridge Lane* into the Road now leading from *Tunbridge Wells* to *Tunbridge*, then South-westwardly along such Road to *Powder Mill Lane*, then along such Lane to the Fence of the Estate of *John Ward* Esquire, then along the outward Fence of such Estate to *Blackhurst Lane*, then along *Blackhurst Lane* to the Site of *Blackhurst* Turnpike Gate, then along the Lane or Highway from the said Site to *Hall's Hole*, and thence along the same Lane or Highway to *Wybourne's Gate*, and thence along the same Lane to *Rumber's Hill* into the Road now leading from *Tunbridge Wells* to *Frant*, and then Southwardly along such Road into the Lane or Way leading across the Forest to *Strawberry Hill*, and along such Lane or Way into the Road now leading from *Tunbridge Wells* to *Eridge*, and thence Northwardly in a straight Line across Lands called *Bamsley Farm* into the Road now leading from *Tunbridge Wells Common* to *High Rocks* at a Point in such Road where a Lane branches off in the Direction of certain Tea Gardens towards *Rusthall Common*, and from such Point along such Lane to the Stream dividing the Counties of *Kent* and *Sussex*, and further along such Lane to *Rusthall Common* at or near the said Tea Gardens, and thence along the Western and North-western Boundary of *Rusthall Common* to the Road or Highway which leads through the Village of *Lower Green* to *Speldhurst*, and along such Road or Highway to the said *Lower Green*, and then Northwardly round the said *Lower Green*, and further along the said Road or Highway, to and into the Road or Highway leading to *Broom Hill*, and then along such Road or Highway to the aforesaid Bridge near *Huntley's Mill*, such Boundary Line to pass on the outward Side of the Lanes, Ways, Highways, Roads, and Places aforesaid, that is to say, so as to include the same within its Circuit.

Streets on certain Estates not to be converted into Highways, &c.

LXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to convert into Highway or public Thoroughfare any of the Streets, Roads, or Places within *Nevill Park*, or in any other Part of the Estates of the Earl of *Abergavenny*, situate in the said Parishes of *Speldhurst* and *Frant*, or to convert into Highway or public Thoroughfare any of the Streets,

Streets, Roads, or Places within the Estate of *John Ward* Esquire, called the *Calverley* Estate, or take away, impeach, or interfere with the exclusive Occupation and Enjoyment of such Streets, Roads, and Places respectively, which immediately before the passing of this Act belong to the said Earl of *Abergavenny* and his Tenants, and *John Ward* and his Tenants, except with the Consent of the Earl of *Abergavenny* in regard to his Estates, or the Consent of the said *John Ward* in regard to his Estates, as the Case may be: Provided nevertheless, that it shall be lawful for the Commissioners, and for their Servants and Agents, to enter into and upon such respective Streets, Roads, and Places for the Purpose of lighting, watching, and cleansing the same respectively, or for other the Purposes of this Act, without being deemed Trespassers.

Streets, &c. vested in the Commissioners.

LXXII. And be it enacted, That the Management and Control of all the present and future Streets within the Limits of this Act, being public Highways, shall be vested in the Commissioners; and the Pavements, as well in the Footways as Carriageways, and other Materials of such Streets, and all Lamps, Lamp Irons, and Lamp Posts already erected or fixed in such present Streets, or which shall by virtue of this Act be erected or fixed in such present or future Streets, subject nevertheless to any Conditions or Regulations contained in any Contracts which before the passing of this Act have been entered into with the Commissioners under the recited Act, or which hereafter may be entered into with the Commissioners under this Act, and all Sewers, Drains, Cesspools, Grates, Gulleyholes, Tunnels, Gutters, Ditches, and Watercourses therein, and all Erections or Buildings, Materials, Implements, and other Things, which shall be purchased or provided by the Commissioners, or be used or intended to be used for the Purposes of this Act, and also all Dung, Dirt, Dust, Ashes, Filth, and Rubbish to be collected from such Streets, Sewers, Drains, Cesspools, Gutters, Ditches, and Watercourses, and also all Dirt, Dust, Ashes, Filth (except Filth from any Privy or Necessary House), and Rubbish in the Houses, Buildings, and Premises within the Limits of this Act (except as herein-after mentioned), shall be the Property of and are hereby vested in the Commissioners; and the Commissioners shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things (except as herein-before or herein-after excepted) as they shall think proper, and the Money arising from the Sale thereof shall be applied as the Money arising from the Improvement Rates is directed to be applied; and the Person purchasing the same from the Commissioners shall have full Power to take, carry away, and dispose thereof for his own proper Use and Benefit.

Punishing wilfully destroying Property of Commissioners.

LXXIII. And be it enacted, That if any Person shall wilfully or maliciously break, injure, or destroy any of the Articles, Matters, or Things by this Act vested in the Commissioners, or any of the Works done or to be done in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also pay the Amount of the adequate Compensation for any Damages, Expences, and Charges thereby occasioned.

LXXIV. And

Future Streets may be ordered to be Highways.

LXXIV. And be it enacted, That if any Street already made or hereafter to be made, and being of the Width of Twenty-five Feet at the least, not being a public Highway, shall at any Time hereafter be paved or put into good Order to the Satisfaction of the Commissioners, then, on the joint Application in Writing of the Person proposing to dedicate the same to the Public, and of any Three or more rated Inhabitants within the Limits of this Act, it shall be lawful for the Commissioners at any of their Meetings to order the same to be a public Highway, and such Order shall be signed by Five or more Commissioners; and after such Order shall have been so made and signed such Street shall be a public Highway, and the same shall thenceforth be vested in and for ever repaired by the Commissioners.

Power for Commissioners to pave Streets.

LXXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as they shall think proper.

Commissioners may pave Causeways, &c.

LXXVI. And be it enacted, That it shall be lawful for the Commissioners to pave or make, with such Materials as they shall think fit, any Causeways or Footways for the Use of Passengers on the Sides of or in any Street within the Limits of this Act.

Commissioners to repair Footways.

LXXVII. And be it enacted, That all public Causeways and Footways within the Limits of this Act, whether made by the Commissioners or otherwise, which the Commissioners shall deem necessary to be kept up, shall be kept in repair by the Commissioners.

Commissioners may place Fences to Footways.

LXXVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Sides of any public Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on the same, and also to place any Posts in any such Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same, or any other Obstructions to any such Carriageway or Footway, as they shall think fit.

Penalty on Persons altering the Pavements.

LXXIX. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Surface of any public Carriageway, Causeway, or Footway, or make Alteration in any Gulley-hole, Gutter, Sink, Drain, or Watercourse in any Street within the Limits of this Act, or remove or alter any Fence or Erection made or erected by Order of the Commissioners, or erect any Fence, Post, or Obstruction in any such Carriageway, Causeway, or Footway, without the Consent in Writing of the Commissioners, to be signed by the Clerk to the Commissioners for the Time being, except any temporary Removal of Pavement when it may be necessary to be done for repairing any Vault or other such Purpose, every Person so offending in any of the aforesaid Cases shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so

making any such Alteration or Removal or Erection shall not, within Ten Days after Notice in Writing by the Surveyor to the Commissioners, cause such Pavement or Surface to be reinstated as nearly as may be, and such Gulleyhole, Gutter, Sink, Drain, Watercourse, Fence, and Erection to be restored to the Satisfaction of the Commissioners, or such Fence, Post, or Obstruction to be removed, and the Ground and Surface thereby disturbed to be also reinstated, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up, removed, or altered such Pavements or Footways or Carriageways, Gutters, Sinks, Drains, or Watercourses, Fences or Erections, or who shall have erected any such Fence, Post, or Obstruction, as the Case may be.

Notice to be given before opening the Surface of the Roads for laying down or altering Water Pipes.

LXXX. And be it enacted, That before the Pavement or Surface in or of any Street within the Limits of this Act shall be broken up by any Owner of any Waterworks or Gasworks under the Powers or Provisions of the recited Act or this Act, Seven Days, or, in the Case of urgent Necessity, the longest practicable previous Notice, in Writing, shall be given to the Commissioners or to their Clerk, specifying the Part or respective Parts of the Streets which are intended to be opened or broken up, to the Intent that such Commissioners or their Surveyor, or such Persons as they shall appoint or authorize, may inspect and superintend the opening or breaking up of such Streets, and see that no unnecessary Damage or Injury be done thereto, and may give such Directions as to the Time and Mode of reinstating the same as to them may appear reasonable: Provided also, that in no Case shall any Part of such Street be wholly stopped or rendered impassable for Carriages or Cattle, unless it be unavoidably necessary, in which Case the Owner or Owners for the Time being of such Waterworks or Gasworks shall, at their own Expence, provide, unless impracticable, another Road or Passage for Carriages and Passengers, as good and convenient as Circumstances will admit, until the Street aforesaid shall be restored and reopened to the Public: Provided also, that from and after the Twenty-ninth Day of *September* next so much of the recited Act as requires any Notice of breaking up or altering the Pavement or Surface of any Road, Street, or Place to be given by the Owners of Waterworks to the Surveyors, Trustees, or Commissioners of any such Road, Street, or Place, or to the Clerk of such Trustees or Commissioners, or as authorizes such Surveyors, Trustees, or Commissioners, or any of them, to inspect or superintend such Alterations, or to give any Directions respecting the same, shall be and the same is hereby repealed.

Power to take Materials for Pavements from Waste Lands, or from private Land, making Compensation.

LXXXI. And be it enacted, That it shall be lawful for the Commissioners, or any Surveyor or any Person to be employed by them, under an Order for that Purpose, to search for, dig, and carry away any Stone, Gravel, or other Materials fit for making and paving the Carriageways, Footways, and Causeways of any Street within the Limits of this Act, or for any Purposes of this Act, in and from any Waste or Common Land within the Limits of this Act, or within any adjoining Parish, without paying for the same, they the Commissioners or other Persons filling up or levelling the Pits, and also to search

search for, dig, and carry away any such Materials in and from the Lands of any Person where the same may be had and found within the Limits of this Act or any adjoining Parish, such Lands not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or inclosed Land planted with any Avenue of Trees for Ornament, they the Commissioners or other Persons filling up the Pits and levelling the Grounds from which such Materials shall be taken, and paying the respective Owners and Occupiers of such Lands reasonable Compensation for the cutting, digging, taking, and carrying away such Materials, and for carrying the same over any inclosed Lands.

Materials not to be taken from private Lands, but by Order of a Justice, on Ten Days Notice.

LXXXII. Provided always, and be it enacted, That it shall not be lawful for the Commissioners, or any Person acting under their Authority, to search for, dig, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Lands until Ten clear Days Notice in Writing shall have been given to the Owner or Occupier thereof, or left at the last or usual Place of Abode of such Owner or Occupier, to appear before a Justice to show Cause why such Materials shall not be taken from such Lands; and in case such Owner or Occupier shall not attend pursuant to such Notice, or shall not show sufficient Cause why such Materials shall not be taken from such Lands, it shall be lawful for such Justice to authorize such Person as the Commissioners shall direct to search for, dig, and carry away such Materials at such Times as to such Justice shall seem fit.

For providing a Place for procuring and Deposit of Materials.

LXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to contract and agree for, and to purchase or rent any Land in One or more Parcels, not exceeding in the whole Two Acres, situate within the Limits of this Act, for procuring or depositing Stone, Gravel, or other Materials which they may require for any of the Purposes of this Act, from any Person willing to sell or let the same to the Commissioners, and to pay for such Land out of the Monies to be received from the Paving Rate levied by virtue of this Act; and all Land so purchased, and being conveyed to the Commissioners, and all Erections thereon, or to be erected thereon, shall be vested in the Commissioners for the Purposes of this Act; and the Commissioners may cause any such Land so purchased or hired, or any Parts thereof, to be fenced and inclosed by Walls or otherwise, and also to cause any Buildings or Sheds to be erected thereon or on any Part thereof, and all such Fences, Walls, Sheds, and Buildings shall be vested in and be the Property of the Commissioners for the Purposes of this Act.

Penalty on taking away Materials.

LXXXIV. And be it enacted, That if any Person shall, without the Order of the Commissioners, remove or take away any Stones, Gravel, or other Materials which have been dug, got, or gathered by Order of the Commissioners, for the Purposes of this Act, or which shall have been used by them for the Repair of the Streets within the Limits of this Act, or if any Person shall get or take away any Stones, Gravel, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the Commissioners or their Surveyor or Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner of any

any private Grounds, and Persons authorized by such Owner to get Materials in such Quarry for his own private Use, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Turnpike Trustees not to collect Toll upon or expend Monies in Repairs of Streets.

LXXXV. And be it enacted, That from and after the Twenty-ninth Day of *September* next it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll upon or repair or expend any Money on any Street within the Limits of this Act, or have any Control or Authority whatever within the said Limits, any thing in any Act contained to the contrary notwithstanding.

Commissioners to maintain Parish Roads within the Limits of this Act.

LXXXVI. And be it enacted, That from and after the Twenty-ninth Day of *September* next after the passing of this Act the Commissioners shall, out of the Paving Rates by this Act authorized to be levied, repair and maintain all the Streets within the Limits of this Act which before the passing of this Act were or ought to have been repaired and maintained by the respective Parishes of *Tunbridge*, *Speldhurst*, and *Frant*, or either of them, or by the Trustees of the Turnpike Roads, and also such future Streets as shall be ordered in pursuance of this Act to be Highways.

Commissioners liable to Indictment for Want of Repairs.

LXXXVII. And be it enacted, That from and after the said Twenty-ninth Day of *September* the Commissioners shall be liable to be indicted for the Want of the sufficient Repair of any Streets, being public Highways, within the Limits of this Act, and that the Inhabitants of the respective Parishes of *Tunbridge*, *Speldhurst*, and *Frant* shall not be liable to be so indicted after the said Twenty-ninth Day of *September*.

Inhabitants of the Parishes of Tunbridge, Speldhurst, and Frant released from the Highway Rates in respect of Roads repaired by the Commissioners.

LXXXVIII. And be it enacted, That from and after the said Twenty-ninth Day of *September* no Person shall, in respect of any Property without the Limits of this Act, be liable to repair or contribute to the Repair of any Street within the Limits of this Act, nor shall any Person in respect of any Property within the Limits of this Act be liable to repair or contribute to the Repair of, or perform Statute Labour on, any Road or Highway without the Limits of this Act, nor shall any Person in respect of any Property within the Limits of this Act be liable to be appointed to the Office of Surveyor of the Highways, or be entitled to vote for the Election of any such Officer or Officers, within either of the said Parishes of *Tunbridge*, *Speldhurst*, or *Frant*: Provided always, that nothing herein contained shall be construed to affect the Liability of any Person to repair and maintain any Road by reason of the Tenure of any Lands.

Requiring the Waywardens to pay a Proportion of the Highway Rates assessed for the current Year to the Commissioners.

LXXXIX. And whereas since the Fifth Day of *April* last Highway Rates have been made within the respective Parishes of *Tunbridge* and *Speldhurst* for defraying the Expences of the Repairs of the Highways respectively therein for the Year expiring on the Fifth Day of *April* in the Year of our Lord One thousand eight hundred and forty-seven, and it is expedient that a Portion of the Monies collected for such Purposes within the Limits of this Act should be paid over to the Commissioners by the Waywardens or Surveyors of the respective

respective Parishes; be it therefore enacted, That the Waywardens or Surveyors of the Highways of the said Parishes of *Tunbridge* and *Speldhurst* respectively shall and they are hereby required to pay over to the Commissioners such Proportion of the Monies which shall have been collected by them before the Twenty-ninth Day of *September* next after the passing of this Act, in respect of any Property within the Limits of this Act, under or by virtue of the Rates so made, as they shall be ordered to pay by the Justices in Petty Sessions for the County of *Kent*, as herein-after directed.

Proportion, how to be ascertained, &c.

XC. And be it enacted, That the several Waywardens or Surveyors of the respective Parishes of *Tunbridge* and *Speldhurst* in the County of *Kent* shall and they are hereby respectively required, as soon as conveniently may be after the said Twenty-ninth Day of *September*, to make up their respective Accounts of Receipts and Disbursements of all Monies raised by them before the said Twenty-ninth Day of *September*, in pursuance of the Highway Rates so respectively made as aforesaid, and to truly state in such respective Accounts all the Particulars of such Receipts, and of the particular Works in respect whereof such Disbursements shall have been made, and distinguishing the Works, and the Costs thereof, within the Limits of this Act, and the Works, and the Costs thereof, without the Limits of this Act, and the Names of the Persons so rated in respect of Property within the Limits of this Act, together with the Amounts at which such Persons are respectively rated, and further to specify in such respective Accounts the several Amounts, if any, still due and in arrear from any of such Persons respectively, together with the Names of the Defaulters, and further to truly state all the Particulars of such their respective Disbursements up to the said Twenty-ninth Day of *September*, and the Balance in hand on such respective Accounts, and to sign such their several Accounts respectively; and the Waywardens or Surveyors of the said respective Parishes of *Tunbridge* and *Speldhurst* shall and they are hereby respectively required to lay such their Accounts before the Justices of the Peace at the Petty Sessions for the County of *Kent* which shall be first held after the Expiration of Fourteen Days from the Day of Service of Notice to be given to such Waywardens or Surveyors respectively by the Commissioners, requiring such respective Waywardens or Surveyors to produce such Accounts to such Justices, and such Waywardens or Surveyors respectively shall and they are hereby required then and there to verify such Accounts before such Justices; and it shall be lawful for such Justices, after examining such Accounts, and ascertaining the Amount of Monies collected, and of Sums duly disbursed for Repairs of Highways, within the Limits of this Act, and without the Limits of this Act, in the said Parishes respectively, and they are hereby required to ascertain and determine and order what Proportion of the Monies so received and remaining in the Hands of such Waywardens or Surveyors, or otherwise undisbursed, shall be by them respectively paid over to the Commissioners, and at what Time or Times such Monies shall be so paid; and the Order of such Justices respectively, signed and sealed by such Justices respectively, shall respectively be sufficient Warrants to the Commissioners for the Recovery by way of Distress of the Monies mentioned in such Orders

respectively from such Waywardens or Surveyors respectively; and such Monies, when received or recovered by the Commissioners, shall be by them applied for the same Purposes as the Paving Rates are by this Act directed to be applied; and it shall not be lawful for such Waywardens or Surveyors, or any or either of them, to demand, collect, or receive any Monies, or any Part of any Monies, payable under the said Highway Rates, which on the said Twenty-ninth Day of *September* shall be unpaid or in arrear in respect of any Property within the Limits of this Act, any Law or Statute to the contrary notwithstanding; but all such Monies and Arrears shall be payable to the Commissioners for the same Purposes as the Paving Rates are by this Act made payable, and may be by them levied and recovered by the same Ways and Means as the Paving Rates may under this Act be levied and recovered.

Certain Clauses of 8 & 9 Vict. c. 18. incorporated with this Act.

XCI. And be it enacted, That the Clauses of the Lands Clauses Consolidation Act, 1845, with respect to the Purchase of Lands by Agreement, and with respect to any such Lands being Common or Waste Lands, shall be incorporated with this Act.

Commissioners may sink Wells, &c. for providing Water to water Roads.

XCII. And for the Purpose of procuring and providing Water for watering the Streets within the Limits of this Act, be it enacted, That the Commissioners may dig and break up the Soil and Ground of any Common or Waste Lands within the Limits of this Act, and bore for Water therein, and sink and make Wells in any such Parts of such Lands as they shall think necessary, and remove or use all Soil, Stones, or Minerals dug or gotten out of the same, they the Commissioners doing as little Damage as may be in the Execution of the Powers hereby granted; and for such Purposes the Commissioners may at any Time or Times after the passing of this Act enter upon and take and use any Part of such Lands, in One or more Parcels, not exceeding in the whole Two Acres, and making Compensation, if required by any Parties entitled thereto, for the same, according to the Provisions of the Lands Clauses Consolidation Act, 1845, with respect to any such Lands being Common or Waste Lands; and the Commissioners may erect Fences, Walls, and Buildings upon such Lands, and may purchase or provide Machinery, Pumps, Pipes, and other Conveniences for such Purposes, and may make and construct such Conduits, Tanks, and other Works as they shall think necessary for effecting such Purposes, on such Lands or in any of the Streets within the Limits of this Act, and may maintain all such Works respectively in repair.

Power to purchase Lands by Agreement.

XCIII. And be it enacted, That it shall be lawful for the Commissioners to purchase, by Agreement with the Owners or Proprietors, any Lands within the Limits of this Act which they shall think proper for effecting the Purposes aforesaid, not exceeding in the whole Two Acres.

Power to construct Common Sewers.

XCIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Culverts, Gutters, Watercourses, Wells and Pumps, as they may think necessary, to be constructed in or under any Streets within

within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Culverts, Gutters, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, cleansed, and completed, as to them shall seem necessary, and to carry and continue the same into and through any Lands within the Limits of this Act.

Compensation to be made to certain Persons.

XCV. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Culvert, Gutter, Watercourse, Well, or Pump being carried into or through his Lands, the Commissioners shall pay to such Person a reasonable Compensation for the Injury or Damage sustained by him.

Communication of private Drains with Common Sewers.

XCVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Culvert, Gutter, or Watercourse already made, or which shall be made by virtue of this Act, according to such Plan as the Commissioners shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Culvert, Gutter, or Watercourse without the previous Consent of or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Occupiers to repair private Drains.

XCVII. And be it enacted, That the Occupier of any House or Land from which any private Drain now does or hereafter shall issue into any of the said public Sewers, Drains, Culverts, Gutters, or Watercourses, shall repair and cleanse such private Drain when required by and according to the Direction of the Commissioners.

Vaults and Cellars under Streets not to be made without the Consent of the Commissioners.

XCVIII. And be it enacted, That no Vault, Arch, or Cellar shall hereafter be made under any Street within the Limits of this Act without the Consent of the Commissioners first obtained in Writing; and all Vaults, Arches, and Cellars hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere or communicate with any Drains or Sewers under the Control of the Commissioners, unless their Consent in Writing is first obtained; and if any Vault, Arch, or Cellar shall be made contrary to the Provisions of this Act the Commissioners may fill up the same, and the Expences incurred thereby shall be paid by the Person making such Vault, Arch, or Cellar.

Vaults, &c. to be kept in repair.

XCIX. And be it enacted, That all Vaults, Arches, or Cellars under any Street within the Limits of this Act shall be kept in substantial Repair, to the Satisfaction of the Commissioners; and in case any such Vault, Arch, or Cellar shall not be in such substantial Repair, the Commissioners may put the same into substantial Repair, and may recover the Expences incurred thereby from the Occupier thereof; and such Occupier, in addition to such Expences, shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault, Arch, or Cellar shall continue out of substantial Repair after Notice shall have been given him by the Commissioners to repair the

the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Traps and Coverings to be provided to Gulley-holes.

C. And be it enacted, That the Commissioners shall provide and fix proper Traps or Coverings to all such of the Gulley-holes of Sewers and Drains under their Control as they shall consider to require the same, for obviating the Escape of any noxious Effluvia, and also to the Gulley-holes of any private Drains, unless the Owners thereof shall, within Thirty Days after Notice from the Commissioners for the Purpose, provide and fix the same to the Satisfaction of the Commissioners, and in such Cases the Commissioners may recover from the Owners the Expences of any such Works; or the Commissioners shall adopt such other Ways and Means as they shall think proper for preventing the Effluvia of Sewers and Drains from exhaling through Gulley-holes, Gratings, or other Openings of Sewers or Drains in the Streets or other Places, and in the Case of private Drains at the Expence of the Owners as aforesaid.

Water-spouts to be affixed.

CI. And be it enacted, That the Owner or Occupier of every House or Building or Erection in or adjoining any Street within the Limits of this Act shall, within Ten Days next after Service of any Notice of the Commissioners for that Purpose, put up and for ever afterwards keep in repair a Shute or Trough of the whole Length of such House, Building, or Erection, with a Pipe or Trunk, to be fixed to the Front or Side of such House, Building, or Erection, from the Roof to the Ground, to carry off the Water from the Roof thereof in such Manner that the Water shall not fall therefrom upon the Persons passing near the same.

Water from present Houses to be conveyed under the Footpath.

CII. And be it enacted, That the Owner or Occupier of any House or Building or Erection in or adjoining any Street within the Limits of this Act shall cause the Water to be conveyed from such House, Building, or Erection, either by Drains or Tunnels below the Surface or Pavement of the Street or Footway, or by means of Iron Drain-gutters to be fixed in the said Surface or Pavement, and for that Purpose any such Owner or Occupier may take up so much of the said Surface or Pavement as may be requisite, and lay down the said Drains or Tunnels, or fix the said Iron Drain-gutters, under the Direction of the Commissioners or their Surveyor; and all Damage thereby occasioned to the said Surface or Pavement shall be made good at the Expence of such Owner or Occupier.

Water from future Houses to be conveyed under Ground.

CIII. And be it enacted, That all Houses and Buildings which shall hereafter be erected within the Limits of this Act shall be so constructed that no Water be conveyed from such House or Building into any Street or Footway, except either by Drains or Tunnels below the Surface or Pavement of such Street or Footway, or by means of Iron Drain-gutters to be fixed in the said Surface or Pavement.

Future Projections to be removed, on Notice.

CIV. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall,

Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in front of any House or Building, to be an Annoyance, in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same, in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Thirty Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same, in such Manner as shall have been directed by the Commissioners, or in default thereof such Owner or Occupier shall forfeit the Sum of Forty Shillings for every Week that such Matter or Thing shall not have been removed or altered after such Notice as aforesaid.

Existing Projections to be removed, and Compensation made by Commissioners.

CV. And with regard to all Obstructions or Projections of a like Kind as those before mentioned which have been erected or placed against or in front of any House or Building in any Street or public Place before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance, in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be, Twenty-one Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CVI. And be it enacted, That all Doors, Gates, and Bars, not being undergound Doors, Cellar Doors, or Trap Doors, hereafter to be erected within the Limits of this Act, leading to any House, Building, Yard, or Land, and which shall open upon or towards any public Street, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Commissioners or their Surveyor to alter the same, and the Expences of such Alteration shall be paid to the Commissioners by the Person causing such Door, Gate, or Bar to be so constructed, and such Person shall, in addition, be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Commissioners.

CVII. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards or upon any public Street, it shall be lawful for the Commissioners to alter the same so that no Part thereof opening or when open shall project over any public Way.

Covering for Cellar Doors to be made

CVIII. And be it enacted, That when any Opening is now or shall hereafter be made in the Pavement or Soil of any Pavement or Foot-path

path within the Limits of this Act, as an Entrance into any Vault or Cellar, a Door or Covering or Grating shall be made by the Occupier of such Vault or Cellar, of Iron or such other Material and in such Manner as the Commissioners shall direct, and such Door or Covering or Grating shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if the Occupier of any such Vault or Cellar shall not, within a reasonable Time, make such Door or Covering or Grating, or shall make any such Door or Covering or Grating contrary to the Directions of the Commissioners, or shall not keep the same when made in good Repair, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Houses not to be thatched.

CIX. And be it enacted, That no House or Building hereafter to be built in or near any Street within the Limits of this Act shall be thatched, wholly or in part; and in case any such House or Building shall be so thatched the Owner thereof shall forfeit the Sum of Forty Shillings for every Month during which the same or any Part thereof shall continue to be thatched.

Dangerous Places to be repaired or inclosed.

CX. And be it enacted, That if any Building or Excavation, or Land or Place, contiguous to any Street within the Limits of this Act, shall, for Want of sufficient Repair, Protection, or Inclosure, be dangerous to the Passengers along such Street, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed, so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

Commissioners may close Streets during Repairs.

CXI. And be it enacted, That it shall be lawful for the Commissioners, during such Time as any Street within the Limits of this Act shall be under any Repair, or during the making of any Sewer or Drain by the Commissioners, or under their Authority, to close such Street or Place, or any Part of the same, by such Ways and Means as they shall think fit.

In default of the Party liable, the Commissioners to execute Works, and recover Expences.

CXII. And whereas some Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the said Town, and for other Purposes, and it is necessary to provide for the Execution of all such Works, Acts, or Things, in case the same shall not be done by the Persons required to do the same; be it enacted, That whenever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time thereby prescribed, or by any Notice duly given by the Commissioners for that Purpose, or, if no Time shall be prescribed, within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

CXIII. And

Occupiers to recover against Owners, in certain Cases.

CXIII. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, without designating by which of the said Parties the same ought to be done, and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Adjustment between Owners and Occupiers.

CXIV. And be it enacted, That in all Cases, except as hereinbefore mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating as aforesaid), the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land in Fee Simple subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is contained in this Act are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner he shall allow the same, or so much thereof as shall not be repaid by him to the Occupier out of the Rent from Time to Time due, or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Commissioners to cause Streets to be cleansed;

CXV. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed, and to cause all Dirt, Dust, Ashes, Filth, and Rubbish (except such as shall be authorized to be kept or reserved by the Occupiers as herein-after mentioned, and except Filth from any Necessary House,) to be removed from all Houses and Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint, and for such Purposes to purchase or provide or hire Carts or other Carriages and Horses, and all Implements necessary for such Purposes.

and to be watered.

CXVI. And be it enacted, That the Commissioners may from Time to Time cause all or any of the Streets within the Limits of this

this Act to be watered, and may for such Purpose purchase, provide, or hire all necessary Carts, Carriages, Horses, and Implements.

Duties of Scavengers to be performed, under Penalties.

CXVII. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing or watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Dust, Ashes, Filth, and Rubbish from any Houses or Premises within the Limits of this Act, shall be called the Scavengers; and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively be employed or contract to water, and shall collect together all Dung, Dirt, Dust, Ashes, Filth, and Rubbish from all such Streets, and all Dirt, Dust, Ashes, Filth (except Filth from any Privy or Necessary House), and Rubbish from all Houses and Premises which they shall be employed or contract to collect the same from (except such Dirt, Dust, Ashes, Filth, and Rubbish as shall be kept or reserved by the Occupiers of such Houses and Premises for their own Use, under the Provisions herein contained), and shall carry away the Dung, Dirt, Ashes, Filth, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall be employed or contract to water at the Time or in the Manner appointed by the Commissioners, or to collect and remove all Dung, Dirt, Dust, Ashes, Filth, and Rubbish from any such Streets, or to remove and take away all Dirt, Dust, Ashes, Filth, and Rubbish, except as herein excepted, from such Houses and Premises, at the Time or in the Manner prescribed by the Commissioners for those Purposes, or shall deposit any of such Dung, Dirt, Dust, Ashes, Filth, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Nothing to authorize Commissioners to remove Dung from Houses.

CXVIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Commissioners or the said Scavengers, or Persons so employed or contracted with as aforesaid, or their respective Servants, to remove any Dung from any House or Premises within the Limits of this Act.

Occupiers may use their own Ashes as Manure.

CXIX. And be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act (giving Notice in Writing to the Commissioners of his Intention) to keep or reserve for his own Use as Manure on Land in his own Occupation any such Dirt, Dust, Ashes, Filth, or Rubbish as shall be made in his own Premises, and so as the same be not a Nuisance to the Inhabitants residing near such Premises.

For preventing the Sale of Ashes.

CXX. Provided always, and be it enacted, That no Person shall sell any Dirt, Dust, Ashes, Filth, or Rubbish made on his own Premises, or dispose thereof by way of Gift, Exchange, or otherwise, or keep or reserve the same for his own Use otherwise than as Manure on Lands in his own Occupation; and if any Person shall sell, give away,

away, exchange, or otherwise dispose of, or shall keep or reserve for his own Use otherwise than as Manure on Lands in his own Occupation, any such Dirt, Dust, Ashes, Filth, or Rubbish, he shall forfeit a Sum not exceeding Five Pounds for every Offence, and shall also, over and above such Penalty, pay to the Commissioners, as Damages for Injury, a Sum equal to the full Value of any such Dirt, Dust, Ashes, Filth, or Rubbish so sold, given away, exchanged, or otherwise disposed of, or kept or reserved as aforesaid; and if any Person shall purchase or receive any such Dirt, Dust, Ashes, Filth, or Rubbish from any Person, other than the Commissioners, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on Occupiers obstructing Scavengers.

CXXI. And be it enacted, That every Occupier of any House or Premises within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he, or any Person in his Service or Employ or Family, shall prevent any such Scavenger as aforesaid, or his Servants, from collecting or carrying away any Dirt, Dust, Ashes, Filth, or Rubbish which such Scavenger is hereby authorized to collect and carry away from any such House or Premises.

Penalty on removing Manure, &c. at improper Times.

CXXII. And be it enacted, That every Person who shall remove or suffer to be removed into or along, or suffer to remain in, any Street within the Limits of this Act, any Dirt, Dust, Ashes, Filth, or Rubbish so kept and reserved by him for his own Use as Manure on Land in his own Occupation as aforesaid, or any Manure or Dung taken from his Stables, Piggeries, Yards, or other the like Premises, or any Nightsoil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, except between Sunset and the Hour of Ten in the Morning from *Lady Day* to *Michaelmas*, and between Sunset and the Hour of Eleven in the Morning from *Michaelmas* to *Lady Day*, or who shall empty or begin to empty any Privy except between the Hours of Twelve in the Night and Four in the Morning, or who shall at any Time use, for the Purpose of removing any such Nightsoil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matters shall have been placed, slopped, or spilled, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty on other Persons than Scavengers collecting or removing Dirt.

CXXIII. And be it enacted, That if any Person, other than the Scavenger for the Time being, or some Person employed by him, or acting under the Authority of the Commissioners, shall collect or carry away any Dung, Dirt, Dust, Ashes, Filth, or Rubbish from any Street within the Limits of this Act, or Dirt, Dust, Ashes, Filth, or Rubbish from any House or Premises within the Limits of this Act, (except as aforesaid,) he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall also, over and above such Penalty, pay to the Commissioners, as Damages for Injury, a Sum

equal to the full Value of any such Dung, Dirt, Dust, Ashes, Filth, or Rubbish so collected or carried away.

Commissioners may cause Footways to be swept.

CXXIV. And be it enacted, That it shall be lawful for the Commissioners to cause all public Footways within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

Certain Nuisances to be abated.

CXXV. And be it enacted, That if any Foundry, Candle-house, Chemical Works, Melting-house, Melting-place, or Soap-house, hereafter to be erected or made, or if any present or future Slaughter-house, Boiling-house for Offal, Hogstye, uninclosed or uncovered Yard or Place for the depositing or sifting of Lime, or any Necessary House, Midden, Dunghill, Manure Heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, is or shall be a Nuisance to any Inhabitant, it shall be lawful for the said Commissioners, upon Complaint thereof made by any Inhabitant, to inquire into the Matter of such Complaint, and if the Commissioners shall think any such Premises or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made, to discontinue or remedy the same.

Penalty on not abating Nuisance.

CXXVI. And be it enacted, That if any such Nuisance as aforesaid shall not be discontinued or remedied to the Satisfaction of the Commissioners within Thirty Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is made, caused, or produced shall be liable to a Penalty not less than Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Thirty Days from the Service of such Notice: Provided always, that when any Person who shall feel himself aggrieved by any Order of the Commissioners shall, according to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty in respect thereof, until the Expiration of Fourteen Days next after the Determination of such Appeal, and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

Penalty on suffering Dogs to go at large within the Limits of this Act after Notice.

CXXVII. 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 of which he is the Owner 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.

Dogs suspected to be mad may be destroyed.

CXXVIII. And be it enacted, That it shall be lawful for any Constable or other Officer to destroy any Dog or other Animal within the Limits of this Act 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.

CXXIX. And

Power to impound stray Cattle.

CXXIX. 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 within the Limits of this Act, without any Person therewith claiming the same, it shall be lawful for any Constable or Officer of Police, or for any of the Inhabitants or Persons residing within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal in the Common Pound, or in such other Place as the Commissioners shall appoint for that Purpose, and to detain the same therein 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 reasonable Expences of impounding, keeping, and feeding the same.

Power to sell stray Cattle for Expences of impounding, &c.

CXXX. And be it enacted, That if the said Sums and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the Commissioners, to sell or cause to be sold any such Animal, but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, or if not then Notice of such intended Sale shall be given by Placards posted in some public Place or Places within the Limits of this Act; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be by them paid to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay on Demand.

Penalty on Persons guilty of Pound Breach or Rescue of Distress.

CXXXI. 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 forfeit and pay a Sum not exceeding Five Pounds.

Power to provide a Pound.

CXXXII. And be it enacted, That it shall be lawful for the Commissioners to purchase a Piece of Land within the Limits of this Act for the Purpose of a Pound for stray Animals, from any Person willing to sell the same, and to erect a Pound thereon; and such Pound, when made, shall be kept in repair by the Commissioners, and appropriated by them for ever as a Pound for the Use of the Inhabitants within the Limits of this Act.

Penalty on Persons using Forges

CXXXIII. And be it enacted, That if any Iron-founder, Iron-moulder, Blacksmith, Whitesmith, Anchorsmith, Nailmaker, or other Person

not keeping the Door closed, &c.

Person using a Forge or Furnace, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not, after Fourteen Days Notice thereof shall have been given by the Commissioners, close such Door, or fasten the Shutters or other Fastenings of such Windows, and close such Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings; provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

Penalty for wilfully setting Chimney on fire.

CXXXIV. And be it enacted, That if any Person shall wilfully set or cause to be set on fire any Chimney within the Limits of this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds; provided that nothing herein contained shall extend to any Case in which the Person so setting or causing to be set on fire any Chimney shall be liable to be indicted for Felony.

Penalty for having Chimney on fire.

CXXXV. And be it enacted, That if the Chimney of any Person shall catch or be on fire within the Limits of this Act, every Person (being the Party occupying or using such Chimney) shall, so often as the same shall occur, forfeit a Sum not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person shall prove to the Satisfaction of a Justice that such Fire was in noways owing to Omission, Neglect, Carelessness, or Fault of himself or Servant.

Persons found drunk, and Drunkards guilty of riotous or indecent Behaviour, may be imprisoned.

CXXXVI. And be it enacted, That every Person who shall be found drunk in any Street or public Thoroughfare within the Limits of this Act, and who while drunk shall be guilty of any riotous or indecent Behaviour, and also every Person who shall be guilty of any violent or indecent Behaviour in any Lock-up House or Police Station House, shall respectively be liable to a Penalty not exceeding Forty Shillings for every such Offence; or any such Offender may be committed to any Gaol or House of Correction, with or without hard Labour, if the Justice before whom he shall be convicted shall think fit, for any Time not more than Seven Days, instead of inflicting on him any pecuniary Penalty.

Penalties for committing Offences herein-named within Limits of Act.

CXXXVII. 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 this Act shall commit any of the following Offences; (that is to say,)

Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show, Hire, or Sale, (except in a Market lawfully appointed for that Purpose,) or feed or fodder, any Horse or other Animal; or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment, except with the Consent in Writing of Two Justices residing or usually acting within the Limits of this Act, and in such Place as shall be appointed by such Justices; or shoe, bleed, or farry any

any Horse or Animal (except in Cases of Accident); or clean, dress, exercise, train, or break, or turn loose any Horse or Animal; or clean, make, or repair any Part of any Cart or Carriage, except in Cases of Accident where Repair on the Spot is necessary:

Every Person who shall set on or urge any Dog or other Animal to attack or worry any Person, or any Horse or other Animal, or to put in fear any Person:

Every Person who, by Negligence or ill Usage in driving Cattle, shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the driving, Care, or Management of such Cattle; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt such Cattle:

Every Person who shall slaughter any Cattle, or dress any Cattle, or any Part thereof, or slaughter any Cattle, in any House, Shop, or Yard exposed to the public View, except in the Case of any over-driven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the public Safety or other Circumstances may require to be killed on the Spot:

Every Person, having the Care of any Waggon, Cart, or Carriage, who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having Reins, and holding the same; or who shall be at such a Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same; or shall not keep the Waggon, Cart, or Carriage to the Left or Near Side, except in case of actual Necessity, or some sufficient Reason for Deviation; or shall wilfully prevent any Person or Carriage from passing him, or any Carriage under his Care:

Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Street; or who shall leave in any Street any Horse, whether attached to any Carriage or not, without some competent Person in the Care thereof:

Every Person who shall draw any Timber, Stone, or other weighty Article, without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose:

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage, without having to guide and direct the hind Wheels of such Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof:

Every Person who shall lead or ride any Horse, Ass, Mule, or other Cattle, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone; or fasten any Horse or other Animal, so that it may stand across or upon any Footway:

Every Person who shall cause any public Carriage, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, except

except in any Place appointed by an Order of the Commissioners for the Purpose; or who by means of any public Carriage, or other Carriage, or any Waggon, Cart, Sledge, Truck, or Barrow, or any Horse or other Animal, shall willfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare:

Every Person who shall leave for an unreasonable Time on any Footway, or on any Space between the Footway and Carriageway of any Street, any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Hamper, Pail, Bucket, Ladder, Plank, or Pole; or shall place or use any Standing Place, Stool, Bench, Stall, or Showboard, on any Footway, or on any Space between the Footway and Carriageway of any Street; or shall place any Blind, Shade, Covering, Awning, Pole, Line, or other Projection over any such Footway, unless such Blind, Shade, Covering, Awning, Pole, Line, or other Projection shall in every Part thereof be Seven Feet above the Surface of such Footway, and shall extend over the whole Breadth of such Footway:

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway:

Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Bag of Soot, or any other Article of Annoyance, or any Ladder, Plank, Pole, Timber, or Log of Wood, or any Rod, Bar, or Bolt of Iron or other Metal, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who shall slide upon any Footway; or by standing, loitering, and remaining together with other Persons on any Footway, without reasonable Cause, or by hawking or exposing for Sale any Article on or near any Footway, or by any other Means, shall obstruct or incommode the free Passage of any such Footway; or who shall insult, jostle, or annoy any Inhabitants or Passenger:

Every Person who shall suffer any Goods or Merchandize, or any Coal or Fuel, intended for any House, to remain in any Street for a longer Period than shall be necessary for the housing or removing thereof:

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes thereon, to the Danger or Obstruction of any Person:

Every common Prostitute or Nightwalker loitering or being out for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers:

Every Person who shall wilfully and indecently expose his Person:

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation,

tation, or sing any profane, indecent, or obscene Song or Ballad, or write or draw any indecent or obscene Word, Figure, or Representation, to the Annoyance of the Inhabitants or Passengers:

Every Person who shall, by Word of Mouth, Card, Handbill, or otherwise, pertinaciously solicit or ply any Person to use any Hotel, Lodging House, Eating House, or Public House, or Booking Office, or to give his Custom to any Tradesman or Shop, or to hire or travel by any Coach, Omnibus, Van, Chaise, Fly, or public Carriage, or to hire any Horse, Mule, or Ass:

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 sell or cause to be sold, by Auction or Outcry, any Goods or Chattels:

Every Person (except the Guards and Postmen belonging to Her Majesty's Post Office in the Performance of their Duty, or other Persons authorized by the Commissioners, in the Performance of any Duty or Contract under this Act,) who shall blow any Horn or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms:

Every Person who shall wantonly discharge any Fire-arm, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework:

Every Person who shall wilfully and wantonly disturb any Inhabitant, by pulling or ringing any Door Bell, or knocking at any Door, without lawful Excuse; or who shall wilfully and unlawfully extinguish the Light of any Lamps:

Every Person who shall fly any Kite, or play at any Game, or trundle any Hoop, or throw any Snowball, 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 burn, dress, or cleanse any Cork; or cleanse, hoop, fire, wash, or scald any Cask or Tub; or hew, saw, bore, or cut any Timber or Stone; or slack, sift, or screen any Lime:

Every Person who shall beat or shake any Carpet, Rug, or Mat (except Door Mats before the Hour of Eight in the Morning).

Penalties for certain Offences committed within the Limits of the Act.

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

Every Person who shall wilfully or wantonly break any public or private Lamp, Lamp Iron, Post, or Apparatus, the Penalty to be in addition to the Amount of Damage:

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon, or write upon, soil, deface, or mark with Chalk or Paint, or in any other Manner,

ner, any Building, Tree, Rock, Post, Rail, Pale, Fence, Wall, or Seat, in or by the Side of any Street, Esplanade, or public Walk; or wilfully break, destroy, or damage any Part of any such Building, Tree, Rock, Post, Rail, Pale, Fence, Wall, or Seat, or any Tree, Shrub, or Seat, in any public Walk, Park, or Garden:

Every Person who, to the Danger of the Passengers in any Street, shall fix or place any Flower Pot or Box in any upper Window without sufficiently guarding the same against being blown or thrown down:

Every Person who, to the Danger of Passengers in any Street, shall throw or cast from the Roof or any Part of any House or other Building any Slate, Brick, or Part of any Brick, or any Wood, Rubbish, or other Material:

Every Person who shall expose any thing for Sale in any Park or public Garden, unless with the Consent of the Owner of such Park or Garden, or other Person authorized to give such Consent:

Every Person who shall bathe in any public Situation so as to expose his Person:

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Handrail, or leave defective the Door, Window, or other Covering of any Vault or Cellar; or who shall not sufficiently fence any Area, Pit, or Sewer, or Excavation left open in or adjoining to any Thoroughfare; or who shall leave such open Area, Pit, or Sewer, or Excavation, without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, or any offensive Matter or Thing, on any Street; or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond or Reservoir for Water; or cause or permit any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, or other Place, into any Street or any other uncovered Place, whether or not surrounded by a Wall or Fence: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost, to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or in case of Sickness to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease:

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

Every Person who shall keep any Pigsty to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling, so as to be a common Nuisance:

Every Person who shall, within the Distance of One hundred Yards from any Dwelling House, burn any Rags or any offensive Substance, so that the same shall be a common Nuisance:

Every

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground or elsewhere within One hundred Yards of any Dwelling House, so that the same shall be a Nuisance to any Inhabitant.

Urinals to be erected in certain Places.

CXXXIX. And be it enacted, That every licensed Publican, Victualler, or Retail Beerseller within the Limits of this Act shall, within One Month after Notice to that Effect has been given to him by the Commissioners, erect or construct and keep in repair, in some convenient and proper Situation near or about his Premises, other than to the Front of any front Street or Place, a Recess or Convenience, together with proper Drains therefrom, for making water, so as to prevent any unnecessary or indecent Exposure of the Person; and in default thereof every such Person shall forfeit a Sum not exceeding Forty Shillings for every Week that such Recess or Convenience shall not have been erected or constructed or kept in repair after such Notice as aforesaid.

Power to Commissioners to cause the Streets to be lighted.

CXL. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, and other Works as may be necessary for that Purpose.

Commissioners may contract for lighting the Streets.

CXLI. And be it enacted, That it shall be lawful for the Commissioners to contract, for any Period not exceeding Three Years at any One Time, with the Owners of any Gas Works, for the Supply of such Gas as the Commissioners may think necessary for lighting such Streets, and for the Use of Lamps, Lamp Posts, and such other Materials and Things as the Commissioners may think necessary for such Purpose.

Power to break up Streets for the Purpose of laying down Pipes, &c.

CXLII. And for the Purpose of enabling any Person or Company with whom the Commissioners may contract to light the said Streets or any of them, be it enacted, That it shall be lawful for any Company or Persons with whom any Contract hath been entered into under the recited Act, or with whom the Commissioners may contract for lighting the said Streets or any of them, to break up, under the Control and Direction of the Commissioners, the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they or he may deem necessary for lighting the same, and also to lay and place, against any Houses, Buildings, and Inclosures, such Pipes, Lamp Posts, Lamp Irons, and Lamp and other Works as they may deem necessary for the Purposes aforesaid: Provided always, that such Persons as aforesaid shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof.

Streets broken up to be rein-

CXLIII. And be it enacted, That when the Soil or Pavement of any Street shall be opened or broken up by the Commissioners, or any

stated without Delay.

any Company or Persons contracting as aforesaid, they shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Soil or Pavement so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Soil or Pavement shall be opened or broken up to be fenced and guarded, and shall set up and maintain, upon or against the Part of the said Soil or Pavement so broken up or opened, a sufficient Light during every Night that such Soil or Pavement shall be continued open or broken up.

Penalty for Delay in reinstating the Streets.

CXLIV. And be it enacted, That if the Commissioners, or any Company or Persons contracting as aforesaid, shall make any Delay in completing any such Work, or in filling in the Ground or making good the Soil or Pavement so opened or broken up, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Soil or Pavement shall have been broken up, they shall forfeit a Sum not exceeding Five Pounds for every such Offence, and they shall forfeit an additional Sum of Forty Shillings for every Day that any such Delay as aforesaid shall continue after the Expiration of Twenty-four Hours from the Time that such Delay shall have commenced.

Service Pipes to be kept fully charged with Gas.

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

Penalty on Gas Makers allowing Water to be corrupted within the Limits of the Act.

CXLVI. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Well, Pond, or Place for Water, now existing or hereafter to be made, within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for within Twelve Months.

CXLVII. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during

CXLVIII. And be it enacted, That in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered

recovered or not) the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby; and such Penalty shall be paid to such last-mentioned Person.

the Continuance of the Offence.

CXLIX. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not within Twenty-four Hours next after Service of such Notice effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Daily Penalty during Escape of Gas after Notice.

CL. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence the Sum of Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Penalty on Gas Makers if Water contaminated.

CLI. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected, served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, the Sum of Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Daily Penalty during the Continuance of the Contamination after Notice.

CLII. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time

Power to examine Gas Pipes to ascertain Cause of Contamination.

Time at which such digging and Examination are intended to take place.

The Expences to abide the Result of the Examination.

CLIII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CLIV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas to be liable to Indictment for Nuisance.

CLV. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance, or any other legal Proceeding, to which he may be liable in consequence of the making or supplying such Gas.

Fire Engines to be provided and Firemen to be employed by the Commissioners.

CLVI. 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.

Fire Engines may be called out to Fires.

Reward to Firemen.

CLVII. And be it enacted, That the Fire Engines to be provided by virtue of this Act may be called out and used for the Purpose of extinguishing Fires which shall from Time to Time break out or happen within the Limits of this Act or elsewhere; and the Sum of Forty Shillings shall be paid by the Occupier of the Premises as a Reward to the Firemen bringing and working the first Fire Engine arriving at any such Fire.

Fire Engines may be used out of the Limits, and

CLVIII. And be it enacted, That if any such Fire Engines shall be used in extinguishing any Fire beyond the Limits of this Act, or shall, at the Request of any Person, be used for any Purpose besides that

that of extinguishing Fires, it shall be lawful for the Commissioners or their Officers to charge, demand, and receive from the Occupier of the Premises at which any such Fire shall break out or happen, or the Person at whose Request such Engine shall be used, the full Costs and Expences which the Commissioners or their Officers shall incur, together with a reasonable Sum, to be ascertained and determined by any Justice of the Peace in case the Parties do not agree, for Wear and Tear of such Engine, and for the Trouble occasioned to the Commissioners or their Officers in the Service aforesaid.

in other Cases than Fire.

CLIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to license such Number of Carriages or Vehicles of any Kind or Description, and whether the same be drawn by any Horse, Mule, Ass, or any other Animal, or be drawn by Hand, or be propelled in any other Manner, or be carried, and also such a Number of Horses, Mules, or Asses for riding, to ply or be used for Hire within the Limits of this Act, as they shall think fit.

Power to grant Licences for Carriages, &c. to apply for Hire.

CLX. And be it enacted, That every Licence so to be granted shall be signed by Five or more of the Commissioners, and shall express the Number of the Carriage or Vehicle, and shall not include more than One Carriage or Vehicle so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next General Licensing Meeting, in case any such General Licensing Day shall be appointed by the Commissioners, as they are hereby authorized to do.

Licences to be in force for One Year.

CLXI. And be it enacted, That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, with the Christian and Surname and Place of Residence of the Person whose Carriage or Vehicle or Animal shall be licensed, and the Number of the Licence; and in such Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending such Carriage, Vehicle, or Animal.

Licences to be registered.

CLXII. And be it enacted, That for each and every such Licence there shall be paid to the Clerk of the Commissioners, for each Licence for a Carriage drawn by any Number of Horses, Mules, or Asses, the Sum of Five Shillings; and for each Licence for a Carriage or Vehicle drawn or propelled or carried by Hand or otherwise than as above, the Sum of Two Shillings and Sixpence; and for each Licence for a Saddle Horse, the Sum of Five Shillings; and for each Licence for a Mule or Ass, the Sum of Two Shillings and Sixpence.

Fees payable on Licences.

CLXIII. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver, or Person attending any such Carriage or Vehicle or Animal, be suspended or revoked by the Commissioners, as they shall deem right.

Licences may be suspended or revoked.

CLXIV. And be it enacted, That if the Driver of or Person attending any such Carriage or Vehicle or Animal shall be found standing or plying for Hire, or using any such Carriage or Vehicle or

Penalty for plying without a Licence.

or Animal, within any Part of the Limits of this Act, without a Licence from the Commissioners, the Owner or Driver of or Person attending such Carriage or Vehicle or Animal shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Persons refusing to pay the Fare.

CLXV. And be it enacted, That if any Person shall refuse to pay on Demand, to any Driver or Person attending any such Carriage or Vehicle or Animal, the regular Fare due to him for the Hire or Service of any licensed Carriage or Vehicle or Animal, he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for damaging Carriages.

CLXVI. And be it enacted, That if any Person shall wilfully cut, break, or injure any such Carriage or Vehicle licensed as aforesaid, such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Owner of such Carriage or Vehicle reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction of the Penalty takes place, and shall be recovered by the same Means as the Penalty.

Power to Commissioners to make Bye Laws.

CLXVII. And be it enacted, That for better regulating the Carriages, Vehicles, and Animals to be so licensed as aforesaid, and for the Regulation of Persons acting as Porters, it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit, and for all or any of the following Purposes; (that is to say,)

For regulating the Conduct of the Owners and Drivers thereof and Persons attending the same respectively, in their several Employments:

For regulating the Hours within which they may exercise their Calling:

For regulating the Numbers of such Carriages, Vehicles, and Animals:

For regulating the Number of Persons to be carried by such Carriages or Vehicles, and what Number of Animals are to draw the same:

For fixing and altering the Stands of such Carriages and Vehicles, and the Distance to which the Owners or Drivers of or Persons attending the Carriages or Vehicles or Animals shall be obliged to drive or go, not exceeding Twelve Miles from the Limits of this Act:

For the Government and Regulation of Porters and Persons employed at Coach, Waggon, and other such Offices, and also of Persons acting as Porters in and about the Limits of this Act:

For fixing the Rates or Fares to be paid for the Use of such Carriages or Vehicles or Animals, and the Rates and Prices to be paid to or received by such Porters and Persons:

For punishing the Misconduct of the Owners or Drivers of and Persons attending such Carriages, Vehicles, and Animals, and of the Porters and Persons aforesaid, whether in the way of Imposition, by demanding or receiving more than the regular Fare, or otherwise:

And the Commissioners may, from Time to Time as they shall think fit, repeal any such Bye Laws, and make others in their Stead, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be signed by Five of the Commissioners, and be printed and published as herein-after mentioned.

Bye Laws may be enforced by Penalties.

CLXVIII. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties for enforcing the better observing thereof as they shall think fit, not exceeding Five Pounds for any One Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or any Part of such Penalty to be recovered.

Bye Laws to be confirmed.

CLXIX. And be it enacted, That no such Bye Laws (except such as may relate solely to the Officers or Servants of the Commissioners) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the County of *Kent* or of the County of *Sussex*; and it shall be incumbent on such Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same, as to them may seem meet: Provided always, that no such Bye Law shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Kent* and County of *Sussex* One Month at least before the hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself, his Attorney or his Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

Copy of the proposed Bye Laws to be open for Inspection.

CLXX. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners or of their Clerk; and it shall be lawful for all Persons at all reasonable Times to inspect such Copy, without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof or of any Part thereof, on Payment of Ten-pence for every One hundred Words so to be copied.

Publication of Bye Laws.

CLXXI. And be it enacted, That a Copy of every such Bye Law shall be painted on Boards, and affixed in the Office of the Clerk of the Commissioners; and such Boards shall be renewed from Time to Time, and shall be open to Inspection without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Bye Laws to be binding on all Parties.

CLXXII. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

CLXXIII. And

Proof of Publication of Bye Laws.

CLXXIII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Chairman of the Court which shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws in all Cases of Prosecution under the same, without adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Bye Laws, it shall be sufficient to prove that a painted Board, containing a Copy thereof, was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued as directed by this Act.

Penalty for damaging Boards.

CLXXIV. And be it enacted, That if any Person shall pull down or destroy, damage or deface, any Board fixed in any Office in pursuance of this Act, for the Publication of the Bye Laws of the Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every Person doing any such Damage shall also be liable to pay for or make good all Damage done, and the Expences occasioned thereby.

Present Bye Laws to remain in force until the 31st December next, or until others be made.

CLXXV. Provided always, and be in enacted, That, notwithstanding any thing herein-before contained, all Bye Laws duly made in pursuance of the Powers and Provisions of the recited Act, and in force at the Time of the passing of this Act, and all Liabilities of Persons to any Penalties in respect of any Offences against the same, shall remain and continue in force and be cognizable by the Commissioners or any Justices under this Act, and the Commissioners and any Justices may enforce the same or any of them, and all Penalties for Offences against the same, until the Thirty-first Day of *December* next, or until other Bye Laws shall be sooner made, allowed, and published in pursuance of the Powers and Directions herein-before contained.

Appointment of Constables.

CLXXVI. And be it enacted, That the Commissioners shall from Time to Time appoint and employ such Number of Constables and other Officers as they shall judge necessary for the proper Protection of the Inhabitants and Property within the Limits of this Act, and may allow them such Salaries or Wages as they think proper; and it shall be lawful for the Commissioners from Time to Time to remove any such Constables and Officers as they shall think fit.

Power to Commissioners to provide Offices, Watch-houses, &c.

CLXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or rent from any Person any Buildings or Land, and to convert such Buildings or Land into or to erect Buildings on such Land for the Stations or Residence of Constables and other Officers under this Act, and for Watch-houses and Lock-up Houses, and also for Offices for holding the Meetings of the Commissioners and transacting their Business in the Execution of this Act, with Conveniences thereto, and other Places

Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and to repair the same from Time to Time, and to furnish and fit up the same, and to employ proper Persons to take care thereof.

Constables to be sworn in.

CLXXVIII. And be it enacted, That it shall be lawful for any Justice to swear in as Constables any Person so appointed and employed; and the Constables and Officers so sworn in shall have within the Limits of this Act, and within Five Miles thereof, the like Powers, and shall be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of *England*.

Power to Two Justices to dismiss Constables.

CLXXIX. And be it enacted, That it shall be lawful for any Two Justices to dismiss or suspend, for Neglect of Duty, any Constable or Officer appointed under this Act; and no Person so suspended or dismissed shall be re-appointed, except with the Consent of Two Justices; and when any Person shall be so dismissed or suspended all Powers vested in him as a Constable shall cease or be suspended.

Penalty on Constables, &c. neglecting to obey Orders, &c. of Commissioners.

CLXXX. And be it enacted, That it shall be lawful for the Commissioners to make such Rules and Orders as they shall think fit for regulating the Conduct of the said Constables and Officers; and if any such Constable or other Officer shall not faithfully observe and perform such Rules and Orders he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and, if the Commissioners shall think proper, shall also be immediately discharged from his Office or Employment.

Constables, &c. may arrest without Warrant.

CLXXXI. And be it enacted, That every Constable and Assistant Constable appointed or to be appointed in pursuance of this Act may, within the Limits of this Act, take into Custody, without a Warrant, all Felons, and any loose, idle, and disorderly Person whom he shall find disturbing the public Peace, or whom he shall have good Reason to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, or any Person who shall be charged by any other Person with committing any aggravated Assault, if he shall have good Reason to believe that such Assault has been committed, though not within his View, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender, and any Person whom he shall find between Sunset and the Hour of Eight in the Morning lying or loitering in any Street, and not giving a satisfactory Account of himself; and the Persons so taken into Custody shall be taken as soon as conveniently may be before some Justice, to be examined and dealt with according to Law, but no Person so taken into Custody shall be detained in Custody by any such Constable or Officer longer than Forty-eight Hours.

Penalty on Constables for Neglect of Duty.

CLXXXII. And be it enacted, That every such Constable or other Officer as aforesaid who shall be guilty of any Neglect or Violation of his Duty as a Constable shall be liable to a Penalty of

of not more than Five Pounds, or, in the Discretion of the Justice before whom he may be convicted, may lawfully be imprisoned, with or without hard Labour, for any Time not exceeding One Month.

Power to Constables to take Recognizances in certain Cases.

CLXXXIII. And be it enacted, That whenever any Person charged with any Offence not amounting to a Felony, and of which he shall be liable to be summarily convicted before a Justice, shall be, without the Warrant of a Justice, in the Custody of any Officer of the Commissioners who shall have been sworn in as a Constable as aforesaid, it shall be lawful for such Officer, if he shall deem it prudent so to do, but in such Cases only in which the Offender cannot be conveniently taken before a Justice, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Form of Recognizances.

CLXXXIV. And be it enacted, That every Recognizance so taken shall be taken without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice at a certain Day not later than Twenty-one Days from the Date of such Recognizance, and the Time and Place of such Appearance shall be specified in the Recognizance.

Recognizance to be registered, and returned to the Justice.

CLXXXV. And be it enacted, That the Officer taking any such Recognizance shall enter in a Book to be kept for that Purpose the Name, Residence, and Occupation of the Party and his Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice at the Time and Place when and where the Party is bound to appear; and every such Recognizance shall have the like Force and Effect as if the same had been taken before a Justice.

Commissioners may grant Rewards to Constables.

CLXXXVI. And be it enacted, That it shall be lawful for the Commissioners to allow to any such Constable or Officer such Gratuities and Rewards for apprehending Felons and other Offenders as to them shall seem proper, and to defray the Expence of prosecuting any Felons or Offenders, and of defending any such Constable or Officer in the Execution of his Duty, and to give such Rewards or Compensation to any such Constable or Officer as may be disabled in the Execution of his Duty, or worn out by Length of Service, as the Commissioners shall think reasonable.

Penalty on Persons assaulting Constables.

CLXXXVII. And be it enacted, That every Person who shall assault or resist any such Constable or Officer in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding Two Months.

Penalty on Victuallers, &c. harbour-

CLXXXVIII. And be it enacted, That if any Victualler or Keeper of any Public House, or Person licensed to sell Beer, Ale, Porter, Cider, or Perry within the Limits of this Act, shall knowingly harbour

bour or entertain or suffer to remain in his Public House or Place wherein he shall carry on his Business any Watchman or Officer during any Part of the Time appointed for his being on Duty (unless such Watchman or Officer shall be there for the Purpose of quelling any Disturbance, or restoring Order or Peace in such House), such Victualler, Public House Keeper, or licensed Person so offending shall on Conviction forfeit for every such Offence a Sum not exceeding Twenty Shillings, together with the Costs of the Conviction.

Penalty on harbouring Constables while on Duty.

CLXXXIX. And be it enacted, That every Person having or keeping a House, Shop, Room, Cellar, or Vault within the Limits of this Act, wherein ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be drunk, used, or consumed, (whether the same shall be kept or retailed therein, or brought or procured elsewhere,) who shall knowingly permit or suffer common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons, to assemble at and continue in his House, Shop, Room, Cellar, or Vault, or to play at any Game with Cards or Dice therein, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Penalty on Coffee Shop Keepers, &c. harbouring disorderly Persons.

CXC. And be it enacted, That it shall be lawful for all Constables and Officers of Police appointed under this Act at all Times to enter into any House, Shop, Room, Cellar, or Vault within the Limits of this Act, where ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be so drunk, used, or consumed as aforesaid, the Owner or Keeper of which House, Shop, Room, Cellar, or Vault shall within Twelve Months previous to such Entry have been convicted of knowingly permitting or suffering common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons to assemble at the same, and continue therein, or to play therein at any Game with Cards or Dice; and if any Person having or keeping any such House, Shop, Room, Cellar, or Vault, or any Servant or other Person in his Employ or by his Direction, shall in such Case refuse to admit, or shall not on Application admit, such Constable or Officer, into such House, Shop, Room, Cellar, or Vault, or upon such Premises, every Person so offending shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

The Houses of convicted Coffee Shop Keepers to be open to Police at all Times.

CXCI. And be it enacted, That in order to raise Money for carrying into execution the Purposes of this Act which relate to lighting, watching, watering, draining, cleansing, and regulating the Streets and otherwise (except such of the Purposes thereof as relate to paving, repairing, and maintaining the Streets), and for defraying a Portion of the Expences of preparing and passing this Act or incident thereto, the Commissioners may make, assess, and levy One or more Rate or Rates (under the Name of the Town Improvement Rate) in every Year upon all the Tenants or Occupiers of all Messuages, Houses, Shops, Workhouses, Workshops, Wharfs, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Works, Stables, Coach-houses, Brewhouses, Malthouses, and other Buildings, of whatever Description, already erected or made, or which hereafter shall be erected

Power to levy Rates for the Purposes of this Act.

erected or made, within the Limits of this Act, and upon all Gardens, Curtilages, Yards, and other Conveniences thereunto adjoining, or therewith occupied, and upon all Lands, Tenements, and Hereditaments, of whatever Description, within the said Limits, (excepting as herein-after excepted,) according to the annual Value thereof respectively, so as such Rates do not exceed in the whole in any One Year the Sum of Two Shillings in the Pound of the yearly Value thereof.

Paving Rate.

CXCII. And be it enacted, That in order to raise Money for carrying into execution the Purposes of this Act which relate to paving, repairing, and maintaining the Streets, and for defraying a Portion of the Expences of preparing and passing this Act, or incident thereto, the Commissioners may make, assess, and levy One or more Rate or Rates (under the Name of the Paving Rate) in every Year upon all Property within the Limits of this Act which is now, or which, if this Act had not passed, would hereafter have been liable to be rated and assessed to the Highway Rate, so as such Rates do not exceed in the whole in any One Year the Sum of Two Shillings and Sixpence in the Pound of the yearly Value thereof.

Arable, &c. Land not to be rated.

CXCIII. Provided always, and be it enacted, That no Person shall be rated in the Town Improvement Rate in pursuance of this Act on account of any Arable, Meadow, Pasture, Orchard Land, Hopground, or Woodland, Yard, Barn, Stable, House, or other Building used for the Purposes of Husbandry only within the Limits of this Act.

Rates vested in Commissioners.

CXCIV. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable, at such Times and in such Manner as they shall direct, to the Collectors to be appointed by them.

Form of Rates.

CXCV. And be it enacted, That every Rate made under this Act shall specify the Names of the Persons rated, the Description of the Premises or Property rated, the annual Value of such Premises or Property as ascertained or determined by the Commissioners, and the Sum in the Pound at which the same is made; and every such Rate shall be signed by Five or more of the Commissioners, and, purporting to be so signed by Five Commissioners, shall, so far as regards the Signature of the Commissioners, be valid and binding, and be deemed original and genuine Rates, and be received in Evidence as such by all Courts, Judges, Justices, and others, unless Evidence to the contrary be given.

Notice of Rate to be given.

CXCVI. And be it enacted, That no Rate to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate, and of the Time at which the same is intended to be made, and of the Place where a Statement of the proposed Rate shall be deposited for Inspection, shall be given by the Commissioners by a Notice to be affixed against the Doors of the Churches within the Limits of this Act on Two *Sundays* immediately previous to such Rate being made.

CXCVII. And

Rate to be open to Inspection.

CXCVII. And be it enacted, That immediately after any Rate shall be made under this Act the same shall be open to the Inspection of any Commissioner, or of any Creditor on such Rate, or of any Person rated in such Rate, at all seasonable Times, without Fee; and any such Person may at seasonable Times take Copies of or Extracts from such Rate without paying any thing for the same; and if on Request for that Purpose the Person having the Custody of such Rate shall fail to permit any such Person to inspect or take Copies of or Extracts from such Rates as aforesaid he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Value of Property to be according to Poor Rate.

CXCVIII. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding annual Assessment for the Relief of the Poor of the Parish in which the Property shall be situate within the Limits of this Act, or on a Valuation, as herein-after mentioned.

Poor Rates to be open to Inspection by Commissioners.

CXCIX. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the respective Parishes within the Limits of this Act, and the Assessments by which the same are made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Rates or Assessments shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

If Poor Rate an unfair Criterion, a Valuation to be made.

CC. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor within the Limits of this Act shall in the Judgment of the Commissioners be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all the rateable Property within the Limits of this Act, by some competent Person to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

Valuer to make a Declaration.

CCI. And be it enacted, That before any such Valuation shall be made the Person appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment; and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date of making the same, and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Net annual Value.

CCII. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

Rate Books to be Evidence.

CCIII. And be it enacted, That the Book of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rates may be amended.

CCIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration, before the Rate shall be payable by him.

Persons aggrieved may appeal to Petty Sessions, on the Ground of Inequality of Rates, &c.

CCV. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices acting in and for any Petty Sessions Division of either of the said Counties at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates, but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Session.

Determination of Petty Sessions to be final, unless appealed from.

CCVI. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals; and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Petty Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated; nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may appeal to Quarter Sessions against Rate, &c.

CCVII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Petty Sessions assembled, he may appeal to the next General or Quarter Sessions, but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground

Ground thereof, be given to the Commissioners, but the same shall be adjourned to the next General Quarter Sessions; nor shall any Appeal against the Determination of the Justices in Petty Sessions assembled be entertained unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

Court of Quarter Sessions to make such Order as they think reasonable.

CCVIII. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court are hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do; and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

On Appeal, Quarter Sessions and Petty Sessions to have same Power of amending and quashing Rates, &c. as in Appeals against Poor Rates.

CCIX. And be it enacted, That the Court of Quarter Sessions and the Justices in Petty Sessions assembled respectively shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within their several Jurisdictions upon Appeals against such Rates, and shall likewise have respectively, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

Liability to Rates not to disqualify Witnesses or Justices.

CCX. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Rates, how to be recovered.

CCXI. And be it enacted, That if any Person rated or liable to pay any Rate under the Authority of this Act shall not pay any of the said Rates due from him, or which he shall be liable to pay, for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

CCXII. And

Form of Warrant of Distress.

CCXII. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in Schedule (C.) to this Act annexed.

Constables to assist in making Distress.

CCXIII. And be it enacted, That in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant; and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Power to Commissioners or Justices to remit Rate.

CCXIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners, with the Consent of any Two Justices, to reduce or remit the Payment of any Rate, on account of the Poverty or Sickness of any Person liable to the Payment of the Rate, or to reduce or remit the Payment of the Town Improvement Rate, by reason that any Buildings, Lands, Tenements, or Hereditaments are not lighted and watched, or only partly lighted and watched, by virtue of this Act, in such Manner as the Commissioners or Justices shall in their Discretion think just and reasonable.

Remedy against Persons quitting before Payment of Rates.

CCXV. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collector, on Demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside or his Goods be found to summon such Person to appear before him to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be apportioned on Holder quitting.

CCXVI. And be it enacted, That when any Rate shall have been made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, the Commissioners shall return or pay back to such Owner or Occupier such Portion of the Rate payable for the whole of such Period proportionate to the Time during which he shall have ceased to be Owner or Occupier; and if any Person shall become the Owner or Occupier of any Property so rated as aforesaid during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Persons entering unoccupied Property to pay a Portion of the Rate.

CCXVII. And be it enacted, That if any unfinished House, Building, or Premises shall come into Occupation after any Rate authorized by this Act shall be made, or if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy any such House, Building, Premises, or Property during any Part of the Period for which such Rate shall have been made, the Commissioners may amend the Rate, by inserting such House, Building, Premises, or Property, and rate the same respectively

tively to such Rates, and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such House, Building, Premises, or Property.

Owners of Houses let furnished to be rated instead of the Occupiers.

CCXVIII. And be it enacted, That the Owners of all Houses or Tenements within the Limits of this Act which shall be let ready furnished shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Owners of Property not exceeding 12*l.* per Annum, &c. to pay the Rates.

CCXIX. And be it enacted, That the Owners of all rateable Property within the Limits of this Act the yearly Rent or Value whereof respectively shall not exceed Twelve Pounds, 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.

Not necessary to name the Owner where unknown.

CCXX. And be it enacted, That whenever the Name of any Owner liable to be rated by virtue of this Act shall not be known to the Commissioners, or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated, by the Designation of the "Owner," without stating his Name.

Receiver of Rents to be deemed the Owner.

CCXXI. And in order to prevent any Dispute touching the Word "Owner" for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof, on his own Account or as Agent of any other Person, shall be, at the Option of the Commissioners, deemed the "Owner" of the same for the Purposes of such rating.

In default of Owner paying for Six Months, Occupier to pay.

CCXXII. And be it enacted, That when any Owner of rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of the Rent due from him on Application being made to him for that Purpose.

Owne to repay the Occupier.

CCXXIII. And be it enacted, That if the Amount of any Rate which under the Provisions herein-before contained ought to be borne by the Owner of any rateable Property shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress (if any) paid by him, from the Rent due or to become due from him to such Owner.

Summonses on Proceedings for the Recovery of Rates may be served by leaving the same on the Premises.

CCXXIV. And be it enacted, That whenever it shall be necessary for the Recovery of any Rate or Proportion of any Rate made by virtue of this Act to serve any Summons on any Person liable to the Payment thereof who shall not be resident within the Limits of this Act, such Summons may be left with some Inmate on the Premises in respect whereof the Rate shall have been made, or in case there be no Inmate it may be affixed on some conspicuous Part of the Premises, and the same shall be deemed to be good Service of such Summons on the Person so liable.

Application of Town Improvement Rates.

CCXXV. And be it enacted, That the Monies which shall arise from the said Town Improvement Rates shall be applied, in the first place, in the Payment of Two Third Parts of the Expences of obtaining and passing this Act or incident thereto, together with Interest at the Rate of not more than Five *per Centum per Annum* for Two Thirds of any Money advanced for those Purposes from the Time of such Advance, unless such Expences and Interest shall have been paid out of Monies to be borrowed on the Credit of such Rates as herein-before directed, and next in paying the Interest of all Monies borrowed on the Credit of the said Rates, and in paying off an annual Proportion of the Principal thereof, as herein-before provided; and the Residue of the said Monies shall be employed in defraying the Expences of lighting, watching, watering, draining, cleansing, and regulating the Streets within the Limits of this Act, and in paying such Proportion of the Salaries and Charges of the Clerk or any other Officers or Servants of the Commissioners, and of all other Charges and Expences incident to or connected with the Execution of this Act, as in the Judgment of the Commissioners shall be incurred in carrying into execution the several Purposes of this Act, except such as relate to paving, repairing, and maintaining the Streets, and for no other Use, Intent, or Purpose whatsoever.

Application of Paving Rates.

CCXXVI. And be it enacted, That the Monies which shall arise from the said Paving Rates shall be applied, in the first place, in the Payment of One Third Part of the Expences of obtaining and passing this Act or incident thereto, together with Interest at the Rate of Five *per Centum per Annum* for One Third of any Money advanced for those Purposes from the Time of such Advance, unless such Expences and Interest shall have been paid out of Monies to be borrowed on the Credit of such Rates, as herein-before directed, and next in paying the Interest of all Monies borrowed on the Credit of the said Rates, and in paying off an annual Proportion of the Principal thereof as herein-before provided; and the Residue of the said Monies shall be employed in defraying the Expences of paving, repairing, and maintaining the Streets within the Limits of this Act, and in paying such Proportion of the Salaries and Charges of the Clerk or any other Officers or Servants of the Commissioners, and of all other Charges and Expences incident to or connected with the Execution of this Act, as in the Judgment of the Commissioners shall be incurred in carrying into execution the Purposes of this Act, so far as it relates to paving, repairing, and maintaining the Streets, and for no other Use, Intent, or Purpose whatsoever.

CCXXVII. And

Carts, &c. removing Furniture to evade Rent or Rates may stopped.

CCXXVII. And be it enacted, That every Constable and Assistant Constable appointed or to be appointed in pursuance of this Act may stop and detain, until due Inquiry can be made, all Carts, Carriages, Trucks, and Barrows which he shall find employed in removing any Furniture or Goods from any House or Lodgings within the Limits of this Act, between the Hours of Eight in the Evening and Six in the Morning, or whenever he shall have good Grounds for believing that such Removal is made for the Purpose of evading the Payment of Rent or of the Rates payable under this Act; but such Constable or Assistant Constable shall release the same immediately on sufficient Security being given for the Payment of any Rent or Rates which may be then due or legally claimed; and in case of Neglect or Refusal to give such Security he shall take the Cart, Carriage, Truck, or Barrow, and Furniture, or cause the same to be taken, back to the Premises whence they came, or in case such Premises shall not be known to him, then to some other Place, for the Purpose of unloading such Furniture, and depositing the same in security.

Damages to be ascertained, with the Penalty.

CCXXVIII. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCXXIX. And for the Purpose of providing for the Recovery of any Compensation for any Lands, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by Two or more Justices, and the same shall be levied by Distress.

For ascertaining Compensation.

CCXXX. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person apparently liable to pay the same to appear before Two or more Justices at a Time mentioned in such Summons; and at such Time, either on the Appearance or Default of the Party summoned to appear, such Justices may inquire into any such Compensation, Charges, or Damages, and determine the same.

Recovery of Money from Commissioners.

CCXXXI. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money,

Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimbursement of Treasurer.

CCXXXII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same, in the same Manner as other Parties are by this Act enabled to sue the Commissioners.

Publication of Penalties.

CCXXXIII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures incurrable under 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 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 Office of the Commissioners; and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same are 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.

CCXXXIV. And be it enacted, That if any Person shall 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 this Act or the recited Act imposed may be recovered.

Penalties to be summarily recovered before Justices.

CCXXXV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding before Two or more Justices; and on the Complaint being made to any Justice he shall issue a Summons requiring the Party complained against to appear before Two or more Justices 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

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.

CCXXXVI. 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 One or more Justices shall issue his or their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCXXXVII. And be it enacted, That it shall be lawful for the Justice or 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 or Justices, for his Appearance before him or 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 or Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justices whereon to levy such Penalty or Forfeiture and Costs, he or 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 Justice or Justices, then such Justice or Justices shall, by Warrant under the Hand of One such Justice, 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.

Application of Penalties.

CCXXXVIII. And with respect to the Application of any Penalty or Forfeiture recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award the same to the Commissioners, and shall order the same to be paid over to the Treasurer or other proper Officer of the Commissioners, and the same shall be applied by the Commissioners for the Purposes of this Act in such Manner as they shall think fit, but in case the Commissioners be the offending Party the Justices shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor, to be applied in aid of the Poor Rates of the Parish in which the Penalty or Forfeiture shall be incurred.

Penalties to be sued for within Six Months.

CCXXXIX. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before some Justice within Six Months next after the Commission of such Offence.

Justices may summon Witnesses, and Penalty on Witnesses making default.

CCXL. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Transient Offenders.

CCXLI. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCXLII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (D.) to this Act annexed.

Informalities.

CCXLIII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CCXLIV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

CCXLV. And

Distress not unlawful for Want of Form.

CCXLV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions, on giving Security.

CCXLVI. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, other than the Determination of any Justices in Petty Sessions assembled, in an Appeal against any Rate made under the Authority of this Act, or of the Commissioners under the Provisions of this Act, he may appeal to the General Quarter Sessions; 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 think reasonable.

CCXLVII. 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, 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.

Notices to be signed by the Clerk, and to be Evidence.

CCXLVIII. And be it enacted, That whenever by this Act the Commissioners are empowered or directed to give Notices, Orders, or Directions, or to express their Consent or Dissent to any thing, all such Notices, Orders, Directions, Consents, and Dissents shall be in Writing, but it shall be sufficient if the same are signed by the Clerk of the Commissioners, excepting only in those Cases where by this Act another Mode of Signature shall be expressly required; and all such Writings, except as aforesaid, which shall purport to be so signed, shall be *primâ facie* admissible in Evidence, and shall be deemed by all Courts, Judges, Justices, and others to have been duly authorized by the Commissioners, unless the contrary shall be proved.

Not to protect Persons from Indictment.

CCXLIX. And be it enacted, That nothing contained in this Act shall be construed to prevent any Person from being indicted for any indictable

indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act to any other or higher Penalty or Punishment than is provided for such Offence by this Act, so nevertheless that no Person be punished twice for the same Offence.

Interpretation of Act.

CCL. 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 only shall include Females:

The Word "Month" shall mean Calendar Month:

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

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*;

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

The Word "Justice" shall mean any Justice of the Peace acting within the Limits of this Act:

The Word "Street" and also the Word "Streets" respectively shall comprise and include all public Highways, Roads, Carriageways, Footways, Lanes, Alleys, Courts, Passages, Squares, and other open and public Passages and Places or public Thoroughfares within the Limits of this Act:

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

The Expression "inclosed Land" shall include all Land and Ground which shall be in the exclusive Occupation of One or more Persons for agricultural Purposes, although the same may not be separated from any adjoining Land or Ground of other Persons, or from the Highway by any Fence or other Inclosure:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act or of the recited Act.

Public Act.

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

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

Number

By virtue of the Tunbridge Wells Improvement Act, 1846, we the Tunbridge Wells Improvement Commissioners, in consideration of the Sum of advanced and lent by *A. B.* of for the Purposes of the said Act, do grant and assign unto the said *A. B.* [*or* to *&c.*, Trustee of *&c.*, *as the Case may require*], his Executors, Administrators, and Assigns, such Proportion of the Rates arising by virtue of the said Act, under the Name of the Rate, as the said Sum of doth and shall bear to the whole Sum which is or shall be borrowed or be charged upon the Credit of the said respective Rates, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, this Day of One thousand eight hundred and

Witness

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A. B.* of [*or C. D.* of Executor or Administrator of *A. B.*, late of], in consideration of the Sum of paid to me by *E. F.* of do hereby transfer to the said *E. F.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Tunbridge Wells Improvement Commissioners to me [*or* to the said *A. B.*], bearing Date the Day of for securing the Sum of and Interest [*or* (*if such Transfer be by Indorsement*) the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured, and

and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

Witness

SCHEDULE (C.)

Form of Warrant of Distress.

to wit. } To One of the Collectors of the Rates under the Tunbridge Wells Improvement Act, 1846, and to all Constables:

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, One of Her Majesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid; These are therefore, in Her Majesty's Name, to require you or any of you forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct. And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all Things relating to the Premises. Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

	Sums due. £	s.	d.
A. B. - - - - - - -			
C. D. - - - - - - -			

SCHEDULE (D.)

Form of Conviction.

to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before us, *C. D.* and *E. F.*, Two of Her Majesty's Justices

Justices of the Peace for the County of [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to the Tunbridge Wells Improvement Act, 1846. Given under our Hands and Seals, the Day and Year first above written.

C. D.
E. F.

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