ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxx.

An Act to authorize and provide for certain Improvements in the Town and Parish of *Walton-le-Soken* otherwise *Walton-on-the-Naze* in the County of *Essex*. [21st *June* 1841.]

WHEREAS the Sea has for many Years, and especially of late, greatly encroached upon the Lands, Houses, and other Erections on the Coast adjoining the Town of *Walton le Soken* otherwise *Walton on the Naze* in the County of *Essex*, and large Sums of Money have been expended from Time to Time, by the Owners of Property adjoining the said Sea Coast, in defending and protecting their respective Houses and other Erections, and the Land there, from the Encroachments of the Sea: And whereas it is requisite that Powers should be granted for erecting and maintaining proper Groins, Walls, Defences, and other Works for the better Protection of the said Town and Land within the said Parish from the further Encroachments of the Sea, and that such Defences between the Two present Terraces should be forthwith formed, and be for ever after maintained, at the general Expence, out of the Rates: And whereas the said Town is a Place of much Resort for Visitors in the Summer Months, and would become greatly increased if a Terrace, Square, Garden, and public Promenades, and a Landing Place, were erected and maintained along the Sea Coast,

and in or adjoining the said Town: And whereas it is expedient that effectual Powers should be granted for paving, cleansing, lighting, watching, watering, draining, and otherwise improving the several Streets, Lanes, and other Passages and Places within the said Town and Parish, and for preventing Nuisances and Annoyances therein: And whereas the opening, forming, and making a new Street or Road, commencing at or near the Manor Pound in the said Parish, and terminating at the Sea Shore, and certain other Streets and Ways, would be of great Advantage and Convenience to the Inhabitants of the said Town, Parish, and Neighbourhood, and to the Public in general: And whereas it would also be advantageous to the Inhabitants of the said Town, Parish, and its Neighbourhood, if a Market Place and Market Houses and other Buildings were established within or near to such Town: And whereas it is expedient that Powers should be granted authorizing the Purchase of Lands, Buildings, and other Property, and for levying Rates for the Purposes aforesaid; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 Vicar and Curates of the said Town of *Walton*, the Incumbent of the Parish of the *Holy Trinity* at *Colchester* aforesaid, the Lord of the Manor of *Walton* aforesaid, and the Churchwardens, Overseers of the Poor, and Surveyors of the Highways of the said Town, for the Time being all respectively, together with Sir *George Henry Smyth* Baronet, Member of Parliament, Sir *John Tysson Tyrrell* Baronet, Member of Parliament, *Thomas William Bramston* Esquire, Member of Parliament, *George Palmer* Esquire, Member of Parliament, *Charles Grey Round* Esquire, Member of Parliament, *Richard Sanderson* Esquire, Member of Parliament, *George Savill* Esquire, *Thomas Joseph Turner* Esquire, *William Bardgett*, *Joseph Barton*, *Henry Cobbold*, *John Cobbold*, *John Wainwright Cross*, *Frederick Cross*, *William Hawkins*, *John Woodgate Hicks*, *Benjamin Hubbard*, *Henry Kimber*, *John Goodall Lay*, *William Lay*, *William Raven*, *Joseph Salmon* the younger, *John Warner*, and *Samuel Wilson*, and every Person who shall be assessed to the Improvement Rate hereafter mentioned at the yearly Rent of Fifty Pounds and upwards, whether assessed as Owner, Lessee, or Occupier, and who shall have paid all Arrears of the Rate which shall have been theretofore made upon him and upon such Premises, shall be and they are hereby appointed Commissioners for putting this Act into execution.

Commissioners.

No Person holding Office, &c. to act as a Commissioner.

II. And be it enacted, That if at any Time any Commissioner shall hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done or executed under the Commissioners, such Person shall, during such Period, cease to be a Commissioner.

Shareholders in Companies not disqualified

III. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament or Charter shall be prevented from acting as a

 Commissioner

Commissioner by reason of any Contract which may be entered into between such Company and the Commissioners, but no such Commissioner so being a Member of such Company shall vote on any Question relating to the Execution of this Act in which such Company may be interested.

by reason of the Company taking any Contract.

IV. And be it enacted, That no Person shall be incapable of or disqualified from acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner: Provided also, that no Person lending Money to the Commissioners, and being a Creditor upon the Rates and Monies of the said Commissioners, shall be disqualified as a Commissioner.

Justices and Creditors on the Rates, not disqualified as Commissioners.

V. And be it further enacted, That the Commissioners for the Time being shall be distinguished and known by the Name of "The Commissioners for improving the Town and Parish of *Walton* in the County of *Essex*," and the said Commissioners shall be styled "The Commissioners for improving the Town and Parish of *Walton* in the County of *Essex*."

Name and Style of the Commissioners.

VI. And be it further enacted, That the Commissioners for executing this Act shall hold their First General Meeting on the Third *Tuesday* next after the passing of this Act, at *Kent*'s Hotel in the Town aforesaid, or at some other convenient Place within the said Town, between the Hours of Ten and Twelve of the Clock at Noon, and proceed to put this Act into execution; and a General Meeting of the said Commissioners shall be held on the Third *Tuesday* in the Months of *February*, *May*, *August*, and *November* in each and every Year, at the Place and between the Hours aforesaid, unless some other Time and Place shall be appointed by the said Commissioners; 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 Place within the said Town; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners, or the Clerk, to appoint a Meeting to be held at any convenient Place within the said Town; and not less than Seven Days Notice shall be given of such intended Meeting in the Manner hereafter mentioned.

First and other Meetings of the Commissioners.

VII. And be it enacted, That it shall be lawful for the said Commissioners to hold Special Meetings, and any Three or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Three Days Notice thereof shall be given in the Manner hereafter mentioned.

Special Meetings.

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

Quorum of Commissioners.

transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting, and a Majority concur therein.

How Notices of Meetings are to be given.

IX. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Print or in Writing, or partly in Print and partly in Writing, and shall be delivered at, or or sent by the Post or otherwise to, the usual Place of Abode of each of the Commissioners, and a Copy thereof affixed upon the Door of the Parish Church, or advertised in One or more Newspapers circulated within the said County of *Essex*, Ten Days at least previously to such Meeting; and every Notice shall specify the Time and Place of Meeting, and, in case of a Special Meeting, shall specify the Object thereof, and no Business shall be transacted at any Special Meeting excepting such as is stated in the Notice thereof: Provided that it shall not be requisite to give any specific Notices to such of the Commissioners as are Commissioners by virtue of their being so appointed, as Owner, Proprietor, Lessee, or Occupier rated at Fifty Pounds *per Annum* or upwards.

Expences at Meetings.

X. And be it enacted, That at all Meetings of the Commissioners and of the Committees they shall defray their own Expences, excepting a Sum not exceeding Two Pounds and Two Shillings *per Diem* for the Use of the Rooms in which the Meeting is held.

General Meeting may appoint Committees.

XI. And be it enacted, That it shall be lawful for the said Commissioners at any General Meeting to appoint a Committee, consisting of not more than Twelve of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General 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 *May* next following its Appointment.

Quorum of Committees.

XII. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Five Members of the Committee be present, and a Majority concur therein.

Order of Business at Meetings of Commissioners or Committees.

XIII. 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 of the Commissioners then and there 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 also a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, then 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.

XIV. And

No Resolution of Commissioners to be revoked at a subsequent Meeting unless expressly called for such Purpose.

XIV. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners or of the Committee shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Ten Days at least previously 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 when such Resolution was made or such Act was done, or if the Number of the Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority of the Commissioners present.

For what Contracts may be made.

XV. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the said 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 the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

Contracts how to be signed.

XVI. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners, and the other Parties thereto; and such Contracts shall be binding on the Commissioners, and on the Contractors, 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.

Commissioners may compound for Breach of Contract.

XVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to compound and agree with any Person who shall have entered into any Contract with the said Commissioners, and shall not have performed, or shall neglect or be unable to perform the same, or with the Surety of any such Person, for any Penalty contained in such Contract, or in any Bond or other Security for the Performance thereof, for such Sums of Money or other Recompence or Consideration as the said Commissioners shall see fit.

Materials for Works to be considered the Property of the Commissioners.

XVIII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts or Work, shall, for the Purpose of protecting the same by Indictment or Action as hereafter mentioned, be held to be the Property of such Commissioners.

How Indictments to be preferred.

XIX. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment or bring any Action against any Person who shall remove, steal, take or carry away, deface, break, throw down, or injure any Property, Article, or Thing belonging to the said Commissioners, or as aforesaid, or commit any other Wrong; and in any such Bill of Indict-

ment or Action it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred or Action brought to be the Property of "The Commissioners for improving the Town and Parish of *Walton* in the County of *Essex*," without naming the Members thereof.

Commissioners may compound Actions.

XX. And be it enacted, That when and as often as any Action or Proceedings shall be brought or instituted by or against the said Commissioners for any thing done or supposed to be done in pursuance or by virtue of this Act, it shall be lawful as well for the said Commissioners as for all Persons with whom the said Commissioners shall have any such Dispute to compound such Action or Proceeding without bringing the same to Trial.

Commissioners not personally liable.

XXI. 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 any of the Commissioners, or their 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 Instrument, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be paid and discharged out of the Monies to arise by virtue of this Act, or other the Goods or Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit shall have been brought or defended without the Order or Direction of the Commissioners.

Liability of their Funds.

Executions against Goods of Commissioners.

XXII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners 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.

XXIII. And be it enacted, That every such Commissioner, Clerk, or other Person against whom or in whose Name any such 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 then be or which may thereafter come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences whatsoever to which any such Commissioner, Clerk, or other Person may be put, or whose Goods and Chattels shall have been taken in Execution, or with which he may become chargeable or liable to by reason of being so made Plaintiff or Defendant; and no such Commissioner, Clerk, or other Person 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 has been brought by the Commissioners, Clerk, or other Person without the Order or Direction of the Commissioners at some General or Special Meeting.

Commissioners to appoint

XXIV. And be it enacted, That the said Commissioners shall from Time to Time appoint a Treasurer, Banker, Clerk, Collector,

Assessor,

Assessor, and such other Officers as they the said Commissioners shall think fit, with such Salaries, Per-centage, Remuneration, and Allowances as they may think reasonable, and may remove such Treasurer, Banker, Clerk, Collector, Assessor, and other Officer, and appoint others in their Stead, if they so see fit. Appoint Treasurer and other Officers.

XXV. And be it enacted, That the Treasurer or Banker shall pay no Money, unless by an Order in Writing signed by Three of the Commissioners assembled at the Meeting when such Order is made, excepting as is herein-after mentioned. Treasurer to pay by Order of Three Commissioners.

XXVI. 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, or the Partner of any 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,) Offices of Clerk and Treasurer to be separate. Penalty 100*l.*

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:

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:

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 Her Majesty's Superior Courts of Record at *Westminster*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

XXVII. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances authorized by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, excepting as aforesaid, 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. Officer taking Fees to lose his Office. Penalty 50*l.*

XXVIII. 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 which shall be by them respectively Commissioners to take Security from all Officers entrusted with Money.

tively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, as ordered and may be required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XXIX. 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 and paid by him on behalf of the Commissioners; and such Account shall state how and of whom such Sum has been so received, and to whom and for what Purpose such Monies have been so paid, disbursed, or disposed of, and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall immediately pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

XXX. 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 the 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 Books, Papers, and Writings, Memoranda, Property, Effects, Matters, and Things whatsoever, 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 said County of *Essex* or other Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found then in his Absence such Justice 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 Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justice 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 any Time not exceeding Three Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; 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 Justice 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, Memoranda, or Writings, Property, Effects, Matters, or Things whatsoever relating to the Execution of the Act, or belonging to the Commissioners in his Possession or Power;

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

Commitment not to discharge Sureties.

XXXI. 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 such Officer, or any Surety of such Officer.

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

XXXII. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered, as soon as the same shall be known to him, Minutes of the Proceedings of the Commissioners and of the Committees, and also true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Rates and Assessments by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Books and Accounts, without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or other Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to be examined and finally settled at the annual Meetting.

XXXIII. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the First Ordinary Meeting of the Commissioners which shall take place in the Month of *May* 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 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 Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at one of the Two then next General Quarter Sessions of the Peace for the said County of *Essex*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute (Notice in Writing of such Appeal, and

of the Grounds of such Appeal, and of the Items objected to, having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal).

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

XXXIV. 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 or Assessments made, and of all Contracts entered into, and of all Monies received and expended, during the preceding Year, that is to say, up to and including the Thirty-first Day of *December* in each and every Year, 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 the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all seasonable Times inspect such Statement or Account; and the Clerk shall, on Demand, furnish a Copy of such Statement and Account, or any Part thereof, to any such Creditor or Rate-payer, upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of Words; and Eight Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice of such intended Meeting upon the Church Door of *Walton* aforesaid, stating in such Notice that the said Statement and Account are at the Office of the Commissioners ready for the Inspection of the Creditors or Rate-payers and other Parties interested.

Notice of Meeting.

Auditors may be appointed.

XXXV. And be it enacted, That at the Meeting so to be held in the Month of *February* it shall be lawful for the Commissioners to nominate, if they think fit so to do, Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners.

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

XXXVI. And be it enacted, That the Auditors so nominated shall meet, as soon after the Twenty-fifth Day of *March* then next following 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 or Deputy Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding; and the Commissioners shall produce and lay before such Auditors at every such Meeting the Statement and Account 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 think there is just Cause to disapprove of any Part of the said Accounts, it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to one of the Two next General Quarter Sessions of the Peace for the said County of *Essex*, Notice in Writing of such Appeal, and the Grounds of such Appeal, and of

the Items objected to, being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

An annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace for Essex.

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

Power to borrow 6,000*l.* upon Mortgage of the Rates.

XXXVIII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Six thousand Pounds, excepting as herein-after mentioned, and in the event of any Part of such Sum of Money being repaid by the Commissioners to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Six thousand Pounds, excepting as herein-after mentioned, in the whole at any one Time; and for securing the Repayment of the Money so borrowed, with Interest, the Commissioners, or any Three of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or to his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

XXXIX. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Three of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

XL. And be it enacted, That all Persons to whom such Mortgages or Assignments 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 Rates or Assessments and other Monies and Effects equally one with another, without any Preference in respect of the Priority of advancing such Monies or of the Dates of any such Mortgages or Assignments respectively.

XLI. And

To Commissioners may raise Money by Annuities.

XLI. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, and for that Purpose for the Commissioners, or any Three of them, to charge the Rates, Assessments, and other Monies granted by this Act with an Annuity to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

XLII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Three of the Commissioners, and may be in the Form of Schedule (B.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

XLIII. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

XLIV. And be it enacted, That every Annuity so granted shall be paid out of the Rates, Assessments, or other Monies belonging to the Commissioners according to the Grant of such Annuity, and shall have Priority next after any Mortgages or Assignments granted under this Act.

Expences of Mortgages and Annuities.

XLV. And be it enacted, That the Expences of every Assignment or Mortgage and Grant of Annuity shall be defrayed by the Commissioners out of the Money raised by the same, excepting Duplicates or Assignments of the Originals.

Mortgages or Annuities lost, &c. may be renewed by the Commissioners.

XLVI. And be it enacted, That in any Case where a Mortgage or Annuity Bond, or other such like Instrument for securing any Sum of Money authorized to be lent to the Commissioners under the Authority of this Act, has been lost, mislaid, or accidentally destroyed, it shall be lawful for the Commissioners, or any Three or more of them, present at any General or Special Meeting, to sign, seal, execute, and deliver a Duplicate or Counterpart of such original Mortgage Bond or such like Instrument to the Person entitled to the same for the Sum and Amount which may then be and remain due thereon, the Person applying for the same indemnifying the Commissioners from the Consideration Money and Interest of such Original, and all Assignments and Transfers of the same, and such Person paying all Costs and Expences attending the same; and every such Mortgage Bond or Instrument shall be as valid and effectual as the Original for the Amount so remaining due, and thereby stated and secured: Provided that no such Duplicate or Counterpart shall be so given and signed by such Commissioners unless the same shall have been proposed at and be resolved upon at the General or Special Meeting next preceding the Meeting at which such Duplicate or Counterpart shall be so signed and given.

XLVII. And

A Register of Mortgages and Annuities to be kept, and to be open for Inspection.

XLVII. And be it enacted, That a Register of such Mortgages or Assignments and Annuities, and Duplicates and Transfers of every such Instrument, shall be kept by the Clerk to the Commissioners; and within Fourteen Days after the Production of any such Mortgage or Assignment or Annuity, Duplicate or Transfer of every such Instrument, to the Clerk, an Entry of Memorial of the Number or Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein without Fee or Reward.

Assignment of Mortgages and Annuities.

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

Register of Transfers to be kept.

XLIX. And be it enacted, That within Thirty Days after the Sale of every such Transfer it 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 or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Ten Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects, and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half-yearly.

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

Power to take up Money at a less Rate of Interest.

LI. 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 Rates and other Monies or Property, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of paying off Mortgages

LII. And in order that no undue Preference may be given in paying off any such Mortgages or Assignments, be it enacted, That when

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 similar Form, and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Five or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Numbers 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; 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, on a certain Day and 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.

LIII. And be it enacted, That the Money which shall be borrowed or raised on the Credit of the Rates hereby authorized to be levied shall be applied, in the first place, in paying the Expences of applying for, obtaining, and passing this Act, or incidental thereto, and in the next place, in forming the Defences and Sea Wall between the present Terraces, and afterwards in purchasing the Houses, Lands, and Premises, and making Compensation to the several and respective Parties, and in making such further Sea Walls, new Roads, and other Improvements as are hereby authorized, and as the Commissioners shall direct to be made.

Commissioners to set aside yearly to pay off the Debt in Thirty Years.

LIV. And be it enacted, That the said Commissioners shall and they are hereby required, after the Expiration of Five Years from the borrowing of such Money, to set aside and appropriate, out of the Monies to arise and be received under the Authority of this Act, such a Sum of Money as will be sufficient to discharge the whole of the Principal Money borrowed within Thirty Years.

Commissioners may make Bye Laws to govern themselves and their Servants.

LV. 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, and make others in their Stead, 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 Three or more of the Commissioners.

LVI. And

Fines for Breach of such Bye Laws.

LVI. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to fix and impose such reasonable Forfeitures 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 or any 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 a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LVII. 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 with some Servant or Inmate 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.

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

Releases to Witnesses.

LIX. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness, and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tender of Amends.

LX. 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 sufficient Tender of Amends, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and it shall also 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.

Power to purchase Lands.

LXI. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of the Whole or any Part of the Lands set forth in the last Schedule to this Act annexed which shall be or may be found necessary for any of the Purposes of this Act, for the absolute Purchase,

Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Commonable or other Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

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

Parties under Disability to excercise other Powers.

LXIII. And be it enacted, That the Power herein-after given to enfranchise Copyhold Lands, as well as every other Power required to be exercised by the Lord of any Manor pursuant to the Provisions of this Act, and the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the Commissioners,

Consideration to be in a gross Sum.

LXIV. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or

LXV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to

accept,

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

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

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

LXVIII. And be it enacted, That if any Person seised in Fee of, or entitled to dispose of absolutely, for his own Benefit, any Lands authorized to be purchased for the Purposes of this Act, shall be willing to sell such Lands for a perpetual annual Rent-charge in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands, or any Part thereof, unto the Commissioners, in consideration of an annual Rent-charge payable by the Commissioners to the Person so selling and conveying, and to his Heirs and Assigns, or as a Trustee for such Persons respectively. Purchase of Lands on Chief Rents.

LXIX. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Rates payable under this Act, and shall be paid by the Commissioners as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Payment of Rents to be charged on Rates.

in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Commissioners, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the Commissioners.

Form of Conveyances.

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

Costs of Conveyances.

LXXI. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include all Charges and Expences incurred, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies, subject to the Provisions relating thereto, as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title: Provided always, that before the Delivery of any Abstract of Title to any Lands required by the said Commissioners, or of any Interest therein required to be purchased, the Vendor of such Lands, or Party having such Interest therein, shall deliver or cause to be delivered to the said Commissioners, and at the Expence of the said Commissioners, if required by them, a Schedule or List of all the Instruments by which he shall propose to establish his documentary Title to the same; and the said Commissioners, their Clerk, Solicitor, or Agent, shall be entitled to inspect the same Instruments, or any of them, and either upon or after such Inspection to dispense with or require the Abstract or Verification in the usual Manner, as they shall think proper, of all or any of the same Instruments, at the Costs of the said Commissioners; and in case no such Schedule or List shall be delivered, or Inspection of such Instruments allowed and given as aforesaid, then and in such Case the said Commissioners shall not be called upon to pay any of the Expences of any Abstracts of Title, or the Costs of Verification of the same, delivered or incurred contrary to such the Directions or Requests of the Commissioners as aforesaid; and before the Commissioners enter into possession of the

Proviso as to delivering Schedule of the Deeds.

Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof, as herein-after provided; nevertheless, if, within Seven Days after Notice in Writing from the Commissioners, the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of Costs.

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

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

LXXIII. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right, or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Commissioners for improving the Town and Parish of *Walton* in the County of *Essex*," pursuant to the Method prescribed by an Act of the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Money and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the Court, and for other Purposes*, and pursuant to the General Orders of the said Court; and

1 G. 4. c. 35.

Application of Monies deposited.

and such Monies shall remain so deposited until the same be applied to some one or more of the following Purposes; (that is to say,)

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

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

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

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

Order for Application.

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

Sums not amounting to 200*l.* but exceeding 20*l.* to be deposited or invested in Trustees

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

such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

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

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

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

LXXVII. And for the Purpose of providing for the Payment and Application, in certain Cases, of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases; (that is to say,)

If the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation either agreed or awarded to be paid, refuse to accept the same; or

If any such Person fail to produce his Purchase Deed, and make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners; or

If such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or release such Lands as directed by the Commissioners, or any Three of them;

It shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in such Lands (describing them, so far as the Commissioners can do), subject to the Control and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Commissioners, or to the Party paying in such Money, a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

Application of Money so deposited.

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

claim thereunto, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Exchequer may direct Investment of Money in respect of Leases for Lives, &c.

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

Party in possession deemed to be the Owner.

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

Costs in Cases of Money deposited.

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

The Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for; and

The Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands; and also

The Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested;

And of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

LXXXII. And

Payment of Price to be made previous to Entry.

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

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

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

Decision of Justices not conclusive as to Commissioner's Right.

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

Notice of Intention to take Lands.

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

LXXXVI. And

Parties interested in Lands to state their Claims.

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

Proceedings in case of Refusal to deliver to Possession of Lands.

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

Disputes as to Compensation to be settled by a Jury.

LXXXVIII. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners of any Lands, or if any Interest in any such Lands taken or required for or injuriously affected by the Execution of this Act, (including among such Owners all Parties by this Act enabled to sell or convey Lands,) as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to produce his Purchase Deed, or to disclose or prove his Title to any such Lands, or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Release necessary for enabling the Commissioners to take such Lands, or to proceed in making the new Roads, Streets, Improvements, and other Works, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in making such Improvements and other Works, or otherwise in exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

LXXXIX. Pro-

Claims not exceeding 100*l.* to be settled by Two Justices.

LXXXIX. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases arising under the Provisions of this Act shall not exceed One hundred Pounds, the same shall be settled by Two Justices, who are hereby authorized to hear and determine the same.

Commissioners to give One Month's Notice of Intention to summon Jury.

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

Requisition by Party claiming Compensation that Jury be summoned.

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

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

XCII. And be it enacted, That in every Case in which any such Question of disputed Compensation exceeding One hundred Pounds shall be required to be determined by the Verdict of a Jury, the Commissioners shall issue their Warrant to the Sheriff, under the Hands of any Three of the Commissioners, requiring him to summon a Jury for that Purpose, and if such Sheriff be interested in the Matter in dispute such Application shall be made to some Coroner of the County in which the Lands in question, or some Part thereof, shall be situate, and if all the Coroners of such County be so interested such Application may be made to some Person having filled the Office of Sheriff or Coroner in such County, and who shall be then living there, and who shall not be interested in the Matter in dispute, and with respect to the Persons last-mentioned Preference shall be given to one who shall have most recently served either of the said Offices.

Provisions applicable to the Sheriff to

XCIII. And be it enacted, That throughout the Enactments contained in this Act relating to the Reference to a Jury, where the Term

apply to Coroners.

Term "Sheriff" is used the Provisions applicable thereto shall be held to apply to every Coroner or other Person lawfully acting in his Place; and in every Case in which any such Warrant shall have been directed to any other Person than the Sheriff such Sheriff shall immediately, on receiving Notice of the Delivery of the Warrant, deliver over, on Application for that Purpose, to the Person to whom the same shall have been directed, or to any Person appointed by him to receive the same, the Jurors Book and Special Jurors List belonging to the said County of *Essex*.

Summoning of Jurymen.

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

Impannelling of Jury.

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

Notice of Inquiry.

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

Sheriff, Under Sheriff, or Assessor to preside, &c.

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

Oath of Jurymen.

XCVIII. And be it enacted, That before the Jury proceed to inquire of and assess the Compensation or Damage in respect of which their Verdict is to be given, they shall make Oath that they will truly and faithfully inquire of and assess such Compensation or Damage; and the Sheriff, Under Sheriff, or Assessor shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Verdict of Jury to be for Purchase.

XCIX. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the Purposes of this Act, or of any Interest therein,

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

of Lands, and for Damage, assessed separately.

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

Value of previous Interests to be deducted.

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

Verdict and Judgment to recorded.

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

Costs of the Inquiry.

CIII. And be it enacted, That such Costs shall be settled by one of the Masters of the Court of Exchequer, and such Costs shall include

Particulars of the Costs.

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

Penalty on Sheriff, &c. for Default.

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

Penalty on Witnesses making Default.

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

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

CVI. And be it further enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and before the Commissioners have issued their Warrant to the Sheriff give Notice in Writing of such Desire, such Question shall be so tried, and for that Purpose the Commissioners shall, by their Warrant to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Warrant,

Warrant, summon both the Parties to appear before him, by themselves or their Attornies, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him for the Purpose of nominating a Special Jury, and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Superior Courts; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties, and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Twenty in the Manner used and accustomed by the proper Officers of the Superior Courts.

Deficiency of Jurymen.

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

Other Inquiries before same Special Jury.

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

Attendance of Special Jurymen.

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

Reference of Dispute as to Compensation.

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

same shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Commissioners empowered to purchase the Interest in Lands, the Purchase whereof may have been omitted by Mistake.

CXI. And be it enacted, That if at any Time after the Commissioners shall have entered upon any Lands which, under the Provisions of this Act, they were authorized to purchase, and which shall be permanently required for the Purposes of making such Works and Improvements, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Commissioners shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Commissioners shall remain in the undisturbed Possession of such Lands; provided, within Six Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Commissioners, or in case the same shall be disputed then within Six Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Commissioners shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Commissioners thereon and the Time of the Payment of such Purchase Money or Compensation by the Commissioners, so far as such mesne Profits or Interest may be recoverable in Law or Equity; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as, according to the Provisions of this Act, the same respectively would have been agreed on or awarded and paid in case the Commissioners had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How the Value of such Lands to be estimated.

CXII. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the Commissioners, and as though the Works had not been constructed.

Commissioners to pay the Costs of Litigation as to such Lands.

CXIII. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Commissioners shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

CXIV. And

Commissioners not to be entitled to Minerals unless expressly purchased.

CXIV. And with respect to any Mines of Coal, Ironstone, Lime, Slate, or other Minerals under any Land purchased by the Commissioners, be it enacted, That the Commissioners shall not be entitled to any such Mines or Minerals, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Works, unless the same shall have been expressly purchased; and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein, and be thereby conveyed.

Powers to Owners of intersected Lands to insist on Sale.

CXV. And with respect to any such Lands which shall be so cut through and divided by the Improvements or Works as to leave, either on both Sides or on One Side thereof, a less Quantity of Land than Half a Statute Acre, be it enacted, That if the Owner of any such Land not being built upon require the Commissioners to purchase any such small Parcel of Land along with the other Land required for the Purposes of this Act, the Commissioners shall purchase the same accordingly, unless the Owner thereof have other Land adjoining to that so left, into which the same can be thrown; and if such Owner have any other Land so adjoining he may require the Commissioners, at their own Expence, to throw the Piece of Land so left into such adjoining Land by removing the Fences and levelling the Sites thereof, and by soiling the same, in a sufficient and workmanlike Manner.

Power to insist on Purchase where Expence of Bridges, &c. exceeds the Value.

CXVI. And be it enacted, That if any such Land shall be so cut through and divided as to leave on either Side of the Works a Piece of Land of less Extent than Half a Statute Acre, or of less Value than the Expence of making a Bridge, Culvert, or other Communication between the Lands so divided, as the Commissioners are, under the Provisions of this Act, compellable to make, and if the Owner of such Lands have not other Lands adjoining such Piece of Land, and require the Commissioners to make such Communication, then the Commissioners may require such Owner to sell to them such Piece of Land; and any Dispute as to the Value of such Piece of Land, or as to what would be the Expence of making such Communication, shall be ascertained by a Jury or Two Justices as herein provided for Cases of disputed Compensation; and on the Occasion of ascertaining the Value of the Land required to be taken for the Purposes of the Improvements or Works, the Jury shall, if required by either Party, ascertain by their Verdict the Value of any such severed Piece of Land, and also what would be the Expence of making such Communication.

Parties not to be required to sell Part of a House.

CXVII. And be it enacted, That no Party shall at any Time be required to sell or convey to the Commissioners a Part only of any House or other Building or Manufactory if such Party be willing to sell and convey the Whole thereof.

Commissioners may give Parties Money to be

CXVIII. And whereas it will save Expences to the Commissioners, and in many Cases be more convenient to the Owners and Lessees of certain Houses required to be taken down and removed in order to effect

at the Expence of removing their Buildings.

effect certain of the proposed Improvements, if Power was given to the Commissioners to compensate such Parties by giving them a Sum of Money for such Owners and Lessees being at the Cost of removing them; be it therefore enacted, That the Commissioners may in such Cases give and pay to such Persons a certain Sum of Money for them to remove such Buildings and Materials, in lieu of the Commissioners purchasing the same from such Parties respectively; and if any Difference shall arise between the Commissioners and the Parties as to the Sum or Amount to be paid, the same shall be assessed and settled by a Jury or by Two Justices in the Manner herein-before directed.

Power for the Incumbent of Holy Trinity at Colchester to grant Building Leases.

CXIX. And whereas the requisite Sea Wall and Defences cannot be constructed, or can the Roads be formed, or the other Improvements be effected, without taking Part of the Land hereafter mentioned; and it is alleged by the Incumbent of the Living of the *Holy Trinity* at *Colchester*, and also by the Master and Scholars of *Baliol College*, *Oxford*, Patrons of the said Living, that the cutting through the Land belonging to such Living, and taking certain Portions of it for the said intended Defences, and for the proposed new Streets and the other Works, will greatly injure and deteriorate such Estate, diminish the Value of the said Living, and reduce the Income of the said Incumbent, which has also been much reduced of late Years by the Portions of the said Estate which have been so destroyed and taken away by the Ravages of the Sea; and it is therefore equitable and expedient, in order to procure a Continuance of such Income to the Incumbent of the *Holy Trinity* aforesaid for the Time being, that Power and Authority should be granted by this Act to authorize the Incumbent to demise and let the remaining Portion of the said Land upon a Building Lease or Leases; be it therefore enacted, for the Reasons aforesaid, That it shall and may be lawful for the Incumbent of the Living of the *Holy Trinity* at *Colchester* aforesaid, from Time to Time, by and with the Consent and Approbation in Writing of the Master and Scholars of *Baliol College*, *Oxford*, as such Patrons, to demise, sign, seal, and deliver to any Person all or any Part of the Land, Houses, Hereditaments, and Premises so belonging to the said Living in the Parish of *Walton* aforesaid, for any Term not exceeding Eighty Years, at the most and best Rent that can be obtained for the same, he and they taking no Consideration in Money or Premium for the same, and the said Lessor taking a Counterpart of every such Lease from the Lessees, which Counterparts shall and are hereby declared to be the Property and Effects of the Incumbent of the said Living for the Time being.

Power to redeem Mortgages.

CXX. And with respect to any such Lands which shall be subject to any Mortgage, be it enacted, That the Commissioners may purchase or redeem the Interest of the Mortgage of such Lands, and that whether they shall have previously purchased the Equity of Redemption of such Lands or not, and whether the Mortgagee thereof be entitled thereto in his own Right or in Trust for any other Party, and whether he be in possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage affect such Lands solely, or jointly with any other Lands not required for the Purposes

of this Act, and in order thereto such Mortgagee shall produce and show his Security; and the Commissioners may pay or tender to such Mortgagee the Principal and Interest due on such Mortgage, together with his Costs and Charges, if any, and also Six Months additional Interest, and thereupon such Mortgagee shall immediately convey his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct, or the Commissioners may give Notice in Writing to such Mortgagee that they will pay off the Principal and Interest due on such Mortgage at the End of Six Months, computed from the Day of giving such Notice; and if they shall have given any such Notice, or if the Party entitled to the Equity of Redemption of any such Lands shall have given Six Months Notice of his Intention to redeem the same, then at the Expiration of either of such Notices, or at any intermediate Period, upon Payment or Tender by the Commissioners to the Mortgagee of the Principal Money due on such Mortgage, and the Interest which would become due at the End of Six Months from the Time of giving either of such Notices, together with his Costs and Expences, if any, such Mortgagee shall convey or release his Interest in the Lands comprised in such Mortgage to the Commissioners, or as they shall direct.

Deposit of Mortgage Money on Refusal to accept Redemption.

CXXI. And be it enacted, That if, in either of the Cases aforesaid, upon such Payment or Tender, any Mortgagee shall fail to convey or release his Interest in such Mortgage as directed by the Commissioners, or if he fail to produce and show such Security, and adduce a good Title thereto, to their Satisfaction, then it shall be lawful for the Commissioners, at any Time after such Failure, to pay into the Bank of *England*, in the Manner provided by this Act in Cases of Money directed to be deposited in such Bank, the Principal and Interest, together with the Costs, if any, due on such Mortgage, and also, if such Payment be made before the Expiration of Six Months Notice as aforesaid, such further Interest as would at that Time become due; and thereupon, as well as upon such Conveyance by the Mortgagee, if any such be made, all the Estate and Interest of such Mortgagee, and of all Persons in Trust for him, or for whom he may be a Trustee in such Lands, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee was himself entitled to such Possession.

Sum to be paid when Mortgage exceeds Value of Lands.

CXXII. And with respect to any such mortgaged Lands which shall be of less Value than the Principal, Interest, and Costs secured thereon, be it enacted, That the Value of such Lands, or the Compensation to be made by the Commissioners in respect thereof, shall be settled by Agreement between the Mortgagee of such Lands and the Party entitled to the Equity of Redemption thereof on the one Part, and the Commissioners on the other Part; and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to the Mortgagee in satisfaction of his Mortgage Debt so far as the same shall extend, and upon Payment or Tender

thereof the Mortgagee shall convey or release all his Interest in such mortgaged Lands to the Commissioners, or as they shall direct.

Deposit of such Money when refused on Tender.

CXXIII. And be it enacted, That if, upon such Payment or Tender as aforesaid being made, any such Mortgagee fails so to convey his Interest in such Mortgage, or to produce and show his Security, and adduce a Title thereto to the Satisfaction of the Commissioners, then they may pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and every such Payment or Deposit shall be accepted by the Mortgagee in satisfaction of his Mortgage Debt so far as the same will extend, and shall be a full Discharge of such mortgaged Lands from all Money due thereon; and thereupon such Lands, as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, shall become absolutely vested in the Commissioners, and they shall be deemed to be in the actual Possession thereof, in case such Mortgagee were himself entitled to the Possession thereof; nevertheless, all Rights and Remedies possessed by the Mortgagee against the Mortgagor, by virtue of any Bond or Covenant or other Obligation, other than the Right to such Lands, shall remain in force in respect of so much of the Mortgage Debt as shall not have been satisfied by such Payment or Deposit.

Sum to be paid where Part only of mortgaged Lands taken.

CXXIV. And with respect to any such mortgaged Lands of which only a Part shall be required for the Purposes of this Act, be it enacted, That if the Part so required be of less Value than the Principal Money, Interest, and Costs secured on such Lands, and the Mortgagee shall not consider the remaining Part of such Lands a sufficient Security for the Money charged thereon, or be not willing to release the Part so required, then the Value of such Part, and also the Compensation (if any) to be paid in respect of the Severance thereof, or otherwise, shall be settled by Agreement between the Mortgagee and the Party entitled to the Equity of Redemption of such Land on the one Part, and the Commissioners on the other, and if the Parties aforesaid fail to agree respecting the Amount of such Value or Compensation, the same shall be determined as in other Cases of disputed Compensation; and the Amount of such Value or Compensation, being so agreed upon or determined, shall be paid by the Commissioners to such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and thereupon such Mortgagee shall convey or release to them, or as they shall direct, all his Interest in such mortgaged Lands, the Value whereof shall have been so paid; and a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage, and shall be signed by the Mortgagee; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners, at their Expence, to the Party entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

Deposit of such Money when refused on Tender.

CXXV. And be it enacted, That if, upon Payment or Tender to any such Mortgagee of the Amount of the Value or Compensation

sation so agreed upon or determined, such Mortgagee shall fail to convey or release to the Commissioners, or as they shall direct, his Interest in the Lands in respect of which such Compensation shall so have been paid or tendered, or if he shall fail to produce and show his Security, and adduce a good Title thereto, to the Satisfaction of the Commissioners, it shall be lawful for the Commissioners to pay the Amount of such Value or Compensation into the Bank of *England* in the Manner provided by this Act in the Case of Monies required to be deposited in such Bank; and such Payment or Deposit shall be accepted by such Mortgagee in satisfaction of his Mortgage Debt, so far as the same will extend, and shall be a full Discharge of the Portion of the mortgaged Lands so required from all Money due thereon, and thereupon such Lands shall become absolutely vested in the Commissioners as to all such Estate and Interest as were then vested in the Mortgagee, or any Person in Trust for him, and in case such Mortgagee were himself entitled to such Possession they shall be deemed to be in the actual Possession thereof; nevertheless, every such Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of the Mortgage Money, or the Residue thereof, as the Case may be, and the Interest thereof respectively, upon and out of the Residue of such mortgaged Lands, or the Portion thereof not required for the Purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage.

Conveyance of Copyhold Lands to be enrolled.

CXXVI. And with respect to any such Lands which shall be of Copyhold or Customary Tenure, or of the Nature thereof, be it enacted, That every Conveyance of any such Lands to the Commissioners shall be entered in the Rolls of the Manor of which the same shall be held or Parcel within One Month after the same shall be tendered to the Steward; and on Payment to the Steward of such Manor of such Fees as would be due to him on the Surrender of the same Lands to the Use of a Purchaser thereof, he shall make such Enrolment; and every such Surrender or Conveyance, when so enrolled, shall have the like Effect, in respect of such Copyhold or Customary Lands, as if the same had been of Freehold Tenure; nevertheless, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained, they shall continue subject to the same Fines, Rents, Heriots, and Services as were theretofore payable and of Right accustomed.

Copyhold Lands to be enfranchised.

CXXVII. And be it enacted, That before the Commissioners shall make use of any such Copyhold or Customary Land for the Purposes of this Act they shall procure the same to be enfranchised, and for that Purpose they shall, within One Month after the Enrolment of the Conveyance thereof, apply to the Lord of the Manor whereof such Lands are held to enfranchise the same, and shall pay to him such Compensation in respect thereof as shall be agreed upon between the Commissioners and the Lord of such Manor, and if the Parties fail to agree respecting the Amount of the Compensation to be paid for such Enfranchisement, the same shall be determined as in other Cases of disputed Compensation; and in estimating such

Compensation

Compensation the Loss in respect of the Fines, Heriots, and other Services payable on Death, Descent, or Alienation, which would be lost by the vesting of such Copyhold or Customary Lands in the Commissioners, or by the Enfranchisement of the same, shall be allowed for.

Lord of the Manor to enfranchise, on Payment of Compensation.

CXXVIII. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined the Lord of the Manor whereof such Copyhold or Customary Lands shall be holden shall enfranchise such Lands, and the Lands so enfranchised shall for ever thereafter be held in Free and Common Soccage; and if upon such Payment or Tender to the Lord of the Manor as aforesaid he fail to enfranchise such Lands, or if he fail to produce a good Title to the Manor whereof such Lands shall be holden or Parcel, the Commissioners shall pay the Amount of such Compensation into the Bank of *England* in manner required in other like Cases of Monies required to be deposited, and thereupon such Lands shall be deemed to be enfranchised, and shall be for ever thereafter held in Free and Common Soccage.

Apportionment of Copyhold Rents.

CXXIX. And be it enacted, That if any such Copyhold or Customary Lands be subject to any Customary or other Rent, and Part only of the Land subject to any such Rent be required to be taken for the Purposes of this Act, the Apportionment of such Rent may be settled by Agreement between the Owner of the Lands and the Lord of the Manor on the one Part, and the Commissioners on the other Part, and if such Apportionment be not so settled by Agreement then the same shall be settled by Two Justices; and the Enfranchisement of any Copyhold or Customary Lands taken by virtue of this Act, or Apportionment of such Rents, shall not affect in other respects any Custom by or under which any such Copyhold or Customary Lands not taken for the Purposes of this Act shall be held; and if any of the Lands so required be released from any Portion of the Rents to which they were subject jointly with any other Lands, such last-mentioned Lands shall be charged with the Remainder only of such Rents; and with reference to any such apportioned Rents, the Lord of the Manor shall have all the same Rights and Remedies over the Lands to which such apportioned Rent shall have been assigned or attributed as he had previously over the whole of the Lands subject to such Rents for the whole of such Rents.

Release of Lands from Rent-charge.

CXXX. And with respect to any such Lands which shall be charged with any Rent-service, Rent-charge, or chief or other Rent, or other Payment or Incumbrance, be it enacted, That if any Difference shall arise between the Commissioners and the Party entitled to any such Charge respecting the Consideration to be paid for the Release of such Lands therefrom, or from the Portion thereof affecting the Lands required for the Purposes of this Act, the same shall be determined as in other Cases of disputed Compensation.

Release of Part of Lands from Rent-charge.

CXXXI. And be it enacted, That if Part only of the Lands charged with any such Rent-service, Rent-charge, chief or other Rent, Payment,

ment, or Incumbrance, be required to be taken for the Purposes of this Act, the Apportionment of any such Charge may be settled by Agreement between the Party entitled to such Charge and the Owner of the Lands on the one Part, and the Commissioners on the other Part, and if such Apportionment be not so settled by Agreement the same shall be settled by Two Justices; but if the remaining Part of the Lands so jointly subject be a sufficient Security for such Charge, then, with Consent of the Owner of the Lands so jointly subject, such Owner not being under legal Disability or Incapacity, the Party entitled to such Charge may release therefrom the Lands required, on condition or in consideration of such other Lands remaining exclusively subject to the whole thereof.

Deposit in case of Refusal to release.

CXXXII. And be it enacted, That upon Payment or Tender of the Compensation so agreed upon or determined to the Party entitled to any such Charge as aforesaid, such Party shall execute to the Commissioners a Release of such Charge; and if he fail so to do, or if he fail to produce and show his Security, and adduce a good Title to such Charge, to the Satisfaction of the Commissioners, they shall pay the Amount of such Compensation into the Bank of *England* in the Manner provided by this Act in the like Cases of Monies required to be deposited in such Bank, and thereupon the Rent-service, Rent-charge, chief or other Rent, Payment, or Incumbrance, or the Portion thereof in respect whereof such Compensation shall so have been paid, shall cease and be extinguished.

Charge to continue on Lands not taken.

CXXXIII. And be it enacted, That if any such Lands be so released from any such Charge or Incumbrance, or Portion thereof, to which they were subject jointly with other Lands, such last-mentioned Land shall alone be charged with the Whole of such Charge, or with the Remainder thereof, as the Case may be, and the Party entitled to the Charge shall have all the same Rights and Remedies over such last-mentioned Lands, for the Whole or for the Remainder of the Charge, as the Case may be, as he had previously over the Whole of the Lands subject to such Charge; and if upon any such Charge or Portion of Charge being so released the Deed or Instrument creating or transferring such Charge be tendered to the Commissioners for the Purpose, they, or any Three of them, shall sign a Memorandum of such Release, indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Charge shall have been purchased by virtue of this Act, and, if the Lands be released from Part of such Charge, what Proportion of such Charge shall have been released, and how much thereof continues payable, or if the Lands so required shall have been released from the whole of such Charge, then that the remaining Lands are thenceforward to remain exclusively charged therewith; and such Memorandum shall be made and executed at the Expence of the Commissioners, and shall be evidenced, in all Courts and elsewhere, of the Facts therein stated, but not so as to exclude any other Evidence of the same Facts.

Where Part only of Lands under Lease

CXXXIV. And with respect to any such Lands which shall be comprised in a Lease for a Term of Years unexpired, Part only of which

are taken, the Rent to be apportioned.

which Lands shall be required for the Purpose of this Act, be it enacted, That the Rent payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands; and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Commissioners on the other Part; and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by Two Justices; and after such Apportionment the Lessee of such Lands shall, as to all future accruing Rent, be liable only to so much of the Rent as shall be so apportioned in respect of the Lands not required for the Purposes of this Act, and the Lessor shall have all the same Rights and Remedies for the Recovery of such Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of this Act, in the same Manner as they would have done in case such Part of the Land had been included in the Lease.

Tenants to be compensated.

CXXXV. And be it enacted, That every such Lessee as last aforesaid shall be entitled to receive from the Commissioners Compensation for the Damage done to him in his Tenancy by reason of the Severance of the Lands required from those not required, or otherwise by reason of the Execution of any such Works.

Tenants at Will or from Year to Year to cede Possession on Three Months Notice.

CXXXVI. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenant at Will, or Lessee for a Year or from Year to Year, be it enacted, That at the Expiration of Three Months after receiving Notice to that Effect from the Commissioners, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver up to the Commissioners, or to the Person appointed by them to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenant's Holding or not, and whether such Notice be given before or after the Purchase of such Lands by the Commissioners: Provided always, that if such Tenant hold by the Week, Month, or quarterly, he shall quit and give up Possession upon receiving One Month's Notice; and any such Notice shall be effectual, whether it be given with reference to the Term of the Commencement of such Tenant's Holding or not, and whether such Notice be given before or after the Purchase or not.

Compensation to such Tenants.

CXXXVII. Provided always, and be it enacted, That if any such Tenant at Will, or Lessee for a Year or from Year to Year, be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, or, if a Part only of such Lands be required, Compensation for the Damage done to him in his Tenancy by the Severance of the Lands required

required from those not required; and the Amount of such Compensation shall be determined by Two Justices, in case the Parties differ about the same.

On Refusal, Sheriff to give Possession.

CXXXVIII. And be it enacted, That if any such Person refuse to give up such Possession it shall be lawful for the Commissioners, after making Payment or Tender of such Compensation as hereinbefore mentioned, but not otherwise, to issue their Precept, under the Hands of any Three of the Commissioners, to the Sheriff, to deliver up Possession of such Lands to the Person in such Precept nominated to receive the same; and upon the Receipt of such Precept the Sheriff shall deliver Possession of such Lands in obedience thereto, and the Party so refusing to give up Possession shall pay the Costs incurred in the issuing or Execution of such Precept, to be settled by the Sheriff; and if, on Demand, he fail to pay the same, they shall be levied by Distress, and the Sheriff shall issue his Warrant accordingly.

Production of Leases.

CXXXIX. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Grant of any such Lands, the Commissioners may require such Party to produce the Lease or Grant in respect of which such Claim shall be made, or the best Evidence thereof in his Power; and if, after Demand made in Writing by the Commissioners, such Lease or Grant, or the best Evidence thereof, be not produced within a reasonable Time, the Party so claiming Compensation shall be considered as a Tenant holding only from Year to Year, and be entitled to Compensation accordingly.

Compulsory Purchase limited.

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

Power to lease the Copperas Ground.

CXLI. And whereas there is a certain Piece of Land at *Walton* aforesaid called the *Copperas Ground*, mentioned and included in the last Schedule to this Act, which is, and has been for several Years past, covered with Refuse and Rubbish, to the great Injury of the Town and the Health of the Inhabitants, and the Commissioners have therefore agreed to purchase the same, in order to remove such Refuse and Rubbish, and to appropriate the Site thereof to the general Improvements of the Town, and it would tend to lessen the Rates authorized by this Act if Power was given to the Commissioners to grant Leases of the Portion of such Land not required for the proposed new Street; be it therefore enacted, That it shall be lawful for the said Commissioners from Time to Time, when and as they shall see fit, to demise and grant Leases of such Land or Premises, when the same shall be vested in them, under the Hands and Seals of any Three of them, to any Person or Persons whomsoever.

Land not wanted to be sold.

CXLII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this

this Act; but which shall not be required for the Purposes thereof, or be decided to be retained by the Commissioners, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as and when they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed under the Hands and Seals of any Three of the Commissioners; and a Receipt by the said Three Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

Effect of the Word "grant" in Conveyances.

CXLIII. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Quality or Nature of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

Covenant that, notwithstanding any Act or Default done by the Commissioners, they were, at the Time of the Execution of such Conveyance, seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners:

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all other Persons claiming under them:

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

Errors and Omissions to be corrected.

CXLIV. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Proprietors, Lessees, or Occupiers of any Lands, described on the last Schedule hereto, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the

the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerks of the Peace of the several Counties, and Copies or Extracts thereof with the Clerks of the several Parishes, in which the Lands affected thereby shall be situate; and such Certificate, and such Extracts or Copies respectively, shall be kept by such Clerks of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Document, or the last Schedule to this Act, shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Improvements and other Works in accordance with such Certificate.

Copies of such Certificate to be Evidence.

CXLV. And be it enacted, That true Copies of such Additions to or of any Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Power to fill in certain Places now covered with Water.

CXLVI. And whereas there are certain Places and Portions of Land now or occasionally covered with Water, which it is expedient for the Health and Comfort of the Inhabitants should be forthwith filled up, and a Portion of which Space is required for the new Roads, and to effect certain other proposed Improvements; be it enacted, That it shall and may be lawful for the Commissioners to fill in the same, and appropriate the same for the Purposes of this Act, they making to the Owners thereof Compensation, and making and maintaining such Drains, Passages, and Waterways as may be requisite and necessary for the efficient Sewage of the Lands there.

If Land is defended by Owner from the Sea, the Houses thereon not to be rated for Fifteen Years.

CXLVII. And whereas it is requisite, in order to protect the present Terraces and Defences along the said Sea Shore, that Works should be forthwith made and set up Eastward and Westward of the present Terraces at *Walton* aforesaid, and that Provisions should be made to induce and justify the Owners of the Lands abutting upon the Sea Shore for making the same, or otherwise to authorize the said Commissioners to make the same, and to charge such Owners with the Cost thereof; be it therefore enacted, That in all and every Case in which the Owner, Proprietor, Lessee, or Occupier of any of the Land so adjoining to the Sea Shore, shall well and sufficiently defend and maintain the same in a continuous Line, and to the Height and Level directed by the Commissioners, from the Destruction and washing away of the same by the Sea, he shall be exempt from the Rates under this Act in respect of all and every the Houses, Erections, and Buildings which shall or may be built and made upon such Land for the Term of Fifteen Years from the passing of this Act.

If Defences not made in Two Years,

CXLVIII. And be it further enacted, That if the Owner or Occupier of any of the Land in the Line of the present Terraces and Sea Walls,

Commissioners may make them at the Owners Expence.

Walls, except between the said Two Terraces, shall for the Space of Two Years from the passing of this Act neglect and fail so to set up, make, and maintain such Defences, it shall and may be lawful for the Commissioners to take up and borrow at Interest, or upon Annuity, and under similar Provisions to those before stated, a Sum not exceeding Two thousand Pounds, in addition to the Two other Sums mentioned in this Act, and to make, set up, and maintain such and so many Works, Walls, and Defences as they may reasonably be advised and deem requisite, and to assess, charge, rate, and recover from the said Owner or Occupier, any or either of them, all such Expences, Costs, and Charges thereof, or in anywise incidental thereto, and that the same and every Part thereof shall and may be recovered as in Cases of Rates in arrear and unpaid: Provided always, that no Person shall be charged or chargeable on any Account with any more than a Twentieth Part of such Outlay in any One Year, together with Interest on the Sum remaining due and in arrear, at the Rate of Five Pounds *per Centum per Annum*, such Twentieth Part and Interest to be charged and assessed in the first Rate that shall be made in each and every Year, but so nevertheless that if not duly charged therein it may be charged and inserted in any subsequent Rate: Provided always, that the Commissioners in all Cases where they shall require any Person or Party to make, form, and maintain any such Sea Wall and Defence, shall in such Requisition state, set forth, and describe the Defence required, and the estimated probable Expence thereof, and if such Sea Wall and Defence shall be made by the Commissioners no greater Sum than such Estimate shall be charged to the Person or Party for the same, and if such Person or Party shall consider his Estate to be of less Value than such estimated Expence, and shall so state in Writing to the Commissioners within One Month from the Service of such Notice, and that he is therefore willing and desirous to sell and convey the same to the Commissioners for the Value thereof, the Commissioners are hereby required to purchase the same at and for such Sum as shall be determined by Two Justices or a Jury in the Manner by this Act directed: Provided also, that the Value of the said Lands shall be calculated as if they had been exempt from all Liabilities created by this Clause.

As to Width of new Streets.

CXLIX. And whereas it is expedient to ensure the making of all future Streets within such Parish of a sufficient Width, with Footpaths on the Sides thereof; be it enacted, That no Justice of the Peace acting for the said County of *Essex* shall sign, give, or grant any Certificate so as to empower, authorize, or direct the Surveyor of the Highways of the said Parish for the Time being to repair, mend, and maintain any Carriage Road or Way in such Parish unless the same shall be of the Width of Twenty-five Feet, together with a Footpath or Causeway on each Side of the same, of the further Width of Five Feet each.

How Streets made by the Commissioners to be repaired.

CL. And be it enacted, That when any Streets shall be formed by the Commissioners, and have been opened for Passengers during the Space of Three Months, it shall be lawful for them, by their Clerk or Collector, to apply to the Justices of the said County, assembled in Petty Session for the Hundred of *Tendering* in the said

County, requiring them to view such new Streets, under the Provision of a certain Act of Parliament made and passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, "to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*," or of the Provision of any future Act relating to Highways in *England*; and if such Justices are of Opinion that the Streets have been made in a substantial Manner, and of the proper Width, such Justices shall certify the same, and such Street shall for ever thereafter be kept in repair by the said Parish of *Walton*.

Commissioners may pave Footways.

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

Footways to be kept in repair by the Commissioners.

CLII. And be it enacted, That all Causeways and Footpaths within the Limits of this Act, whether made by the Commissioners or otherwise, which the Commissioners shall deem necessary to be kept up by them, shall and may be maintained and kept in repair by the Commissioners, otherwise the same shall be made and maintained by the Parish.

Commissioners may place Fences to Footways.

CLIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on to the same, and also to place any Posts in any 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, and to renew or remove the same or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit.

Power to takeMaterials from Waste Lands, &c.

CLIV. And be it enacted, That it shall be lawful for the Commissioners, or any Surveyor or Person to be employed by them under any Order for that Purpose, to search for, dig, and carry away any Stones, Gravel, or other Materials fit for filling in, repairing, paving, and covering the Pavements, and pitching and making or repairing of any Streets within the Limits of this Act, or for any Purposes of this Act, in and from any Waste or Common Land, Land covered with Water, Sea Beach, or Place within the Limits of this Act, or within any adjoining Parish, without paying for the same, they the Commissioners or other Persons filling up, fencing off, or levelling the Pits, and also to 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 enclosed Ground planted with any Avenue of Trees for Ornament, they the Commissioners or other Persons filling up or fencing off the Pits and levelling the Grounds from which such Materials shall be taken,

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 enclosed Lands.

Materials not to be taken from private Lands but by Order of a Justice.

CLV. Provided always, and be it enacted, That it shall not be lawful for the Commissioners, or any Person acting under their Authority, to dig or carry away any Materials for the Purposes aforesaid, out of or from any enclosed Lands, until Ten clear Days Notice in Writing shall have been given to the Owner and Occupier thereof, if they can be found, 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 should not be taken from such Lands, it shall be lawful for such Justice to authorize such Person as the Commissioners shall appoint to dig and carry away such Materials at such Times as to such Justice shall seem fit.

Power to purchase Land for depositing Materials.

CLVI. And be it enacted, That it shall be lawful for the Commissioners to purchase, take, or rent any Land, Building, or Premises for procuring or depositing Stone, Gravel, or other Materials for the several Purposes of this Act, or any other Purpose they may deem requisite, from any Person willing to sell or let the same.

Road Trustees not to collect Toll within Limits of Act.

CLVII. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll or expend any Money in the Repair of any Road within the Limits of this Act.

Inhabitants still liable, by Indictment, for Want of Repairs.

CLVIII. And be it enacted, That the Inhabitants within the Limits of this Act shall be liable to be indicted at Common Law for the Want of sufficient Repair of any public Highway within the Limits of this Act, in the same Manner as the Inhabitants of the said Parish were before the passing of this Act.

Power to construct Common Sewers.

CLIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary to be constructed and made, turned, tunnelled, covered, or altered, in or under any Street within the Limits of this Act, and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, turned, enlarged, covered, repaired, cleansed, and completed, as to them shall seem necessary, and to carry and continue the same into and through any Lands within the said or any adjoining Land or Parish.

Compensation to be made for Damage sustained thereby.

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

CLXI. And

Communication of private Drains with Common Sewers.

CLXI. 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, Vault, Culvert, 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, Vault, Culvert, 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 Twenty Shillings *per Diem*, until such Offence shall cease to be committed; and it shall be lawful for the Commissioners to stop up such Drain.

Occupiers to repair private Drains.

CLXII. And be it enacted, That the Occupier of every House or Land to which any private Drain, which now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses, shall repair and cleanse the same, when required by and according to the Direction of the Commissioners; and in default thereof the Commissioners are hereby empowered to open, scour, cleanse, and make good the same, and to recover the Costs, and all Expences incident to the same, by Distress and Sale of the Goods and Chattels of such Defaulter.

Houses to be numbered and Streets named.

CLXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted in a conspicuous Part of some and any House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put up by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Future Projections to be removed on Notice.

CLXIV. 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, 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 Twenty-one 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, and in default of his so doing the same may be removed and taken away by the said Commissioners for their own Use.

Existing Projections to be removed, and Compensation made.

CLXV. 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 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.

CLXVI. And be it enacted, That all Doors, Gates, and Bars, not being underground Doors, hereafter to be erected within the Limits of this Act, which shall lead to any House, Building, Yard, or Land, 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 constructed; and such Person shall, in addition, be liable to a Penalty not exceeding Forty Shillings for each such Offence.

Doors opening outwards to be altered by Commissioners.

CLXVII. 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.

Ruinous or dangerous Houses to be taken down or secured.

CLXVIII. And whereas it hath happened and may happen that some of the Houses or Buildings within the Limits of this Act are sometimes in so ruinous a Condition that Passengers passing by or near thereto are in Danger of their Lives or some bodily Harm from the falling of the same, or Part thereof; be it therefore enacted, That on any Information, signed by Four or more Householders living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors; and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition, the Commissioners shall, on Notice of any such Presentment being given, and on a Copy thereof being laid before them, cause with all convenient Speed a sufficient Fence, Hoard, or Supports to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not shall cause such Notice in Writing to be left at or fixed upon the

the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty-one Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited, the Commissioners shall, with all convenient Speed, cause all or so much of such House or Building as shall be in a ruinous Condition or dangerous to Passengers to be taken down and secured, in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, Hoard, or Support, or of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building to the said Commissioners.

Expence to be levied by Distress on the Owner.

CLXIX. And be it enacted, That if such Owner can be found within the said County of *Essex*, and he shall, on Demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may be levied by Distress, and any Justice may issue his Warrant accordingly.

In default of the Owner, any subsequent Occupier to be liable.

CLXX. And be it enacted, That if such Owner cannot be found within the said County of *Essex*, or sufficient Distress of his Goods and Chattels cannot be met with whereupon such Charges may be levied, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner or other Person, is hereby required to pay the same, and in default of Payment, on Demand, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner for the Time being shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, 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: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges as aforesaid at any One Time than what he could lawfully deduct from the Rent, or which shall from Time to Time be accruing to such Owner at the Times of Demand made upon him for such Charges, in case he shall pay the same or any Part thereof, on Demand, or at the Time of the issuing the Warrant of Distress, in case such Charges or any Part thereof shall be levied by Distress.

Occupier not to pay more than he can deduct from his Rent.

Commissioners may sell the Materials of Houses pulled down.

CLXXI. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of the Balance, or so much of the said Charges as may remain due after the Application of the Proceeds of such Sale, as are herein-before given to them for compelling the Payment of the whole of the said Charges.

CLXXII. And

Where any Houses are taken down the Commissioners may take Part of the Site to improve the Street.

CLXXII. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or pulled down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase and take any Part of the Site of such House or Building, or of the Land occupied therewith, in the same Manner as they are authorized to purchase and take any Land described in the last Schedule to this Act; and all Powers and Provisions herein contained for the Purchase of the Land mentioned in the said last Schedule to this Act, and for ascertaining the Value thereof, and any Damage sustained by the Persons interested therein, and for the Payment and Investment of the Purchase Monies, and for the Payment of the Expences attending the Purchase of any such Land by the Commissioners, shall be applicable to any and every such House or Building, and the Land occupied therewith, in the same Manner as if such House or Building and Land had been described in the said last Schedule: Provided always, that the Commissioners shall have Power to take or purchase any Part of the Site of such House or Building, or the Land occupied therewith, without the Consent of the Parties interested therein, although the Time limited by this Act for the compulsory Purchases of Land may have expired.

Projecting Houses when taken down to be set back.

CLXXIII. And be it enacted, That when any House or Building, any Part of which now projects beyond the regular Line of the Street, or of the other Houses, or beyond the Front of the House or Building on either Side thereof, in any Street within the Limits of this Act, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street, or the Line of the adjoining House or Building, in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of the other Houses, or proposed Line of improving such Street: Provided always, that the Commissioners shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House being set back according to the Provisions herein contained.

Houses built contrary to the Act to be taken down.

CLXXIV. And be it enacted, That it shall be lawful for the Commissioners to cause any House or other Erection or Building which shall be built or erected contrary to the Provisions of this Act to be taken down or regulated according to the Provisions of this Act, and the Expences of such Alteration shall be repaid to the Commissioners by the Owner of the House or Building so altered or rebuilt.

Houses may be set forward.

CLXXV. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

Water-spouts to be affixed.

CLXXVI. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of

of this Act shall, within Twenty-one Days next after Service of any Order of the Commissioners for that Purpose, put up and for ever afterwards keep in good Condition a sufficient Shute, Gutter, or Trough, of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such Building, from the Roof to the Ground, to carry off the Water from the Roof thereof in such Manner that the Water from such House shall not fall upon the Persons passing near the same, or on to the Footpath or Causeway there.

Underground Drains to be formed.

CLXXVII. And be it enacted, That the Owner or Occupier of every House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from such House or Building, either by Drains or Tunnels, below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement; and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to 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 which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner or Occupier.

Cesspools, &c. to be substantially made;

CLXXVIII. And be it enacted, That all Cesspools, Vaults, and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners, without their Consent; and if any Arch, Cesspool, Vault, or Drain shall be made contrary to the Provisions of this Act, it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Cesspool, Vault, or Drain.

and kept in repair.

CLXXIX. And be it enacted, That all Cesspools, Vaults, or Drains 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 Cesspool, Vault, or Drain shall at any Time not be in such substantial Repair, it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Cesspool, Vault, or Drain shall continue out of substantial Repair, after Notice shall have been given by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Coverings for Cellar Doors to be made.

CLXXX. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act as an Entrance into any Vault or Cellar, a Door or Covering 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 shall from Time to Time be kept in good Repair by the Occupier of

of such Vault; and if the Occupier of any such Vault or Cellar shall not, within a reasonable Time, make such Door or Covering, or shall make any such Door or Covering 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 Ten Pounds.

Houses not to be thatched.

CLXXXI. 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.

Hoards to be set up during Repairs.

CLXXXII. And be it enacted, That every Person who shall build or take down any House or other Building whatever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, where any Street or Footway may be obstructed or rendered inconvenient by means of such Work, shall cause to be erected, before commencing the same, sufficient Hoards, Protections, and Fences in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Handrail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the public Safety or Convenience of Passengers, and shall, in all Cases in which the same shall be necessary to prevent Accidents, light or cause the same to be sufficiently lighted during the Night; and if any such Person shall refuse or neglect to erect any such Fence or Hoard or Platform, with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not, whilst the said Hoard or Fence is standing, keep the same sufficiently lighted in the Night, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Deposits of Building Materials to be fenced and lighted.

CLXXXIII. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall at his own Expence cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sun-setting to Sun-rising during the Time such Materials, Hole, or Excavation shall remain; and such Person shall at his own Expence cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and enclosed, until such Materials or other Things shall be removed, or the Hole or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or enclose

such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Deposits of Building Materials, &c. not to remain longer than necessary.

CLXXXIV. Provided always, and be it enacted, That in no Case shall any such Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time, under a Penalty not exceeding Twenty Shillings *per Diem*, to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

Dangerous Places to be repaired or inclosed.

CLXXXV. And be it enacted, That if any Building or Excavation, or any 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, filled up, protected, or enclosed, so as to prevent any Danger therefrom, and the Charges of such Repair, filling up, Protection, or Enclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, filled up, protected, or enclosed.

Commissioners may close Streetsduring Repairs.

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

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

CLXXXVII. And whereas many 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 preventing of Accidents, and the Improvement of the Streets, Sewers, and Drains within the Limits of this Act, and for other Purposes herein-before mentioned, 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 wherever 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 prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, 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 thereof, consequent thereon, or incidental thereto, 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 so done, in addition to the Penalties incurred.

CLXXXVIII. And

Occupiers to recover against Owners and Lessees in certain Cases.

CLXXXVIII. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done or paid for 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 or paid,) 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 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, Lessees, and Occupiers.

CLXXXIX. And be it enacted, That in all Cases (except as herein-before mentioned) where any Work, Act, or Thing is required by this Act to be done or paid for 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 Account 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.

Streets to be cleansed and watered.

CXC. 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 to be cleansed and watered, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Occupiers allowed to use their own Ashes, &c.

CXCI. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep and remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, and shall be reserved for Manure, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

CXCII. And

Duties of the Street Scavengers to be performed under Penalties.

CXCII. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, 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 contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises which they shall contract or be employed to collect Dirt, Ashes, and Rubbish from, within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use, under the Provisions herein contained, and shall carry away the Dirt, Ashes, 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 contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, 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 *per Diem*.

Penalty on Occupiers obstructing Scavengers.

CXCIII. And be it enacted, That every Occupier of a House or other Premises within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger or his Servants from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from his House or Premises.

Penalty on other Persons than Scavengers removing Dirt.

CXCIV. And be it enacted, That if any Person other than the Scavenger for the Time being, or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filth from any Street within the Limits of this Act, or from any House or Building therein, except as aforesaid, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Occupiers to cause Footways to be swept.

CXCV. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall once in every Day (*Sundays* excepted), before Nine of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in Front or at the Side of their respective Buildings, Yards, and Lands; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Owner, or Agent of the Owner, of any House let out as Lodgings, or into divided Apartments, shall be deemed the Occupier.

Commissioners may cause Footways to be swept, &c.

CXCVI. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed, or they may compound for any and such Time as they think fit with any Person to sweep or clean any Footway under the Provisions of this Act for sweeping and cleansing the same, in the Manner by this Act directed.

Commissioners may order Nuisances to be abated.

CXCVII. And be it enacted, That if any Foundry, Candle-house, Melting-house, Melting-place, or Soap-house hereafter to be erected or made, or any Slaughter-house, Boiling-house for Offal, Pigsty, uninclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint; and if the Commissioners shall consider such Building, Place, 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 for Disobedience to Commissioners Order.

CXCVIII. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Twenty-one Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Forty Shillings for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Twenty-one Days from the Service of the said Notice, or such Person may be proceeded against by Action or Indictment for such Nuisance: Provided always, that when any Person who shall think 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 pay any Penalty, until after the Expiration of Ten Days 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 after Notice.

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

Dogs suspected to be mad may be destroyed.

CC. And be it enacted, That it shall be lawful for any Constable or other Officer appointed by virtue of this Act, or any Policeman, 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.

CCI. And

Penalty for suffering mad Dogs to be at large.

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

Power to impound stray Cattle.

CCII. 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 and attending the same, it shall be lawful for any Constable or Officer of Police, or for any of the Inhabitants or Persons residing or being within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal in the Common Pound of the said Parish, 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 Two Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Expences of impounding, feeding, and keeping the same.

Power to sell stray Cattle for Penalty and Expences.

CCIII. 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, as soon as conveniently can be thereafter, to sell or cause to be sold any such Animal; but previous to such Sale Two Days Notice thereof shall be given 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 affixed upon the said Pound Two Days before such Sale, or be advertised in some Newspaper published or circulated within the said County of *Essex;* and the Money arising from such Sale, after deducting the said Sums, and the Expences aforesaid, and all such other Expences as may attend the feeding, keeping, and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be paid by them 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.

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

CCIV. 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, or from the Person having the same for the Purpose of being pounded, any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded, under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One Justice, be committed by him to the Common Gaol or any House of Correction within the said County

County, there to remain without Bail for any Time not exceeding Three Months.

Power to provide a Pound or Yard.

CCV. And be it enacted, That it shall be lawful for the Commissioners, if they see fit, to purchase a Piece of Land within the Limits of this Act, for the Purpose of a Pound or Yard 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 be appropriated by them for ever as a Pound for the Use of the Inhabitants within the Limits of this Act.

Penalty for conveying offensive Matter at improper Times.

CCVI. And be it enacted, That every Person who, within the Limits of this Act, shall empty or begin to empty any Privy between the Hours of Six of the Clock in the Morning and Twelve of the Clock at Night, or remove along any Thoroughfare any Night-soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Six of the Clock in the Morning and Ten of the Clock in the Evening, or who shall at any Time use for any such Purpose 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 Matter shall have been placed, slopped, or spilled, shall 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 such Purpose shall be deemed to be the Offender.

Penalty on Blacksmiths not closing their Doors or Shutters after Sunset.

CCVII. And be it enacted, That if any Blacksmith, Whitesmith, Nailmaker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not 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, until Sunrise the following Morning, so as effectually to prevent the Light from shining through the Doorway, Windows, 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 setting Chimney on fire.

CCVIII. 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.

CCIX. 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 no ways owing to Omission, Neglect, Carelessness, or Fault of himself or Servant.

Forty Shillings Penalty for any of the Offences herein specified.

CCX. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings, who in any Street or 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 any other Animal, or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment, or shoe, bleed, or farry 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 Cases of Accident, where Repair on the Spot is necessary:

Every Person who shall suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal:

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, and 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 hurt any such Cattle:

Every Person who shall slaughter any Cattle within One hundred Yards of any Dwelling House, or who shall in any Street within the Limits of this Act dress any Cattle, or any Part thereof (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 upon the Spot):

Every Person having the Care of any Waggon, Cart, or other Carriage, who shall ride on any Part thereof or on the Shafts, or on any Horse or other Animal drawing the same, without having the 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 or Management over every Horse or other Animal drawing the same, or shall not keep the Waggon, Cart, or Carriage to the Left or near Side of the Street, excepting 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 drive any Horse or other Animal drawing any Waggon, Cart, or other such Carriage at any faster Rate than a common Walk:

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 or Annoyance of the Passengers in any Street:

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

Passengers, excepting Carriages standing for Hire in any Place appointed for that Purpose by the Commissioners, and every Person who by means of any Cart, Carriage, Sledge, Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Street:

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 or 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 or other Animal, 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 place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, Bucket, or other Matter or Thing, or place or use any Standing Place, Stool, Bench, Stall, or Show Board on any Footway, or shall place any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Seven Feet in Height at least in every Part thereof from 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 more than Twelve Inches into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same shall be so exposed, or 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 Ladder, Plank, Pole, Timber, or Log of Wood upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway:

Every Person who shall suffer any Goods or Merchandize or any Coal or Fuel intended for any House, or other Matter or Thing, 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 therein, to the Danger or Obstruction of any Person, or the affrighting of any Horse:

Every Person who shall convey or carry, or cause to be conveyed or carried, the Carcase, or any Part of the Carcase, of any slaughtered Cattle, without a sufficient Cloth covering the same:

Every common Prostitute or Night-walker loitering or being in any Street or public Place, 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, or sing any profane, indecent, or obscene Song or Ballad, or excite or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers:

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

Every Person 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 for the Purpose 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 Fire-work:

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 Lamp:

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

Every Person who shall 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 throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials, except Building Materials, or the Rubbish thereby occasioned, according to the Provisions herein-before contained:

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

Every Person who shall fix or place any Flower-pot or Box in any upper Window without sufficiently guarding the same against falling or being blown or thrown down:

Every Person who shall throw or cast from the Roof or any Part of any House or other Building any Slate, Brick, Part of any Brick, Wood, Rubbish, or other Material, Missile, Matter, or Thing:

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk, or Paint or in any other Way whatsoever, or wilfully break, destroy, or damage

any

any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden:

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 public Garden:

Every Person who to the Danger or Annoyance of Passengers in any Street 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 placed or left open in or adjoining to any Street, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from Accident or falling thereinto:

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, 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 any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill into any Street or 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 moved as soon as the Occasion for them shall cease:

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 within the Distance of Fifty Yards from any Street or any Dwelling, so as to be a Nuisance or Annoyance:

Every Person who shall place or keep any offensive Matter in any enclosed or open Ground within One hundred Yards of any Dwelling House, so as the same may become a Nuisance or Annoyance to any Inhabitant.

Power to light the Streets.

CCXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets, Houses, Terraces, Pier, Jetty, and Works 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, Pipes, and other Works, as they may deem necessary for that Purpose.

Power to manufacture Gas.

CCXII. And be it enacted, That it shall be lawful for the Commissioners to manufacture Gas, and to provide Gasometers, and all Apparatus and Machinery necessary for that Purpose, and to purchase or rent any Land, not exceeding Two Acres, which may be necessary for the Establishment of such Manufacture, or to contract

and

and agree at any Time with any Person or Persons for the supplying of Gas or other Material for supplying such Light.

Power to break up Streets and lay down Pipes, &c.

CCXIII. And for the Purpose of enabling the Commissioners, or any Person or Company with whom they may contract, to light the said Streets or any of them, or the supplying of Water, be it enacted, That it shall be lawful for the Commissioners, or any Company or Persons with whom they may contract for lighting the said Streets, or any of them, under the Control and Direction of the Commissioners, or the supplying of Water as aforesaid, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Mains, Pipes, Lamp Posts, and other Works as they or he may deem necessary for lighting the same, and supplying such Water, and also to lay and place against any Houses, Buildings, and Enclosures such Pipes, Lamp Posts, Lamp Irons, and other Works as they may deem necessary for the Purpose of lighting as aforesaid: Provided always, that the Commissioners shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Dwelling, Enclosure, or Land, except with the Consent of the Owner and Occupier thereof first had and obtained in Writing.

Service Cocks to be kept fully charged.

CCXIV. And be it enacted, That every Main, Branch, or Service Pipe which shall be used for lighting with Gas or supplying Water shall be kept fully charged with Gas or Water respectively, and the Stop-cocks shall be so turned as not to impede any such Main, Branch, or Service Pipe being filled with Gas or Water respectively during the Time the same shall be required.

Penalty on Gas Makers for corrupting Water.

CCXV. 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, Pond, or Place for Water within the Limits of this Act, or belonging to the Commissioners, 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 in Superior Courts within Twelve Months.

CCXVI. 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 by any such Act as aforesaid: 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 the Continuance

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

of the Offence.

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.

Daily Penalty during Escape of Gas after Notice.

CCXVIII. 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.

Position of Gas Pipes withreference to Water Pipes.

CCXIX. And be it enacted, That every Pipe for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and if the Width of the Carriageway will admit thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water within the Limits of this Act, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and shall be at least Nine Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Four Feet.

Manner of laying the Gas Pipes.

CCXX. And be it enacted, That in laying down any such Gas Pipe, no Two of such Gas Pipes shall be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the Jointing with the other Pipes to be added thereto shall be made, after the Pipes shall be so laid in the Trench, with proper Materials; and every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept Air-tight, so that in every respect the Gas shall be prevented from escaping therefrom.

Penalty for laying Gas Pipes contrary to the Act.

CCXXI. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Five Pounds.

CCXXII. And

Penalty on Gas Makers if the Water be contaminated.

CCXXII. 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 a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penalty during Continuance of Contamination after Notice.

CCXXIII. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours 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, a Sum not exceeding 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.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CCXXIV. And whereas it may become a Question upon any such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the Commissioners, or any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Commissioners or 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 Commissioners or Persons making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person.

Expences to abide the Result of the Examination.

CCXXV. 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 Commissioners or 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 Commissioners or Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Commissioners or Person any Injury which may be occasioned to the Works of the said Commissioners or Person by such Examination.

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

CCXXVI. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Commissioners or 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.

Person supplying Gas to be liable to Indictment for Nuisance.

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

Fire Engines and Firemen may be provided by the Commissioners.

CCXXVIII. 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, Hose, 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 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 Engine Keeper, 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 and Services in Cases of Fire and otherwise as they shall think fit.

Commissioners may provide Offices, Watch-houses, &c.

CCXXIX. 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 into or to build on such Land, Offices, Watch-houses, Lock-up Houses, and other Places necessary for the Purposes of this Act, or of general Police, 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 of them.

Power to levy Rates.

CCXXX. And in order to raise Money to pay the Interest of the Money to be borrowed and other Expences, and Outlay for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, at their First Meeting, or any Adjournment thereof, and also Twice in every Year, to be computed from the Thirty-first Day of *December* now last past, and in every succeeding Year, or when and as often as they shall think it advisable or necessary, to make One or more equal Assessments or Rates, to be signed by the Commissioners, or any Three of them, assembled at any General, Special, or Adjourned Meeting, upon the several Owners, Proprietors, Lessees, and Occupiers of all Houses, Mills, Shops, Warehouses, Coach-houses, Stables, Cellars, Buildings, Gardens, Lands, Tenements, Hereditaments, and Premises whatsoever within the Limits of this Act, according to the annual Value of the same, so as such Rates or Assessments do not exceed in any One Year, to be computed as aforesaid, the Sum of Two Shillings and Sixpence in the Pound on such annual Value, except as herein provided, and, unless it shall be otherwise ordered by the Commissioners, such Rates shall be made at the Quarterly Meetings in the Months of *May* and *August* in every Year.

CCXXXI. And

Annual Rate may be increased by Consent of a General Meeting of Rate-payers.

CCXXXI. And be it enacted, That if it shall at any Time appear that the said Sum of Two Shillings and Sixpence in the Pound is not sufficient for the Purposes aforesaid, or it shall be deemed advisable to raise the Sum of Three thousand Pounds, or any Part thereof, in addition to the before-mentioned Sum of Six thousand Pounds, which Sum the Commissioners are hereby empowered to borrow and take up at Interest or on Annuity as aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of the Rate-payers assembled at any Quarterly Meeting, to increase the Rates, so as the same do not in any One Year exceed the further Sum of One Shilling and Sixpence in the Pound on such annual Value as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them Fourteen Days previously to such Meeting, by Advertisement in some Newspaper printed or circulated within the said County of *Essex*, or by affixing the Notice upon the Door of the Parish Church aforesaid on the Three *Sundays* preceding such Meeting.

Furnished Houses to be deemed occupied.

CCXXXII. And be it enacted, That all Houses and Premises which shall be furnished shall be deemed to be occupied, and shall be assessed and included in every Rate made in pursuance of this Act.

Rate to be vested in the Commissioners.

CCXXXIII. 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 as they shall direct, to the Collectors to be appointed by them.

Certain Land, &c. not to be rated.

CCXXXIV. And be it enacted, That no Person shall be rated in pursuance of this Act on account of any Arable, Meadow, or Pasture Land exceeding Two Acres, excepting as is specially provided for in this Act, or of any Tithes or Composition in lieu of Tithes within the Limits of this Act, or the Farm Houses and Buildings used exclusively for Farming Purposes.

Value of Property to be according to Poor Rate.

CCXXXV. And be it enacted, That the annual Value of all Property rateable under this Act may be ascertained according to the then last Assessment for the Relief of the Poor within the Limits of this Act, except in such Cases as are herein-after mentioned.

Poor Rates to be open to Inspection by Commissioners.

CCXXXVI. 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 said Parish, and the Assessments upon and 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 the Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Twenty Pounds for every such Offence.

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

CCXXXVII. 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

terion by which the Assessments or Rates under this Act should be made, or the Premises proposed to be rated by the Commissioners shall not be inserted or included therein, it shall be lawful for them to cause a Valuation to be made of all or any Part of 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 Assessmen ts to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

Valuer to make a Declaration.

CCXXXVIII. And be it enacted, That before any such Valuation shall be made the Person appointed to make such Valuation shall make and subscribe before some Justice as hereafter mentioned a solemn Declaration to make that 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.

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

Rate Books to be Evidence.

CCXL. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, and Duplicates of the said Rates, and true Copy of such Books and Entries, shall be received as Evidence of the Rates imposed by virtue of this Act.

Appeal against the Rates.

CCXLI. And be it enacted, That if any Person shall think himself aggrieved by being assessed to or over-rated in respect of any Land or Premises, it shall be lawful for him to appeal against the same to the Justices in Petty Sessions assembled for the Hundred of *Tendring* in the said County of *Essex*, within One Month after such Rate shall have been demanded of him, or to the Justices for the said County at the General Quarter Sessions assembled next after the making of such Rate, upon giving Ten Days Notice thereof, and of the Grounds of such Appeal; and that it shall be lawful for the Commissioners and Justices from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who and Premises which ought to have been rated, or by striking out the Name of any Person who and Premises which ought not to have been rated, or by raising or reducing the Sum at which any Person or Premises shall have been rated, if it shall appear to the Commissioners and Justices that such Person or Premises has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate just and conformable to this Act; and no such Amendment shall be held to avoid or quash 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

Rates may be amended.

whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Rates to be recovered by Action or by Distress.

CCXLII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay to the Collector the Rates due from him for the Space of Fourteen Days next after Demand thereof made in Writing, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*; or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him, at a Time, Day, and Place to be mentioned in the Summons, to show Cause why the Rates due from him should not be forthwith paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be then and there shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

CCXLIII. And be it enacted, That Service of such Summons upon the Occupier or the Agent shall be good and sufficient Service upon the Owner, Proprietor, Lessee, Occupier, and Agent, and 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 (D.) to this Act annexed.

Constables to assist in making Distress.

CCXLIV. 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 and pay a Penalty not exceeding Five Pounds for every such Offence.

Poor Persons, &c. exempt in certain Cases.

CCXLV. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, from Time to Time 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 said Rate.

Owners to pay the Rate in certain Cases.

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

CCXLVII. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners or to the Persons 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 or Lessee for the Time being," without stating his Name.

CCXLVIII. And

Receiver of Rents to be deemed the Owner.

CCXLVIII. And in order to prevent any Dispute touching the Word Owner or Lessee, for the Purposes of rating or being rated 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 deemed the Owner of the same for the Purposes of such rating, and shall be liable to and shall pay the same accordingly.

Tenants under existing Leases to repay the Owner.

CCXLIX. Provided always, and be it enacted, That when any Owner shall be rated and pay such Rate in respect of any rateable Property which shall be in the Occupation of a Tenant or Undertenant under any Lease or Agreement made prior to the passing of this Act, such Lessee shall repay to the Owner all Sums which shall be so paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

In default of Owner for Two Months, Occupier to pay.

CCL. And be it enacted, That when the Owner or Lessee of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Two 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 only 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, and One Quarter's Rent in advance at the Time when he shall be 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.

Owner to repay the Occupier.

CCLI. And be it enacted, That if the Amount of any Rate which under the Provisions herein-before contained or the Covenants of any Lease ought to be borne by the Owner or Lessee of such Property shall be paid by the Occupier, or levied on his Goods and Chattels, then and in such Case the Owner or Lessee, as the Case may be, shall reimburse the Occupier; and it shall be lawful for such Lessee or 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 or Lessee.

Remedy against Persons quitting before Payment of Rates.

CCLII. 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 due and 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 at a Time and Place to be mentioned in the Summons, to show Cause why the Rates should not be forthwith paid; and if no sufficient Cause for the Nonpayment of such Rates be then and there shown the same shall be levied by Distress of his Goods and Chattels, and such Justice shall issue his Warrant accordingly.

CCLIII. And

Rates to be apportioned on Holder quitting.

CCLIII. And be it enacted, That when any Rate shall be made, and the Owner, Lessee, or Occupier who shall be rated to such Rate shall cease to be the Owner, Lessee, or Occupier of the Property in respect whereof he shall be rated before the End of Three Months from such Period of being so rated, such Owner, Lessee, or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period proportionate to the Time during which he continued to be the Owner, Lessee, 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 on unoccupied Property to pay a Portion of the Rate.

CCLIV. And be it enacted, That if any Property rateable under this Act shall have been unoccupied or unfurnished at the Time of making any Rate, and any Person shall occupy or furnish such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property, and the Person occupying or furnishing the same during any Part of the Period aforesaid, and he shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy or furnish such Property.

On Appeal, Quarter Sessions may amend Rate.

CCLV. And be it enacted, That on all Appeals from any Rate made in pursuance of this Act it shall be lawful for the Court of Quarter Sessions to amend such Rate, either by inserting therein or by striking out therefrom the Name of any Person or Property, or by altering the Sum therein charged on any Person or Property, or in any other Manner which the said Court shall think just, without quashing such Rate.

Application of the Rates.

CCLVI. And be it enacted, That the Money which shall arise from the said Rates, and all Money for the Supply of Gas, Penalties, Fines, or other Money to be received by the Commissioners under this Act, shall be applied, subject to the Provisions aforesaid, in the first place, in Payment of the Interest of all Monies borrowed on Mortgage of the said Rates, and of the Annuities granted by virtue of this Act, and afterwards in defraying the Salaries of the Officers and other Persons employed by the Commissioners, and the other Expences, and the Expences of paving, cleansing, watering, draining, lighting, and watching the several Streets within the Limits of this Act, and of otherwise improving the same, and carrying the several other Purposes of this Act into execution, and in paying off the Principal Sums borrowed on the Credit of the Rates, in such Order as this Act and the Commissioners shall direct.

Damages to be ascertained with the Penalty.

CCLVII. And be it enacted, That where any Damages, Expences, or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages, Expences, 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 Sale of the Goods and Chattels of such Offender, if any he may have; and such Justices shall issue their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCLVIII. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property or Person, or for any Expences, Charges, or Damages, Penalty or Forfeiture, 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, Penalty and Forfeitures 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 One or more Justices, and the same shall be levied by Distress.

Recovery of Money from Commissioners.

CCLIX. And with respect to any Money under the Provisions of this Act adjudged 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, 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 the Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Fourteen 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.

Re-imbursement of Treasurer.

CCLX. And be it enacted, That if such Treasurer pay any Money under any such Order or 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 then in or coming into his Custody or Control; or it shall be lawful for the Party to sue the Commissioners for the same in the same Manner as other Parties are by this Act enabled to sue the said Commissioners.

Penalties to be summarily recovered before a Justice.

CCLXI. 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 upon Complaint being made before One or more Justices, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and any such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode, and either upon the Appearance or upon the Default to appear of the Party offending, it shall be lawful for any One or more Justices to proceed to the Hearing of the Complaint, and that although no Information in

Writing or in Print shall have been exhibited before them, 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 One 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 Justice shall think fit.

Penalties to be levied by Distress.

CCLXII. 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 Justice may issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCLXIII. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall by Warrant 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.

CCLXIV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, or any Person suing for the same, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CCLXV. 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 such Justice within Six Months next after the Commission of such Offence.

Penalty on Witnesses making default.

CCLXVI. And be it enacted, That it shall be lawful for any Justice to summon any Person to attend before him to testify the Truth in

in any Matter over which he shall have Jurisdiction by means of this Act, and to examine such Person; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Bye Law made by virtue thereof, 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.

CCLXVII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent 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.

CCLXVIII. 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 (G.) to this Act annexed.

Informalities.

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

How Distress to be levied.

CCLXX. 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.

Distress not unlawful for Want of Form.

CCLXXI. 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 whatsoever 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 Ses-

CCLXXII. And be it enacted, That if any Person shall think himself aggrieved by any Determination or Adjudication of any Justice,

Justice, under the Provisions of this Act, or by any Order or Proceeding of the Commissioners, he may appeal to the General Quarter Sessions for the County of *Essex*, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Determination or Adjudication, and 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, and 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 and perform the Order of the Court thereon.

Sessions on giving Security.

CCLXXIII. 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 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 or aggrieved as they may judge reasonable, and they may make such Order concerning the Costs both of the Adjudication and of the Appeal as they may think reasonable.

Court to make such Order as they think reasonable.

CCLXXIV. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised by this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before any Court or Justice by virtue of this Act, and no Justice or other Person shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money towards the Rates authorized to be raised by this Act.

Liability to Rates not to disqualify Witnesses or Justices.

CCLXXV. Provided also, and be it enacted, That if any Land or Premises shall be taken by the Commissioners and converted into Roads, or otherwise appropriated by them, and which is now charged or liable to the Payment of any Tithe Commutation or Rent-charge in lieu of Tithe, such Sum shall be paid by the Commissioners immediately that the same shall be and become due to the Person or Party who by Law at such Time shall be entitled to have and receive the same.

Indemnity against Loss of Rent-charge in lieu of Tithe.

CCLXXVI. And be it enacted, That in order to prevent any Deficiency in the Assessment of the Land Tax, in consequence of the Execution of the Works to be effected in pursuance of this Act, the said Commissioners shall, from and after the Time that they shall become possessed of any Lands charged with the Land Tax, and until the said Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, out of the Money to arise by virtue of this

Provision for Deficiency in Land Tax.

this Act, all such Sum and Sums of Money as shall be deficient in the said Assessment by reason of any Lands liable to such Assessment being used for the Purposes of this Act, according to the Rental at which the same are valued at the Time of passing this Act; and the said Commissioners are hereby required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax.

Interpretation Clause.

CCLXXVII. 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:

Words denoting the Disjunctive, if requisite, shall be considered as denoting the Conjunctive, and Words denoting the Conjunctive shall, if requisite, be considered as denoting the Disjunctive.

The Word "Month" shall mean Calendar Month:

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The Word "Person" shall include Corporations, whether Aggregate, Lay and Ecclesiastical, or Sole, Companies, and all other Persons and Parties whomsoever:

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 Justice of the Peace acting within the Limits of the County of *Essex*.

The Word "Street" shall include any Square, Garden, public Walk, Terrace, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, Market Place, Jetty, Footpath, or Causeway, within the Limits of this Act.

The Word "Owner" shall mean also Lessee, Receiver, and Agent.

The Words "Lands," "Buildings," "Property," shall extend to Messuages, Lands, Tenements, Buildings, and Hereditaments, of any Tenure, and also Land covered with Water, Sheds, Shops, Fences, and all other Erections.

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

Act to extend to the whole Parish.

CCLXXVIII. And be it enacted, That this Act shall be applicable to and be put in force for the Improvement of the Town and all other Parts of the said Parish of *Walton*.

Public Act.

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

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Mortgage Deed.

Walton (Essex) Improvements.

This Deed is made and entered into by virtue of an Act made and passed, *&c.*, intituled, *&c.*, whereby we, being Three of the Commissioners appointed by or by virtue of the said Act, in consideration of the Sum of paid to us by *A.B.* of for the Purpose of the said Act, do hereby grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns [*or* to *C.D.* in Trust for the said *A.B.*], such Proportion of Rates and Monies arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates and Monies, to hold to the said *A.B.* [*or C.D.* as such Trustee], his Executors, Administrators, or Assigns, from this Day until the said Sum of with Interest at and after the Rate of per Centum per Annum for the same, shall be fully paid and satisfied, according to the Provisions of this Act. In witness whereof we have hereunto subscribed our Hands and affixed our Seals this Day of in the Year 18 .

SCHEDULE (B.)

Form of Grant of Annuity.

Walton (Essex) Improvements.

This Deed is made and entered into by virtue of an Act made and passed, *&c.*, intituled, *&c.*, whereby we, being Three of the Commissioners appointed by or by virtue of the said Act, in consideration of the Sum of paid by *A.B.*, do grant unto the said *A.B.* [*or* to *C.D.* in Trust for the said *A.B.*] an Annuity or yearly Sum of to be issuing out of the Rates and Monies arising by virtue of the said Act, to be paid to the said *A.B.* [*or C.D.*] during the Term of his natural Life [*or as the Case may be*], to the said his Executors, Administrators, or Assigns, during the natural Life of or during the natural Lives of and and the Life of the Survivor, upon the Day of and the Day of Day of in every Year during his natural Life [*or as*

as the Case may be] during the natural Life of the said
or of the said and and the Survivors
of them, the first Payment thereof to be made upon the
Day of next ensuing the Date hereof.
In witness whereof we have hereunto subscribed our Hands and affixed our Seals the Day of in the Year 18 .

SCHEDULE (C.)

Form of Transfer of Mortgage or Grant of Annuity.

Walton (Essex) Improvements.

To all whom these Presents shall come: I *A.B* of
in consideration of the Sum of paid to me by *C.D.*
of do hereby transfer to the said *C.D.* his Executors, Administrators, and Assigns, a certain Mortgage, Number
[*or* a certain Grant of Annuity, Number *as the Case may be*]
made by the Commissioners for executing the [*Title of this Act*]
to bearing Date the Day of
which was in the Year for securing the Sum
of and Interest, or for granting an
Annuity of per Annum [*as the Case may be*], or if such Transfer be by Endorsement, the within Security, or the Sum
of being all that now remains due thereon, and all my Right, Estate, and Interest in and to the Money thereby secured, or such Balance, or the Annuity thereby granted [*as the Case may be*], and in and to the Rates, Money, and Property thereby assigned.
In witness whereof [I *or* we] have hereunto set my Hand and affixed my Seal [*or* our Hands and affixed our Seals], this
Day of in the Year 18 .

SCHEDULE (D.)

Form of Warrant of Distress.

Essex and to wit. } To one of the Collectors of the Rates under an Act made and passed, *&c.*, intituled, *&c.*, and to all Constables whomsoever.

Whereas the under-mentioned Persons, now or late Owners, Proprietors, Lessees, or Occupiers of Premises within the Parish of Walton aforesaid, have been duly rated in or are liable to the Payment of a Rate [*or* Rates, *as the Case may be*,] made on the Day of [and on the
Day of *if more than One Rate*] under the Authority of this Act; and that 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, Declaration, or Affirmation) to me, One of Her Majesty's Justices of the Peace for the said County of Essex; and the said several Persons having

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 said Majesty's Name [*or as the Case may be*], to require you or any of you forthwith to levy the said several Sums due as herein-after mentioned, by Distress and Sale of the respective Goods and Chattels of the said respective Persons, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if sufficient Distress cannot be had and taken of and from them, any or either of them, 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 aforesaid 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 18 .

Owner or Proprietor.	Lessee.	Occupier.	Sums due.	When Rate made.
			£ s. d.	
A.B. - -	C.D. - -	E.F. - -		
Ditto - -	Ditto - -	G.H. - -		

SCHEDULE (E.)

Form of Conveyance.

This Deed is made this Day of in the Year 18 in pursuance of the Provisions of an Act of Parliament made and passed in the Year of the Reign of our Sovereign Lady Queen Victoria, intituled [*here insert the Title of this Act*], whereby I [*or* we, *A.B. &c.*] of in consideration of the Sum of paid to me, or into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, ex parte "The Commissioners for improving the Town and Parish of Walton in the County of Essex," [*or* to *C.D.* of and *E.F.* of Trustees appointed to receive the same, pursuant to the said Act], do hereby grant and convey to the said Commissioners, all [*here describe the Premises to be conveyed*], together with all Ways, Rights, Members, and Appurtenances thereunto and to any and every Part thereof belonging or appertaining, and all such Estate, Right, Title, Interest, Property, and Demand whatsoever in and to the same as I am [*or* we are] or shall become seised or possessed of, or am by the said Act authorized and empowered to cōnvey, to hold all the said Premises to the

the said Commissioners for ever, according to the true Intent and Meaning of this Act. In witness whereof I [*or* we] have hereunto subscribed my Name [*or* our Names] and affixed my Seal [*or* our Seals] the Day and Year first above written.

SCHEDULE (F.)

Form of Conveyance on Chief Rent.

This Deed is made this Day of in the Year 18 in pursuance of the Provisions of an Act of Parliament made and passed in the Year of the Reign of our Sovereign Lady Queen Victoria, intituled [*here insert the Title of this Act*], whereby I [*or* we, *A.B. &c.*] of in consideration of the Rent-charge to be paid to me [*or* us] my [*or* our] Heirs and Assigns as hereafter mentioned, by "The Commissioners for improving the Town and Parish of Walton in the County of Essex," by virtue of the said Act, do hereby convey to the said Commissioners all [*here describe the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof; to hold the said Premises to the said Commissioners, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Commissioners yielding and paying unto me [*or* us], my [*or* our] Heirs and Assigns, One clear yearly Rent or Sum of by equal quarterly [*or* half-yearly, *as agreed upon,*] Portions henceforth on the [*here state the Days*], clear of all Taxes and Deductions whatsoever. In witness whereof I [*or* we] have hereunto subscribed my Hand [*or* our Hands] and affixed my Seal [*or* our Seals] the Day and Year first above written.

SCHEDULE (G.)

Form of Conviction.

Essex, to wit. } Be it remembered, That on the Day of in the Year of our Lord , is convicted before me One of Her Majesty's Justices of the Peace for the County of Essex [*here describe the Offence generally, and the Time and Place when and where committed*], contrary to a certain Act of Parliament made and passed in the Year of the Reign of our Lady Queen Victoria, intituled "An Act to authorize and provide for certain Improvements in the Town and Parish of Walton le Soken otherwise Walton on the Naze in the County of Essex." Given under my Hand and Seal the Day and Year above written.

SCHEDULE of Premises referred to in this Act.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
Joseph Warde and Henrietta his Wife.	- - -	Robert Hubbard -	South Side of New House Farm.
The Assignees of Thomas Patrick.	John Archer -	John Archer -	Part of the Mill Pool.
John Warner - -	- - -	Hannah Kent -	Northern Side of Meadow.
The Assignees of Thomas Patrick.	John Archer -	John Archer -	Northern End of Garden.
Elizabeth Barton - -	- - -	Herself - -	Northern Portion of Garden.
Ernest Wolff - -	- - -	Unoccupied - -	The Copperas Ground, and the Buildings thereon.
William Lay - -	- - -	Himself - -	Portion of Meadow.
Joseph Barton - -	- - -	John Scope - -	A Cottage and back Yard.
Same - -	- - -	Empty - -	Same.
Joseph Barton - -	- - -	William Skingles -	A Cottage and back Yard.
Same - -	- - -	Isaac Garrod - -	Same.
Same - -	- - -	—— Seggars -	Slip of Ground.
The Master and Fellows of Baliol College, Oxford.	Reverend Lewis WelshOwen, as the Incumbent of the Church of the Holy Trinity at Colchester.	Benjamin Hubbard -	Part of Two Inclosures of Arable Land.
Same - -	Same -	Unoccupied - -	Land or Beach uninclosed.
EdwardChapman and others, Trustees of the late Benjamin Chapman, former Lord of the Manor of Walton.	None - -	Same -	The Foreland and Sea Beach.
George Simey - -	None - -	George Simey -	Carpenter's Shed, and uninclosed Land adjoining.
Same - - -	- - -	Same - -	A Cottage dilapidated.
Same - -	- - -	Same - -	Same, and Bath Room.
William Hawkins - -	- - -	Himself - -	Part of the Walk in front of the Terrace.
Sarjant Lay - - -	- - -	Himself - -	A Cottage.
John Woodgate, Hicks, and others.	- - -	—— Seggars -	Garden Ground.
William Lay - -	- - -	Himself - -	West Side of Garden adjoining the Copperas Land.
Several - - -	Several -	Several - -	Portions of the Field belonging to John Warner, in the Occupation of Hannah Kent, and Portions of the fore Courts and front Gardens North Side of the Road to the Sea Beach, and the setting back of the Butcher's Shed, in the Occupation of Benjamin Hubbard.

Owners or reputed Owners.	Lessees.	Occupiers.	Description of Property.
The Hope Assurance Company, Owners or Mortgagees of the Great Tithes of Walton.	- - -	The several Tithe-payers, if any Tithe be payable, on the Portion of Land proposed to be taken.	Such Tithe.
Reverend William Burgess, Vicar and Proprietor of the Small Tithes of Walton.	- - -	As above - -	Such Tithe.

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