ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XCII.

An Act for paving, lighting, cleansing, and otherwise improving the Town of *Ipswich*, in the County of *Suffolk*; and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [3d *June* 1793.]

WHEREAS an Act of Parliament was made and passed in the Thirteenth Year of the Reign of her late Majesty Queen Elizabeth, intituled, An Act for the paving of the Town of *Ipswich*; and the Powers thereby granted have been found defective and insufficient to answer the Purposes thereby intended: And whereas the Streets, Lanes, publick Passages and Ways of the said Town are very ill paved, and not properly cleansed or lighted, and by Encroachments and Annoyances are rendered incommodious and dangerous: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Preamble.

the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act, passed in the Thirteenth Year of the Reign of her late Majesty Queen Elizabeth, intituled, An Act for the paving of the Town of *Ipswich*, and all such Powers, Provisions, Clauses, and Matters therein contained, as relate to the paving or repairing the Pavement of the said Town of Ipswich, be hereby repealed and made void, and the same is and are hereby repealed and made void.

Act 13 *Eliz.* in part repealed.

Commissioners appointed.

II. And be it further enacted, That the High Steward, Bailiffs, Recorder, Deputy Recorder, Portmen, and Common Councilmen of the Town and Borough of Ipswich, for the Time being, together with every Person who now is, or hereafter shall be, a resident Inhabitant of the said Town and Borough of Ipswich, and is or shall be, in his own Right, or in the Right of his Wife, possessed of, or shall be the Occupier of a House or Houses, Lands, Tenements, or Hereditaments, situate within the said Town and Borough of Ipswich, of the yearly Value of Forty Pounds, or possessed of personal Estate to the Amount of Eight hundred Pounds, shall be, and such Persons are hereby constituted and appointed Commissioners for putting this Act into Execution: And if any Person, (other than and except the High Steward, Bailiffs, Recorder, Deputy Recorder, Portmen, and Common Councilmen of the said Town and Borough, for the Time being), not being qualified as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, by Action of Debt, or on the Case, in any of his Majesty's Courts of Record at Westminster; and every Person so prosecuted shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof being made of his having acted as a Commissioner in the Execution of this Act.

Officers not to be Commissioners;

III. Provided also, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office under the said Commissioners (except the Office of Treasurer), or during such Time as he shall have any Share or Interest in any Contract or Works to be performed, relating to the Execution of any of the Powers of this Act.

IV. And be it further enacted, That no Perſon, who ſhall keep any Tavern, Inn, Coffee-houſe, Alehouſe, or Publick Houſe, ſhall be capable of acting as a Commiſſioner, or of holding any Office under this Act. nor Innkeepers.

V. And be it further enacted, That the ſaid Commiſſioners ſhall meet and aſſemble at the Golden Lion, in Ipſwich aforeſaid, upon the laſt Monday in June One thouſand ſeven hundred and ninety-three, between the Hours of Ten in the Morning and Two in the Afternoon, in order to put this Act into Execution, and ſhall and may then, and from Time to Time afterwards, adjourn to meet at the ſame Place, or at any other Place within the ſaid Town, as they or the major Part of them preſent at ſuch Meeting ſhall appoint; and if it ſhall happen that at any ſuch Meeting a ſufficient Number of ſuch Commiſſioners ſhall not appear to act, to adjourn to another Day; or, if they ſhall refuſe or neglect to adjourn, then, and in every ſuch Caſe, the Commiſſioner or Commiſſioners then preſent, or their Clerk, in caſe no Commiſſioner ſhall attend, ſhall then and from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing, to be affixed upon the Market Croſs of Ipſwich aforeſaid, at leaſt Six Days before the next Meeting, appoint the Commiſſioners to meet at the Houſe or Place where the then laſt Meeting was appointed to have been held, on the Day Fortnight after the Day on which ſuch laſt Meeting was appointed to have been held; and that at all Meetings to be held by virtue of this Act, the Commiſſioners ſhall defray their own Expences, and no Act of the ſaid Commiſſioners ſhall be valid, unleſs made or done at a Publick Meeting to be held by virtue of this Act, and where Five or more Commiſſioners ſhall be preſent; and that all the Powers and Authorities by this Act granted to, or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the major Part of them preſent at any Publick Meeting, the Number preſent at ſuch Meeting not being leſs than Five, except in ſuch Caſes where a greater Number of Commiſſioners are required; and that at every ſuch Meeting One of the ſaid Commiſſioners, to be appointed by the Majority of thoſe preſent, ſhall be Preſident, and that in all Caſes the ſaid Commiſſioners ſhall vote by Ballot, in caſe the ſame ſhall be deſired by any Three or more of the ſaid Commiſſioners then preſent; and in caſe of an equal Number of Votes upon any Queſtion, including that of the Preſident, ſuch Preſident ſhall have the caſting Vote; and that no Order ſhall be revoked unleſs at a ſubſequent Meeting, where Nine Commiſſioners ſhall attend. Meetings of Commiſſioners. No Order to be revoked but by Nine Commiſſioners.

Proceedings to be entered.

VI. And be it further enacted, That a proper Book or Books shall be provided, in which shall be entered all Acts, Orders, and Proceedings relative to the Execution of this Act, and the Names of the Commissioners who shall be present at the respective Meetings; and One or more of the said Commissioners, or their Treasurer or Clerk, shall always subscribe his or their Name or Names, at the End of the Proceedings of the said Commissioners at every such Meeting; and also a Book or Books, in which shall be entered Memorials of all Mortgages or Assignments, and Grants of Annuities, which shall be made in pursuance of this Act, and of all Transfers thereof, which Memorials shall specify the Dates, Names of the Parties to such Assignments and Grants, and Sums of Money thereby secured or transferred; and all Entries in such Books, being subscribed as aforesaid, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions, touching any Thing done or to be done in pursuance or by virtue of this Act; and that such Book and Books shall, at all Meetings of the said Commissioners, be open and liable to their Inspection, and of all Persons affected by this Act.

Yearly Account.

VII. And be it further enacted, That some Time between the Fifth Day of July and the Tenth Day of October in every Year, a true Account shall be made and written of all Monies received and paid during the preceding Year, ending upon the Fifth Day of July, by virtue of this Act, and to and from whom, and for what Purposes; and a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Commissioners, who shall permit any Person or Persons, who shall be rated as herein-after mentioned, or any other Person on his, her, or their Behalf, to inspect the same at reasonable Times, paying One Shilling for such Inspection, and shall upon Demand forthwith give Copies of the same, or any Part thereof, upon being paid at the Rate of Three-pence for every One hundred Words, and so in Proportion for a less Number of Words.

Appointment of Officers.

VIII. And be it further enacted, That the said Commissioners shall and may, from Time to Time, whenever they shall think necessary, by Writing under their Hands and Seals, appoint and employ a Treasurer and Clerk, and a Collector or Collectors of the Duties, Rates, and Assessments herein-after mentioned, and also a Surveyor or Surveyors, and such other Officer and Officers,

Officers, Person and Persons, for the Execution of this Act, as they shall think proper, and from Time to Time remove them, or any of them, and in like Manner appoint others in the Room of those removed, and out of the Money to be raised by virtue of this Act, pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as they shall think reasonable; and the said Commissioners shall, and they are hereby required to take such Security from such Treasurer, Collector, and other Officers, as they shall think reasonable; and all such Officers so to be appointed shall, under their Hands (at such Time and Times, and in such Manner as the said Commissioners shall direct) deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge, and of all Money which shall have been received by such Officers and Persons respectively by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the Vouchers for such Payments, and shall pay all such Money as shall remain due from them respectively, to the said Commissioners, or to such Person or Persons as they shall appoint, and all the said Officers so accounting as aforesaid, shall upon Oath, if required so to do (which Oath the said Commissioners, or any Two or more of them, are hereby impowered and required to administer) verify their said Accounts; and if any such Officer or Person shall refuse or wilfully neglect to make and render, or to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by the said Commissioners, or any Five or more of them, by Notice in Writing, to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then, and in any of the Cases aforesaid, the said Commissioners may, and they are hereby authorized and impowered to cause an Action or Suit to be brought or commenced against the Officer or Person so neglecting or refusing as aforesaid, in order for the Recovery of the Money that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by any Person

son or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to Two or more Justices of the Peace for the said Town or Borough of Ipswich, or other Place, wherein such Officer or Person so neglecting or refusing shall reside or be, such Justices may, and they are hereby authorized and required, by a Warrant under their Hands and Seals, to cause the Officer or Person so neglecting or refusing to be brought before them, and upon his Appearance, or wilful Default, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justices may, and they are hereby authorized and required, upon Nonpayment thereof, by a Warrant under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall, in Manner aforesaid, appear to such Justices that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same, as aforesaid, then, and in any of the Cases aforesaid, such Justices shall commit such Offender to the common Gaol or House of Correction, there to remain, without Bail or Mainprize, until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby impowered to make and receive), and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Commissioners: Provided, That no Person who shall be committed on Account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Term than Six Months; And Provided also, That if any Money shall remain due from such

Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety and Sureties, shall still remain liable to the Payment thereof, in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

Property of the Pavement in the Commissioners.

IX. And be it further enacted, That from and after the passing of this Act, the Property of and in all the present and future Pavement of the Highways, Streets, Lanes, and Publick Passages in the Town of Ipswich aforesaid, as well of the Foot Ways as Carriage Ways, and of all Posts and Lamp Irons which shall be erected or fired by virtue of this Act, and of all Tools, Utensils, Materials, Implements, and other Things, which shall be purchased or used for the Purposes of this Act, shall belong to, and the same is and are hereby vested in the said Commissioners for the Time being, who are hereby authorized and impowered to cause to be brought or preferred any Action or Bill of Indictment, as the Case may require, against any Person or Persons who shall detain, steal, take, or carry away, spoil, injure, or destroy any Part or Parts thereof, and full Power and Authority is hereby given to the said Commissioners to sell and dispose of all or any Part of the said Tools, Utensils, Materials, Implements, or other Things, and the Money arising therefrom shall be applied to the Purposes of this Act.

Commissioners impowered to pave.

X. And be it further enacted, That, from and immediately after the passing this Act, or as soon after as conveniently may be, it shall be lawful for the said Commissioners, from Time to Time, and at all Times when they shall think proper, to order and direct all or any of the several Highways, Streets, Lanes, and Publick Passages of the said Town to be paved, and the said Highways, Streets, Lanes, and Publick Passages to be repaved, repaired, raised, lowered, or altered, cleansed, and lighted, and all Annoyances, Obstructions, Nuisances, and Encroachments to be removed therefrom, and Drains, Sinks, Gutters, and Watercourses to be made, and Grates to be placed for conveying the Water from the said Highways, Streets, Lanes, and Publick Passages, in such Manner as they shall think proper; and the Person and Persons who shall be appointed by them for the Purposes aforesaid, shall, and have hereby full Power and Authority to do and perform the same.

Power to get Materials.

XI. And be it further enacted, That the Surveyor to be appointed by the said Commissioners as aforesaid, or

such Person or Persons as the said Commissioners, or such Surveyor, shall employ or appoint, having an Order in Writing for that Purpose, made at a Meeting of the said Commissioners, and subscribed by their Clerk, is and are hereby authorized to search for, dig, cut, gather, take, and carry away, any Stone, Gravel, Clay, Sand, Chalk, or other Materials for the Purposes aforesaid, out of or from, and over any Lands or Grounds situate in the said Town and Borough of Ipswich, or within the Liberties or Precincts thereof (not being a Yard, Garden, Orchard, Park, Paddock, Lawn, Pleasure Ground, Avenue, or Nursery for Trees), such Surveyor, or other Person or Persons, paying or tendering to the Owners and Occupiers of such Lands or Grounds for such Materials, and for Damage done to such Lands or Grounds, such Recompence or Satisfaction as shall be agreed upon by the said Commissioners, and such Owners and Occupiers, or (in case of any Difference touching the Amount of such Recompence or Satisfaction) such as shall be settled and determined by any Two Justices of the Peace for the said Town of Ipswich, who shall in a summary Way hear, settle, and determine the same, and the Judgement or Order of the said Justices therein shall be final and conclusive to all Parties, and that the said Commissioners shall have full Power and Authority to cause to be dug, carted, and carried out of, or brought into, the said Highways, Streets, Lanes, and Publick Passages, such Gravel, Stones, Clay, Chalk, Sand, and other Materials, and to employ such Artificers, Carters, Workmen, Labourers, and others, and to issue such Money on those Accounts, and to do all and every such other Acts and Things as they the said Commissioners shall judge necessary or conducive to the accomplishing the Ends and Designs of this Act.

XII. Provided always, and be it further enacted, That it shall not be lawful for any Person, under the Authority of this Act, to dig, gather, take, or carry away any Materials for any of the Purposes aforesaid, from any inclosed Lands, until Notice in Writing, under the Hands of Three or more of the said Commissioners, shall have been given to the Occupier of such Lands, or left for him at his usual Place of Residence, to appear before the said Commissioners, or Two Justices of the Peace for the said Borough of Ipswich, at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials should not be had from such Lands; and in case such Occupier shall attend pursuant to such Notice, the said Commissioners or Justices shall, if they think fit, after

after having heard the Matter, authorize any such Person as aforesaid to dig, gather, take, and carry away such Materials at such Time or Times as the said Commissioners or Justices shall think proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Commissioners or Justices shall and may make such Order therein as they shall think fit, in like Manner, and the same shall be as effectual as if such Occupier or his Agent had attended.

No Person to alter the Pavement.

XIII. And be it further enacted by the Authority aforesaid, That no Person or Persons shall make, or cause to be made, any Alteration in the Form of the Pavement of any of the said Highways, Streets, Lanes, or Publick Passages, within the said Town of Ipswich, without the Consent or Direction of the said Commissioners, under their Hands and Seals, upon Pain of forfeiting for every such Offence the Sum of Five Pounds, over and above all Expences incurred, or to be incurred, in reinstating the same.

Treasurer's Duty.

XIV. And be it further enacted by the Authority aforesaid, That the Treasurer of the said Commissioners for the Time being shall and may, and he is hereby authorized and required, out of the Money to be collected and received by him, under and by virtue of this Act, to pay all Sums of Money for which the said Commissioners shall draw upon him, or which they shall order him to pay, and the said Treasurer shall, and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose provided, of all and singular his Receipts and Payments on Account of, or in pursuance of this Act, and shall, Once at least every Year, have the said Accounts audited by the said Commissioners, or any Seven or more of them, duly assembled.

Commissioners may contract for paving.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and impowered, from Time to Time, to contract and agree with any Person or Persons, for the paving, relaying, repairing, raising, lowering, amending, altering, and cleansing of the said Highways, Streets, Lanes, and Publick Passages within the said Town; and that the Contract or Contracts so to be entered into shall be reduced into Writing, and signed by Five of the said Commissioners, at a Meeting to be held as aforesaid, and the other contracting Party or Parties, and shall specify the Work to be done, and the Price or Prices to be paid for the same, and for the Materials to be therein used, and the Time or Times when such Work shall be performed and completed, and the Penalty and Penalties to be suf-

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fered in case of Nonperformance or Nonpayment thereof; and the said Commissioners are hereby authorized and impowered to pay such Sum and Sums of Money for such Work and Works, as shall be respectively contracted and agreed for, out of the Money to be raised by virtue and for the Purposes of this Act.

Commissioners to order Work to be surveyed.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed, to cause all Work done in pursuance of any Contract, to be surveyed and inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time for that Purpose appoint, and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time for that Purpose specified in such Contract, the said Commissioners shall and may commence and prosecute any Action or Suit in any of his Majesty's Courts of Record at Westminster, against any Person or Persons so contracting, and neglecting to perform such Contract, for any Penalty to be contained in such Contract, or Damage to be suffered or sustained by reason of the Nonperformance thereof, and upon proving the signing such Contract, and Nonperformance thereof, the said Commissioners shall be entitled to, and shall recover such Penalty or Damage with Costs of Suit.

Lamps to be set up.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and impowered, from Time to Time, and at any Time after the passing of this Act, to order and direct Lamp Irons to be affixed into, upon, or against the Walls, Palisades, or other Parts of any of the Houses, Tenements, Walls, or Buildings within the said Town, or in any other Manner that they shall think proper and convenient, and to purchase, provide, affix, set up, alter, take down, and renew, such and so many Lamp Irons and Lamps, of such Sizes and Sorts, and to erect such Lamp Posts, and in such Places, and in such Manner as shall to them seem necessary or proper, for lighting all or any of the Highways, Streets, Lanes, and publick Passages aforesaid; and also to contract with any Person or Persons for furnishing and providing, and for lighting the said Lamps, at such Seasons of the Year, and for so many Hours, as they shall judge necessary.

Penalty on wilfully destroying Lamps.

XVIII. And be it enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any of the Lamps which shall be erected by, or by the Order of the said Commissioners,

or any of the Posts, Irons, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any of the said Lamps, it shall be lawful for any Justice of the Peace of the Town of Ipswich aforesaid, and he is hereby required, upon Complaint of any One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused, or it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Town of Ipswich; and the Party or Parties accused, being brought before such Justice, or Oath being made before him that such Party or Parties cannot be found, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon Evidence, as aforesaid, he, she, or they, so convicted shall, for each and every Offence respectively, and if more than One, shall severally forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings, and shall besides make full Satisfaction, to be ascertained by such Justice, to the said Commissioners, or to their Treasurer or Clerk, for the Damage so done; and in case such Offender or Offenders shall not, upon Conviction, pay the Penalty by him, her, or them incurred, and make Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted, is hereby required to commit him, her, or them to the Common Gaol or House of Correction of the said Town, there to be kept to hard Labour for any Time not exceeding Two Calendar Months; but such Offender or Offenders may be discharged before the Expiration of the Time for which he, she, or they shall be committed, upon Payment of such Penalty, and making such Satisfaction as aforesaid; and One Moiety of the said Penalty and Penalties, when recovered, shall be paid to the Informer or Informers, and the other Moiety thereof to the Treasurer of the said Commissioners, to be applied to the Purposes of this Act: And if any Person or Persons shall negligently or accidentally break, throw down, or otherwise destroy or damage, any of the said Lamps, or any of the Posts, Irons, or Furniture thereof, and shall not,

On negligently breaking Lamps.

not, upon Demand made by the said Commissioners, or by their Treasurer or Clerk, make Satisfaction for the Damage so done, it shall be lawful for any Justice of the Peace for the said Town, and he is hereby required, upon Complaint thereof made by One or more of the said Commissioners, or their Treasurer or Clerk, to summon the Party complained against, and upon his, her, or their appearing, or making Default to appear, (Oath having been made, that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by the Confession of the Party, or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained against for the Damage so done, as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded (in case the same be not paid forthwith) to be levied by Distress and Sale of the Goods and Chattels of the Person and Persons complained against, rendering to him, her, or them, upon Demand, the Overplus (if any), after such Sum so awarded, and the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be paid.

Scavengers.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, by Writing under their Hands and Seals, from Time to Time to nominate and appoint such Person and Persons as they shall think fit to be publick Scavenger or Scavengers, for sweeping, cleansing, and carrying away from the Streets, Lanes, and publick Passages and Places of the said Town, the Dirt, Dust, Filth, and Soil thereof, at such Times, and in such Manner, as they the said Commissioners shall order and direct, and to contract with such Scavenger and Scavengers for the same; and that no Person or Persons shall take or carry away, or cause to be taken or carried away, Dirt, Dust, Muck, Dung or Soil, which shall be made or found in any of the said Streets, Lanes, publick Passages or Places, except the Person or Persons so to be appointed or contracted with as aforesaid, upon Pain of forfeiting and paying the Sum of Forty Shillings for every such Offence, unless with Leave from the said Commissioners, and except the Sweepings of the Foot Paths.

Penalty on obstructing the Commissioners.

XX. And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder,

hinder, or moleſt the ſaid Commiſſioners, or their Collector or Collectors, Treaſurer, Clerk, Surveyor, or other Officer or Officers, or any Workmen, or other Perſon or Perſons whatſoever, who ſhall be employed by virtue of this Act, or in any Manner concerned in the Execution thereof, in the Performance or Execution of his or their Duty or Work, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Houſes, &c. to be rated.

XXI. And, for raiſing Money to anſwer and defray the Charge and Expence of obtaining and paſſing this Act, and carrying the ſame into Execution, be it enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, once in every Year, to rate and aſſeſs the ſeveral Tenants or Occupiers of all Houſes, Buildings, Mills, Yards, Orchards, and Gardens within the ſaid Town of Ipſwich, in any Sum not exceeding One Shilling in the Pound by the Year, of the Annual Value of ſuch Houſes, Buildings, Mills, Yards, Orchards, and Gardens reſpectively; and alſo all Tenants or Occupiers of all Lands, Tithes, Parks, Paddocks, Pleaſure Grounds, Mills, and other Hereditaments within the Twelve Pariſhes of the ſaid Town of Ipſwich and thoſe Parts of the Hamlets thereof which are or have been uſually rated or aſſeſſed to the Relief of the Poor of the ſaid Town, or any Part thereof, in any Sum not exceeding Sixpence in the Pound by the Year, of ſuch Lands, Tithes, Parks, Paddocks, Pleaſure Grounds, Mills, and other Hereditaments reſpectively, ſuch Annual Value to be from Time to Time ſettled and fixed according to the reſpective Rents which ſuch Houſes, Buildings, Yards, Orchards, Gardens, Paddocks, Pleaſure Grounds, Mills, and Hereditaments are or ſhall be rated at, for the Relief of the Poor of the ſeveral Pariſhes and Hamlets within the ſaid Town and Borough, previous to the making of ſuch Rate or Aſſeſſment by the ſaid Commiſſioners, except where any Land or other Hereditament, not intended to be hereby made liable to ſuch firſt mentioned Rate, ſhall be jointly occupied with any ſuch Houſes, Buildings, Mills, Yards, Orchards and Gardens, and be jointly rated to the Relief of the Poor, in which Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required and directed to rate and aſſeſs ſuch Houſes, Buildings, Mills, Yards, Orchards, Gardens, Paddocks, Pleaſure Grounds, and Hereditaments, ad valorem, and the Firſt Year for which ſuch Rate or Aſſeſſment ſhall be made, ſhall commence at, and be computed from the Twenty-fourth Day of June.

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One thousand seven hundred and ninety-three; and the Money so to be rated and assessed, shall from Time to Time be levied and paid by quarterly Payments to such Person or Persons as the said Commissioners shall appoint to be Collector or Collectors of the same, and all such Sum and Sums of Money shall be paid over by such Collector or Collectors to the Treasurer of the said Commissioners: Provided, That no Rate or Assessment to be made in pursuance of this Act shall be valid, until the same shall be signed by Five of the said Commissioners; and the said Commissioners are hereby impowered to amend any such Rate or Assessment after the same shall have been so signed, by inserting the Name of any Person who ought to have been rated or assessed; or striking out the Name of any Person who ought not to have been so rated or assessed.

One-third to be paid by Owners.

XXII. And be it further enacted, That One-third Part of all such first mentioned Rates and Assessments shall be allowed by the Owner or Owners of all and every the said Houses, Buildings, Mills, Yards, Orchards, and Gardens, within the said Town of Ipswich, and Two-third Parts of all such Rates and Assessments on the said Lands, Tithes, Parks, Paddocks, and Pleasure Grounds, to the Tenants or Occupiers thereof respectively who shall pay the same, and such Tenants or Occupiers are hereby authorized and impowered to deduct and detain out of their respective Rents, such Sums of Money as they shall respectively pay for and on the Behalf of the respective Landlords or Owners of such respective Premises, and the Payments of such One-third Part and Two-third Parts respectively by the said Tenants or Occupiers, shall be considered as Money actually paid for Rent due, or to become due to such Owners or Landlords, who shall allow the same to their respective Tenants or Occupiers out of their Rent accordingly, and the other Two-third Parts and One-third Part thereof respectively shall be borne and sustained by such respective Tenants or Occupiers.

Exemption of Houses of not more than 3*l.* a Year.

XXIII. And be it further enacted, That no Person or Persons shall be chargeable with any such Rate or Assessment, who shall not occupy within the said Town and Borough of Ipswich, or either of them, a House or Houses, or other Hereditament or Hereditaments of the annual Rent of or above Four Pounds a Year, such House or Hereditament not being the Property of such Occupier, and that where any Person or Persons shall own or occupy any Messuage or Dwelling House, or

Messuages or Dwelling Houses, and shall let any Part or Parts thereof to any Tenant or Under Tenant, Tenants, Under Tenants, or Lodgers, the Owner, or any One of the Occupiers thereof, shall be liable to pay the Whole of the Money which shall be assessed on such Messuage or Dwelling House, by such Rate or Assessment.

Rate to be levied by Distress.

XXIV. And be it further enacted, That all such Rates and Assessments shall be paid to the said Collector or Collectors by the respective Tenants or Occupiers of the said respective Lands, Tithes, Houses, Buildings, Yards, Orchards, Gardens, Parks, Paddocks, Pleasure Grounds, and Hereditaments; and that if any Neglect or Refusal in Payment of any Rate or Assessment as aforesaid shall be made to any such Collector or Collectors, upon Demand made by the said Collector or Collectors, of the Occupier or Occupiers of such Lands, Tithes, Houses, Buildings, Yards, Orchards, Gardens, Parks, Paddocks, Pleasure Grounds, and Hereditaments as aforesaid, either in Person or by Writing left at the usual Place of Abode of such Occupier or Occupiers, by the Space of Six Days, it shall be lawful for any Justice of the Peace of the said Borough of Ipswich, upon Proof thereof made upon Oath of such Demand and Nonpayment, by Warrant under his Hand and Seal, (which he is hereby impowered to grant), to authorize and direct the said Collector or Collectors to levy such Rate or Money so in Arrear, together with the Costs and Charges attending the same, (to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay as aforesaid), such Distress to be made upon the said Mills and Hereditaments so charged as aforesaid, and to be levied upon the Goods and Chattels therein, and to sell and dispose of the Goods and Chattels so distrained, for and towards the Payment of the said Rates and Assessments, and the Costs and Charges attending the same, rendering the Overplus (if any) to the Owner or Owners thereof on Demand: Provided, That if any Persons shall think themselves aggrieved by any Rate to be made by virtue of this Act, they may apply to the said Commissioners, at their First Meeting to be holden after the demanding of such Rate or Assessment, and the said Commissioners are hereby authorized and impowered to give such Relief in the Premises as to them shall seem reasonable.

XXV. And be it enacted by the Authority aforesaid,

Persons removing to pay in Proportion.

That in all Cases where any Person or Persons shall remove from, or quit any Messuage or Dwelling House, Buildings, Mills, Yards, Orchards, Gardens, Paddocks, Pleasure Grounds, or Hereditaments, the Occupiers whereof shall be rated or assessed, or liable to be rated or assessed, by virtue of this Act, every such Person or Persons so removing from, or quitting the same, shall be liable to pay to such Rate in Proportion to the Time that such Person or Persons occupied the same respectively, in the same Manner, and under the like Penalty, and recoverable in the same Manner, as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any Messuage or Dwelling House, Buildings, Mills, Yards, Orchards, Gardens, Paddocks, Pleasure Grounds, or Hereditaments rated or assessed, or liable to be rated or assessed as aforesaid, such Person or Persons shall be liable to pay to such Rate in Proportion to the Time that such Person or Persons shall occupy the same respectively, and in the same Manner, and under the same Penalty, and recoverable in the same Manner, as if such Person or Persons had been originally rated or assessed in such Rate, which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Agreements not made void.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, deemed, or taken, to alter, impeach, or make void, any Agreement made between Landlord and Tenant, either expressed or implied, or in any Lease already granted, or to be expressed in any Lease hereafter to be made, pursuant to any Contract or Agreement for a Lease now subsisting, touching or concerning the paving the said Streets, Lanes, Publick Passages or Places, or any Part of them, but that every Person who, by virtue of any Lease already granted, or any Lease hereafter to be made pursuant to any Contract or Agreement, for a Lease now subsisting, is, are, or ought to be obliged and liable to pave and keep in Repair any Part of the said Streets, Lanes, Publick Passages or Places, shall in lieu thereof be obliged to pay the Rates hereby directed to be assessed on Owners or Proprietors of Houses, Buildings, and other Hereditaments within the said Parishes and Hamlets of the said Town of Ipswich, or so much thereof as by the said Commissioners shall be deemed just and reasonable, according to the true Meaning of such Lease, Contract, or Agree-

ment, for and during such Time as such Lease, Contract, or Agreement shall remain in Force, or ought to have Continuance; and in case any Dispute shall arise concerning any such Lease, Contract, or Agreement, the said Commissioners shall, and they are hereby authorized and required to hear and finally determine the same.

Collectors may inspect Rates.

XXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Collector or Collectors of the Rates or Assessments to be made by virtue of this Act, or for any other Person or Persons authorized by the said Commissioners, at all convenient Times, to inspect the Books of Assessment of the Land Tax and House Tax, and also the Books or Rates made for raising Money for the Relief and Maintenance of the Poor of the said Town of Ipswich, in order to ascertain the Rates and Assessments to be made by virtue hereof, and also to take Copies thereof, and make Extracts therefrom; which Inspection, Copies, and Extracts, the Collectors of the Land Tax, and Overseers of the Poor of the several Parishes, Hamlets, and Places within the said Town of Ipswich, or other Officer or Officers, Person or Persons, having the Custody of such Books, Assessments, and Rates, are hereby required to permit, and suffer to be made, without Fee or Reward; and in case any such Collector or Collectors of the Land Tax, Overseer or Overseers of the Poor, or other Officer or Officers, Person or Persons, shall neglect or refuse so to do, within Three Days after the Order of the said Commissioners for that Purpose shall be produced, and shewn to him or them, or left at his or their last or most usual Place of Abode, then, and in every such Case, he or they so refusing or neglecting shall, for the First Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for every other Offence the Sum of Four Pounds.

Power to borrow Money.

XXVIII. And in order to enable the said Commissioners to put this Act into immediate Execution, be it further enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, for the Purposes of this Act, upon the Credit of the said Rates, not exceeding the Sum of Ten thousand Pounds, and by Writing, under the Hands and Seals of the said Commissioners, or any Five or more of them, at any Meetings to be held as aforesaid, to assign all or any Part of the said Rates to such Person or Persons as shall lend or advance any Money thereon, as a Security

for

for the Payment of the Principal Money so to be advanced, with Interest for the same; and every such Mortgage or Assignment shall be in the Words, or to the Effect following, videlicet:

Form of Assignment.

BY virtue of an Act of Parliament, passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled, *(set forth the Title of the Act)*; we, of the Commissioners appointed by and under the said Act, at a Meeting held pursuant thereto, in Consideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, do grant, assign, bargain, and sell unto the said *A. B.* his Executors, Administrators, and Assigns, such Part or Proportion of the Rates to arise by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which now is or may at any Time be lawfully borrowed or become due, or be charged or raised upon the said Rates, to be had and holden from this Day of until the said Sum of with the Interest for the same, at *per Cent. per Annum*, shall be repaid and satisfied.

Commissioners may grant Annuities.

XXIX. And whereas many Persons may chuse to advance Money for the Purchase of Annuities, to be secured upon, and payable out of the said Rates, be it further enacted, That it shall and may be lawful for any Person or Persons to contribute, advance, and pay to the said Commissioners, for the Purposes of this Act, any Sum or Sums of Money, not exceeding in the Whole, together with the Money to be advanced upon Mortgage, as aforesaid, the Sum of Ten thousand Pounds, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the natural Life of the Person or Persons so contributing, or of such Person or Persons as shall be nominated by and on the Behalf of such Contributor or Contributors respectively, which Annuity or Annuities shall be payable and paid by the said Commissioners out of the Money to arise by or from the said Rates, and shall not be liable to any Tax assessed upon Land by Authority of Parliament; and the Grant of every such Annuity shall be in the Words, or to the Effect following, (that is to say);

Form of Grant.

BY Virtue of an Act of Parliament, passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled, *(set forth the Title of the Act)*; we, Five

Five of the Commiſſioners appointed by and in purſuance of the ſaid Act, at a Meeting held purſuant thereto, in Conſideration of the Sum of
advanced and paid to us by *A. B.* do hereby grant unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, One Annuity or yearly Sum of
out of the Rates granted and to ariſe by virtue of the ſaid Act, which Annuity or yearly Sum of
ſhall be paid to the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, by four equal quarterly Payments, in every Year, during the natural Life of
at or in the Market Croſs of *Ipſwich* aforeſaid, and the Firſt Payment thereof ſhall be made upon the
Day of next enſuing the Date of theſe Preſents.

Dated this Day of

Securities may be transferred.

XXX. And be it further enacted, That it ſhall be lawful for the Perſons intitled to any of the Securities for the Money to be borrowed or to be raiſed by the granting of Annuities as aforeſaid, and their reſpective Executors, Adminiſtrators, and Aſſigns, by Writing under their Hands and Seals, to transfer ſuch Securities to any Perſon or Perſons, which Transfer may be in the Words, or to the Effect following, (that is to ſay);

Form of Transfer.

I *A. B.* being intitled to the Sum of
(*or* an Annuity of) ſecured to
Executors, Adminiſtrators, or Aſſigns, by a Mortgage or Aſſignment (*or* Grant of an Annuity) bearing Date the Day of
under the Hands and Seals of Five of the Commiſſioners, acting in the Execution of a certain Act of Parliament made in the Thirty-third Year of the Reign of His Majeſty King *George* the Third, intituled, *(ſet forth the Title of the Act)*, upon the Credit of, or ariſing out of the Rates, and other Money, granted or payable by the ſaid Act, do hereby transfer all my Right and Title in and to the ſame, and all the Principal and Intereſt Money (*or* the Annuity or Annual Payment), now due, or to grow due thereon, unto *C. D.* his Executors, Adminiſtrators, and Aſſigns.

Dated the Day of

Transfers to be notified to the Clerk.

Which Transfer ſhall be produced and notified to the Clerk to the ſaid Commiſſioners, within Two Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in the ſaid Book or Books, for which Entry the ſaid Clerk ſhall be paid the Sum of Two

Shillings and Sixpence, and no more; and such Transfer shall then intitle such Assignee, his Executors, Administrators, and Assigns, to the Benefit of such Mortgage, Security, or Grant of an Annuity; and every such Assignee may, in like Manner, assign or transfer the same again, and so toties quoties.

When the Debt shall be discharged, Rates on Lands and Tithes to cease.

XXXI. And be it further enacted, That when and as soon as all the Money to be borrowed by virtue of this Act, upon the Credit of the said Rates and the Interest thereof shall be fully discharged and paid off, and all the Annuities granted in respect thereof shall be determined and paid, the said Rate not exceeding Sixpence in the Pound upon the Lands and Tithes within the Twelve Parishes of Ipswich aforesaid, and Hamlets thereof, shall cease and determine.

Bailiffs and Trustees to reimburse the Commissioners.

XXXII. And whereas the Bailiffs, Burgesses, and Commonalty of the Town and Borough of Ipswich for the Time being, and also the Churchwardens of several Parishes within the said Town and Borough, and the Trustees and Proprietors of Dissenting Meeting Houses and other Buildings therein, are respectively liable to the Expence of paving the Cornhill, or certain Parts thereof, and Parts of some of the Streets, Lanes, and other publick Passages and Places of the said Town and Borough; and it being intended that such Paving shall in future be done by and under the Direction of the said Commissioners, it is hereby further enacted, That after the said Cornhill and Streets, Lanes, and other publick Passages and Places, shall have been new paved by virtue of this Act, the said Bailiffs, Burgesses, and Commonalty, and the Churchwardens, Trustees, and Proprietors respectively, shall repay and reimburse to the said Commissioners all such Money as they shall from Time to Time expend in repairing and maintaining the Pavement of such Part and Parts of the said Cornhill, and other Parts of the said Streets, Lanes, Publick Passages and Places as the said Bailiffs, Burgesses, and Commonalty, and the said Churchwardens, Trustees, and Proprietors respectively, are now liable to repair and maintain; and the said Bailiffs, Churchwardens, Trustees, and Proprietors respectively, shall stand Debtors upon an implied Promise to the said Commissioners for such Repair, as for Work and Labour done, and Materials found; and the said Commissioners are hereby authorized and impowered to commence and prosecute One or more Action or Actions, Suit or Suits, in any of His Majesty's Courts of Record at Westminster, against the said Bailiffs, Churchwardens, Trustees, and Proprietors

prietors respectively, wherein they shall recover a reasonable Satisfaction for such Work, Labour, and Materials, together with Costs of Suit: Provided, That it shall be lawful for the said Commissioners, from Time to Time, to compound and agree with the said Bailiffs, Churchwardens, Trustees, and Proprietors respectively, in respect of such Repair of Pavement, for such Sum of Money as the said Commissioners shall think reasonable; and the said Bailiffs, Churchwardens, Trustees, and Proprietors, are hereby authorized and allowed to take Credit in their Accounts respectively, for the Money they shall pay and disburse on Account of the Premises.

Application of Money to be raised.

XXXIII. And be it further enacted, That all the Money to arise from the said Rates, and other Money hereby granted, or to be levied or received by virtue of this Act, and which may be borrowed on the Credit thereof, or advanced for Annuities as aforesaid, and all Money that shall be voluntarily given or subscribed for the Purposes of this Act, shall be paid to the Treasurer of the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of, in the First Place, in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing of this Act; and in the next Place, from Time to Time, in defraying the Charges and Expences of widening, improving, regulating, paving, cleansing, and lighting the Highways, Streets, Lanes, and other Publick Passages and Places of and in the said Town of Ipswich, and in paying and defraying all Expences which the said Commissioners and their Officers shall necessarily sustain or be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits, in any Manner relative to the Execution of this Act, or of any Thing to be done under or by virtue thereof, and for such other Uses and Purposes as herein expressed, and for no other Use, Intent, or Purpose whatsoever.

Footways to be sweeped.

XXXIV. And be it further enacted, That the Occupiers of the several Houses, Lands, Tenements, and Hereditaments in the several Streets, and other Places where the said intended Pavement shall extend, shall cause the Footways before and on the Sides of their respective Houses, Buildings, Walls, and Premises, to be scraped, swept, and cleansed, before the Hour of Ten of the Clock in the Morning of One or more Day or Days in every Week, such Day or Days to be from Time to Time appointed by the said Commissioners if they shall think

think it neceſſary, and make it known by Writing ſigned by their Clerk, to be affixed on the Market Croſs of the ſaid Town, and on the Door of the Church of the Pariſh or Hamlet for which ſuch Notice is intended, and the Dirt and Soil ariſing therefrom to be immediately carried away, and every Perſon making Default therein ſhall, for every ſuch Default, forfeit and pay any Sum not exceeding Two Shillings and Sixpence; and that it ſhall be lawful for the ſaid Commiſſioners to compound with any of the Inhabitants of any Street, Lane, Publick Paſſage or Place, within the ſaid Town, by the Year, for ſuch Sum or Sums of Money as they ſhall think proper, for the ſcraping, ſweeping, and cleanſing, directed to be done by ſuch Inhabitants reſpectively, before and on the Sides of their reſpective Houſes or Tenements, provided ſuch Compoſition Money be always paid in Advance.

Signs, &c. to be removed.

XXXV. And be it further enacted, That the reſpective Owners and Occupiers of Houſes and other Buildings within the ſaid Town and Borough of Ipſwich, ſhall, and they are hereby required, at their own Coſts and Charges, within ſuch Time and in ſuch Manner as the ſaid Commiſſioners ſhall, from Time to Time, by Notice in Writing ſigned by their Clerk, to be delivered to ſuch Owners or Occupiers, or left at their reſpective Dwelling Houſes, direct and appoint, to cauſe all Signs which now are or hereafter ſhall belong to ſuch reſpective Houſes, or other Buildings, to be removed and diſcontinued, or fixed or placed flat on the Fronts thereof, and all Signs, Irons, Sign Poſts, and other Poſts, Pillars, and Pilaſters, Paliſadoes, Pales, and Rails, Barbers Poles, and other Poles, Trees, Penthouſes, Bow Windows, Projecting Windows, Shop Windows, Spouts, Stairs, Steps, Shew Boards, Stall Boards, Cellar Windows and Doors, and Gates and Steps into Cellars and Vaults, and all other Encroachments, Obſtructions, Projections, and Annoyances, whether lately or anciently, or at whatever Time projected or erected, not ſtanding upon or projecting over private Property, which now do or hereafter ſhall belong to ſuch reſpective Houſes or other Buildings, requiring to be removed, altered, or reformed; and alſo to cauſe the Water to be conveyed from the Roofs, Cornices, and Penthouſes, of or belonging to ſuch reſpective Houſes and other Buildings, by proper and ſufficient Pipes or Trunks to be affixed on the Sides of ſuch Houſes and other Buildings; and in caſe any ſuch Owner or Occupier ſhall neglect or refuſe ſo to do, it ſhall be lawful for the ſaid Commiſſioners to cauſe

the same to be done, and to cause the Costs and Charges attending the same to be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for the said Town and Borough of Ipswich, (which Warrant such Justice is hereby authorized and required to grant), rendering the Overplus (if any) when demanded, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold; and if the Tenant of any such House or other Building shall remove, alter, or reform any such Encroachment, Projection, Obstruction, or Annoyance as aforesaid, it shall be lawful for him or her to deduct and retain the reasonable Charge and Expence thereof, and also any Money which shall or may have been levied upon his or her Goods and Chattels as aforesaid, out of his or her Rent; and the Owner, Proprietor, or Landlord of every such House or other Building, is hereby required to allow the same accordingly: Provided, That nothing herein contained shall extend to the stopping up of any Cellar Window, the Curb whereof shall not exceed Eighteen Inches from the Front of the House, where there shall be no other Way from the Street into such Cellar, unless the said Commissioners shall make or provide some other commodious and sufficient Way into such Cellar: And provided also, That it shall be lawful for the said Commissioners, out of the Money to arise by virtue of this Act, to allow and pay to such Owners and Occupiers as aforesaid, all or any Part of the Expence they shall be at, in removing, altering, or reforming any such Incroachment, Obstruction, Projection, or Annoyance, as to the said Commissioners in their Discretion shall seem fit.

No Foundation to be carried beyond the Line of the Street.

XXXVI. And be it further enacted, That no Surveyor, Master Carpenter, Mason, or other Workmen, in rebuilding, new-fronting, or altering any House, Building, Wall, or Fence, situate in or near any Street, Lane, Way, or Publick Passage within the said Town, shall, under any Pretence whatsoever, carry the Foundation, or any Part of the Front thereof, beyond the Line of such Street, Lane, Way, or Publick Passage, but shall build the same perpendicularly from the Foundation thereof, upon Pain of forfeiting for every such Offence the Sum of Ten Pounds, and the Owner of such House, Building, Wall, or Fence, shall forfeit and pay the Sum of Forty Shillings for every Month such Encroachment shall remain; and it shall be lawful for the said Commissioners, by Writing under their Hands, to order and

cause the same to be taken down, the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners by the Owner or Proprietor of such Houses, Buildings, Walls, or Fences, or other Person or Persons ordering and directing the same; and that it shall not be lawful for any Person hereafter to build any Porch, Bulk, Shed, Window, or other Thing, against or in the Front or Side of any House, or other Building, within any of the said Streets, Lanes, Ways, or Publick Passages of the said Town, so as to project into or over any of the Footways or Carriage Ways, upon Pain of forfeiting, for every such Offence, the Sum of Five Pounds; and it shall be lawful for the said Commissioners to cause all such Porches, Bulks, Sheds, Windows, or other Projections, to be taken down and removed.

To prevent Annoyances.

XXXVII. And be it further enacted, That if any Person or Persons shall drive, carry, or place, on any of the Foot Ways of any of the said Streets, Lanes, Ways, or Publick Passages, any Wheel-barrow, Hand-barrow, Wheel-sledge, Truck, or Carriage, or shall roll any Cask for the Space of Ten Yards thereon, or wilfully ride, lead, or drive any Horse, or other Beast or Cattle thereon, or shall kill, slaughter, singe, scald, dress, or cut up any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, in any of the said Streets, Lanes, Ways, or Publick Passages, or shall throw at or set up any Cock or Fowl to be thrown at within the said Town, or shall hoop, cleanse, wash, or scald any Cask, or hew or saw any Stone, Timber, or Wood, or bind, make, or repair the Wheel of any Carriage, or shoe, bleed, dress, or farry, or drive or turn loose any Horse, or sift or slake, or cause to be sifted or slaked any Lime, in any of the said Highways, Streets, Lanes, Ways, or Publick Passages, or shall set, place, or expose to Sale any Goods, Wares or Merchandizes, either on the Foot Ways or Carriage Ways of any of the said Streets, Lanes, Ways, or Publick Passages, or hang or expose to Sale any Goods, Wares, or Merchandizes, or any other Matter or Thing, or hang out any dyed or other Cloth or Linen for the Purpose of drying the same upon or from any Window, or otherwise, so as to obstruct or incommode the Passage of any Foot Way or Carriage Way within the said Town, or shall make, or assist in the making of any Fire or Fires, commonly called Bonfires, or shall set fire to, or let off, or throw any Squib, Serpent, Rocket, Cracker, or Fire-work whatsoever, in any of the said Streets, Lanes, or other Publick Passages,

within the said Town, or shall cause any Bull or other Beast to be baited within the said Town, or shall cause any Privy or Necessary House within the said Town to be emptied, except between the Hours of Eleven of the Clock at Night and Five of the Clock in the Morning, or shall wilfully or negligently spill or throw down any of the Soil or Contents thereof in any of the said Streets, Lanes, or Publick Passages or Places, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings: Provided, That nothing in this Act contained shall prevent the holding of Fairs and Markets in or near the said Town of Ipswich, in the same Places, and in the same Manner as the said Fairs and Markets are now by Law intitled to be held.

Obstructions not to be left in the Streets.

XXXVIII. And be it further enacted, That if, after the passing of this Act, any Waggon, Cart, Dray, or other Carriage, shall be left to stand or remain in any Publick Street, Lane, Passage or Place within the said Town, with or without Horses or other Cattle, for any Time longer than shall be necessary for unloading or loading thereof, except upon the common Quay; or if any Stage Coach, Post Chaise, or other Carriage let to Hire, shall be left to stand or remain in any of the Publick Streets, Lanes, Passages or Places aforesaid, with or without Horses, for any longer Time than shall be necessary for taking up or setting down Passengers or Travellers, and for loading and unloading their Baggage; or if any Stone Horse or Stallion shall be brought and exhibited in any of the Streets, Lanes, or Publick Passages, or in the Market Place, or on the Cornhill of the said Town; or if any Swine, Beast, or other Cattle, shall be permitted to wander or be in and about any of the said Streets, Lanes, Publick Passages, or Places; or if any Timber, Bricks, Lime, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandize, or other Materials or Things whatsoever, shall be laid or placed, and left to remain in any of the said Streets, Lanes, Passages or Places, for any longer Time than shall be necessary for moving and housing the same; or if any broken Glass or Earthen Ware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance whatsoever, shall be thrown or cast into or laid in any of the said Streets, Lanes, Publick Passages or Places; then, and in every such Case, the Owner or Driver of every such Waggon, Cart, Dray, Chaise, Coach, or other Carriage, and the Owner of any such Stallion or Stone-

horse,

horse, Swine, Beast, or Cattle, and the Owner of any such Timber, Bricks, Lime, Goods, Wares, and Merchandizes, Materials or other Things, which shall be so left or suffered to remain in any of the said Streets, Lanes, or Publick Passages or Places; and the Person or Persons who shall throw, cast, or lay, or cause to be thrown, cast, or laid, any broken Glass or Earthen Ware, Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance, into any of the said Streets, Lanes, Publick Passages or Places, shall, for every such Offence in any of the Cases aforesaid, forfeit and pay the Sum of Twenty Shillings: Provided nevertheless, That no Person shall be subject to any Penalty by virtue of this Act, on Account of any Building Materials, Rubbish, or Dirt, being in any of the said Streets, or Publick Passages or Places, before the House or Tenement of such Person, occasioned by the building, pulling down, rebuilding or repairing such House or Tenement, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, by the Person laying or occasioning such Building Materials, Rubbish, or Dirt to be laid, and so as the Owner or Occupier of such House or Tenement do cause such Materials, Rubbish, and Dirt, to be removed out of such Street or Place within a reasonable Time after such Building, pulling down, or repairing shall be finished, or upon Notice to be given to him or her, or left at such House or Tenement for that Purpose, in Writing, signed by the Clerk to the said Commissioners; and so that during the Time the same shall be lying in such Street or Place, such Owner or Occupier shall set up and maintain a Light during the Night-time, to prevent Mischief happening to Passengers or Cattle.

Pavement taken up for mending Water-pipes.

XXXIX. And be it further enacted, That when and so often as any Part of the Pavement of the said Town shall be taken up, for the Purpose of laying, altering, or amending any Water Pipe or Plug, or other Water Work, or for any other Purpose whatsoever, the Person or Persons so taking up such Pavement shall immediately give Notice thereof to the Surveyor of the said Commissioners, under the Penalty of Twenty Shillings, in order that the same may, with all convenient Speed, be laid down and repaired under the Direction of the said Surveyor, and the Expence thereof shall be paid by the said Commissioners, and they shall be reimbursed by the Proprietor or Proprietors of the Water-works, or other Person or Persons, who shall take up or cause to be taken up the said Pavement, or any Part thereof; and

if the said Proprietor or Proprietors, or other Person or Persons so taking up such Pavement, shall not, within Ten Days after such Pavement shall be relaid, reimburse and pay to the said Surveyor the Expence of laying down and repairing the said Pavement, the said Commissioners shall cause the same to be levied by Distress and Sale of the Goods and Chattels of such Proprietor or Proprietors, or other Person or Persons so taking up such Pavement, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough of Ipswich, which Warrant such Justice is hereby impowered and required to grant, rendering the Overplus, if any, when demanded, to the Person whose Goods and Chattels shall have been so distrained and sold.

Situation of Water Pipes may be altered.

XL. And be it further enacted, That if, for the Purposes of this Act, it shall at any Time be deemed necessary or expedient to raise, sink, or otherwise alter the Situation or Position of any of the Water Pipes, or Plugs, or other Water-works within the said Town, the said Commissioners are hereby impowered to do or cause to be done the same, as often and in such Places as they shall think proper, so as the Water Pipes or the Conveyance of the Water be not thereby injured or prevented, and the Charges attending the same shall be paid out of the Money arising by virtue of this Act.

Houses to be numbered.

XLI. And be it further enacted, That the said Commissioners may, if they think fit, cause the Houses in the said Town to be numbered in such Manner as they shall think proper, and also cause to be painted, engraved, or otherwise described, on a conspicuous Part of some House or other Building, at or near the Corner of every Street, Passage and Place, the Name by which such Street, Passage, or Place shall be called; and if any Person shall wilfully obliterate or deface any such Number or Name so to be painted or described as aforesaid, or any Figure or Letter thereof, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Ten Shillings; and that it shall be lawful for the said Commissioners (with the Consent of any of the poor Inhabitants of the said Town) to cause the Dwelling Houses of such poor Inhabitants to be white-washed, at such Time or Times, and in such Manner as the said Commissioners shall think proper, and to defray the Expence of such numbering, engraving, painting, describing, and white-washing, out of any Money to arise by virtue of this Act.

Commissioners may purchase Houses.

XLII. And be it further enacted, That for the Purpose of rendering the narrow Parts of the said Streets, and other publick Passages and Places, safe and commodious, and for opening proper Communications between any of the said Streets, and other Passages and Places, and otherwise improving the said Town, and for effecting other Purposes of this Act, it shall and may be lawful to and for the said Commissioners to treat, contract, and agree with the Owners of, and other Persons interested in any Houses or other Buildings, Lands, or other Hereditaments, within the said Town and Borough, for the Purchase thereof, or for any Damage to be done thereto in Execution of, or for the Purposes of this Act; and it shall be lawful for all Corporations, Civil and Ecclesiastical, Aggregate or Sole, Husbands, Guardians, Trustees, Committees, and other Persons, as well for and on Behalf of themselves, their Heirs and Successors, as of any Femes Covert, Infants, Lunatiks, or Persons under any other Disability or Incapacity, who are or shall be seised, possessed of, or interested in any such Houses or other Buildings, Lands, and Hereditaments, to sell and convey the same or their Interest therein to the said Commissioners, or to such Persons and their Heirs as the said Commissioners shall appoint for the Purposes aforesaid, at or for such Price or Satisfaction by Annual Payment or Sum of Money in Gross, as shall be agreed upon between the said Commissioners, and the Person or Persons seised, possessed of, or interested in any such Houses or other Buildings, Lands and Hereditaments, and all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, any Law or other Matter to the contrary notwithstanding; and all such Corporations, Husbands, Guardians, Trustees, Committees, and other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act: And immediately thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand, in Law and Equity, of the Person or Persons, Body or Bodies Politick, Civil or Ecclesiastical, and other Person and Persons aforesaid respectively, for whose Use the same shall be paid, in, to, or out of the Premises, shall vest in the said Commissioners for the Uses and Purposes of this Act, and they shall be deemed in Law to be in the actual Possession and Seisin thereof to all Intents and Purposes, as fully and effectually as if every Person having any Estate in the Premises had actually

actually and legally conveyed the same; and such Payment shall bar all Right, Title, Interest, Claim and Demand, of the Person or Persons, Body or Bodies Politick, Civil or Ecclesiastical, and other Persons aforesaid, to whose Use such Payment was made, and shall also extend and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, Remainders and Reversions, as fully and effectually as a Fine and Recovery would do, or would have done.

Possession to be delivered.

XLIII. And be it further enacted, That every Person in Possession of any Houses or other Buildings, Lands, or Hereditaments, which shall be purchased as aforesaid, or any Part thereof, shall, at the End of Six Months next after Notice shall be given to him or her for that Purpose, under the Hands of Five or more of the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises, with such Fixtures as are or shall be the Property of the Landlord, to such Person or Persons as shall be authorized by the said Commissioners to take Possession thereof; and in case any such Person shall refuse to give up such Possession as aforesaid, it shall be lawful for the said Commissioners to issue out their Precept or Warrant to the Sheriff of the said County of Suffolk, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly, and to levy such Costs as shall accrue upon the issuing and Execution of such Precept, on the Person so refusing to give Possession as aforesaid, by Distress and Sale of his, her, and their Goods, returning the Overplus (if any) to the Owner thereof on Demand.

Purchase Money to be laid out in Land, or vested in the Funds.

XLIV. And it is hereby further enacted, That all and every Sum and Sums of Money to arise from the Sale of the said Premises, for the Purposes of this Act, by any Body or Bodies Politick, Civil or Ecclesiastical, Husband, Guardian, Trustee, or Committee, shall be paid to such Person or Persons as he, she, or they, and the said Commissioners, shall jointly nominate to receive the same, in Trust, with all convenient Speed to be laid out in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, to be conveyed and settled to, upon, and subject to the same Uses, Trusts, Limitations, Remainders and Contingencies, as the Premises purchased of them were respectively settled, limited, or assured unto, at the Time of such purchasing, or such of them as shall be existing or capable of taking Effect; and

in the mean Time, and until such Money shall be laid out, the same shall be placed in some of the publick Funds, in the Names of the Persons so nominated as aforesaid, and the Interest and Dividends arising therefrom shall be paid unto such Person or Persons as would for the Time being have been intitled to the Rents and Profits of the Hereditaments so to be purchased.

Commissioners may sell Ground, &c.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners to let, sell, dispose of, and convey any Building or Buildings, Ground or Hereditament by them purchased, or which shall be in them vested, over and above what may be immediately necessary for the Purposes of this Act, as they shall judge advantageous and convenient, to any Person or Persons whomsoever.

Penalties how to be recovered.

XLVI. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of One Justice of the Peace for the said Borough of Ipswich (which Warrant such Justice is hereby impowered and required to grant) upon the Confession of the Party or Parties, or upon the Oath of One or more Witness or Witnesses, rendering the Overplus (if any) of the Money arising by such Sale, upon Demand, to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted), and the Penalties and Forfeitures, when recovered, shall be paid to the said Commissioners, and applied to the Purposes of this Act; and in case sufficient Distress shall not be found, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said Borough, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Parties distraining not to be deem'd Trespassers for Want of Form.

XLVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form or any

any Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, on Account of any Irregularity, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the Special Damage in an Action on the Case: Provided always, That no Plaintiff or Plaintiffs shall recover, in any such Action for Irregularity, or for any Trespass or wrongful Proceeding in any such Distress or Levy, unless Notice in Writing shall be given to the Treasurer or Clerk of the said Commissioners, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by and on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall be advised; whereupon such Proceeding, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Form of Conviction.

XLVIII. And be it further enacted, That all and every Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause such Conviction to be drawn in the Form or to the Effect following; (that is to say),

Borough of Ipswich. } BE it remembered, That on the Day of in the Year A. O. is convicted before of His Majesty's Justices of the Peace for the said Borough, of having [*here state the Offence*]; and I (*or* we) the said Justice (*or* Justices) do adjudge him (her *or* them) to forfeit and pay the Sum of

Given under my Hand and Seal (*or* our Hands and Seals), the Day and Year aforesaid.

Justices may administer Oaths.

XLIX. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices of the Peace to administer an Oath to any

Person, for his or their more certain Information in the Matter then depending.

Commissioners may compound Penalties.

L. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to compound and agree with any Person or Persons against whom any Action or Suit shall be brought, commenced, or prosecuted, for any Penalty contained in any Contract to be entered into as aforesaid, on account of any Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper; and also to mitigate, compound or lessen, any of the Forfeitures or Penalties to be incurred under this Act, so as the Sum or Sums so compounded or agreed for be not less than the Injury or Damage sustained by Breach or Nonperformance of such Contract, and all the Costs and Expences which shall be occasioned thereby, and so as the Mitigation of the said Forfeitures or Penalties do not extend to remit above One Moiety of the said Forfeitures or Penalties respectively.

Appeal to the Sessions.

LI. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief is appointed, such Person or Persons may appeal to the Justices of the Peace, at any General Quarter Sessions of the Peace, to be held at Ipswich, for the County of Suffolk, or any Part thereof, within Three Calendar Months after the Cause of such Complaint shall have arisen, such Appellant first giving Fourteen Days Notice in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Commissioners, and within Two Days after such Notice, entering into Recognizance before some Justice of the Peace for the said County or Town, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by, the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to either Party as they the said Justices shall think proper, and the Determination of such Quarter Sessions shall be final and conclusive to all Intents and Purposes.

Inhabitants of *Ipswich* may be Witnesses.

LII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to, or concerning the Execution of this

this Act, any Inhabitant of the said Town or Borough of Ipswich shall be admitted and allowed to give Evidence, notwithstanding his or her being charged with or liable to pay any Rate by virtue of this Act.

No Proceeding to be removed by *Certiorari*.

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

Commissioners may reward Informers.

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

Actions may be brought in the Name of the Treasurer, &c.

LV. And be it further enacted, That when any Action or Suit, or Prosecution, shall be intended to be commenced or brought by the said Commissioners against any Person or Persons by virtue of this Act, the same may be commenced and prosecuted in the Name of their Treasurer, or Clerk, or Surveyor, or in the Name or Names of any One or more of the said Commissioners; or in case of an Action upon a Contract, in the Name or Names of any Executors or Executor, Administrators or Administrator of a Commissioner, or Survivors or Survivor of any Commissioners making or subscribing such Contract, and no such Action or Suit, nor any Indictment or Criminal Prosecution, shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names the same shall be commenced, instituted, or carried on, or by the Act of the Parties or Party bringing such Suit, or instituting such Prosecution or Proceeding; but no Person or Persons in whose Name or Names any such Action, Suit, or Prosecution shall be brought, instituted, or carried on, shall be subject to the Payment of any Costs or Expences on account thereof, but that all Costs and Expences to be incurred by or on Behalf of the said Commissioners, or any Person or Persons employed by them in prosecuting any Action, Suit, or Prosecution, touching the Execution of this Act, or the Subject Matters thereof, shall be defrayed out of the Money to arise by virtue of this

this Act; and the Effects vested in the said Commissioners shall be liable thereto, upon Process issuing out of the Court where such Costs shall be awarded.

Limitation of Actions.

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

Publick Act.

LVII. And be it enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, although the same be not specially pleaded.

FINIS.