ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XLVIX.

An Act for paving, repairing, and cleanſing, the Highways, Streets, and Lanes, in the Town of *Folkeſtone*, and Liberty thereof, in the County of *Kent*; and for removing and preventing Nuiſances and Annoyances therein. [24th *March* 1796.]

Preamble.

WHEREAS the Highways, Streets, and Lanes, within the Town of *Folkeſtone*, and Liberty thereof, in the County of *Kent*, are not properly paved and cleanſed, and are ſubject to various Nuiſances and Annoyances, and are in their preſent State inconvenient and dangerous: And whereas it would tend greatly to the Benefit, Convenience, and Safety, of the Inhabitants of the ſaid Town and Liberty thereof, and to all other Perſons reſorting thereto, or travelling through the ſame, if the ſaid Highways, Streets, and Lanes, were properly paved, repaired, and cleanſed, and if all Nuiſances and Annoyances therein were removed, and Proviſion made for preventing the like for the future: But as the ſame 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 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, from and after the paſſing of this Act, the Right Honourable *William Pleydell Bouverie* commonly called *Viſcount Folkeſtone*,

Folkeſtone, *William Knight* Eſquire, Mayor of the ſaid Town of *Folkeſtone*, *David Puttee* the elder, *Edward Andrews*, *John Minter*, *Joſeph Sladen*, *Thomas Baker*, *Jacob Stredwick*, *John Caſtle*, *Joſeph Milton*, and *John Gill* the younger, Jurats of the ſaid Town, the Mayor, Jurats, and Commonalty of the ſaid Town for the Time being, the perpetual Curate of the Pariſh Church at *Folkeſtone* for the Time being, and *William Atwood*, *Richard Boorn*, *Thomas Steddy Baker*, *Henry Baker*, *William Bennett*, *Joſeph Elgar*, *William Elgar*, *Thomas Finn*, *John Finn*, *John Hague*, *Andrew Hague*, *John Harvey*, *John Hobday*, *John Hart*, *John Hunt*, *Trevannion Harnett*, *William Jordan*, *Jacob Jacob* the younger, *Hunt Jeffery*, *Thomas Jeffery*, *Henry Jeffery*, *David Major*, *Henry Major*, *John Major*, *Hammerden Major*, *William Major* the elder, *Bartholomew Minter*, *William Marſh*, *Richard Marſh*, *Thomas Mummery*, *Michael Minter*, *Thomas Nickalls*, *William Pepper*, *William Pilcher*, *Stephen Penfold* the elder, *Stephen Penfold* the younger, *David Puttee* the younger, *William Reynolds*, *John Rabbeth*, *John Stace* the elder, *William Stace*, *Eubulus Smith*, *Thomas Saffeary*, *John Sladen*, *Joſeph Taylor*, and *Thomas Tapley*, and their Succeſſors, to be nominated and appointed in Manner herein mentioned, ſhall be, and they are hereby declared to be Commiſſioners for carrying this Act into Execution.

On Death, Refuſal, or Removal of Commiſſioners, others to be choſen.

II. And be it further enacted, That when and as often as any of the Commiſſioners herein nominated and appointed ſhall die, or refuſe to act in the Execution of this Act, (ſuch Death or Refuſal being declared at a Meeting of the ſaid Commiſſioners), then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners, at a Meeting to be appointed within Two Calendar Months next after ſuch Death, or Refuſal to act, ſhall be ſo declared, to elect One or more fit Perſon or Perſons to be a Commiſſioner or Commiſſioners in the Place or Places of him or them ſo dying, removing, or refuſing to act; and all and every Perſon and Perſons who ſhall be ſo elected, is and are hereby veſted with the ſame Powers and Authorities for carrying this Act into Execution as the Perſon or Perſons in whoſe Stead he or they ſhall ſucceed was or were veſted with.

In caſe of neglecting to act for the Space of 12 Months.

III. And be it further enacted, That if any Perſon or Perſons herein nominated, appointed, or elected, a Commiſſioner or Commiſſioners as aforeſaid, ſhall refuſe to act in the Execution of this Act during the Space of Twelve Calendar Months, ſuch Neglect ſhall be and be deemed to be a Refuſal to act, within the Intent and Meaning of this Act.

Qualification of Commiſſioners.

IV. Provided always, and be it further enacted, That no Perſon, except the Mayor, Jurats, and Commonalty of the ſaid Town for the Time being, and the perpetual Curate of the Pariſh Church at *Folkeſtone* for the Time being, ſhall be capable of acting as a Commiſſioner in the Execution of this Act, except in adminiſtering the Oath herein mentioned, (which Oath the ſaid Commiſſioners, or any Two or more of them, are hereby empowered to adminiſter at their Firſt or any ſubſequent Meeting to be holden in purſuance of this Act), unleſs he ſhall at the Time of his acting be a reſident Inhabitant within the ſaid Town, or Liberty thereof, and unleſs at the Time of his acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Receipt of the Rents and Profits of Real Eſtate lying within the ſaid Town, or Liberty

thereof, of the clear Yearly Value of Ten Pounds, or be in the actual Poſſeſſion of a beneficial Leaſe of Premiſes lying within the ſaid Town, or Liberty thereof, of the Annual Value of Twenty Pounds, or ſhall be poſſeſſed of a Real or Perſonal Eſtate of the Amount or Value of Four hundred Pounds, or be rated by virtue of this Act at Ten Pounds a Year, and until ſuch Perſon ſhall have taken and ſubſcribed an Oath to the Effect following:

Oath.

'I *A. B.* do ſwear, That I am in my own Right [*or*, in the Right of my Wife] in the actual Poſſeſſion or Receipt of the Rents and Profits of a Real Eſtate lying within the Town of *Folkeſtone*, or Liberty thereof; in the County of *Kent*, of the clear Yearly Value of Ten Pounds [*or*, in the actual Poſſeſſion of a beneficial Leaſe of Premiſes lying within the ſaid Town, or Liberty thereof, of the Annual Value of Twenty Pounds; *or*, poſſeſſed of a Real or Perſonal Eſtate of the Value of Four hundred Pounds; *or*, that I am rated at Ten Pounds a Year under an Act, made in the Thirty-ſixth Year of the Reign of King *George* the Third, intituled, *An Act for paving, repairing, and cleanſing, the Highways, Streets, and Lanes, in the Town of* Folkeſtone, *and Liberty thereof, in the County of* Kent, *and for removing and preventing Nuiſances and Annoyances therein*]; and that I will truly and impartially, according to the beſt of my Skill and Judgement, execute and perform all and every the Powers and Authorities repoſed in me as a Commiſſioner in purſuance of the ſaid Act.

'So help me GOD.'

Penalty for acting if not qualified.

And if any Perſon, not being ſo qualified, ſhall act as a Commiſſioner in the Execution of this Act, contrary to the true Intent and Meaning thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, or any more than One Imparlance ſhall be allowed; and the Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Proſecutor, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners not to act if intereſted.

V. Provided alſo, 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 Work to be done in purſuance of this Act; but it ſhall be lawful for the Juſtices of the Peace for the ſaid Town to act as ſuch in the Execution of this Act, notwithſtanding their being Commiſſioners.

Juſtices may act.

Meetings of Commiſſioners.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall meet and aſſemble in the Guildhall of the ſaid Town, on the *Wedneſday* Fortnight next after paſſing this Act, between the Hours of Ten and Twelve in the Forenoon, for the Purpoſe of carrying this Act into Execution; and ſhall and may then and from Time to Time afterwards adjourn themſelves

ſelves to meet at the Place aforeſaid (ſo as ſuch Time do not interfere with any other publick Meeting or Buſineſs of the ſaid Town), or at any other convenient Place within the ſaid Town, as they the ſaid Commiſſioners, or the major Part of them preſent at ſuch Meeting, ſhall appoint; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting of the ſaid Commiſſioners a ſufficient Number to act, or to adjourn to another Day, (Three Commiſſioners to be deemed ſufficient for the Purpoſe of Adjournment), or if they ſhall refuſe or neglect to adjourn, or if a ſufficient Number of Commiſſioners ſhall not be preſent to adjourn, then and in every ſuch Caſe the Clerk to the ſaid Commiſſioners, or any Three or more of the ſaid Commiſſioners, ſhall and may call a Meeting at the Place where the laſt Meeting was to have been holden, by Notice in Writing to be affixed or put up at the Market Place, or by publick Notice to be given by the Cryer of the ſaid Town, at leaſt Ten Days before the next Meeting; and that at all Meetings to be holden in purſuance of this Act, the ſaid Commiſſioners ſhall defray their own Expences; and no Act of the ſaid Commiſſioners ſhall be good or valid unleſs made or done at ſome publick Meeting to be holden by virtue of this Act; and that all Powers and Authorities of 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 whole Number preſent at ſuch Meeting not being leſs than Five; and at every ſuch Meeting the Mayor of the ſaid Town (if preſent) ſhall be Chairman of ſuch Meeting; and in caſe of his Abſence, the Deputy Mayor (if preſent) ſhall be Chairman; and in caſe of his Abſence, the ſenior Jurat preſent at ſuch Meeting ſhall be Chairman; and if neither the Mayor, Deputy Mayor, or any of the Jurats ſhall be preſent, then and in every ſuch Caſe any of the other of the ſaid Commiſſioners (to be appointed by the Majority preſent) ſhall be the Chairman; and when and as often as it ſhall ſo happen, that there ſhall be an equal Number of Votes upon any Queſtion (including the Chairman's Vote), the Chairman ſhall have the caſting or deciſive Vote.

No Act valid but at a Meeting.

Powers of the Act to be exerciſed by a Majority of the Commiſſioners.

Chairman to have the caſting Vote.

VII. And be it further enacted, That it ſhall and may be lawful to and for ſuch Chairman, or to and for any Juſtice or Juſtices of the Peace for the ſaid Town then preſent, to adminiſter an Oath to any Perſon or Perſons for the more certain Information of the ſaid Commiſſioners in any Matter or Buſineſs then depending; and if any Perſon or Perſons ſhall upon his, her, or their Examination upon Oath before the ſaid Commiſſioners, wilfully and corruptly give falſe Evidence, ſuch Perſon or Perſons ſo offending, and being thereof duly convicted, ſhall be, and is and are hereby declared to be ſubject and liable to ſuch Pains and Penalties, as by any Law now in being Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Chairman to adminiſter an Oath.

VIII. Provided always, That no Order be revoked or altered unleſs at ſome Meeting to be holden for that Purpoſe, of which Seven Days Notice ſhall be given as aforeſaid, and the Intention of ſuch Meeting be declared, and unleſs a greater Number of Commiſſioners ſhall attend at ſuch Meeting to revoke or alter the ſame, than were preſent to make ſuch Order; any Thing in this Act contained to the contrary thereof notwithſtanding.

No Order to be revoked unleſs by a greater Number of Commiſſioners than made it.

IX. And be it further enacted, That fair and regular Entries ſhall be made (in a Book or Books to be provided for that Purpoſe) of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the ſaid Commiſſioners, relative to the Execution of this Act, and of the Names of the Commiſſioners who ſhall be preſent at the reſpective Meetings, and the ſame ſhall be ſubſcribed with the Name of the Chairman of each reſpective Meeting; and all ſuch Entries, being ſo ſigned, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Courts whatſoever, in all Caſes, Suits, and Actions, touching any Thing done in purſuance of this Act. Entries of Proceedings good Evidence.

X. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſue and be ſued in the Name of their Clerk; and that no Action that may be brought or commenced by or againſt the ſaid Commiſſioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk without the Conſent of the ſaid Commiſſioners, but the Clerk to the ſaid Commiſſioners for the Time being ſhall always be deemed Plaintiff or Defendant in ſuch Action, as the Caſe may be: Provided always, that every ſuch Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall always be reimburſed and paid, out of the Monies to ariſe by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put to or become chargeable with by Reaſon of his being ſo made Plaintiff or Defendant therein. Actions to be in the Name of the Clerk.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall and may, at their Firſt or any ſubſequent Meeting, appoint One or more Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and ſuch other Officer or Officers, for the Execution of this Act, and alſo ſuch and ſo many Scavengers, Rakers, Cleanſers of the Highways, Streets, Lanes, Markets, and other publick Places and Paſſages in the ſaid Town, and Liberty thereof, as the ſaid Commiſſioners ſhall think proper; and from Time to Time remove him or them, and appoint others, as they ſhall find neceſſary or convenient, and by and out of the Monies to be raiſed by virtue of this Act, may and are hereby empowered to appoint and pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners employed in the Execution of this Act, as they ſhall think reaſonable; and the ſaid Commiſſioners ſhall and may take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners ſhall think proper; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid ſhall, under their Hands, at ſuch Time and Times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct, deliver to ſuch 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 by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons, reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective For appointing Officers.

reſpective Hands to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and Perſons ſo accounting as aforeſaid ſhall, upon Oath, if thereunto required by the ſaid Commiſſioners, verify their ſaid Accounts; and if any ſuch Officer or Perſon ſhall not make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Receipts or Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within Fourteen Days after being thereunto required by ſuch Commiſſioners, all Books, Papers, and Writings, in his or their Cuſtody or Power, relating to the Execution of this Act, or ſhall refuſe or neglect to pay ſuch Monies as upon the Balance of any Account or Accounts ſhall appear to be in their reſpective Hands to the ſaid Commiſſioners, or as they ſhall direct or appoint, then and in either of the Caſes aforeſaid ſuch Commiſſioners may and are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions againſt the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing as aforeſaid, in order for the Recovery of the Monies that ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons reſpectively, or if Complaint ſhall be made by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtices may and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cauſe the Officer or Officers, Perſon or Perſons ſo refuſing or neglecting to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party or Parties, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, it ſhall appear to ſuch Juſtices that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants 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 Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels of ſuch Officer or Officers, Perſon or Perſons, can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, then, and in any or either of the Caſes aforeſaid, ſuch Juſtices ſhall commit every ſuch Offender to the Common Gaol or Houſe of Correction for the ſaid Town of *Folkeſtone*, there to remain, without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners are hereby empowered to make, or until he ſhall deliver up ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof to the ſaid Commiſſioners.

Officers taking any Fee or Reward beſides the Salary;

XII. And be it further enacted, That if any Perſon who ſhall be employed as a Clerk, Treaſurer, or Surveyor, or any other Officer or Servant, who ſhall be paid and employed by the ſaid Commiſſioners for

putting this Act in Execution, shall exact, take, or accept, any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards, as shall be appointed, allowed, and approved of by the said Commissioners, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting this Act in Execution, or shall anyways be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners, for the Purposes of putting this Act in Execution, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of Twenty Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, in which said Suit no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

or being concerned in Interest in any Bargain or Contract, shall be disqualified to be employed under this Act.

XIII. And be it further enacted, That it shall be lawful to and for the said Commissioners to enter into any Contract for paving, keeping in Repair, cleansing, or furnishing Materials, Matters, or any other necessary Things whatsoever, or for any other Purpose or Purposes, in Execution of this Act.

Commissioners may contract.

XIV. And be it further enacted, That no such Contract or Contracts shall be deemed good or valid, if the same shall have been made for a longer Space or Term than Three Years from the Time of entering into such Contracts.

Contracts not to be entered into for more than Three Years.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby directed to cause all and every the Works done in pursuance of this Act to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract or Contracts, or shall not be completed and finished at or within the Time or Times that the same is or are agreed to be completed by the said Contractor or Contractors, the said Surveyor or Surveyors, or other Person or Persons, shall report the same to the said Commissioners at their next or any subsequent Meeting, who shall or may thereon, in the Name of their Clerk for the Time being, bring an Action of Debt, in any of His Majesty's Courts of Law at *Westminster*, against any Person or Persons so contracting and neglecting to perform any such Contract or Contracts, and for any Penalty or Penalties which shall be contained in such Contract or Contracts, and on Proof of the signing of the said Contract or Contracts, and Non-performance thereof, at the Time or Times for that Purpose therein-mentioned, the said Commissioners shall be entitled to, and shall recover such Penalty or Penalties, which, when recovered, shall be applied for the Purposes of this Act.

Contracts to be inspected.

XVI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Commissioners as aforesaid, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons on Account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money

Commissioners may compound with Persons for Breach of Contract, &c.

as they ſhall think proper, ſo as the Sum ſo compounded and agreed for be not leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract or Contracts, and all Coſts, Charges, and Expences which ſhall be occaſioned thereby.

Contracts to be ſigned by Commiſſioners.

XVII. And be it further enacted, That every ſuch Contract or Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be received or paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof, and ſhall be ſigned by the ſaid Commiſſioners, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract or Contracts ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners.

Commiſſioners may pave, &c.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to pave and keep in Repair, or cauſe to be paved and kept in Repair from Time to Time, or to enter into any Contract for the paving and keeping in Repair all or any Part or Parts of the ſaid Highways, Streets, Lanes, Markets, Paſſages, and Places, whether Foot or Carriage Way, within the ſaid Town and Liberty thereof, and for ſuch Purpoſes may cauſe to be dug, carted, and carried out of, or brought into the ſame, or any of them, or any Part or Parts thereof, ſuch Gravel, Stones, and other Materials, as they ſhall judge neceſſary, and may likewiſe cauſe the Ground thereof to be raiſed or lowered, the Courſe of the Channels running in or through the ſame to be turned or altered, new Grates to the Common Sewers to be added or replaced, and in what Numbers or Places they ſhall think proper, or to be taken up and new laid in ſuch Places, Manner, and Form, as they ſhall judge beſt, and a proper Channel for conveying and conducting the Waſte Water from the Town Pond, or Water, at a certain Place called *The Bail*, within the ſaid Town, over the Cliff, or otherwiſe, as they ſhall judge beſt, and may cauſe all or any Poſts or Rails in ſuch Highways, Streets, Lanes, Paſſages, or Places, as they ſhall judge uſeleſs, or to be a Nuiſance or Obſtruction either to Foot Paſſengers or to Carriages, to be taken up and removed; and likewiſe all Steps, Bulks, Stalls, Dung Holes, Saw Pits, Shew Glaſſes, and Shew Boards encroaching upon the Footway, as alſo all Steps and Doors opening or leading from the Footway or Carriage Way into Vaults, Cellars, or other Places, to be removed, filled up, or altered, as they the ſaid Commiſſioners ſhall judge neceſſary.

Property of Pavements, &c. veſted in Commiſſioners.

XIX. And be it further enacted, That the Property of the Pavements, Stones, Bricks, Poſts, Carts, Horſes, Iron, Timber, Furniture, and all other Materials and Things which ſhall be made uſe of for the Purpoſes of this Act, ſhall be and the ſame is hereby veſted in the Commiſſioners for the Time being, and they are hereby authorized and empowered to bring, or cauſe to be brought, any Action or Actions, in the Name of the Clerk to the ſaid Commiſſioners, or to prefer, and order and direct the preferring of, Indictments againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, any or any Part of ſuch Materials or Things; and if any Perſon or Perſons ſhall wilfully or maliciouſly break up, injure, deſtroy, or otherwiſe damage or ſpoil, any of the ſaid Materials or

Penalty on damaging Works, &c.

Things, or any of the Works done in purſuance of this Act, or any Part or Parts thereof, every Perſon ſo offending therein, and being thereof convicted by the Oath of One or more Witneſs or Witneſſes, before any Juſtice or Juſtices of the Peace of the ſaid Town, ſhall, for the Firſt Offence, forfeit any Sum not exceeding Forty Shillings, nor leſs than Twenty Shillings, and for the Second and every other Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings, to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal or Hands and Seals of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made, and which Forfeiture ſhall be applied to the Purpoſes of this Act; and in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels whereupon the ſame can be levied, then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices of the Peace as aforeſaid, by Warrant under his or their Hand and Seal or Hands and Seals, to commit ſuch Perſon or Perſons reſpectively to the Common Gaol or Houſe of Correction, there to remain for any Space not exceeding Three Calendar Months, nor leſs than Twenty-one Days, to be reckoned from the Day of Commitment; and the Perſon or Perſons ſo incurring, and being convicted of any of the ſaid pecuniary Penalties, ſhall not be diſcharged until he, ſhe, or they ſhall have paid the Sum forfeited as aforeſaid, or until the Expiration of the ſaid reſpective Times.

to be levied by Diſtreſs and Sale.

For Want of Diſtreſs, Offender to be committed.

XX. And be it further enacted by the Authority aforeſaid, That the Property of all Stones, Poſts, and all and every Part and Parts of the old Materials which ſhall belong to the old Pavement, as well of the Carriage as of the Footways, within the ſaid Town and Liberty thereof, ſhall be veſted in the ſaid Commiſſioners for putting this Act in Execution, and their Succeſſors; and it ſhall and may be lawful to and for the ſaid Commiſſioners, or their Surveyor or Surveyors for the Time being, by their Order, to ſell and diſpoſe of the ſame, or of all or any Part or Parts thereof, to ſuch Perſon or Perſons who ſhall be willing to buy or purchaſe the ſame, and to apply the Purchaſe Money ariſing by ſuch Sale to the Purpoſe of this Act; and if any Perſon or Perſons to whom ſuch Materials, or any Part or Parts thereof, ſhall be ſold, ſhall refuſe or neglect to pay for the ſame within Twenty-one Days after Sale thereof to him, her, or them, it ſhall and may be lawful to and for the ſaid Commiſſioners to bring or cauſe to be brought any Action or Actions, in the Name of their Clerk, for the Time being, for the Recovery of the Money due for ſuch Materials ſo ſold; in which Action or Actions no Eſſoign, Protection, or Wager of Law, or any more than One Imparlance ſhall be allowed.

Old Materials, &c. veſted in Commiſſioners.

Old Materials may be ſold.

Payments to be made in 21 Days.

XXI. Provided always, and it is hereby enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners to order all or any of the ſaid old Materials to be made uſe of in paving or repairing any Highway, Street, Lane, Market, Paſſage, or Place, within the ſaid Town, or Liberty thereof.

Old Materials may be made uſe of, &c.

XXII. And be it hereby further enacted, That during the Time any Highway, Street, Lane, Market, Paſſage, or Place, ſhall be new paving or repairing, the ſaid Commiſſioners ſhall have Power to order the neceſſary

Where Materials for paving may be lodged.

ſary Materials to be lodged in that or any adjoining Street or Place, or Streets or Places, according to their Diſcretion, as alſo to ſtop the Way through that or any adjacent Highway, Street, Lane, Paſſage, or Place, ſo long as they ſhall judge neceſſary, and all Perſons acting under their Directions as aforeſaid are hereby indemnified from any Proſecution or Action whatſoever.

Commiſſioners may dig for Stone, Gravel, *etc.*

XXIII. And be it further enacted, That the ſaid Commiſſioners, or any Surveyor or other Perſon to be employed under or by them, are hereby authorized and empowered to dig, break, and carry away, or cauſe to be dug, broke, and carried away, any Stone, Gravel, Sea Beach, or other Materials from the Sea Side at the Eaſt or Weſt Ends of the ſaid Town of *Folkeſtone* (provided the ſame are not taken from or near the Jettee under the Church, or ſo as to occaſion any wilful or unneceſſary Detriment to the Lands of the Lord of the Hundred or Barony of *Folkeſtone* for the Time being), which they ſhall judge fit and proper for the amending and paving the ſaid Highways, Streets, Lanes, Markets, Paſſages, or Places, or for any other the Purpoſes of this Act.

Paviors and Carters to be appointed, and Horſes to be purchaſed.

XXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners from Time to Time to appoint ſuch and ſo many Paviors, Artificers, Workmen, Labourers, Carters, and others, and alſo to purchaſe any Horſes, Carts, Tools, and Implements, as they ſhall judge neceſſary for the Purpoſes of carrying this Act into Execution.

Land to be provided for depoſiting Materials.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power to purchaſe or rent Lands within the ſaid Town, or the Liberty thereof, for depoſiting of Stone and other Materials for paving, Soil, Aſhes, Cinders, and Rubbiſh, and for Water Drains, in caſe they ſhall think proper ſo to do; and the Purchaſe Money or Rent thereof ſhall be paid out of the Money ariſing by virtue of this Act, and the Property thereof ſhall be and is hereby veſted in the ſaid Commiſſioners for the Purpoſes of this Act.

Penalty on altering the Form of the Streets.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall alter, or cauſe to be altered, any Drain or Drains, Sewer or Sewers, or the Channel or Courſe of the Water flowing to or from the ſaid Pond, on *The Bail*, or the Form of any of the ſaid Highways, Streets, Lanes, Markets, Paſſages, or Places hereby directed to be paved or kept in Repair by the ſaid Commiſſioners, or the Manner of the Pavement thereof, or in anywiſe encroach thereon, or put up any Poſt or Poſts, Step or Steps, or erect any Bulks or Stalls, ſo as to be an Encroachment, or make any Dung Holes or Saw Pits, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds nor leſs than Forty Shillings, over and above the Expences of re-altering ſuch Drain or Drains, Sewer or Sewers, Channel or Courſe, and of re-laying and reinſtating ſuch Pavements, or taking down ſuch Poſts, Bulks, or Stalls, or filling up ſuch Dung Holes or Saw Pits, according to the Direction of ſuch Commiſſioners.

Signs to be placed in the Front of the Houſes, and

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe all Signs which now are, or at any Time hereafter ſhall be placed or hung in any Part or Parts of the ſaid Highways, Streets, Lanes,

Markets, Paſſages, or Places, to be fixed and placed flat on, and fixed cloſe to the Fronts of ſuch Houſes reſpectively whereunto the ſame ſhall belong, and ſhall and may cauſe all Signs, Sign Irons, Sign Poſts, or any other Poſts, Pent-houſes, Spouts, Steps, Shop Windows, and Cellar Windows, or any other Windows, or other Encroachments or Obſtructions, Projections, or Annoyances, in or upon the ſaid Highways, Streets, Lanes, Markets, Paſſages, or Places, or any of them, to be removed, altered, and reformed, in ſuch Manner as they ſhall think fit; and ſhall and may cauſe all Water to be conveyed from the Roofs, Cornices, and Penthouſes, by proper and ſufficient Pipes or Trunks to be affixed on the Fronts or Sides of the Houſes, Shops, Warehouſes, or other Buildings whereunto the ſame belong, and to be brought down to the Pavement; and in caſe the Owner or Occupier of any Houſe, Shop, Warehouſe, or other Building in the ſaid Town, or Liberty thereof, to which any Sign, Sign Irons, Sign Poſts, or any other Poſts, Penthouſes, Spouts, Steps, Shop Windows, or Cellar Windows, or any other Windows, or other Encroachments, now or hereafter may belong, ſhall not at the Coſts and Charges of ſuch Owner or Occupier (as the Caſe may be) within Fourteen Days after Notice in Writing ſhall be given to them reſpectively, or left at their Dwelling Houſes, under the Hands of the ſaid Commiſſioners, remove, alter, and reform, all and every ſuch Signs, Sign Irons, Sign Poſts, or any other Poſts, Penthouſes, Spouts, Steps, Shop Windows, Cellar Windows, or any other Windows, and other Encroachments and Annoyances, in ſuch Manner as in ſuch Notice ſhall be expreſſed, it ſhall and may be lawful to and for the ſaid Commiſſioners to cauſe the ſame to be done, and to levy, or cauſe to be levied, the Coſts and Charges attending the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Owner, Tenant, or Occupier of every ſuch Houſe, Shop, Warehouſe, or other Building, by Warrant under the Hand and Seal of any Juſtice of the Peace of the Town of *Folkeſtone*, rendering the Overplus (if any) when demanded, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold; or it ſhall and may be lawful to and for ſuch Tenant or Occupier to fix up Pipes and Trunks of ſufficient Length, and alſo to remove all ſuch Annoyances, Projections, and Encroachments, and to deduct and retain the Charges and Expences thereof, and alſo any Money which ſhall or may be levied upon the Goods and Chattels of any ſuch Tenant or Occupiers as aforeſaid, out of his or her Rent, and every Owner, Proprietor, or Landlord, is hereby required to allow the ſame accordingly.

Encroachments to be removed.

XXVIII. And be it further enacted, That no Cart, Waggon, or other Carriage, ſhall be drawn upon any of the ſaid Highways, Streets, Lanes, Markets, Paſſages, or Places, with any other Tire, or with a greater Number of Horſes or Beaſts, or with a greater Weight than that Number or Weight with which they may lawfully paſs upon any Turnpike Road, under the Penalty of Twenty Shillings for every Offence, to be paid by the Owner or Driver of ſuch Carriage; nor ſhall any Owner or Driver of any Waggon, Cart, or other Carriage, fix any Chain or Skid to the Wheel or Wheels of any ſuch Waggon, Cart, or other Carriage, to prevent the turning round of ſuch Wheel or Wheels, in paſſing through that Part of the ſaid Town of *Folkeſtone* which leads from *Hythe* towards *Dover* (except in going down *Mill Lane*), every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty

Weighing Engines to be erected.

Shillings; and it ſhall and may be lawful to and for the ſaid Commiſſioners, if they think fit, to cauſe to be built and erected at ſome convenient Place within the ſaid Town of *Folkeſtone*, or Liberty thereof, a Crane, Machine, or Engine, proper for weighing Carriages paſſing upon the ſaid Pavement, and to order every ſuch Cart, Waggon, or Carriage, which ſhall paſs loaded upon the ſaid Pavement, to be weighed as they ſhall think proper; and it ſhall and may be lawful to and for any of the ſaid Commiſſioners, or any of their Officers, whenever they ſhall think fit, to cauſe any ſuch Cart, Waggon, or Carriage, together with the Loading thereof, to be weighed at any Engine or Machine erected or provided by the ſaid Commiſſioners within the ſaid Town of *Folkeſtone*, or Liberty thereof; and if any ſuch Owner of ſuch Cart, Waggon, or other Carriage, or the Driver thereof, ſhall refuſe to permit any of the ſaid Commiſſioners, or any Perſon acting under the Authority of the ſaid Commiſſioners, to weigh any ſuch Cart, Waggon, or other Carriage, or hinder, obſtruct, or interrupt any ſuch Perſon in the weighing thereof, or if any Perſon ſhall wilfully break, injure, or ſpoil any ſuch Engine or Machine, or any Part thereof, or any Thing belonging thereto, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Bodies Politick, &c. may contract for Sale.

XXIX. And be it further enacted, That it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees for Lunatics and Idiots, or other Truſtees whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, or Femes Covert, who are or ſhall be ſeiſed in their own Right, and all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, which ſhall be thought neceſſary to be purchaſed for any of the Purpoſes of this Act, to treat, contract, and agree with the ſaid Commiſſioners for the Sale thereof or of any Part thereof, and to ſell and convey all or any Part thereof, and all Eſtate, Right, Title, and Intereſt whatſoever of, in, and to the ſame, to the ſaid Commiſſioners, or to ſuch Perſons and their Heirs for ever as the ſaid Commiſſioners ſhall direct, in Truſt for them the ſaid Commiſſioners for any of the Purpoſes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances which ſhall be ſo made by virtue and in purſuance of this Act, ſhall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Aſſurances in the Law whatſoever, be good, valid, and effectual, to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon and Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſaid ſeveral and reſpective Ceſtuique Truſts, and all claiming or to claim by, from, or under them, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in anywiſe notwithſtanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

XXX. And

XXX. And be it further enacted, That if any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feme Covert, Owner or Owners, Occupier or Occupiers, or other Perſon or Perſons whoſoever, in and by this Act empowered and qualified to treat, contract, or agree for, ſell, convey, and diſpoſe of, any Building or Erections whatſoever, or of any Lands, Tenements, or Hereditaments which the ſaid Commiſſioners may be enabled by this Act to treat for and purchaſe, or any Intereſt therein, or any other Perſon or Perſons whoſoever, ſhall refuſe to treat, contract, or agree as aforeſaid, or by Reaſon of Abſence or otherwiſe ſhall be prevented from treating and agreeing, or ſhall decline or refuſe to ſell, convey, and diſpoſe of the Premiſes whereof, or wherein, or whereunto they reſpectively ſhall be ſo ſeiſed, poſſeſſed, intereſted, or entitled as aforeſaid, or their reſpective Rights, Titles, Claims, or Intereſts in, to, or upon the ſame, or any Part thereof, unto the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall nominate for the Purpoſes, and according to the Tenor, true Intent, and Meaning of this Act, or ſhall not produce or make out a clear Title to the Premiſes they are in Poſſeſſion of, or to the Intereſt they claim therein, to the Satisfaction of the ſaid Commiſſioners, or if any Diſpute or Difference ſhall ariſe touching ſuch Purchaſe or Purchaſes, the ſaid Commiſſioners are hereby empowered and authorized before any General or Quarter Seſſions of the Peace to be holden for the ſaid Town of *Folkeſtone*, or any Adjournment thereof, to give or cauſe to be given to ſuch Owner or Owners, or the principal Officer or Officers of ſuch Bodies Politick or Corporate, or to leave or cauſe to be left at the Houſe of the Tenant in Poſſeſſion of the Meſſuages, Buildings, Lands, Tenements, and Hereditaments intended ſo to be purchaſed, Ten Days Notice in Writing, denoting and particularly deſcribing the ſame, and purporting that the Value thereof ſhall be adjuſted and ſettled by a Jury at the ſaid Seſſions, or the Adjournment thereof; and the Juſtices of the ſaid Seſſions, or any Adjournment thereof, upon Proof to them made of ſuch Notice having been ſo given or left, are hereby authorized and required to charge the Jury at ſuch Seſſions aſſembled, well and truly upon their Oaths to aſſeſs the Value of the ſaid Meſſuages, Buildings, Lands, Tenements, or Hereditaments compriſed in the ſaid Notice, and the Damages and Recompence to be given for the ſame, to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein (which Oath the ſaid Juſtices are hereby required to adminiſter to ſuch Jury), and to which ſaid Jury the ſaid Commiſſioners, and all Perſons intereſted in the ſaid Meſſuages, Buildings, Lands, Tenements, and Hereditaments, ſhall have their lawful Challenges; and the Jury being ſo ſworn and charged as aforeſaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the ſaid Meſſuages, Buildings, Lands, Tenements, or Hereditaments ſo to be ſold and conveyed as aforeſaid, ſhall by their Verdict aſſeſs the Damages and Recompence to be given for the ſame to the reſpective Owner or Owners thereof, according to their reſpective Intereſts therein; which Verdict of the ſaid Jury and the Judgement of the ſaid Juſtices upon the ſame, ſhall be final, binding, and concluſive to the ſaid Commiſſioners, and to all Perſons and Parties intereſted in the ſaid Meſſuages, Buildings, Lands, Tenements, and Hereditaments; and ſuch Verdict, and the Judgement of the Juſtices thereupon, ſhall be fairly entered and kept among the Records of the Seſſions for the ſaid Town of *Folkeſtone*, and the

On Refuſal to treat, Value to be ſettled by a Jury.

Jurors may be challenged.

Verdict of a Jury, &c. to be final.

the ſame, or true Copies thereof, ſhall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatſoever, and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, paying Sixpence for every One hundred Words, and ſo in Proportion for any greater or leſs Number of Words.

Verdict not binding, unleſs Money paid within Three Calendar Months.

XXXI. Provided always, That in caſe the ſaid Sum or Sums ſo aſſeſſed by the ſaid Jury, and ordered and adjudged by the ſaid Commiſſioners to be paid as a Satisfaction to the Owners, Occupiers, or others, for their reſpective Intereſts in the ſaid Premiſes, ſhall not be paid, tendered, or left, according to the true Intent and Meaning of this Act, within Three Calendar Months after the ſame ſhall have been ſo aſſeſſed, ordered, and adjudged, then and in ſuch Caſe the Verdict of the ſaid Jury ſhall not be binding upon the ſaid Parties, any Thing herein contained to the contrary notwithſtanding.

Money belonging to Corporations, &c. to be re-inveſted.

XXXII. And be it further enacted, That the Principal Money to ariſe from the Sale of any Houſes, Buildings, Lands, Tenements, or Hereditaments, which ſhall be purchaſed for any of the Purpoſes of this Act, of any Body Corporate or Eccleſiaſtical, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or from any Feme or Femes Covert, ſhall (in caſe the ſame ſhall exceed the Sum of Twenty Pounds) be paid to ſuch Perſon or Perſons as they ſhall reſpectively nominate to receive the ſame, in Truſt, with all convenient Speed to be re-inveſted in the Purchaſe of other Meſſuages, Buildings, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to and upon, and ſubject to the like Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Houſes, Buildings, Lands, Tenements, or Hereditaments, which ſhall be purchaſed from them reſpectively by the ſaid Commiſſioners as aforeſaid were reſpectively ſettled, limited, or aſſured at the Time of ſuch the purchaſing of the ſame, or ſo many thereof as at the Time of making ſuch Conveyances and Settlements ſhall be exiſting and capable of taking Effect.

On Payment of Purchaſe Money, Premiſes to be conveyed.

XXXIII. And it is hereby further enacted and declared, That every Sum of Money to be agreed for or aſſeſſed as aforeſaid ſhall be paid, out of the Monies to be raiſed by virtue of this Act, to the Parties or Perſons reſpectively entitled to ſuch Monies, or their Agents, and upon Payment thereof, or in caſe of Refuſal to accept the ſame, or the Parties not being to be met with, on leaving the ſame in the Hands of the Treaſurer for the Time being of the ſaid Commiſſioners, for the Uſe of ſuch Parties or Perſons, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, in Law and Equity, of the Perſon or Perſons reſpectively for whoſe Uſe the ſame was paid, in, to, or out of ſuch Houſes, Buildings, Grounds, Tenements, and Hereditaments, ſhall veſt in the ſaid Commiſſioners for the only Uſes and Purpoſes of this Act, and they ſhall be deemed in Law to be in the actual Poſſeſſion thereof, to all Intents and Purpoſes, as fully and effectually as if every Perſon having an Eſtate in the ſaid Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale enrolled, Feoffment with Livery and Seiſin, Fine and Recovery, or any other legal Conveyance whatſoever, and ſuch Payments ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment was made,

Premiſes veſted in the ſaid Commiſſioners,

but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower and Dowers of the Wife or Wives of ſuch Perſon or Perſons, and all Eſtates Tail, in Reverſion or Remainder, and the Iſſue or Iſſues of ſuch Perſon and Perſons, and every Perſon claiming under them, as effectually as a Recovery or Fine would do, if levied or ſuffered by the proper Parties in due Form of Law.

Mortgagees to aſſign, on Tender of Principal and Three Calendar Months Intereſt;

XXXIV. And be it further enacted, That all and every Perſon and Perſons who ſhall have any Mortgage or Mortgages on any ſuch Houſes, Buildings, Erections, Lands, Tenements, or Hereditaments, which ſhall be purchaſed in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, ſhall, on Tender of the Principal Money and Intereſt due thereon, together with Three Calendar Months Intereſt of the ſaid Principal Money, by the ſaid Commiſſioners, or by ſuch Perſon or Perſons as they ſhall appoint, immediately aſſign ſuch Mortgage or Mortgages to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint in Truſt for them; or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing given to him, her, or them, from the ſaid Commiſſioners, or any Perſon authorized by them, that they will pay off and diſcharge the Principal and Intereſt Money which, at the Expiration of the ſaid Three Calendar Months, to be computed from ſuch Notice given, ſhall be due on ſuch Mortgage, that then, at the End of the ſaid Three Calendar Months, on Payment or Tender of the Principal and Intereſt Money ſo due, ſuch Mortgagee or Mortgagees ſhall convey and aſſign his, her, and their reſpective Eſtates and Intereſts in the ſaid mortgaged Premiſes to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall nominate and appoint in Truſt for them, and if any ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do on ſuch Tender or Payment, then all Intereſt on every ſuch Mortgage ſhall ceaſe and determine.

or on Three Calendar Months Notice.

Tenants to quit on Notice given.

XXXV. And be it further enacted, That in caſe the ſaid Commiſſioners, or any Perſon authorized by them, ſhall, after the ſaid Houſes, Buildings, Lands, Tenements, and Premiſes ſhall be purchaſed by them in purſuance of this Act, give Six Calendar Months Notice in Writing to the Tenants or Occupiers reſpectively of any ſuch Premiſes ſo purchaſed, to quit or deliver up ſuch Premiſes at the Expiration of ſuch Six Calendar Months, then every ſuch Tenant or Occupier ſhall, at the End of ſuch Term, peaceably and quietly deliver up the Poſſeſſion of the Premiſes ſo by him or her reſpectively occupied, whether upon Leaſe or otherwiſe, to the Perſon or Perſons who ſhall be appointed by the ſaid Commiſſioners to take Poſſeſſion thereof; and if any Perſon or Perſons ſo in Poſſeſſion ſhall refuſe to give up ſuch Poſſeſſion at the Expiration of ſuch Six Calendar Months after every ſuch Notice as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners to iſſue a Precept or Precepts to the Water Bailiff of the ſaid Town (who is hereby required to execute ſuch Precept or Precepts) to cauſe Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons as ſhall be in ſuch Precept or Precepts nominated to receive the ſame, and to direct the ſaid Water Bailiff to levy ſuch Coſts as ſhall accrue by Means of the iſſuing and Execution of every ſuch Precept, by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall have refuſed to give up ſuch Poſſeſſion as

aforeſaid, and ſhall refuſe or neglect to pay the ſame Coſts, and the ſaid Water Bailiff is hereby required to deliver Poſſeſſion, and levy ſuch Coſts in Manner aforeſaid.

Commiſſioners may purchaſe other Lands with the Conſent of the Owners, for widening the ſaid Street.

XXXVI. And be it further enacted, That if any other Houſes, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, ſhall be adjudged by the ſaid Commiſſioners to project into or obſtruct the Paſſage of the ſaid Highways, Streets, Lanes, Markets, Paſſages, and Places, within the ſaid Town, or Liberty thereof, or that by taking down the ſame, or any Part thereof, the Paſſage of the ſame may be widened, bettered, or improved, and the Owner or Owners thereof ſhall be willing to ſell the ſame, or ſo much of ſuch Houſes, Buildings, Lands, Tenements, or Hereditaments as ſhall be ſo adjudged to project into or obſtruct the Paſſage of the ſame, or that ſhall be neceſſary for the widening, bettering, or improving of the ſame, the ſaid Commiſſioners ſhall and may, and they are hereby empowered to purchaſe the ſame for the Purpoſes aforeſaid, and to pay for the ſame ſuch Sum and Sums of Money as ſhall be agreed upon by the ſaid Commiſſioners and the Owner or Owners thereof, out of the Money to ariſe by virtue of this Act, and to take down ſuch Houſes or Buildings, and lay the Scites thereof, and alſo ſuch other Lands, Tenements, or Hereditaments, or ſo much thereof as they the ſaid Commiſſioners ſhall think proper, into the ſaid Highways, Streets, Lanes, Markets, Paſſages, and Places.

Powers for preventing Nuiſances, Annoyances, and Obſtructions.

XXXVII. And be it further enacted, That if any Perſon or Perſons ſhall, within any Highway, Street, Market, Paſſage, or Place within the ſaid Town or Liberty thereof, or into the Stream or Water called *The Pent*, flowing through the ſaid Town, throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Rubbiſh, Offal, Dung, Soil, or other Filth or Annoyance, (except for ſuch Time, and in ſuch Manner as is herein-after directed), or ſhall ſet or place any Stall, Board, Baſket, Wares, Merchandize, Caſk, or Goods of any Kind whatſoever, or ſhall hoop, waſh, or cleanſe, any Pipe, Barrel, Caſk, or Veſſel, in or upon any of the Carriage or Footways, or ſet out, lay, place, or cauſe or procure, permit or ſuffer to be ſet out, laid, placed, or remain any Coach, Cart, Wain, Waggon, Dray, Sledge, or other Carriage, upon any of the ſaid Carriage or Footways, (except for the neceſſary Time of loading or unloading any Cart, Wain, Waggon, Dray, Sledge, or other Carriage, or taking up or ſetting down Paſſengers, or harneſſing or unharneſſing the Horſes from any Coach, Cart, Wain, Waggon, Dray, Sledge, or other Carriage), and ſhall not immediately remove the ſame when required ſo to do by any Perſon whomſoever, or if any Perſon or Perſons ſhall ſet or place, or cauſe to be ſet or placed, in any of the ſaid Carriage or Footways any Timber, Stones, Bricks, Lime, or other Materials or Things whatſoever, unleſs the ſame ſhall be incloſed as in and by this Act is directed, and ſhall not immediately remove the ſame, being thereunto required by any Perſon whomſoever, then and in every ſuch Caſe, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Town, upon Complaint made to him by One or more credible Witneſs or Witneſſes, to iſſue a Warrant, requiring ſuch Offender or Offenders to appear before him at ſuch Time and Place as ſhall be in ſuch Warrant ſpecified, and every ſuch Offender or Offenders ſhall, for every ſuch Offence, being

thereof duly convicted upon the Oath of any credible Witneſs or Witneſſes, (which Oath ſuch Juſtice is hereby authorized and required to adminiſter), forfeit and pay any Sum not exceeding Twenty Shillings, nor leſs than Ten Shillings; and it ſhall and may be lawful for any Perſon or Perſons appointed by the ſaid Commiſſioners to ſeize any ſuch Stall, Board, Baſket, Wares, Merchandize, Caſk, Goods, Coach, Cart, Wain, Waggon, Dray, Sledge, or other Carriage, together with the Horſe or Horſes, if any ſhall be thereunto belonging, with the Harneſs, Gears, and Accoutrements thereof, or any ſuch Timber, or other Materials or Things aforeſaid, and to cauſe the ſame to be removed to ſuch Place or Places as he or they ſhall judge convenient and proper, giving Notice to the Owner, Driver, or other Perſon having any Intereſt in the Stall, Board, Baſket, Wares, Merchandize, Caſk, Goods, Coach, Cart, Wain, Waggon, Dray, Sledge, or other Carriage, Horſes, Materials, or Things, ſo removed, if he, ſhe, or they can be found, of the Place or Places whereunto the ſame ſhall be ſo removed, and the ſame ſhall be there kept and detained until ſuch Owner, Driver, or other Perſon intereſted therein as aforeſaid ſhall cauſe to be paid the ſaid Penalty, together with the Charges of taking or removing the ſame, and of keeping ſuch Horſe or Horſes, if any; and in caſe the Stall, Board, Baſket, Wares, Merchandize, Caſk, Goods, Carriage, Horſes, Materials, or other Things ſo removed, ſhall not be claimed, and the ſaid Penalty and Charges paid within Five Days next after ſuch Removal thereof, then it ſhall be lawful for any Juſtice of the Peace of the ſaid Town of *Folkeſtone*, by Warrant under his Hand and Seal, to order the ſame to be ſold, and the Overplus of the Money ariſing by ſuch Sale ſhall be returned to the Owner or Owners thereof on Demand, after deducting the ſaid Penalty, and the Coſts, Charges, and Expences, attending ſuch ſeizing, removing, keeping, and ſelling the ſame, ſuch Coſts, Charges, and Expences, to be aſcertained and allowed by ſuch Juſtice of the Peace; and it ſhall be lawful for any Perſon or Perſons whomſoever, who ſhall ſee any Duſt, Offal, Dung, Rubbiſh, Soil, or other Filth or Annoyance whatſoever, placed, thrown, caſt, or laid in any of the Streets, Lanes, and Places, within the ſaid Town, and Liberty thereof, to ſeize and apprehend, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing and apprehending, the Offender or Offenders, and he or they is and are hereby authorized and required ſo to do, and by the Authority of this Act, and without any other Warrant, to convey ſuch Offender or Offenders before ſuch Juſtice of the Peace, who, upon Oath being made of ſuch Offences as aforeſaid, ſhall and may commit the Offender or Offenders to the Common Gaol or Houſe of Correction for the ſaid Town, there to be kept to Hard Labour for any Time not exceeding Fourteen Days, nor leſs than Seven Days, unleſs the ſaid Penalty ſhall be ſooner paid.

Hoards to be erected.

XXXVIII. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall make any Mortar, or depoſit any Bricks, Stone, Lime, Sand, or any other Materials for building or repairing any Houſe, Shop, Warehouſe, Coach Houſe, Stable, or Tenement, or other Works, or for any other Purpoſes; or ſhall ſift, ſereen, or ſlack, any Lime, (except within a Hoard or Incloſure to be erected for thoſe Purpoſes), in any Highway, Street, Lane, Market, Paſſage, or Place, or cauſe the ſame to be ſo done, within the ſaid Town, or Liberty thereof; or ſhall make, or aſſiſt in making, any Fire or Fires commonly called *Bonfires*, or ſet fire to,

No Lime to be ſlacked in the Streets, &c.

to, or let off or throw, any Fire Works whatſoever in or about the ſame, he, ſhe, or they ſhall forfeit and pay, for every ſuch Offence, the Sum of Twenty Shillings.

Swine not to ſtray in the Streets.

XXXIX. And be it further enacted, That if any Perſon ſhall ſuffer any Sort or Manner of Swine to ſtray, wander, or go about any of the Highways, Streets, Lanes, Markets, Paſſages, or Places, within the ſaid Town of *Folkeſtone*, or Liberty thereof, every ſuch Perſon ſhall, for each Head of Swine, forfeit and pay any Sum not exceeding Ten Shillings; and it ſhall and may be lawful for any Perſon or Perſons appointed by the ſaid Commiſſioners, to ſeize and detain the ſame until ſuch Penalty ſhall be paid; and in caſe the ſaid Penalty ſhall not be paid within Five Days after ſuch Seizure, it ſhall and may be lawful to and for any Juſtice of the Peace for the ſaid Town of *Folkeſtone* to order the ſame, by a Warrant under his Hand and Seal, to be ſold, and the Overplus of the Monies ariſing by ſuch Sale ſhall be paid to the Owner or Owners thereof, on Demand, after deducting the ſaid Penalty, and the Coſts and Charges of ſeizing, detaining, and ſelling the ſame.

Inhabitants to give Notice to Surveyors when Pavements want any Repairs.

XL. And be it further enacted by the Authority aforeſaid, That if any Houſeholder or Houſeholders within the ſaid Town or Liberty thereof, ſhall make Complaint in Writing, under his, her, or their Hand or Hands, and ſhall leave the ſame at the laſt or uſual Place of Abode of the Surveyor or Surveyors to the ſaid Commiſſioners, of any Defect or Want of Repair in any of the Pavements of any of the ſaid Highways, Streets, Lanes, Markets, Paſſages, or Places, either before or after the ſame ſhall have been new paved or repaired by virtue of this Act, Six Days before the Meeting of the ſaid Commiſſioners, then and in every ſuch Caſe the ſaid Surveyor or Surveyors ſhall view the ſaid Pavement, and report the Condition thereof to the ſaid Commiſſioners at their next Meeting; and if the ſaid Surveyor or Surveyors, to whom ſuch Notice ſhall be given or left as aforeſaid, ſhall upon ſuch View find the Pavements complained of to be bad and defective, the ſaid Commiſſioners ſhall or may order their Contractor or Contractors, Paviour or Paviours, to repair the ſame, within ſuch Time as they the ſaid Commiſſioners ſhall judge neceſſary for the Repair thereof, which Time ſhall be ſpecified in ſuch Order; and if the Contractor or Contractors, Paviour or Paviours, to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavements within ſuch Time as he or they ſhall be directed by the ſaid Commiſſioners to repair and amend the ſame, then and in every ſuch Caſe the ſaid Contractor or Contractors, Paviour or Paviours, ſhall forfeit and pay the Sum of Five Shillings for every Day that the ſame defective Pavement ſhall remain unrepaired after the Time limited by the ſaid Commiſſioners in their ſaid Order; and One Half of every ſuch Penalty ſhall be applied and paid to ſuch complaining Inhabitant for his or her Loſs of Time and Trouble in and about the Premiſes.

If Surveyors think ſuch Pavements not defective, Commiſſioners to view the ſame.

XLI. Provided always, and it is hereby enacted and declared, That if the ſaid Surveyor or Surveyors ſhall, on any ſuch View or Views, be of Opinion that the Pavement or Pavements mentioned to be bad and defective by ſuch Houſeholder or Houſeholders in ſuch Notice, is not bad and defective, then and in ſuch Caſe the ſaid Commiſſioners, or any

Three or more of them, ſhall forthwith proceed to view the ſaid Pavement, and their Opinion and Order concerning the ſame, after ſuch View, ſhall be final and concluſive, any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Names of Streets to be affixed up, and Houſes numbered.

XLII. And be it further enacted, That the ſaid Commiſſioners ſhall and may cauſe to be painted or deſcribed in Stone or Wood, or otherwiſe, and to be affixed on a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance of each of the ſaid Highways, Streets, Lanes, Paſſages, and Places, the Name by which each reſpective Street, Lane, Paſſage, and Place is properly or uſually called or known, and may alſo cauſe every Houſe, Shop, or Warehouſe in each of the ſaid Streets and Places to be marked and numbered, in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon or Perſons ſhall wilfully deſtroy, pull down, injure, obliterate, or deface, any ſuch Names, Deſcriptions, Marks, or Numbers, or any Parts or Part thereof, or cauſe or procure the ſame to be done, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Shillings nor leſs than Five Shillings.

Penalty on defacing the Numbers, &c.

Penalty on Owners not reſtoring Numbers.

XLIII. And be it further enacted, That when any Number or Numbers painted or put on any Houſe or Tenement, within the Limits aforeſaid, ſhall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of any ſuch Houſe or Tenement, where the Number or Numbers ſhall have been ſo defaced or rubbed out, ſhall, upon perſonal Notice given to him, her, or them, or upon Notice in Writing left at his, her, or their laſt or moſt uſual Place of Abode by the Clerk to the ſaid Commiſſioners, or by ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, cauſe the ſame Number or Numbers to be in the ſame or like Manner painted or put on ſuch Houſe, Shop, Warehouſe, or other Premiſes, within Six Days after ſuch Notice, and in caſe of Neglect or Refuſal to comply with ſuch Order, every ſuch Owner or Occupier ſhall forfeit and pay, for every ſuch Offence, the Sum of Five Shillings.

Projections to be avoided.

XLIV. And be it further enacted, That all Houſes and Buildings hereafter to be built or new fronted in the ſaid Highways, Streets, Lanes, Paſſages, or Places, or either of them, ſhall be erected, perpendicular from the Foundation; and if any Perſon or Perſons ſhall at any Time or Times build or cauſe to be built a new Front otherwiſe than perpendicularly from the Foundation, it ſhall and may be lawful to and for the ſaid Commiſſioners, by Warrant under their Hands and Seals, to cauſe the ſame to be pulled down and removed, the Coſts, and Charges whereof ſhall be paid and reimburſed to the ſaid Commiſſioners, or to their Order, by the Owner or Owners of ſuch Houſes or Buildings.

Rules for cleanſing the Streets.

XLV. And be it further enacted, That all and every Perſon and Perſons inhabiting within the ſaid Town of *Folkeſtone*, or Liberty thereof, ſhall, from and after the Firſt Meeting of the ſaid Commiſſioners to be held after the paſſing of this Act, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, the Highways, Streets, Lanes, and Paſſages, within

the ſaid Town, or Liberty thereof, before or on the Sides of their reſpective Houſes, Warehouſes, Shops, Stables, or other Buildings, (not being dead Walls), to the Middle of ſuch Highways, Streets, Lanes, and Paſſages, on the *Saturday* in every Week, between the Hours of Six in the Morning and Two in the Afternoon, or at ſuch other Times as the ſaid Commiſſioners ſhall appoint, and collect and put together the Duſt and Soil in the ſaid Highways, Streets, Lanes, and Paſſages, with the leaſt Obſtruction to the Highway, Street, Lane, or Paſſage therein reſpectively that may be, in order that the ſame may be ready for the Scavenger to carry away, upon Pain of forfeiting the Sum of Five Shillings for every Offence or Neglect; and the Scavenger or Scavengers, or other Perſon or Perſons to be from Time to Time appointed for that Purpoſe, ſhall, and they are hereby commanded to ſweep and cleanſe the Highways, Streets, Lanes, or Paſſages, before all void Houſes, dead Walls, void or waſte Ground and Places, Church Yards, the Guildhall, and all other the publick Buildings, within the ſaid Town of *Folkeſtone*, or Liberty thereof, at ſuch Times as ſhall be appointed by the ſaid Commiſſioners, and collect and put together the Dirt and Soil thereof in the Manner aforeſaid, in order that the ſame may be ready for loading and carrying away, upon Pain of forfeiting Five Shillings for every Offence or Neglect; and ſuch Scavenger or Scavengers, or other Officer thereto appointed in purſuance of this Act, ſhall come on the *Saturday* in every Week, or on ſuch other Days and Times as the ſaid Commiſſioners ſhall appoint, into ſuch Parts of the Town as ſhall be appointed, and bring or cauſe to be brought a Cart or Carts, or other Conveniencies, into all Highways, Streets, Paſſages, and Places, within the ſaid Town, and Liberty thereof, where ſuch Cart or Carts, or other Conveniencies, can paſs, and at or before their Approach, by Bell, loud Voice, or otherwiſe, ſhall give Notice of his or their coming, and give the like Notice to the Inhabitants in every Court, Paſſage, or Place into which the ſaid Cart or Carts, or other Conveniencies cannot paſs, and abide and ſtay there a convenient Time, ſo that the Inhabitants or Perſons concerned reſpectively may bring ſuch their Aſhes, Rubbiſh, Duſt, Dirt, Dung, and Filth, (except any Filth from any Bog Houſe or Bog Houſes), to ſuch Cart or Carts, or other Conveniencies, all which Aſhes, Rubbiſh, Dirt, Duſt, Dung, and Filth, (except as aforeſaid), as well as all ſuch Dirt and Soil as ſhall be ſwept up and collected together as aforeſaid, the ſaid Scavenger or other Officer appointed for that Purpoſe ſhall then immediately, or as ſoon as may be, carry away or cauſe to be carried away, *gratis*, upon Pain of forfeiting Ten Shillings for every Offence or Neglect; and no Perſon or Perſons whoſoever ſhall take or carry away, or cauſe to be taken or carried away any Aſhes, Dirt, Duſt, Muck, Dung, or Manure, out of the ſaid Highways, Streets, Lanes, and Paſſages of the ſaid Town of *Folkeſtone*, beſides ſuch Scavenger or other Officer to be appointed by the ſaid Commiſſioners for that Purpoſe as aforeſaid, (except and unleſs the ſame ſhall be taken or carried away by the Perſon or Perſons to whom the ſame ſhall reſpectively belong, or by his, her, or their Order and Directions, before the Time that ſuch Scavenger or other Officer as aforeſaid ſhall come to carry away the ſame, and except ſuch Muck, Dung, or Manure, ſhall be brought into the ſaid Highways, Streets, Lanes, or Paſſages, from their reſpective Dungholes or Dunghills, for the Convenience of loading and carrying away the ſame), on Pain of forfeiting and paying the Sum of Five Shillings for every ſuch Offence; and no Inhabitant

habitant of the ſaid Town of *Folkeſtone*, or any other Perſon, ſhall permit or ſuffer any Dung, Muck, or Manure, by them or any of them brought or cauſed to be brought into the ſaid Streets, Lanes, or Paſſages as aforeſaid, in order to be laden or carried away, to continue or remain therein above the Space of Four Hours, on Pain of forfeiting Five Shillings for every ſuch Offence.

Commiſſioners may compound with the Inhabitants.

XLVI. Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, from Time to Time, as they ſhall think proper, to compound and agree with the Inhabitants, or any of them, of any Highway, Street, Lane, or Paſſage within the ſaid Town of *Folkeſtone*, or Liberty thereof, reſpectively, by the Year, for ſuch Sum or Sums of Money as they the ſaid Commiſſioners ſhall think proper, for the ſweeping and cleanſing to be done by ſuch Inhabitants reſpectively by virtue of this Act; provided ſuch Compoſition Money be always paid down in Advance.

Commiſſioners to regulate the Markets.

XLVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to make and ordain ſuch Orders, Rules, and Regulations as to them ſhall from Time to Time ſeem requiſite and neceſſary for the ordering, directing, and appointing the particular Time or Times, Hour or Hours, at which all Meat, Fiſh, Poultry, Butter, Eggs, Fruit, Herbs, Roots, Garden Stuff, and other Foods, Wares, and Commodities ſhall be offered and expoſed to ſale in the Market Houſe of the ſaid Town of *Folkeſtone*, and how long the ſame ſhall continue, and ſhall from Time to Time cauſe ſuch Rules, Orders, and Regulations to be proclaimed in open Market, and the Times of beginning and concluding ſuch Market to be announced by the ringing of a Bell, or by ſuch other Ways and Means as to the ſaid Commiſſioners ſhall from Time to Time ſeem meet; and it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered at any Time hereafter to remove the ſaid Market to any other more convenient Place within the ſaid Town, as to them ſhall ſeem meet, for the Convenience of the ſaid Inhabitants of the ſaid Town, and Perſons reſorting thereto, and to make proper Avenues and Entries thereto.

To prevent Encroachments on the Market.

XLVIII. And, for preventing any Encroachments from being made in the ſaid Market, be it further enacted, That it ſhall not be lawful for any Perſon or Perſons to erect or hold any other Market within the ſaid Town, or to vend or expoſe to ſale any Manner of Fleſh or other raw Victuals, Fiſh, Poultry, Butter, Eggs, Fruit, Herbs, or Garden Stuff, which are uſually ſold in publick Markets, in any other Place whatſoever in the ſaid Town of *Folkeſtone* (except as herein-after mentioned); and every Perſon who ſhall ſo vend or expoſe to ſale any Manner of Fleſh or other raw Victuals, Fiſh, Poultry, Butter, Eggs, Fruit, Herbs, Roots, or Garden Stuff, out of the ſaid Market, within the ſaid Town (except as herein-after mentioned), and ſhall be convicted thereof before any Two or more Juſtices of the Peace acting for the ſaid Town of *Folkeſtone*, ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds, to be recovered by Diſtreſs and Sale of the Goods and Chattels of the Offenders, rendering the Overplus, (if any), after deducting the Expence of ſuch Diſtreſs and Sale, to the Owners thereof; One Moiety whereof

ſhall go to the Informer, and the other Moiety thereof to the Purpoſes of this Act.

Fiſhermen may ſell Fiſh on the Strand, and Inhabitants Proviſions, &c. in their Houſes.

XLIX. Provided always, That nothing herein contained ſhall be conſtrued to extend to prevent the Fiſhermen of the ſaid Town of *Folkeſtone* from ſelling Fiſh on the Stade or Strand within the ſaid Town; or any of the Inhabitants of the ſaid Town from ſelling any Manner of Fleſh or other raw Victuals, Fiſh, Poultry, Butter, Eggs, Fruit, Herbs, Roots, or Garden Stuff, in their Houſes.

General Highway Act to remain in Force.

L. And be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as to repeal, aboliſh, or in anywiſe alter, the Proviſions of the Statute made in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preſervation of the publick Highways within that Part of* Great Britain *called* England, *and for other Purpoſes*, or of any other Statute or Statutes for the Amendment and Preſervation of the Highways of and in the Town of *Folkeſtone*, or the Liberty thereof, or to repeal, aboliſh, or in anywiſe alter the Remedies, Powers, and Authorities for enforcing and recovering ſuch Proviſions; but that the Commiſſioners for carrying this Act into Execution ſhall be, and are hereby inveſted with all and ſingular the Powers and Authorities created and given by the ſaid recited Statute, or any other Statute or Statutes now in Force, to the Surveyors of the Highways in all Caſes whatſoever.

Surveyors of the Highways to produce the Accounts to the Commiſſioners.

LI. And be it further enacted by the Authority aforeſaid, That the Surveyors of the Highways for the ſaid Town of *Folkeſtone*, and Liberty thereof, ſhall, on a certain Day to be appointed by the ſaid Commiſſioners, within One Calendar Month after the Firſt Meeting of the ſaid Commiſſioners, produce their Accounts for the Highways, from the Time of their entering upon the ſaid Office of Surveyors to the ſaid Day, to the ſaid Commiſſioners for their Inſpection; and the ſaid Commiſſioners are hereby authorized and directed to peruſe and examine ſuch Accounts, and if they ſhall appear to be juſt and fair to the ſaid Commiſſioners, they the ſaid Commiſſioners are hereby directed to ſign and paſs the ſaid Accounts, and ſuch ſigning and paſſing of the ſaid Accounts by the ſaid Commiſſioners ſhall be final and concluſive; and the ſaid Surveyors ſhall not from that Time be liable to any Demand or Appeal from any Perſon or Perſons whomſoever; and the ſaid Surveyors are hereby directed to pay into the Hands of the Treaſurer to the ſaid Commiſſioners, or of ſuch other Perſon or Perſons as the ſaid Commiſſioners ſhall direct or appoint, for the Uſes and Purpoſes of this Act, whatſoever Balance or Sum or Sums of Money may remain in the Hands of the ſaid Surveyors after paſſing and ſigning the ſaid Accounts; and at the ſame Time ſhall deliver, or cauſe to be delivered, all Accounts, Books, and Papers relative to the Highways which ſhall be in their Cuſtody, and all Tools and Implements for working in the Highways, and which at any Time ſhall have been purchaſed with the Money collected for the amending the Highways, to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint.

The Highway Rate to be paid to Commissioners.

LII. And whereas several of the Highways, Streets, Markets, Passages, Lanes, and Places, intended to be paved by virtue of this Act, have usually been repaired out of the Money arising from the Highway Rate, be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners to appropriate the Money to be raised by the said Highway Rate to the Use of the Repairs of the said Highways, and the Pavement intended to be made pursuant to this Act; and that from the Time of passing the said Accounts and Payment of the said Balance, the Office or Appointment of Surveyor of the Highways within the said Town and Liberty thereof shall cease and determine, except as to their making and collecting as heretofore the Rate or Assessment for the amending and repairing the Highways within the said Town or Liberty thereof, and paying the Sum or Sums of Money to be by them collected annually to the said Commissioners, and they are hereby required to pay the same accordingly; any Thing contained in this or any former Act or Acts to the contrary notwithstanding.

Commissioners empowered to make a new Highway.

LIII. And be it further enacted, That the said Commissioners shall have full Power and Authority, and they are by this Act authorized and empowered to cut and make a new Highway from and out of the Turnpike Road leading from *Dover* to the Town of *Folkestone*, at a certain Place called *Sandy Lane*, near to the Workhouse belonging to the said Town of *Folkestone*, across the Stream there into *Rendezvous Street*, opposite to the North-east End of *Butchery Row*, in the said Town of *Folkestone*, and also to cut and make a new Highway from and out of the said Turnpike Road, at a certain Place called *Tanner's Bank*, opposite the Tan Yard there, into the said Town of *Folkestone*, to a certain Place or Street there called *East Brook*, and for that Purpose to purchase or contract for the Purchase of any Walls, Messuages, Buildings, Lands, Grounds, or Tenements, by and with the Consent of the Owners and Proprietors thereof.

New Highway, &c. to be made by Subscription.

LIV. And whereas the Expence of purchasing the said Walls, Messuages, Buildings, Lands, Grounds, or Tenements, and of making the said Highway, is intended to be borne and defrayed by the voluntary Subscriptions of such Persons as shall be willing and desirous of contributing thereto; be it therefore enacted, That all and every the Person or Persons who shall be willing and desirous of contributing towards the Expences of purchasing the said Walls, Messuages, Buildings, Lands, Grounds, or Tenements, and making the said Highways, are hereby authorized and empowered to pay the same into the Hands of the Clerk or Treasurer of the said Commissioners, who is hereby appointed the Receiver thereof; and such Clerk or Treasurer is hereby directed and required to pay the same to the said Commissioners, or to such Person or Persons as they the said Commissioners shall appoint to receive the same.

Commissioners to appoint Assessors, &c.

LV. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, Once in every Year, by Writing under their Hands, to nominate and appoint Two or more Inhabitants of the said Town or Liberty thereof, to be Assessors of the Money herein directed to be raised on all Houses, Buildings, Yards, Gardens, and Hereditaments.

Houſes, &c. where the Pavement extends to be aſſeſſed.

LVI. And be it further enacted, That the Houſes, Buildings, Yards, Gardens, and Hereditaments, within the ſaid Town of *Folkeſtone*, or Liberty thereof, and which ſhall adjoin unto or abut upon any of the Highways, Streets, Lanes, Markets, Paſſages, or Places, paved or repaired by this Act within the ſaid Town, or Liberty thereof, ſhall be aſſeſſed at the Rate of Sixpence in the Pound, according to the Annual Value of ſuch Houſes, Buildings, Yards, Gardens, and Hereditaments reſpectively; ſuch Annual Value to be from Time to Time ſettled and affixed, according to the reſpective Rents which ſuch Houſes, Buildings, Yards, Gardens, and Hereditaments, are or ſhall be taxed at for the Relief of the Poor; but if in any ſuch Poor Rates any Perſon or Perſons ſhall be omitted to be rated, then, and in every ſuch Caſe, the Name or Names of ſuch Perſon or Perſons ſo omitted ſhall be added to the Rate or Aſſeſſment thereby directed to be made, and he, ſhe, or they ſhall be rated and aſſeſſed according to the letting, or if the ſame be not let, according to the juſt and true Annual Value of the Premiſes by him, her, or them occupied; and where any Lands or Hereditaments ſhall be intermixed and jointly aſſeſſed with other Meſſuages, Lands, or Hereditaments, in ſuch Poor Rates, then ſuch Parts thereof as are liable to be aſſeſſed under this Act, ſhall be rated at ſuch Annual Sums as the ſaid Commiſſioners ſhall think juſt and reaſonable; and the Firſt Year for which ſuch Rate or Aſſeſſment ſhall be made ſhall commence on the Twenty-fifth Day of *June* One thouſand ſeven hundred and ninety-ſix, and the Monies to be rated and aſſeſſed ſhall be paid from Time to Time, by equal Half-yearly Payments, to the Collector or Collectors herein directed to be appointed, and ſhall be paid over by ſuch Collector or Collectors into the Hands of the Treaſurer to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall from Time to Time appoint to receive the ſame; and in order to make ſuch Rates or Aſſeſſments, the Churchwarden and Overſeers of the Poor of the ſaid Town of *Folkeſtone* ſhall, and they are hereby required, at all ſeaſonable Times, to permit the Treaſurer, Clerk, or Aſſeſſors, to the ſaid Commiſſioners, or any other Perſon to be appointed by the Commiſſioners, to peruſe and inſpect the Rates or Aſſeſſments made at any Time within Seven Years then next preceding for the Relief of the Poor of the ſaid Town, and Liberty thereof, and to take any Copies thereof, or Extracts therefrom; and if any ſuch Churchwarden or Overſeers of the Poor ſhall refuſe or neglect to permit any ſuch Peruſal or Inſpection, or the taking of any ſuch Copy or Extracts, he or they ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of Five Pounds.

To be rated according to the Poor Rate.

Aſſeſſors to inſpect Poor Rate, &c.

Rate may be amended.

LVII. And be it further enacted, That every Rate and Aſſeſſment which ſhall be made in purſuance of this Act ſhall be allowed and ſigned by the ſaid Commiſſioners, and they ſhall and may have Power to amend any ſuch Rate or Aſſeſſment, by inſerting or ſtriking out the Name or Names of any Perſon or Perſons who ought or ought not to have been rated or aſſeſſed, and the ſaid Aſſeſſors ſhall, and they are hereby required to rate and aſſeſs the Perſon or Perſons whoſe Name or Names ſhall be ſo inſerted, according to the Tenor, true Intent, and Meaning of this Act; and the ſaid Aſſeſſors ſhall appear at the Time and Place mentioned and appointed in the Order from the ſaid Commiſſioners, and then and there produce and deliver to them a Copy or Duplicate of the Aſſeſſment, fairly written, and ſubſcribed by them, and ſhall from Time to Time, upon Two Days Notice to them given by the ſaid Commiſſioners,

Aſſeſſors to appear and juſtify their Rates.

Commiſſioners, or their Clerk, attend upon them at any of their Meetings in purſuance of this Act, and at any Court or Courts of Quarter Seſſions held in and for the ſaid Town of *Folkeſtone*, or any Adjournment thereof, or otherwiſe, as there ſhall be Occaſion, then and there to explain, amend, and juſtify ſuch their Rates or Aſſeſſments; and after the ſaid Rates or Aſſeſſments ſhall have been made and confirmed, the ſaid Commiſſioners ſhall and may, and are hereby authorized and required to cauſe the ſame to be collected and received, as ſoon as may be, of and from the Perſon or Perſons reſpectively on whom the ſame ſhall be reſpectively rated, charged, or aſſeſſed; and ſhall and may yearly and every Year nominate and appoint the ſaid Aſſeſſors, or any Two or more of the Inhabitants or Reſidents in the ſaid Town, or Liberty thereof, to be Collectors of the ſaid Rates or Aſſeſſments, and ſhall and may, from Time to Time, as ſoon as may be after ſuch Rates or Aſſeſſments ſhall be made and confirmed as aforeſaid, iſſue their Order to the ſaid Collectors for the Time being, requiring them jointly or ſeverally to collect and receive the ſame; and the ſaid Collectors are hereby ordered and required to collect and receive the reſpective Sums of Money expreſſed and contained in ſuch Rate or Aſſeſſment accordingly, within Twenty Days from the Date thereof, Duplicates of which Aſſeſſments, under the Hands of the ſaid Commiſſioners, ſhall be delivered, together with the ſaid Order, to any One of the ſaid Collectors, and ſuch Collector or Collectors, to whom any Order or Orders from the ſaid Commiſſioners ſhall from Time to Time be directed, ſhall obey and execute the ſame in all Reſpects whatſoever; and the ſaid Commiſſioners ſhall and may, from Time to Time, as they ſhall ſee Occaſion, remove any Collector or Collectors, and appoint any other Inhabitant or Inhabitants of, or Reſident or Reſidents in, the ſaid Town, or Liberty thereof, in his or their Stead; and the ſaid Collectors ſhall, and they are hereby required to pay the Money ſo collected and received by virtue of this Act, when and ſo often as he or they ſhall have collected the Sum of Twenty Pounds, to the Clerk or Treaſurer acting under the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, to be applied for the Uſes and Purpoſes of this Act, and ſhall and are hereby required at the Time of making every ſuch Payment, to deliver to the Perſon or Perſons empowered to receive the ſame, a true and exact Copy or Duplicate of the Rate or Aſſeſſment whereby the ſame was collected, together with an Account thereof, and alſo of all and every Sum and Sums of Money rated or aſſeſſed in ſuch Rates or Aſſeſſments as ſhall remain uncollected, together with the Reaſons why the ſame ſhall not have been collected, in order that it may appear whether the Non-payment hath happened through the Inſolvency of the Parties rated, or through the Default of the Collector or Collectors; and in caſe any Perſon or Perſons ſhall refuſe or neglect to take upon him or them the Office of Aſſeſſor or Aſſeſſors, Collector or Collectors under this Act reſpectively, or duly to execute the ſame, according to the true Intent and Meaning hereof, then and in every ſuch Caſe every ſuch Perſon ſhall forfeit and pay the Sum of Five Pounds.

Rates to be collected.

Collectors to be appointed.

Collectors to pay the Money to the Commiſſioners Clerk.

Penalty on refuſing to execute the Office of Aſſeſſor or Collector.

LVIII. Provided always, and be it enacted, That no Perſon who ſhall be nominated and appointed, and ſhall ſerve either of the ſaid Offices of Aſſeſſor or Collector, or have paid the ſaid Fine for not ſerving the

Collectors not to be appointed Twice in Three Years.

the ſame, ſhall be again appointed to ſerve the ſame Office in leſs than Three Years after the End of ſuch Service, or Payment of ſuch Fine.

Tenants to pay Rates.

LIX. And be it further enacted, That the ſeveral and reſpective Tenants or Occupiers of all Houſes, Buildings, Yards, Gardens, and Hereditaments in the ſaid Town of *Folkeſtone*, or Liberty thereof, who ſhall be rated by this Act, are hereby required to pay ſuch Sum or Sums of Money to the Collector or Collectors of the ſaid Commiſſioners, as ſhall be rated upon ſuch Houſes, Buildings, Yards, Gardens, and Hereditaments, and are hereby empowered to deduct the ſame out of their reſpective Rents, and their reſpective Landlords are hereby required to allow ſuch Deductions and Payments accordingly.

Undertenants, &c liable to the Rates.

LX. And whereas there are many Houſes, Buildings, Tenements, Hereditaments, and Premiſes, within the ſaid Town or Liberty thereof, which are taken on Leaſes for Years or otherwiſe, and by the Leſſees or Tenants, and alſo by Landlords or Owners thereof, are let out in Parts or ſeparate Apartments to Undertenants, and other Houſes and Premiſes are let ready furniſhed; be it therefore enacted, That the ſeveral Leſſors, Leſſees, Landlords, Owners, or Proprietors of all ſuch Houſes, Buildings, Tenements, or Hereditaments ſo let, or which ſhall hereafter be ſo let out in Parts or ſeparate Apartments, or ready furniſhed, ſhall reſpectively be deemed and taken as the Occupier thereof, and ſhall be liable and ſubject to the Payment of the Rate or Aſſeſſment directed by this Act to be made, raiſed, levied, and recovered, according to ſuch Proportion of the Yearly Rent or Value of ſuch Premiſes as aforeſaid.

For re-imburſing the Tenant.

LXI. And for the more eaſy Recovery of ſuch Rates or Aſſeſſments reſpectively, be it further enacted, That each and every Perſon ſo renting or occupying any ſuch Part or ſeparate Apartment as aforeſaid, ſhall be liable and compellable to the Payment of the ſaid Rate or Aſſeſſment, and all Arrears due thereon, to be recovered in Manner herein-after directed; and the reſpective Occupiers who ſhall pay ſuch Rate or Aſſeſſment, or any Arrears due thereon, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent, or any other Rent due and payable from him, her, or them, to ſuch reſpective Leſſor or Landlord, Owner or Proprietor, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for all and every ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for ſo much Money as he, ſhe, or they ſhall pay, or ſhall be levied and recovered on the Goods and Chattels of him, her, or them reſpectively, by virtue of this Act.

Perſons quitting Houſes or Premiſes before Payment of the Rate, and Perſons entering in ſuch Houſes or Premiſes, to be ſubject to the Payment

LXII. And be it further enacted, That in caſe any Perſon ſhall remove out of or from, or quit the Poſſeſſion of any Houſe, Building, Tenement, Ground, or Hereditament, before the Rate or Aſſeſſment charged thereon by virtue of this Act ſhall be paid; or if any Perſon ſhall enter into the Occupation of any Houſe, Building, Tenement, Ground, or Hereditament, out of or from which any other Perſon ſhall have ſo removed, before Payment of the ſaid Rate or Aſſeſſment, or which at the Time of rating or aſſeſſing the ſame as aforeſaid ſhall be

empty

empty or unoccupied, then the Perſon ſo removing out of or from, or quitting the Poſſeſſion, and the Perſon entering into the Occupation of any ſuch Houſe, Building, Tenement, Ground, or Hereditament, ſhall be reſpectively liable to the Payment of the Rate or Aſſeſſment in Proportion to the Time ſuch Perſons poſſeſſed or occupied the ſame reſpectively, in like Manner as if the Perſon ſo removing or quitting as aforeſaid, had remained in the Poſſeſſion and Occupation of ſuch Houſe, Building, Tenement, Ground, or Hereditament, or the Perſon ſo entering into the Occupation thereof had been originally rated or aſſeſſed, which Proportion (in caſe of Diſpute) ſhall be aſcertained by any Two or more of His Majeſty's Juſtices of the Peace for the ſaid Town of *Folkeſtone*. thereof for the Times of their occupying the ſame.

LXIII. And be it further enacted, That when and as often as the Goods, Chattels, and Effects of any Perſon or Perſons liable to pay the ſaid Rate or Aſſeſſment by virtue of this Act, ſhall be taken in Execution within the ſaid Town, or Liberty thereof, before ſuch Rate or Aſſeſſment ſhall have been paid, then the Officer taking ſuch Goods, Chattels, and Effects, in Execution, upon Demand made by the Collector or Collectors for the Time being to the ſaid Commiſſioners, ſhall, and he is hereby directed and required, in the Firſt Place, to pay to ſuch Collector or Collectors ſuch Rate or Aſſeſſment, ſo made as aforeſaid, and which ſhall not have been paid by ſuch Perſon or Perſons, and all Arrears due thereon: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, ſo as to charge ſuch Officer with the Payment of more than One Year's Rate, or of a larger Sum of Money than the Value of the Goods, Chattels, and Effects, ſo taken in Execution. Rates to be paid where Goods are taken in Execution.

LXIV. And be it further enacted, That in caſe any of the Inhabitants or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Leſſor or Leſſors, Leſſee or Leſſees, of any Land, Ground, Houſe, Shop, Building, Tenement, or Hereditament within the ſaid Town, or Liberty thereof, and herein made liable to pay the Rate or Aſſeſſment made, laid, and aſſeſſed by virtue of this Act, ſhall refuſe or neglect to pay the Money rated and aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, within Ten Days after perſonal Demand made thereof by the ſaid Collector or Collectors, or in Writing, ſigned with the Name or Names of the ſaid Collector or Collectors, and left at the laſt or uſual Place of Abode of ſuch Perſon or Perſons, it ſhall and may be lawful to and for the ſaid Collector or Collectors to collect and levy ſuch Rates or Aſſeſſments, by Warrant under the Hands and Seals of Two of His Majeſty's Juſtices of the Peace for the ſaid Town of *Folkeſtone*, and all Arrears due upon the ſaid Rate or Aſſeſſment, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing, which ſhall be found either in the ſaid Town of *Folkeſtone*, or Liberty thereof, or in any other County, City or Liberty, (ſuch Warrant being firſt backed, or counterſigned by ſome Magiſtrate for the County, City, or Liberty where the Diſtreſs is to be made, which Warrant ſuch Magiſtrate is hereby required to back or counterſign without Fee or Reward); and if within Five Days next after ſuch Diſtreſs ſhall be made, the ſaid Rate or Aſſeſſment, together with all Arrears due thereon, ſhall not be paid, together with the reaſonable Charges of taking On Refuſal to pay Rate, how to be recovered.

taking and keeping the ſame, the ſaid Collector or Collectors ſhall cauſe the ſaid Goods to be appraiſed and ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rate or Aſſeſſment, together with all Arrears due thereon, and the reaſonable Charges of making ſuch Diſtreſs, and of keeping and ſelling the ſame, returning the Overplus (if any be) to the Owner and Owners of ſuch Goods and Chattels reſpectively.

No Tythe, Meadow, Paſture, or Arable Land, to be rated.

LXV. Provided always, That nothing in this Act ſhall extend, or be conſtrued to extend, to rate or aſſeſs any Perſon or Perſons for any Tythe or Tythes, nor for any Meadow, Paſture, or Arable Land.

Rate upon Coals.

LXVI. And, for raiſing an additional Fund for the Purpoſes aforeſaid, be it further enacted, That for all Sorts of Coals, Coke, and Cinder, which, from and after the *Monday* after the paſſing of this Act, ſhall be landed, carried, or delivered within the Town of *Folkeſtone*, or the Liberty thereof, or through any Part of the ſaid Town, or Liberty thereof, there ſhall be paid by way of Impoſition thereon, over and above all other Impoſitions and Duties due and payable for Coals, Coke, or Cinder, by virtue of any Law or Statute now in Force, the Rates hereinafter mentioned; that is to ſay, for ſuch Coals, Coke, or Cinder as are, or ſhall or may be uſually ſold by the Chaldron, for every Chaldron thereof, containing Forty Buſhels *Wincheſter* Meaſure, the Sum of One Shilling, and ſo in Proportion for any leſs Quantity than a Chaldron; and for all ſuch Coals, Coke, or Cinder as are, or ſhall or may be uſually ſold by the Ton, or for every Ton thereof containing Twenty hundred Weight, the Sum of One Shilling, and ſo in Proportion for any leſs Quantity than a Ton; which ſaid Impoſition of One Shilling for every Chaldron or Ton of Coals, Coke, or Cinder reſpectively, ſhall from Time to Time be paid to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall from Time to Time appoint to collect and receive the ſame; and ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall from Time to Time appoint as aforeſaid, is and are hereby authorized and empowered to demand, collect, receive, and take of and from the Maſters and Owners, Maſter and Owner, or other Perſon or Perſons having the Rule or Command of every Ship, Bark, or other Veſſel, and of and from all and every Perſon and Perſons bringing or cauſing to be brought within the ſaid Town, or Liberty thereof, any Coals, Coke, or Cinder, by Land Carriage, upon which no Rate ſhall have been before paid by virtue of this Act, the Sum of One Shilling for each and every Chaldron or Ton of Coals, Coke, or Cinder, and ſo in Proportion for a leſs Quantity than a Chaldron or Ton, which ſhall be landed, delivered, or diſcharged out of any Ship, Bark, Veſſel, Waggon, Cart, or other Carriage, within the ſaid Town of *Folkeſtone*, or Liberty thereof, or brought and delivered within or carried through the ſaid Town, or Liberty thereof.

The Two pence a Chaldron paid to the Chamberlain in future to be paid to the Collectors of the Rates on Houſes.

LXVII. And whereas the Sum of Two-pence for every Chaldron of Coals, Coke, and Cinder, containing Forty Buſhels *Wincheſter* Meaſure, landed at or within the ſaid Town of *Folkeſtone*, has been and is from Time out of Mind paid and payable to the Chamberlain of the ſaid Town, from the Maſter or Maſters of all Colliers and other Veſſels laden therewith, which Sum has been applied by the ſaid Chamberlain for provid-

ing Stone for and towards the repairing the Pavement of the ſaid Town, be it therefore further enacted, That the ſaid Payment of Two-pence a Chaldron on Coals, Coke, or Cinder, landed at or within the ſaid Town of *Folkeſtone*, or Liberty thereof, ſo due and payable to the Chamberlain of the ſaid Town as aforeſaid, together with the ſaid Rate of One Shilling for every Chaldron of Coals, Coke, or Cinder, ſhall be and is hereby directed to be collected by the Collector or Collectors of the Rate or Aſſeſſment herein impoſed on all Houſes, Buildings, Yards, Gardens, and Hereditaments, and ſhall be paid to the Treaſurer of the ſaid Commiſſioners, or to ſuch other Perſon or Perſons as they ſhall appoint to receive the ſame.

Rates to be collected before Ships are permitted to repair from the Place of Lading.

LXVIII. And, to the Intent the ſaid Rates upon or in reſpect of Coals, Coke, and Cinder, may be truly anſwered and paid, be it further enacted, That no Collector, Cuſtomer, Collector of His Majeſty's Cuſtoms, Comptroller, or Receiver of Entries of Ships, Surveyor or Searcher, or other Officer of the Cuſtoms whatſoever, belonging to the Town of *Folkeſtone*, ſhall, at any Time after the *Monday* after the paſſing of this Act, give or make out any Cocket or other Diſcharge, or take any Report Outwards for any Ship, Bark, or other Veſſel, to go out of the ſaid Town of *Folkeſtone*, or the Liberty thereof, until the Maſter or Owner, or other Perſon or Perſons having the Rule or Command of any ſuch Ship, Bark, or other Veſſel, ſhall produce a Certificate from ſuch Collector or Collectors, that the ſaid Rates on Coals, Coke, and Cinder, are paid or ſecured to be paid, which ſaid Certificate the ſaid Collector or Collectors, Receiver or Receivers, is and are hereby required to give without Fee or Reward.

Power for Collectors to detain Veſſel for Payment of Rates.

LXIX. And be it further enacted, That in caſe any Owner or Maſter, or other Perſon having the Rule or Command of any Ship, Bark, or other Veſſel, laden with Coals, Coke, or Cinder, charged and chargeable with the ſaid Rates, or any Perſon or Perſons bringing or cauſing to be brought into the ſaid Town, or Liberty thereof, or through the ſaid Town, any Coals, Coke, or Cinder, charged and chargeable with the ſaid Rates, ſhall refuſe to pay the ſame, then and in ſuch Caſe it ſhall and may be lawful to or for any ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint to collect or receive the ſaid Rates, from Time to Time, to go on board ſuch Ship, Bark, or other Veſſel, and to ſtop any Waggon, Cart, or other Carriage, and to demand, collect, and receive the ſame, and for Non-payment of the ſame to take and detain every ſuch Ship, Bark, or other Veſſel, and all her Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and alſo ſuch Waggon, Cart, or other Carriage, and the Horſes, Harneſs, and Furniture thereof, or all or any Part of the ſaid Coals, Coke, or Cinder, charged and chargeable with the ſaid Rates, either on board of or in ſuch Ship, Bark, or other Veſſel, or Waggon, Cart, or other Carriage, or on Land, and the ſame to detain until he or they be paid or ſatisfied the ſaid Rates, and the Expences of taking and detaining the ſame; and in caſe of any Delay or Neglect in Payment of the ſaid Rates, and ſuch Expences as aforeſaid, for the Space of Five Days next after any Diſtreſs ſo taken as aforeſaid, then and in that Caſe it ſhall and may be lawful to and for any ſuch Collector or Collectors to cauſe the ſame to be appraiſed, and afterwards to ſell the ſaid Diſtreſs, and therewith to ſatisfy themſelves

or

or himſelf as well concerning the ſaid Rates ſo neglected or delayed to be paid, and for which ſuch Diſtreſs ſhall be taken as aforeſaid, as alſo for their or his reaſonable Charges in taking, keeping, appraiſing, and ſelling ſuch Diſtreſs, paying to the Owner or Owners, or the Perſon or Perſons under whoſe Command or Rule, or in whoſe Cuſtody or Care, ſuch Ship, Bark, Veſſel, Waggon, Cart, Carriage, Horſes, Harneſs, Tackle, Apparel, Furniture, Coals, Coke, Cinder, or other Thing, was or were at the Time of the ſaid Detainer or Diſtreſs being made, the Overplus (if any) upon Demand.

To prevent evading the Payment of Rates.

LXX. And the better to prevent the Evaſion of the Payment of the ſaid Rates, be it further enacted, That if any Maſter or Owner, or other Perſon or Perſons having the Rule or Command of any Ship, Bark, or other Veſſel, laden with Coals, Coke, or Cinder, charged and chargeable with the ſaid Rates, or the Owner or Driver of any Waggon, Cart, or other Carriage, or any other Perſon or Perſons whomſoever, ſhall obſtruct or hinder, or endeavour to obſtruct or hinder, any Collector to be appointed by the ſaid Commiſſioners, from levying or collecting the ſaid Rates hereby impoſed; or ſhall bring or cauſe to be brought within the ſaid Town or Liberty thereof, or through the ſaid Town, and there ſell, diſpoſe of, or conſume any Coals, Coke, or Cinder for which the ſaid Rates hereby impoſed ſhall not have been firſt paid; or if any Perſon or Perſons ſhall purchaſe, or cauſe to be purchaſed, any Coals, Coke, or Cinder, for which the ſaid Rates hereby impoſed ſhall not have been paid, and knowing the ſaid Rates hereby impoſed have not been paid, all and every ſuch Perſon or Perſons who ſhall ſo obſtruct or hinder, or in any Manner endeavour to obſtruct or hinder, the ſaid Collector from levying or collecting the ſaid Rates hereby impoſed; or ſhall bring or cauſe to be brought within the ſaid Town, and Liberty thereof, or through the ſaid Town, and there ſell, diſpoſe of, or conſume, any Coals, Coke, or Cinder, for which the ſaid Rates hereby impoſed ſhall not have been firſt paid; or if any Perſon or Perſons ſhall purchaſe ſuch Coals, Coke, or Cinder, for which the ſaid Rates hereby impoſed ſhall not have been firſt paid, knowing the ſaid Rates have not been paid, and ſhall be thereof convicted before any Juſtice of the Peace acting in and for the ſaid Town of *Folkeſtone*, upon the Oath of any One of the ſaid Commiſſioners, or their Clerk, Treaſurer, Collector, or Receiver, or of any other credible Witneſs, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Power to borrow Money.

LXXI. And for the more ſpeedy carrying this Act into Execution, be it further enacted, That it ſhall and may be lawful to and 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 reſpective Rates, and Compoſition for Statute Duty, and all other Sums of Money authorized by Law to be raiſed for the Amendment and Preſervation of the Highways, Streets, Lanes, Paſſages, and Places, within the ſaid Town of *Folkeſtone*, and Liberty thereof, not exceeding in the Whole the Sum of Four thouſand Pounds; and by Writing under their Hands and Seals to aſſign all or any Part of the ſaid reſpective Rates, Compoſition, and other Money, to ſuch Perſon or Perſons as ſhall lend or advance any Money thereon, as a Security for the Principal Money to be advanced, with legal Intereſt for the ſame, the Expence of ſuch Aſſignment to be from Time to Time defrayed by the

ſaid Commiſſioners; and every ſuch Aſſignment ſhall be in the Words or to the Effect following:

'BY virtue of an Act of Parliament, paſſed in the Thirty-ſixth Year of the Reign of King *George* the Third, [*ſet forth the Title of the Act*], We of the Commiſſioners appointed by and in purſuance of the ſaid Act, 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, bargain, ſell, and demiſe unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates, Compoſition, or other Money ariſing by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum which may at any Time be borrowed or become due and owing, or charged upon the Credit of the ſaid Act; to be had and holden from this Day of until the ſaid Sum of with Intereſt at *per Centum per Annum* for the ſame, ſhall be repaid and ſatisfied.'

And every ſuch Security ſhall be good, valid, and effectual, and ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Payment thereof, and to all Profit and Advantage thereto, according to the true Intent and Meaning of this Act; provided the ſame be not for a greater or leſs Sum than Fifty Pounds.

Money may be raiſed by Annuities.

LXXII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall think it adviſeable or more advantageous to raiſe all or any Part of the Money authorized to be borrowed under this Act by the granting of Annuities for Lives inſtead of Aſſignments as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the Treaſurer to the ſaid Commiſſioners, any Sum or Sums of Money for the abſolute Purchaſe of any Annuity or Annuities to be paid and payable during the natural Life of every ſuch Contributor, or the natural Life of ſuch Perſon as ſhall be nominated by or on the Behalf of ſuch Contributor, at the Time of the Payment of his or her Contribution or Purchaſe Money, and either with or without Benefit of Survivorſhip, as the ſaid Commiſſioners ſhall think proper, ſo as that no ſuch Annuity do exceed the Rate of Eight Pounds for One hundred Pounds for a Year; and the Grant of every ſuch Annuity ſhall be in the Words, or to the Effect following:

'WE of the Commiſſioners appointed by or in purſuance of an Act of Parliament, made in the Thirty-ſixth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*], in Conſideration of the Sum of paid by *A. B.* to *C. D.* the Treaſurer appointed in purſuance of the ſaid Act, do hereby grant unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, an Annuity or Yearly Sum of out of the Rates, Compoſition, and other Money granted or ariſing 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, at the Guildhall of the ſaid Town, upon the Day of in every Year during the natural Life of and the Firſt Payment thereof,

'thereof ſhall be made upon the now next enſuing the 'Date hereof. In Witneſs whereof we have hereunto ſet our Hands and 'Seals, the Day of

And every ſuch Grant ſhall be good, valid, and effectual in the Law; and every Annuity ſo to be granted as aforeſaid ſhall be, and is hereby charged upon, and ſhall be payable and paid by the Treaſurer to the ſaid Commiſſioners (free from any Tax laid or to be laid upon Land by Authority of Parliament) out of the ſaid Rates, Compoſition, and other Money according to the Grant of ſuch Annuity.

Securities for Money lent, and Annuities may be tranſferred.

LXXIII. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for the Money to be borrowed or raiſed by the granting of Annuities as aforeſaid, and their reſpective Executors, Adminiſtrators, or Aſſigns, at any Time by Writing under their Hands and Seals, to transfer ſuch Securities to any Perſon or Perſons whomſoever; which Transfer may be in the Words or to the Effect following:

'I *A. B.* being entitled to the Sum of '[*or*, an Annuity of ſecured to *C. D.* his Exe-'cutors, Adminiſtrators, and Aſſigns, by virtue of an Agreement [*or*, 'Grant of Annuity] bearing Date the Day of 'under the Hands and Seals of of the Commiſſioners acting in 'the Execution of a certain Act of Parliament, made in the Thirty-ſixth 'Year of the Reign of King *George* the Third, intituled, [*ſet forth the 'Title of the Act*], upon the Credit, or ariſing out of the Rates, Compoſi-'tion, 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 Intereſt, and 'other Money now due and owing thereon, unto *E. F.* his Executors, Ad-'miniſtrators, and Aſſigns. Dated the Day of

Securities to be entered in a Book.

And Copies of all Securities, Aſſignments, and Grants of Annuities, which ſhall be made in purſuance of this Act, and Extracts or Memorials of all Transfers thereof, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners; which Extracts or Memorials ſhall ſpecify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred, to which Book any Perſon intereſted ſhall at all ſeaſonable Times have Acceſs, and ſhall have free Liberty to inſpect the ſame without Fee or Reward; and for the Entry of every ſuch Transfer the ſaid Clerk ſhall be paid by the Perſon to whom ſuch Transfer ſhall be made, the Sum of Two Shillings, and no more; and after ſuch Entry made of any ſuch Transfer, every ſuch Tranſfer ſhall entitle the Perſon to whom the ſame ſhall be made, and his or her Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred.

Creditors to be paid by Ballot.

LXXIV. And, in order that no Preference may be given to any of the Perſons who have advanced and lent, or who may advance and lend, Money upon the Credit of the Rates or Aſſeſſments made by virtue of this Act, be it further enacted, That the ſaid Commiſſioners, if more Creditors than One, ſhall cauſe the Numbers of all the Bonds, Aſſignments, or Securities granted, and then in force, for ſecuring the Principal Monies lent and advanced upon the Credit of the ſaid Rates or Aſſeſſments, of which Part ſhall be then intended to be paid off, to be written

written upon diſtinct Pieces of Paper of an equal Size, and all ſuch Papers ſhall be rolled up in the ſame Manner as near as may be, and put into a Box or Wheel, and the Number or Numbers of the ſaid Bonds, Aſſignments, or Securities, ſhall be drawn ſeparately out of the ſaid Box or Wheel by the Clerk to the ſaid Commiſſioners; and after every ſuch Ballot the ſaid Commiſſioners ſhall cauſe Notice, ſigned by their Clerk, to be given or left at the uſual Place of Abode of the Perſon or Perſons who ſhall be entitled to the Money to be paid off purſuant to ſuch Ballot; and where there is only One Creditor, to give Six Calendar Months Notice to ſuch Creditor of the ſaid Commiſſioners Intention to pay him or her as aforeſaid; and every ſuch Notice ſhall expreſs the Sum to be paid off, together with the Intereſt due thereon, and that the ſame ſhall be paid at a Place mentioned in ſuch Notice, at the Expiration of Six Calendar Months from the Day of giving or leaving the ſame as aforeſaid; and the Intereſt of the Principal Money ſo to be paid off ſhall from and after the End of the ſaid Six Calendar Months, ceaſe and be no longer paid or payable, unleſs ſuch Money ſhall be demanded purſuant to ſuch Notice, and not paid; but the Principal Money, in reſpect whereof ſuch Notice ſhall be given, and alſo the Intereſt thereof, to the End of the ſaid Six Calendar Months, ſhall nevertheleſs be payable on Demand.

Notice to be given to the Perſons whoſe Bonds are to be paid off.

LXXV. And be it further enacted, That in caſe the ſaid Commiſſioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Intereſt than the Bonds, Aſſignments, or Securities which ſhall be then in force ſhall bear, it ſhall be lawful for the ſaid Commiſſioners from Time to Time to charge the ſaid Rates or Aſſeſſments, in Manner aforeſaid, with ſuch Sum or Sums of Money as they ſhall think proper, not exceeding the ſaid Sum of Four thouſand Pounds, and the Intereſt thereof, at ſuch low Rate as aforeſaid, and to pay off and diſcharge the Bonds, Aſſignments, or Securities, bearing a higher Rate of Intereſt, according to the Directions and Regulations herein preſcribed for paying off Bonds, Aſſignments, or Securities.

Power to borrow Money at lower Intereſt to diſcharge Securities at a higher.

LXXVI. And be it further enacted, That out of the Firſt Money to ariſe by virtue of this Act, the ſaid Commiſſioners ſhall, in the Firſt Place, pay and defray all the Charges and Expences incident to and attending the obtaining and paſſing this Act; and after Payment thereof, all the Money to ariſe by or from the ſaid reſpective Rates, and Compoſition, and other Money hereby granted and made payable, and which may be borrowed on the Credit thereof, or advanced for Annuities thereupon as aforeſaid, and all pecuniary Penalties and Forfeitures to be recovered or levied by virtue of this Act, and not hereby otherwiſe diſpoſed of, ſhall be paid to the Treaſurer to the ſaid Commiſſioners, to be applied and diſpoſed of for and towards the defraying the Charges and Expences of repairing, paving, and cleanſing the Highways, Streets, and Lanes, in the ſaid Town of *Folkeſtone*, and Liberty thereof, in Manner hereby directed, and for carrying the ſeveral other Purpoſes of this Act into Execution, and to or for no other Uſe, Intent, or Purpoſe whatſoever.

Application of the Money.

LXXVII. Provided always, and be it further enacted, That when and ſo ſoon as the ſaid Sum of Four thouſand Pounds, herein-before authorized to be borrowed, or ſuch Part thereof as ſhall be borrowed by virtue

When the Money borrowed is paid off, the Rates may be reduced.

tue of this Act, and the Intereſt thereof, ſhall be paid off and diſcharged, and the Annuities to be granted as aforeſaid ſhall be determined, in caſe the ſaid Rates and Duties then to be collected by virtue of this Act ſhall be more than ſufficient to keep in Repair the Highways and Pavements of the ſaid Town, and Liberty thereof, then the ſaid Commiſſioners ſhall, and they are hereby required and directed to aſſemble and call together the Inhabitants of the ſaid Town of *Folkeſtone*, charged with the Payment of the Rates made for the Relief of the Poor, (Twenty-one Days publick Notice being given of ſuch Meeting, and ſpecifying in ſuch Notice the Cauſe thereof); and if the Majority of the Inhabitants of the ſaid Town preſent at ſuch Meeting ſhall ſignify their Conſent, in Writing, that the ſaid reſpective Rates ſhall continue to be collected for the further Term of Five Years, then the ſame ſhall continue to be collected for ſuch further Term of Five Years; but in caſe the Majority of the ſaid Inhabitants, ſo aſſembled as aforeſaid, ſhall not ſignify their Conſent in Writing to the Collection of the ſaid Rates for the ſaid Term of Five Years, then no higher Rate ſhall by virtue of this Act be charged in reſpect of the ſaid Houſes and other Tenements and Hereditaments, than Four-pence in the Pound of the Annual Value thereof; and in reſpect of ſuch Coals, Coke, and Cinder, as aforeſaid, than Nine-pence in the Chaldron, and Nine-pence *per* Ton; and ſuch reduced Rates ſhall be collected, levied, and recovered, by the ſame Ways and Means as the reſpective Rates herein-before granted can or may be collected, levied, and recovered; any Thing herein contained to the contrary thereof notwithſtanding.

Penalty on obſtructing the Execution of the Act.

LXXVIII. And be it further enacted, That if any Perſon ſhall obſtruct, hinder, or moleſt any of the ſaid Commiſſioners, or their Collector or Collectors, Clerk, Surveyor, Workmen, or other Perſon or Perſons whomſoever, who is or are, or ſhall be employed to carry this Act into Execution, in the Performance or Execution of his or their Duty, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Accounts to be made up annually, and be open to Inſpection.

LXXIX. And be it further enacted, That on the Firſt *Wedneſday* in the Month of *July* in every Year, a fair and juſt Account ſhall be made in Writing of all the Money received and paid by virtue or in purſuance of this Act, and how, and to whom, and for what Purpoſes the ſame have been laid out, and expended; and a Copy or Duplicate of ſuch Account, ſigned by the ſaid Commiſſioners, ſhall be depoſited with the Clerk to the ſaid Commiſſioners, who ſhall permit any Perſon ſo rated as aforeſaid, or any other Perſon or Perſons on his or her Behalf, to inſpect the ſame at ſeaſonable Times, paying One Shilling for ſuch Inſpection, and ſhall, upon Demand, forthwith give Copies of the ſame, or any Part thereof, to any ſuch Perſon, paying at the Rate of Sixpence for every One hundred Words, and ſo in Proportion for any greater or leſs Number of Words.

Recovery of Penalties by Diſtreſs and Sale.

LXXX. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed and incurred (for the Recovery and Application whereof no particular Method is already directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid Town of *Folkeſtone*, which Warrant ſuch Juſtice is hereby empowered

ered to grant upon the Confeſſion of the Party or Parties, or upon the Evidence of One or more credible Witneſs or Witneſſes upon Oath; and ſuch Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale, ſhall be paid to the Treaſurer or Clerk of the ſaid Commiſſioners, and be applied for ſuch of the Purpoſes of this Act as the ſaid Commiſſioners ſhall think fit; and in caſe ſuch Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the ſaid Town of *Folkeſtone*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor leſs than One Calendar Month, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

Or Offenders may be committed.

LXXXI. And be it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, or againſt any Order of Seſſions, or any Matter in purſuance of this Act, the Form of Conviction ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Conviction.

'BE it remembered, That on this Day of in the Thirty-ſixth Year of the Reign of *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the [*or*, County, *as the Caſe ſhall happen*] of having [*as the Offence ſhall be*], and I [*or* We] the ſaid do adjudge him [her, *or* them] to forfeit and pay for the ſame the Sum of Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year aforeſaid.'

LXXXII. And be it further enacted, That in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to or concerning the Execution of this Act, any Inhabitant within the ſaid Town of *Folkeſtone* ſhall be and be deemed to be a good and competent Witneſs, notwithſtandimg his or her being charged with and liable to pay any Rate or Aſſeſſment by virtue of this Act; any Law, Statute, or Uſage to the contrary thereof notwithſtanding.

For allowing the Inhabitants to give Evidence.

LXXXIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Aſſeſſment to be made, or Penalty impoſed, by or in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the General Quarter Seſſions of the Peace to be holden for the ſaid Town next after the Expiration of Four Calendar Months from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Ten Days Notice at the leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners; and the Juſtices in ſuch Seſſions are hereby authorized and required to hear and determine the Matter of ſuch Appeal, in a ſummary Way, and to make ſuch Determination therein as they ſhall judge proper, and ſuch Determination ſhall be final, binding,

Perſons aggrieved may appeal to the General Quarter Seſſions.

ing, and concluſive to all Parties, and to all Intents and Purpoſes whatſoever.

Diſtreſs not to be deemed unlawful for Want of Form.

LXXXIV. 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 in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining, and the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action on the Caſe.

Plaintiff not to recover after Tender of Amends.

LXXXV. Provided always, That no Plaintiff or Plaintiffs ſhall recover in any ſuch Action for ſuch Irregularity, or for any Treſpaſs or other wrongful Proceeding, unleſs Notice in Writing ſhall be given 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 hath been made to him, her, or them, or his, her, or their Attorney, or by or on the Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit, whereupon ſuch Proceedings, 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.

Limitation of Actions.

LXXXVI. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Ten Days Notice be thereof given to the Clerk to the ſaid Commiſſioners, or after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County of *Kent*, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall or may, at his, her, or their Election, plead ſpecially, or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or ſuch Action or Suit ſhall be brought before Ten Days Notice ſhall be given as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff ſhall be nonſuited, or diſcontinue his or her Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff, then the Defendant or Defendants ſhall re-

General Iſſue.

cover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath in other Caſes by Law. Treble Coſts.

LXXXVII. And be it further 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, and other Perſons, without being ſpecially pleaded. Publick Act.

FINIS.