Anno ſexto

Georgii III. Regis.

An Act for the Support and Preſervation of the Pariſh Church of *Folkeſtone*, and the Lower Part of the Town of *Folkeſtone*, in the County of *Kent*.



WHEREAS the Pariſh Church of Folkeſtone, in the County of Kent, is ſituate at the Upper End of the Town of Folkeſtone, at a ſmall Diſtance from the Cliff: And whereas by the continual flowing of the Tide and raging of the Sea againſt the ſaid Cliff, the Bank whereof is a looſe ſandy Soil, is very conſiderably waſhed away; and the Sea hath, within theſe few Years laſt paſt, very much gained on the ſaid Bank, and the ſaid Pariſh Church is in apparent Danger of falling, unleſs timely prevented by erecting One or more ſtrong and ſubſtantial Jettee or Jettees at the Foot of the ſaid Bank or Cliff, under the ſaid Church, for ſecuring and preventing the ſaid Bank or Cliff from being further waſhed away: And whereas the Lower Part of the ſaid Town of Folkeſtone, and the Beach, whereon Preamble.

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whereon the Fishermen there are accustomed to lay up, repair, and dry, their Fishing Boats, Nets, and other Fishing Craft, have been, from time to time, preserved from and defended against high Tides, and the overflowing and raging of the Sea, by Two large Jettees or Heads, One at the East and the other at the West End of the said Town; which Jettees or Heads have been, from time to time, kept in Repair by the Fishermen and other Inhabitants of the said Town by a voluntary Subscription: And whereas by Length of Time, and many high and raging Tides, the said Jettees or Heads are become very ruinous and much out of Repair; and should they go intirely to Decay, not only the Beach, on which the Fishermen are accustomed to lay up and repair their Boats, Nets, and Fishing Craft, but all the Lower Part of the said Town, must inevitably be overflowed and carried away by the Sea: And whereas the Fishermen of the said Town, by many unsuccessful Fishing Seasons, are become very poor, and neither they, nor the other Inhabitants of the said Town, who are burdened with numerous poor People, are able to raise so large a Sum of Money as will be needful to be expended in erecting a good and substantial Jettee or Jettees for the Security and Support of the said Parish Church, and to repair and keep in Repair the said other Jettees or Heads, without the Aid 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 Twenty fourth Day of June, One thousand seven hundred and sixty six, there shall be paid to the Mayor, Jurats, and Commonalty, of the said Town of Folkestone, as well by the said Mayor, Jurats, and Commonalty, for the time being, in their natural Capacities, as by all other Person and Persons whomsoever, for the First Four Years from thence next ensuing, a Rate or Duty of Two Shillings for every Chaldron of Coals containing Forty Bushels Winchester Measure; and, from and after the Expiration of the said Term of Four Years, for ever afterwards a Rate or Duty of One Shilling for every Chaldron of Coals containing Forty Bushels Winchester Measure; which he, she, or they, shall, in any Manner, bring into or through the said Town of Folkestone, or any Part thereof; which Rate or Duty shall be paid at such Place or Places as the said Mayor, Jurats,

Duty to be paid for Coals brought into and through the Town of *Folkestone*.

Jurats, and Commonalty, or any Nine or more of them, (whereof the Mayor for the time being to be One) shall, from time to time, appoint for the Payment thereof; and the Person or Persons appointed to collect and receive the same shall, without Delay, Fee, or Reward, deliver a Receipt to the Person or Persons who shall pay the said Rate or Duty, and such Receipt shall be a sufficient Discharge for the same.

Collector to be appointed.

And be it further enacted, That the Right Honourable William Earl of Radnor, who as Lord of the Barony and Hundred of Folkestone, is, amongst other Rights, intitled to all Harbour Duties, Customs, Tolls, and Profits, of Fairs and Markets there, his Heirs, and Assigns, Lords of the Barony and Hundred of Folkestone aforesaid, shall and may, and he and they is and are hereby authorized, by any Writing or Writings under his or their Hand or Hands, to nominate, and appoint One or more Person or Persons to collect the said Rates or Duties, and to execute all the Powers given by this Act to the Collector or Collectors of the said Rates or Duties; and also, from time to time, to displace and remove, at his and their Will and Pleasure, such Collector or Collectors, and to appoint another or others in his or their Room; and to assign and allow to such Collector or Collectors for the time being a reasonable Salary or Wages, for his and their Care and Trouble, out of the Monies to be collected by virtue and in pursuance of this Act, not exceeding Two Shillings in the Pound of the Money to be collected; and the said Earl of Radnor, his Heirs, and Assigns, shall be answerable for the Acts, Receipts, and Defaults, of such Collector and Collectors; and shall take of every such Collector and Collectors good and sufficient Security for the Payment of all and every Sum or Sums of Money, to be by him or them respectively collected or received by virtue of this Act, unto the Treasurer or Treasurers to be appointed by virtue hereof, on the First Monday in every Month: And in case the said Earl of Radnor, his Heirs, or Assigns as aforesaid, shall not, within Fourteen Days next after the said Twenty fourth Day of June, appoint such Collector or Collectors, or, from time to time, within Seven Days after the Death or Removal of any such Collector or Collectors, and Notice thereof given to the said Earl, his Heirs, or Assigns, appoint another Collector or Collectors, it shall and may be lawful for the said Mayor, Jurats, and Commonalty, or any Nine or more of them (whereof the Mayor for the time being to be One) and they are hereby required,

as often as such Case shall happen, to appoint a Collector or Collectors of the said Rates or Duties; and, from time to time, to displace and remove, at their Will and Pleasures, such Collector or Collectors; and to assign and allow to such Collector or Collectors for the time being a reasonable Salary for his and their Care and Trouble, out of the Monies to be collected by virtue and in pursuance of this Act, not exceeding Two Shillings in the Pound of the Money to be collected; and the said Mayor, Jurats, and Commonalty, shall be answerable for the Acts, Receipts, and Defaults, of such Collector and Collectors by them appointed; and shall take of every such Collector and Collectors good and sufficient Security for the Payment of all and every Sum and Sums of Money, to be by him or them respectively collected or received by virtue of this Act, unto the Treasurer or Treasurers to be appointed by virtue hereof, on the First Monday in every Month: And the said Mayor, Jurats, and Commonalty, for the time being, or any Nine or more of them (whereof the Mayor for the time being to be One) shall and they are hereby authorized to nominate and appoint One or more Person or Persons to be Treasurer or Treasurers, to receive the Money to be collected and raised by virtue of this Act; and also, from time to time, to displace or remove, at their Will and Pleasure, any such Treasurer or Treasurers to be appointed as aforesaid; and also to allow such Treasurer or Treasurers for the time being a reasonable Salary or Wages for his and their Care and Trouble, out of the Monies to be by him or them received by virtue and in pursuance of this Act, not exceeding One Shilling in the Pound of the Monies to be by him or them received; and the said Mayor, Jurats, and Commonalty, shall be answerable for the Acts, Receipts, and Defaults, of the said Treasurer or Treasurers; and shall take of such Treasurer or Treasurers good and sufficient Security for the Payment of all and every Sum and Sums of Money, to be by him or them received by virtue of this Act, unto such Person and Persons, and at such Time and Times, and in such Manner, as the said Mayor, Jurats, and Commonalty, for the time being, or any Nine or more of them (whereof the Mayor for the time being to be One) shall order, direct, and appoint.

Collectors to enter an Account of Monies received in Books;

And be it further enacted, That there shall, from time to time, be provided and kept, by the Collector or Collectors to be appointed as aforesaid, a Book or Books, in which a true Account of all the Monies, which shall

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be by him or them collected and received by virtue of this Act, shall be fairly set down and entered, expressing the Time when, and the Names of the Persons from whom the same was so received; and there shall be also provided and kept, by the Treasurer or Treasurers to be appointed as aforesaid, a Book or Books, in which shall be fairly set down and entered a true Account of all such Sum and Sums of Money as shall be by him or them received, paid, and issued, by virtue and in pursuance of this Act. Treasurer to do the same.

And be it further enacted, That the said Mayor, Jurats, and Commonalty, or any Nine or more of them (whereof the Mayor for the time being to be One) shall and they are hereby required to meet together in the Guildhall of the said Town of Folkestone, on the Twenty first Day after the passing of this Act, and shall proceed in the Execution of this Act; and shall then and at all subsequent Meetings adjourn themselves, from time to time, and meet at the Place aforesaid, as often as they shall think necessary for putting this Act in Execution; and shall and they are hereby required to meet together on Monday next after the Twenty fourth Day of June in every Year, between the Hours of Eight and Twelve of the Clock in the Forenoon, in the Guildhall of the said Town of Folkestone, or oftener if they shall think fit; and then and there to summon and call before them all and every the said Collector and Collectors, Treasurer and Treasurers; and then and there audit, examine, and settle, the Accounts of every such Collector and Collectors, Treasurer and Treasurers, and shall state and draw up a full and true Account of all such Sum and Sums of Money by them respectively collected, received, and disbursed, by virtue and in pursuance of this Act; which Account and Accounts it shall and may be lawful to and for the said Earl of Radnor, his Heirs, or Assigns, and his and their Steward or Agent, at any Time to inspect and peruse, and take a Copy or Copies thereof, at his and their own Expence: And if it shall happen that there shall not appear, at any Meeting appointed to be held in pursuance of this Act, a sufficient Number to act and to adjourn, then the said Meeting shall stand adjourned over to that Day Fortnight, and so from Fortnight to Fortnight, until a sufficient Number of Persons shall meet to act and to adjourn. Mayor, &c. to put this Act in Execution,

And, for the more easy and convenient paying and collecting the said Rates or Duties, be it further enacted, That when the said Mayor, Jurats, and Commonalty, or any Nine or more of them (whereof the Mayor and enforce Payment of the Duties.

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for the time being to be One) shall have fixed upon the Place or Places for the Payment of the said Rates or Duties, they shall cause Notice thereof in Writing, under the Hand or Hands of the said Collector or Collectors, to be affixed upon the Door of the Guildhall of the said Town of Folkestone; and if any Person or Persons shall bring, or cause to be brought into the said Town, any Coals, or shall convey, or cause to be conveyed through the said Town, any Coals, for which the Rates or Duties hereby granted shall not have been paid, and shall be convicted thereof upon the Oath of One or more Witness or Witnesses, before the Mayor of the Town of Folkestone, or his Deputy for the time being; (which Oath the said Mayor, or his Deputy, is hereby impowered to administer) every such Person and Persons shall forfeit and pay the Sum of One Shilling for every Bushel of such Coals; and it shall and may be lawful to and for the said Collector or Collectors, or Person or Persons by him or them appointed, by Warrant under the Hand and Seal of the said Mayor, or his Deputy, to seize and distrain such Coals for which the Rates or Duties have not been paid, and also the Ship or Vessel, Waggon, Cart, or Carriage, in which such Coals shall be found, and to detain and keep the same until the said Rates or Duties and Forfeiture shall be paid; and if the same shall not be paid within the Space of Four Days after such Seizure and Distress made, it shall and may be lawful for the Person or Persons so seizing and distraining the same, to sell the said Coals, and also such Ship or Vessel, or any of the Tackle, Furniture, or Apparel thereof, or such Waggon, Cart, or Carriage; and, after deducting the said Rates or Duties and Forfeiture, shall return the Overplus, if any, to the Owner thereof.

Duties may be assigned for Money borrowed.

And, forasmuch as the Rates or Duties and Forfeitures to be collected and received by virtue of this Act, will not be sufficient for the immediate Purposes hereby intended, be it further enacted, That it shall and may be lawful for the said Mayor, Jurats, and Commonalty, or any Nine or more of them (whereof the Mayor for the time being to be One) from time to time, upon the Credit of the Rates or Duties and Forfeitures hereby made payable, to borrow and take up at Interest not exceeding the Rate of Four Pounds Ten Shillings for every One hundred Pounds by the Year, any such Sum or Sums of Money as they shall think needful; and may, and they are hereby authorized and impowered, to mortgage or assign over the said Rates or Du-

ties and Forfeitures to any Person or Persons, for any Term or Number of Years, as a Security or Securities for the several Sums of Money that shall be borrowed, and the Interest thereof, as aforesaid; and all and every Person and Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, of the said Rates or Duties and Forfeitures shall be made, or who shall be intitled to the Money thereby secured, and his, her, and their Assignee or Assignees, may, and is and are hereby authorized and impowered, from time to time, to transfer or assign over such Security or Securities, and all the Monies which shall be due thereon, to any other Person or Persons. Assignments may be transferred.

Provided always, That no Money shall be borrowed upon the Credit of the said Rates or Duties and Forfeitures, unless Notice in Writing for that Purpose shall be affixed, under the Hand or Hands of the said Collector or Collectors, upon the Door of the Guildhall of the said Town of Folkestone, Ten Days at least before the borrowing of such Money. Notice to be given of borrowing Money.

And be it further enacted, That the Money to be collected and raised by virtue of this Act, shall be applied and disposed of by the said Mayor, Jurats, and Commonalty, or any Nine or more of them (whereof the Mayor for the time being to be One) in the First Place, in erecting One good and substantial Jettee, and taking such other Measures as they shall think at present needful for the Security and Support of the said Parish Church; and, in the next Place, in repairing the old, or erecting new, Jettees or Heads at the East and West End of the said Town, and in doing such other Works as they shall think necessary, for the Safety and Security of the lower Part of the said Town next and adjoining to the Sea; and when the said Works shall be completed, and shall be so adjudged to be, by the said Mayor, Jurats, and Commonalty, or any Nine or more of them (whereof the Mayor for the time being to be One) and all Monies borrowed upon the Credit of this Act, with Interest for the same, shall be fully paid and satisfied, it shall and may be lawful for the said Mayor, Jurats, and Commonalty, or any Nine or more of them, (whereof the Mayor for the time being shall be One) to apply the said Rates, Duties, and Forfeitures, from time to time, in the repairing and keeping in Repair all the said Jettees or Heads; and, when they shall be sufficiently repaired, in repairing and keeping in Repair the said Parish Church, and in doing such other Works as may be necessary for the Safety and Security of the Application of Monies.

Lower Part of the said Town next and adjoining to the Sea, and for the Support and Preservation of the said Church.

Proceedings to be under Seal.

And be it further enacted, That all Proceedings of the said Mayor, Jurats, and Commonalty, in the Execution of this Act, shall be under the Seal of the Corporation of Folkestone; and shall be deemed to be original Proceedings, and shall and may be read in Evidence at any Trials to be had thereupon.

Reservation of Rights to the Earl of *Radnor*.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to lessen or abate the Right and Title of the said Earl of Radnor, his Heirs and Assigns, as Lord or Lords of the Barony, Hundred, or Royalty, of Folkestone aforesaid, to all Customs, Tolls, Rights, Profits of Fairs and Markets, Harbour Duties, and all other Things as shall happen or come within the Jurisdiction of the said Royalty or Manor, or other Benefits or Advantages belonging or appertaining to the said Earl of Radnor, his Heirs or Assigns, as Lord or Lords of the said Barony, Hundred, or Royalty; but that he and they shall and may have, take, receive, and enjoy, the same, as fully and beneficially to all Intents and Purposes whatsoever, as if this Act had never been made.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months after the Fact committed, and not afterwards; and shall be laid and brought in the County of Kent, and not elsewhere; and the Defendant or

General Issue.

Defendants in such Action or Suit may plead 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 it shall appear so to be done; or if any such Action or Suit shall be brought after the Time limited for bringing the same, or shall be brought in any other County or Place, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants

Treble Costs.

shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

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, Justices, and other Persons whomsoever, without specially pleading the same. Publick Act.

FINIS.