ANNO UNDECIMO

Georgii III. Regis.

CAP. XV.

An Act for the better Paving that Part of the *High Street*, in the Parish of *Saint Mary Matfellon*, otherwise *Whitechapel*, which lies in the County of *Middlesex*, and for removing Obstructions and Annoyances therein.

WHEREAS that Part of the High Street, in the Parish of Saint Mary Matfellon, otherwise Whitechapel, which lies in the County of Middlesex, is extremely ill paved, and the Passage through the same greatly obstructed by Posts and Projections, and annoyed by Signs, Spouts, and Gutters projecting into and over the same, whereby, and by the deep Channels cross many Parts of the said Street, the same is rendered incommodious and dangerous to Persons passing through the same; and the present Methods prescribed by Law are ineffectual for removing such Obstructions and Annoyances, and for the Preamble.

proper paving of the said Street, and keeping such Pavement in sufficient Repair: 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 the Reverend Doctor Robert Markham, Thomas Deming, Thomas Price, Joseph Rust, James Peter Johnson, Jeremiah Hergest, John Fry, John Adams, John Stephens, Thomas Hodges, William Craswell, William Thoyts, John Rex, William Read, Frederick Ryder, John Coope, John Christian Suhrin, William Hamilton, Francis Lauson, Thomas Empson, Redburn Tomkins, William Quarril, Isaac Colnett, William Claxton, Luke Alder, James Spalding, Thomas Hawes, Eugen Allen, William Bond, Thomas Law, Thomas Read, shall be, and they and their Successors, to be elected in manner hereafter mentioned, are hereby appointed Commissioners for putting this Act in Execution: And in case of the Death or Removal of any of the said Commissioners, or Refusal to act, it shall be lawful for the surviving or remaining Commissioners, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to elect One other Person to be a Commissioner in the Room and Stead of the Commissioner so dying or refusing to act; Ten Days publick Notice of the Time and Place of Meeting for every such Election being given, by affixing the same in Writing upon the principal Door of the Parish Church of Saint Mary Matfellon, otherwise Whitechapel, aforesaid; and every Person so elected shall be and is hereby vested with the same Powers for putting this Act in Execution as the Person in whose Place he shall be elected was vested with.

Commissioners Names.

Other Commissioners to be chosen.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession or Receipt of the Rents of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds, or possessed of or intitled to a Personal Estate of the Value of Five hundred Pounds; and if any Person, not being so qualified, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, together with Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record.

Qualification of Commissioners.

by

by Action of Debt, or on the Case, or by Bill, Suit, or Information; wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed, and wherein the Proof of Qualification shall lie on the Person prosecuted; and it shall be sufficient for the Prosecutor to prove that the Person so prosecuted had acted as a Commissioner in the Execution of this Act.

No Victualler to act as a Commissioner.

Provided always, and be it further enacted by the Authority aforesaid, That no Person who shall sell Ale, Wine, or any spirituous or fermented Liquors by Retail, shall be capable of acting as a Commissioner under this Act.

First Meeting of Commissioners;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall meet together at the Vestry-room of the said Parish on the First Monday after the passing of this Act, and shall then and there proceed to the Execution of this Act; and they are hereby impowered to adjourn themselves, from Time to Time, to meet at the same Place, or such other Place in the said Parish of Saint Mary Matfellon, otherwise Whitechapel, as the said Commissioners shall, from Time to Time, think fit: And if at any Meeting so appointed there shall not appear a sufficient Number of Commissioners to act or adjourn to another Day, or in case the said Commissioners so assembled shall omit, neglect, or refuse to adjourn themselves, then, and in every such Case, any Two of the said Commissioners, or the Clerk to the said Commissioners, shall appoint a Meeting of the said Commissioners to be held within Ten Days after at the same Place; publick Notice whereof shall be given by affixing the same in Writing upon the principal Door of the aforesaid Parish Church, at least Six Days before such Meeting.

how to adjourn.

Manner of adjourning.

No Order valid unless at a Publick Meeting, nor shall any Commissioner enjoy Offices.

Provided always, That no Order or Determination of the said Commissioners shall be valid, unless the same shall be made at a Meeting held in pursuance of this Act; nor shall any Commissioner hereby appointed, or hereafter to be appointed as aforesaid, be capable of acting as such during the Time he shall enjoy any Office of Profit by virtue of the Powers given by this Act, or have any Share or Interest in any Contract relating to the Execution thereof.

Commissioners may appoint Officers;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall and may, by any Writing under their Hands and Seals, appoint One or more Clerk or Clerks, Surveyor or Surveyors, and such other Officers, for the Execution of this Act, as they 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 Money to be raised by virtue of this Act may 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, or any Five or more of them, shall take such Security for the Execution of the respective Offices, by such Person and Persons as aforesaid, as the said Commissioners, or any Five or more of them, shall think proper: And such Person and Persons as is or are hereby made liable to pay the several Tolls, Rates, or Sums of Money hereby granted, shall pay the same to such Person or Persons as shall from Time be appointed to collect or receive the same as herein after-mentioned: And all such Officers and Persons so to be appointed as aforesaid shall, under their Hands, at such Times, and in such Manner, as the said Commissioners, or any Five or more of them, shall direct, deliver to such Commissioners 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 them respectively received by virtue and for the Purposes of this Act, and how much thereof has been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the Commissioners, or any Five or more of them, 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 (which Oath the said Commissioners, or any Two or more of them, are hereby impowered to administer) verify their said Accounts; and if any 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 Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Commissioners, or any Five or more of them, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required, by any Five or more of the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Commissioners, or any Five or more them, or as they shall direct or appoint; then, and in any of the Cases aforesaid, such Commissioners, or any Five or more

who shall give Security

and to account.

more of them, may, and are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Names of such Commissioners, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons so neglecting or refusing as foresaid, 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 any Five or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Justice 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 Justice may, and is hereby authorised and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons so refusing or neglecting, to be brought before him, 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 Justice 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 Justice may, and he is hereby authorised and required, upon the Nonpayment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons offending in the Premises respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy such Money, and the Charges of distraining and selling the same; or in case it shall appear to such Justice, by the Confession of the Party so offending, or by the Testimony of any credible Witness upon Oath, that any Books, Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of any such Officer or Person, and he shall refuse to deliver the same as aforesaid; then, and in either of the said Cases, such Justice shall commit every such Offender to the common Gaol of the County or Place where such Offender shall be and reside, 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, or any Five or more of them, and shall have paid such Composition, in such

Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby impowered to make) and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction, in respect thereof, to the said Commissioners, or any Five or more of them.

Persons committed not to be detained longer than 6 Months.

Provided always, That no Person who shall be committed on account of his having no Goods or Chattels, shall be detained in Prison for any Term longer than Six Months.

Executors to account.

And be it further enacted, That upon the Death of any such Officer or other Person to be appointed as aforesaid, his Executors or Administrators shall, within Twenty-one Days next after such Decease, deliver to the said Commissioners under this Act, or any Five or more of them, an Account of the Monies collected or received by the Person so deceased for the Purposes of this Act; and shall also deliver all Books, Papers, and Things concerning his Office to such Person or Persons as the said Commissioners, or any Five or more of them, shall appoint to receive the same; which Money, if any due, shall be paid by the Executors or Administrators of the Person so deceased, in Preference to and before any of his or their other Debts are paid or satisfied.

Officers taking Rewards, or concerned in any Bargain, disqualified, and shall forfeit 100*l*.

And be it further enacted by the Authority aforesaid, That if any Person who shall be employed by the said Commissioners as a Clerk, Surveyor, or any other Officer or Servant, in the putting this Act, or any of the Powers thereof, 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, or any Five or more of them, for or on account of any Thing done, or to be done, by virtue of this Act, or on any Account whatsoever relative to the putting this Act in Execution; or shall be any Ways concerned in Interest, in any Bargain or Contract made or to be made by the said Commissioners, or any Five or more of them, 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 forfeit the Sum of One hundred 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, within Six Calendar Months after the Offence committed; in which no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

And

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall have full Power and Authority, from Time to Time, to cause, order, and direct the said Street to be new-paved, repaired, raised, sunk, or altered, when, and as often, and in such Manner, and with such Materials as the said Commissioners shall think fit; and for such Purposes may, from Time to Time, cause to be dug, carted, and carried out of or brought into the same, such Gravel, Stones, and other Materials as they shall judge necessary; and may likewise cause the Water-pipes which now lie, or hereafter shall be laid under Ground, to be taken up and new-laid in such Places, Manner, and Form, as they the said Commissioners shall judge best; and to employ such Artificers, Workmen, and other Persons, and to issue such Money on those Accounts, and to do all and every such other Acts and Things, as the said Commissioners, or any Five or more of them, shall judge necessary for accomplishing the Purposes of this Act. Streets to be paved.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may and they are hereby impowered, from Time to Time to contract with any Person or Persons for paving and keeping in Repair the said Street, and in and about the several Works hereby directed to be performed, or any of them; which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Work, shall be compleated, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, or any Five or more of them, and by the Person or Persons contracting to perform such Works; but previous to the making of any such Contract Fourteen Days Notice shall be given in some publick News Papers, expressing the Intention of such Contract, in order that any Person or Persons, willing to undertake the same, may make Proposals, for that Purpose, to the said Commissioners, at a certain Time and Place in such Notice to be mentioned. Commissioners may make Contracts.

And be it further enacted by the Authority aforesaid, That during all such Time as the new Pavement shall be carrying on and making in the said Street, and until such new Pavement shall be compleated, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order and direct all and every such Carts and Waggons loaded with Hay or Straw, as shall be brought for Sale into the said Parish on the usual Carriages with Hay and Straw to stand as the Commissioners shall direct.

usual Market Days, to be placed and stand in such of the Streets or other Places in the said Parish, and in such Manner and Form, as the said Commissioners, or any Five or more of them, shall, from Time to Time, direct or appoint; and that when such Pavement shall be compleated and finished, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order and direct all and every such Carts and Waggons loaded with Hay or Straw, as shall be brought into the said Parish for Sale on the usual Market Days, to be placed and stand in or near the Middle of the said Street, at such Distances, and in such Manner and Form, as the said Commissioners, or any Five or more of them, by Writing under their Hands to be publickly affixed in some conspicuous Part or Parts of the said High Street, shall, from Time to Time, direct and appoint: And if the Owner or Owners, Driver or Drivers of any such Cart or Carts, Waggon or Waggons, loaded with Hay or Straw, as shall be brought into the said Parish for Sale on the usual Market Days as aforesaid, shall neglect or refuse to place his or their Cart or Carts, Waggon or Waggons, according to the Directions of the said Commissioners, to be notified as aforesaid, or shall permit or suffer any such Cart or Carts, Waggon or Waggons, to stand on either Side of the said Street, so as to obstruct the free Passage for Carriages therein, it shall and may be lawful to and for any Person or Persons whomsoever who shall see such Offence committed, to seize, as also for any other Person or Persons to assist in seizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him or them before some Justice of the Peace acting in and for the said County, and such Justice shall proceed to examine upon Oath any Witness or Witnesses, who shall appear or be produced to give Information touching such Offence; (which Oath the said Justice is hereby authorised and required to administer:) And if the Party or Parties accused shall be convicted of such Offence, either by his or their own Confession, or upon such Information as aforesaid, he or they so convicted shall forfeit and pay the Sum of Ten Shillings; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, such Justice is hereby required to commit him or them to the House of Correction for the said County, there to be kept to hard Labour for any Space of Time, not exceeding Fourteen Days; and such Offender or Offenders shall not be discharged before the Expiration of the Time

Penalty on disobeying their Directions.

Time for which he or they shall be so committed, unless such Forfeitures shall be sooner paid.

Property of Materials vested in Commissioners.

And be it further enacted by the Authority aforesaid, That the Property of the Pavements, and all Materials and Things which shall be provided and made use of for the Purposes of this Act, shall be, and the same are hereby vested in the said Commissioners, and they, or any Five or more of them are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions in the Name or Names of any One or more of them, or to prefer, or order and direct the preferring of Indictments against any Person or Persons who shall steal, take, or carry away any Part of such Materials or Things, or disturb them in the Possession thereof.

Penalty on interrupting Workmen.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person, or Persons whomsoever, who is, are, or shall be employed by virtue of this Act, in the Performance or Execution of their Duty, every such Person so offending shall, for the First Offence, forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Three Pounds.

Commissioners may sell old Materials, &c.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall have full Power and Authority, from Time to Time, to sell and dispose of all or any Part of the old Pavement, or other Materials, to such Person or Persons as shall be willing to purchase the same, and to apply the Purchase-money for the Purposes of this Act.

Notice to be given of taking up Pavements, &c. for repairing any Vault, Drain, &c.

And be it further enacted by the Authority aforesaid, That when and so often as any Part of the Pavement of the said Street shall be taken up, for the Purpose of making, repairing, altering, cleansing, or emptying any Sewer, Vault, or Drain, or of laying, altering, or mending any Water-pipe or Plug, or for any other Purpose whatsoever, the Person or Persons so taking up such Pavement shall, within Twenty-four Hours, give Notice thereof to the Surveyor or Clerk to the Commissioners for putting this Act in Execution, in order that the same may, with all convenient Speed, be laid down and repaired under the Inspection of the said Surveyor; and the Charges and Expences thereof shall be paid by the said Commissioners, and they shall be reimbursed the same by the Person or Persons, Companies of Water-works, or Commissioners of Sewers, who shall take up, or cause or procure

procure to be taken up, the said Pavement, or any Part or Parts thereof.

Commissioners may compound with Commissioners of Sewers.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners for putting this Act in Execution, or any Five or more of them, from Time to Time, to compound and agree with the said Companies or Commissioners of Sewers, or other Person or Persons respectively, for a certain Sum of Money, by the Foot or other Measure, as the said Commissioners for putting this Act in Execution, or any Five or more of them, shall think reasonable, in lieu and instead of laying down or repairing such Pavement as shall be necessarily taken up for any of the Purposes aforesaid.

How Money shall be recovered.

And be it further enacted by the Authority aforesaid, That in case such Person or Persons, Companies of Water-works, or Commissioners of Sewers respectively, shall neglect or refuse to pay what the said Commissioners shall have so paid and disbursed, or what shall be due upon such Contract or Composition as aforesaid, within Two Months next after Notice thereof, to be left by the Surveyor or Clerk appointed or to be appointed by the said Commissioners, at the Dwelling-house or last Place of Abode of such Person or Persons, or of the Secretary or Secretaries, Clerk or Clerks of such Companies of Water-works, or Commissioners of Sewers respectively, (which Notice shall be in Writing, and signed by the Clerk to the Commissioners for putting this Act in Execution, by Order of the said Commissioners, or any Five or more of them, and annexed to the Bill containing an Account of the Expence of such Repair, or Money due upon such Composition) it shall and may be lawful to and for the said last-mentioned Commissioners, or any Five or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the the Name of their Clerk for the Time being, for the Recovery of such Sum or Sums of Money respectively: And in case such Person or Persons hereby directed to give such Notice to the Surveyor or Clerk to the Commissioners for putting this Act in Execution, as is before directed, shall neglect so to do for the Space of Twenty-four Hours after such Pavement shall be so taken up, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Commissioners to pay for altering Pipes.

And be it further enacted by the Authority aforesaid, That if, for the Purposes of this Act, it shall at any Time be found necessary to raise, sink, or otherwise alter

alter the Position of any of the Pipes or Plugs laid down or placed by the said Companies, or of any of the leaden or other Pipes which shall be laid into or from any of the said Companies Pipes, which the said Commissioners, or any Five or more of them, are hereby impowered to cause to be done as often, and in such Places, as they shall think proper, the same shall be paid for out of the Monies arising by virtue of this Act, and shall be done with as little Detriment or Inconvenience to the said Companies, and other Persons, as the Circumstances of the Case will admit of.

Where any of the Water Companies Pipes break, Notice to be given to such Companies.

And be it further enacted by the Authority aforesaid, That when and so often as it shall happen that any Pipe or Pipes belonging to any Water Companies shall break or burst in the said Street, it shall and may be lawful to and for the Surveyor for the Time being to the Commissioners for putting this Act in Execution, or such other Person as the said Commissioners, or any Five or more of them, shall appoint for that Purpose, to give immediate Notice thereof to the Paviour of the Water Company to whom he apprehends such Pipe or Pipes does or do or may belong, and require him to take up the Pavement, and open the Ground at or near the Place where the Water shall or may issue by reason of such Pipe or Pipes breaking or bursting, within Two Days next after such Notice given to such Paviour, or left at his last or usual Place of Abode; and if, upon taking up of the Pavement and opening the Ground, it shall appear that the Pipe or Pipes so broken or burst do not or doth not belong to the Water Company whose Paviour shall have taken up such Pavement and opened such Ground, that then and in such Case the Surveyor or other Person as aforesaid, shall give immediate Notice to the Paviour of that Company to whom it shall appear that the said Pipe or Pipes do or doth belong, such Notice to be given or left with such Paviour, or at his last or usual Place of Abode; and the Paviour of the Company to whom such Pipe or Pipes shall belong is hereby required to repair the same, and fill in the Ground, within Two Days after such Notice given or left as aforesaid; and also within Twenty-four Hours after such Pipe shall be repaired, and the Ground filled in, to give Notice to the Paviour or Paviours contracting with the said Commissioners, or to the Surveyor or other Person aforesaid, of such Pipe or Pipes being repaired, and such Ground being filled in, such Notice to be given to such Contractor, Surveyor, or other Person, or left at his or their last or usual Place of Abode: And in case it shall happen

Expences of relaying the Pavement to be paid.

that the Paviour who first receives Notice to take up the Pavement and open the Ground for the Purposes aforesaid, shall take up such Pavement and open such Ground, and it shall then be discovered that the Pipe or Pipes which is, are, or shall be burst or broken, do or doth not belong to the Company to whom he is Paviour; that then, and in such Case, the Paviour of the Company to whom such Pipe or Pipes do or doth belong, shall make Satisfaction to the Paviour who so took up such Pavement, and opened such Ground, for such Work: And in case the Paviour to whom such Notice shall be so given to take up such Pavement, and open such Ground, shall neglect or refuse to do the same within the said Two Days after Notice given, he shall, for the First Offence, forfeit and pay the Sum of Twenty Shillings; for the Second Offence, the Sum of Forty Shillings; and for the Third, and every other Offence, the Sum of Three Pounds: And in case the Paviour of the Company to whom such Pipe or Pipes so broken or burst shall belong, shall neglect or refuse to repair and amend the same, and fill in the Ground so taken up, for the Space of Two Days next after such Notice given, or shall neglect to give Notice to the Paviour or Paviours contracting with the said Commissioners, or to the Surveyor to the said Commissioners, or to such other Persons as aforesaid, such Paviour shall, for the First Offence, forfeit the Sum of Twenty Shillings; for the Second Offence, the Sum of Forty Shillings; and for the Third, and every other Offence, the Sum of Three Pounds: And if the Person or Persons contracting with the said Commissioners to relay such Pavements so broken or taken up for the Reasons aforesaid, shall neglect or refuse to relay such Pavement in a good, sufficient, and effectual Manner, within Two Days after such Notice given to him as aforesaid; or if the Surveyor, or other Person to whom such Notice shall be given, shall neglect to acquaint the Contractor of such Notice; then, and in every such Case, the Person or Persons so offending, shall, for the First Offence, forfeit the Sum of Twenty Shillings; for the Second Offence, the Sum of Forty Shillings; and for the Third, and every other Offence, the Sum of Three Pounds.

Paviors to Water Companies to give Notice to the Surveyor or Clerk of their Names and Abodes.

And be it further enacted by the Authority aforesaid, That every Paviour now appointed, or hereafter to be appointed, by the said several Water Companies, who shall have any Pipe or Pipes laid in, through, or under the said Street, shall and is hereby required, within the Space of Eight Days next after the passing of this Act,

or

or within the Space of Three Days next after he shall be appointed Paviour to such Company or Companies, and within the Space of Three Days next after every Removal of his Abode, to give Notice in Writing to the Surveyor or Clerk for the Time being to the said Commissioners of his the said Paviour's Name and Place of Abode, and to what Company he is Paviour: And in case any such Paviour shall neglect or refuse to give such Notice within the respective Times aforesaid, every such Paviour, so offending in either of the said Cases, shall, for the First Offence, forfeit the Sum of Twenty Shillings; for the Second Offence, the Sum of Forty Shillings; and for the Third, and every other Offence, the Sum of Three Pounds.

No Alteration to be made in the Form of the Pavements without Consent of Commissioners.

And be it further enacted by the Authority aforesaid, That no Person or Persons shall make, or cause to be made, any Alteration in the Form of any of the Pavements of the said Street, or of any Part thereof, without the Consent and Direction of the said Commissioners, or any Five or more of them, under their Hands and Seals, upon Pain of forfeiting, for every such Offence, the Sum of Five Pounds, over and above all Expences incurred, or to be incurred, in reinstating the same.

Course of Gutters to be turned if necessary.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, from Time to Time, to direct and cause the Course of any Gutter or Channel running in or through the said Street, to be turned or altered in such Manner as they shall think proper, and to direct any Grate or Grates already placed, or hereafter to be placed, over any Sewers, to be removed and replaced, in such Manner, and at such Place and Places, as they shall think most proper; all which shall, from Time to Time, be done at the Expence of the said Commissioners, and paid for out of the Money arising by virtue of this Act; any Law, Usage, or Custom, to the Contrary notwithstanding.

Where necessary to make new Grates, or repair old ones, Commissioners of Sewers to pay the Expence.

And be it further enacted by the Authority aforesaid, That when and so often as there shall be Occasion to make new or additional Grate or Grates over any Sewer or Sewers within the said Street, or to repair or alter any old Grate or Grates belonging to the Commissioners of Sewers, or any other Person or Persons, in the said Street, the same shall be made new, repaired, or altered, by and at the Expence of the said Commissioners of Sewers, or such other Person or Persons to whom the same doth or shall belong; and the same, when so made new, repaired,

or

or altered, shall be laid down in such Place and Places, and in such Manner and Form, as shall be directed by the Surveyor to the Commissioners for putting this Act in Execution, at the Expence of the said Commissioners of Sewers, or such other Person or Persons as aforesaid: And in case the said Commissioners of Sewers, or such other Person or Persons as aforesaid, shall neglect or refuse so to do, for the Space of Six Days next after Notice given, or left with their Clerk or Clerks for the Time being, or with such other Person or Persons as aforesaid, it shall and may be lawful to and for the said Commissioners appointed by this Act, or any Five or more of them, or their Surveyor, to cause such Grate or Grates as shall be necessary to be made new, repaired, altered, and laid down, to be so made new, repaired, altered, and laid down; the Expence whereof shall be reimbursed and paid by the said Commissioners of Sewers, or such other Person or Persons as aforesaid, or recovered of him, them, or any of them, in like Manner as the Charges and Expences of relaying Pavements is herein before authorised to be recovered.

How it shall be recovered in case of Neglect.

Sewers, &c. to be repaired by the Commissioners of Sewers.

And be it further enacted by the Authority aforesaid, That when and so often as any Sewer or Drain, which shall be situate in or communicate with the said Street, shall require to be made new, repaired, altered, cleansed, or emptied, then, and in every such Case, the said Commissioners of Sewers, or such other Person or Persons to whom such Sewer or Drain shall belong, shall, within Six Days after Notice given to or left for the Surveyor or Clerk for the Time being of the Commissioners of Sewers, or to or for such other Person or Persons as aforesaid, at his or their last or usual Place of Abode, by the said Commissioners appointed to put this Act in Execution, or any Five or more of them, or by the Surveyor or other Person authorised by them, make new, effectually repair, clean, or empty such Sewer or Drain, as the Case may require; and in Default thereof, it shall and may be lawful to and for the said Commissioners appointed by this Act, or any Five or more of them, or their Surveyor for the Time being, to cause such Sewer or Drain to be made new, repaired, or altered, cleansed, or emptied, as the Case may require, or so much thereof as shall be necessary; the Charges and Expences whereof shall be paid by the Commissioners for putting this Act in Execution, who shall be reimbursed the same by the Clerk or Treasurer for the Time being to the said Commissioners of Sewers, or by such other Person or Persons as aforesaid: And in

case

case the said Clerk or Treasurer to the said Commissioners of Sewers, or such other Person or Persons as aforesaid, shall neglect or refuse to pay what shall have been so paid and disbursed, within Two Months next after Notice thereof shall be left at the Dwelling-house or last Place of Abode of such Clerk or Treasurer, or other Person, which Notice shall be in Writing, and signed by the Clerk to the Commissioners for putting this Act in Execution, and annexed to the Bill containing an Account of such Charges and Expences; it shall and may be lawful to and for the said last-mentioned Commissioners, or any Five or more of them, and they are hereby authorised and impowered to bring, or cause to be brought, any Action or Actions, in the Name of their Clerk for the Time being, against such Clerk or Treasurer of the said Commissioners of Sewers for the Time being, or such other Person or Persons as aforesaid, for the Recovery of such Sum or Sums of Money as they shall have so expended for the Purposes aforesaid; in which Action or Actions no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Foot Pavements to be swept every Day except *Sundays*.

And be it further enacted, That every Occupier of any House or Tenement within the said Street, shall, from and after the Second Monday next after the passing of this Act, sweep and clean, or cause to be swept and cleansed, the Foot-paths before their respective Houses and Buildings, Once in every Day, between the Hours of Six and Nine in the Forenoon (Sundays excepted) upon Pain of forfeiting Five Shillings for every Neglect therein.

Penalty on obstructing the Streets, &c. by Carriages, Timber, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the said Second Monday next after the passing of this Act, set out, leave, or lay any Cart, Dray, Waggon, or other Carriage, Wheels, Timber, Stones, or other Materials, Matters, or Things, which may occasion any Annoyance, Nuisance, or Obstruction whatsoever in the said Street, so as to obstruct, incommode, or endanger any Person or Persons, Carriage or Carriages whatsoever, passing thereon; or if any Cart, Waggon, or other Carriage shall be suffered to stand in any Part of the said Street, longer than is needful and proper for the necessary Loading or Unloading thereof respectively; or if any such Cart, Dray, or other Carriage, shall be placed or set across any Part of the said Street, for the Purposes of Loading or Unloading the same, it shall and may be lawful, in any of such Cases, for the

said Commissioners, or any Five or more of them, either at any Meeting in pursuance of this Act, or without any such Meeting, to cause the said Carts, Waggons, or other Carriages, together with the Horse and Horses, and Loading and Loadings belonging thereto, and such other Matters and Things respectively, making or occasioning such Annoyance, Nuisance, or Obstruction, to be removed, taken, carried away, and deposited in such Place or Places as the said Commissioners, or any Five or more of them, shall direct or appoint, there to remain until the Offender or Offenders shall have paid and discharged all Costs, Charges, and Expences attending the carrying away and depositing the same as aforesaid, as also such Sum as the said Commissioners, or any Five or more of them, shall adjudge, not exceeding Forty Shillings for each such Offence.

Penalty on driving Wheelbarrows, &c. on Foot Pavements.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall lead, run, ride, drive, draw, or cause to be led, run, driven, or drawn, any Horse, Mule, or other Beast, or any Coach, Chariot, Cart, or Wheel or Wheels, Sledge, Truck, Cask, Wheelbarrow, or any other Carriage whatsoever, on any Part of the Foot Pavements of the said Street, every such Person or Persons shall forfeit, for the First Offence, the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third and every other Offence the Sum of Fifteen Shillings.

Inclosures may be made for the Purpose of Building.

Provided always, and be it further enacted by the Authority aforesaid, That any Person or Persons shall and may erect or set up, or cause to be erected or set up, in the said Street, any Inclosure, Posts, Bars, or Rails, or other Matters or Things for the Purpose of making Mortar, and depositing Bricks, Lime, or other Materials for building or repairing any Houses, Buildings, or other Works, every such Person or Persons first obtaining Leave under the Hand of the Surveyor or Clerk for the Time being to the said Commissioners, which he is hereby impowered to give by their Permission, signed by Five or more of them; but if any Person or Persons shall erect or set up, or cause to be erected or set up, any such Inclosures, Posts, Bars, or Rails, or any other Matter or Thing for the Purposes aforesaid, without such Leave first had and obtained; every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Ten Shillings for every Hour such

such Inclosure, Matter, or Thing as aforesaid, shall remain and continue.

Houses to be numbered.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may order and direct the Houses within the said Street to be numbered with Figures, placed or painted on the Doors thereof, or on such other Part of the said Houses respectively as they the said Commissioners, or any Five or more of them, shall think proper; and if any Person or Persons shall wilfully or maliciously destroy, injure, obliterate, or deface any such Number or Figure, or any Description, or any Part thereof, or cause or procure the same to be done, and shall be convicted thereof by his or their own Confession, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace acting in and for the County or Place where such Offence shall be committed; every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Commissioners may remove Signs and other Annoyances.

And be it further enacted by the Authority aforesaid, That from and after the said Second Monday next after the passing of this Act, the said Commissioners, or any Five or more of them, shall cause all Signs, which then or at any Time after shall be placed or hung in any Part of the said Street, to be fixed or placed on the Fronts of such Houses respectively, whereunto the same shall belong; and also shall and may cause all Sign-irons, Posts, Boards, Spouts, Gutters, Penthouses, or other Things, occasioning any Obstruction or Annoyance in the said Street, to be removed or altered in such Manner as the said Commissioners, or any Five or more of them, shall think most proper and convenient; and that for the future all Signs, Boards, Spouts, or Gutters, shall be placed or fixed on the Fronts of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong, as the said Commissioners, or any Five or more of them, shall direct, and not otherwise; and if any Person or Persons shall at any Time hereafter hang, place, erect, or build, any Sign, Sign-post, or Iron, Board, Spout, or Gutter, or cause the same to be done, in any other Manner than as aforesaid, or shall in any Manner occasion any Incroachment or Annoyance in the said Street, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Provided

Signs, &c. remaining unused, to be returned to the original Proprietor.

Provided always, and be it further enacted by the Authority aforesaid, That if any, or any Part of any such Sign, Sign-iron, or Post, Board, Gutter, Spout, Penthouse, or other Projection, shall remain unused after the Alteration made thereto, as before directed, the same shall be returned to and be the Property of the Person to whom the same belonged before such Removal or Alteration.

Steps, &c. projecting too far, to be removed.

And whereas the said Street is, in some Parts thereof, greatly obstructed, and made dangerous to Foot Passengers, by Steps being brought out from Houses, Steps and Doors going down into Cellars, Vaults, and other Places, and by Shew-glasses, Shew-boards, and other Matters or Things projecting from Shops or Houses over and beyond the Area belonging to such Houses, or into the Foot-ways; be it therefore enacted by the Authority aforesaid, That from and after the said Second Monday after the passing of this Act, all such Steps projecting into the Foot-ways of the said Street, and all Steps and Doors going down out of the Foot-ways into any Cellars, Vaults, or other Places belonging to any House, Shop, Warehouse, or Tenement, as likewise all Shew-glasses or Shew-boards projecting over and beyond the Arears, or into the Foot-ways, and all and every other Material, Matter or Thing belonging to any House, Warehouse, Shop, Cellar, or other Building, which do or shall cause or occasion any Nuisance, Annoyance, Incroachment, or Obstruction in the said Street (either in the Foot or Carriage-way thereof) shall be, at the Expence of the said Commissioners, from Time to Time removed, fixed, placed, or altered, in such Manner and Form as shall be approved of by the said Commissioners, or any Five or more of them, or their Surveyor, by their Direction.

An Assessment to be made.

And, for defraying the Charges and Expences attending the Execution of the several Powers by this Act granted, be it further enacted by the Authority aforesaid, That from and after the passing of this Act, a Rate or Assessment (over and above all Rates and Assessments now payable) shall, Once in every Year, or oftener, if it shall be thought needful by the said Commissioners, or any Five or more of them, be made, laid, and assessed by the said Commissioners, or any Five or more of them, upon all and every Person and Persons who do or shall inhabit, hold, occupy, possess, or enjoy any House, Shop, Warehouse, Cellar, Vault, or other Tenement within the said Street, for raising such competent Sum and Sums of Money as the said Commissioners shall from Time

Time to Time judge needful and direct; so as such Rate or Assessment, Rates or Assessments, do not in any One Year exceed, in the Whole, the Sum of One Shilling and Sixpence in the Pound of the yearly Rents or yearly Values of such Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements or Hereditaments respectively; and that all and every Tenant of every House, Shop, Warehouse, Cellar, Vault, or other Tenement or Hereditament, shall and may deduct One-third of such Sum as shall be so assessed as aforesaid, out of his, her, or their Rents, and the Landlord or Landlords, Owner or Owners of such Premises, is and are hereby required to allow such Deduction or Abatement upon the Receipt of the Residue of his, her, or their respective Rents; any Agreement or Contract between Landlord or Tenant, or any Usage, Custom, or Law to the Contrary notwithstanding.

Rate on South Side of the Street.

Provided always, and be it further enacted, That no Person shall be liable to be rated or pay more than Five-Sixth Parts of such Rate or Assessment, Rates or Assessments, for or in respect of any House, Shop, Warehouse, Cellar, Vault, or other Tenement, situate on the South side of the said Street, between Red Lion Street and the Liberty of the City of London; and that the Proprietors and Occupiers of any such House, Shop, Warehouse, Cellar, Vault, or other Tenement, shall be and are hereby absolutely acquitted and discharged from any and every Claim that may or can arise in respect of the Appropriation of any Toll or Tolls on Hay heretofore received by them, or any of them.

Manner of Recovery.

And be it further enacted and declared, That if any Person or Persons, who shall be rated or assessed by virtue or in pursuance of this Act, shall refuse or neglect to pay the Money so rated or assessed for the Space of Ten Days next after the same shall be due and demanded by the Collector or Collectors authorised and appointed to collect and receive the same (such Demand being either personally made of the respective Person or Persons so charged, or left in Writing at his, her, or their respective House or Houses, or Place or Places of Abode) then, and in every such Case, it shall and may be lawful to and for such Collector or Collectors, every or any of them, having a Warrant or Warrants under the Hand and Seal of any Justice of the Peace of the said County (which Warrant or Warrants the said Justice, upon Application of the said Collector or Collectors, is hereby authorised and required to grant) and such Collector or

Collectors, taking to his or their Assistance a Constable or other Peace Officer of the Parish or Place where the Persons so refusing or neglecting shall reside, to enter into the House or Houses of the Person or Persons so refusing or neglecting as aforesaid, and then and there to distrain his, her, or their Goods and Chattels; and if the same shall not be replevied, or such Rate or Assessment paid, within Five Days next after such Distress made, together with the Costs and Charges thereof, then to appraise and sell so much and such Part of the said Goods and Chattels as shall be sufficient to pay the said Rate or Assessment, with the Costs and Charges attending such Distress and Sale, returning the Overplus (if any) to the Owner or Owners of such Goods or Chattels (the said Costs and Charges to be settled and allowed by such Justices who shall have granted such Warrant or Warrants respectively); and in case no such Goods or Chattels can be found to be so distrained, or in case such Goods and Chattels shall be locked up or secured, or removed from the said Collector or Collectors, so that he or they cannot distrain the same; then, and in either of the said Cases, upon Information thereof given to any One Justice of the Peace acting in and for the said County, it shall and may be lawful for such Justice, and he is hereby required to commit the Person or Persons so assessed and refusing or neglecting to pay the said Rates, to the Common Gaol for the County or Place where such Person or Persons shall reside or shall be found, there to remain, without Bail or Mainprize, for any Time not exceeding the Space of One Month, or until the Payment of such Rate or Assessment, and the reasonable Charges occasioned by the Non-payment thereof.

Occupiers quitting without paying Rates, may be followed.

And be it further enacted by the Authority aforesaid, That when any Person or Persons who hath or have been rated and assessed by virtue of this Act shall quit his, her, or their Dwelling-house, Warehouse, Shop, Vault, Cellar, or Tenement, whereupon such Rate or Assessment has been made, before he, she, or they shall have paid the same, and shall afterwards refuse to pay the same, when due and demanded by the Person or Persons authorised and appointed to collect and receive the same, that then, and in every such Case, it shall and may be lawful to and for the said Collector or Collectors, and every or any of them, by Warrant under the Hands and Seals of any Two Justices of the Peace acting in and for the said County (which Warrant the said Justices are hereby authorised and required to grant) to enter into any Place

Place within their Jurisdictions, or out of the Limits thereof, such Warrant being first backed or counter-signed by some Magistrate of the County, City, or Liberty where the Distress is to be made; and to distrain the Goods and Chattels of such Person or Persons so neglecting or refusing, and the same to sell, rendering the Overplus (if any) upon Demand, to the Owner of such Goods and Chattels, after deducting the reasonable Charges and Expences of such Distress and Sale.

Toll on Hay.

And whereas there is due, and has been accustomed to be received, for every Cart or Waggon loaded with Hay brought into the said Parish, and sold on the usual Market Days, the Sum of Sixpence, Two-pence whereof is due and of Right belonging to the Lord of the Manor of Stebonheath, otherwise Stepney, in the County of Middlesex, as Owner or Proprietor of the said Market, and has accordingly, from Time to Time, been paid to and received by him; and the further Sum of Two-pence, other Part of the said Sum of Sixpence, is due and of Right belonging to the said Parish, for the cleansing and taking away the Dirt and Filth occasioned by such Carts and Waggons, and has been paid to and received by the several Householders and Inhabitants before whose Doors such Carts and Waggons have stood, and been sold on the usual Market Days as aforesaid, for the Use of the said Parish; and the further Sum of Two-pence, the Remainder of the said Sum of Sixpence, is due and has been received by the said several Householders and Inhabitants against whose Doors the said Hay so exposed to Sale stood: To the End therefore that the useful Purposes of this Act may be the better and more speedily carried into Execution, and for and towards increasing the Fund for defraying the Charges of the same, be it further enacted by the Authority aforesaid, That from and after the First Monday next after the passing of this Act there shall be paid to the Receiver or Receivers, Collector or Collectors, to be for that Purpose nominated and appointed by the said Commissioners, or any Five or more of them, by any Writing under their Hands and Seals, for every Cart or Waggon loaded with Hay, which shall be brought into the said Parish for Sale on the usual Market Days, and sold or exposed to Sale, the aforesaid Sum of Sixpence in lieu of all other Tolls which are or shall be authorised to be taken and collected, the said Receiver or Receivers, Collector or Collectors, paying thereout to the Lord of the said Manor, or such other Person as shall be Owner or Proprietor of the said

Market for the Time being, or such Person or Persons as shall be appointed by him or them to receive the same, the Sum of Two-pence, clear of all Charges and Expences, for every Cart or Waggon loaded with Hay, which shall be brought into the said Parish, and sold or exposed to Sale on the usual Market Days as aforesaid.

Power to compound with the Lord of the Manor.

Provided always, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from Time to Time, to compound and agree for the same with the said Lord of the said Manor, or such other Person as shall be Owner or Proprietor of the said Market for the Time being, for a certain Sum of Money by the Year, or otherwise, for any Term not exceeding Three Years, as the said Commissioners, or any Five or more of them, shall think reasonable.

Tolls may be levied by Distress.

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby impowered by themselves, or any Person or Persons by them thereto authorised, to levy the said Toll hereby required to be paid upon any Owner or Owners, Driver or Drivers of any Cart or Waggon loaded with Hay as aforesaid, who shall neglect or refuse to pay the same as aforesaid; which said Toll shall and may be levied by Distress of any Part of such Hay with which such Cart or Waggon shall be so loaded as aforesaid, or upon any of the Goods or Chattels of such Person or Persons who ought to pay the same; and such Distress or Distresses shall and may be detained until such Toll, with the reasonable Charges of such Distress or Distresses shall be paid: And it shall and may be lawful to and for the Person or Persons so distraining, after the Space of Five Days from the Time of making such Distress, to sell such Hay, or other Goods or Chattels so distrained, rendering to the Owner or Owners thereof the Overplus (if any) upon Demand, after the said Toll, and the reasonable Charges in and about the making such Distress, Keeping, and Sale, shall be fully satisfied.

Act 31 *Geo.* II.

And whereas by an Act of Parliament made and passed in the Thirty-first Year of the Reign of His late Majesty King George the Second, intituled, An Act to ascertain the Weight of Trusses of Straw, and to punish Deceits in the Sale of Hay and Straw in Trusses in *London*, and within the Weekly Bills of Mortality, and within the Distance of Thirty Miles thereof; and to prevent common Salesmen of Hay and Straw from buying the same, on their own Account, to sell again; and also to restrain Salesmen, Brokers, or Factors in Cattle, from buying, on their own Account, to

to ſell again any live Cattle in *London*, or within the Weekly Bills of Mortality, or which are driving up thereto, it is, amongſt other Things, enacted, That there ſhall be kept in every Hay-market, within the Limits of the ſaid Weekly Bills of Mortality, where Hay or Straw is or ſhall be allowed to be ſold, a Book or Regiſter for entering and regiſtering therein an Account of all Hay and Straw which ſhall be ſold in any ſuch Hay-market reſpectively; and that ſuch Book or Regiſter ſhall be kept by the Clerk or Toll-gatherer of every Hay-market within the ſaid Limits, or his or their Deputy or Deputies: And whereas the Toll upon every Load of Hay which ſhall be brought into the ſaid Pariſh for Sale, and ſold or expoſed to Sale on the uſual Market Days, is by this preſent Act directed and appointed to be paid to the Receiver or Receivers, Collector or Collectors, to be for that Purpoſe nominated and appointed by the ſaid Commiſſioners, or any Five or more of them; be it therefore further enacted, That it ſhall and may be lawful to and for ſuch Perſon or Perſons as ſhall be appointed Receiver or Receivers, Collector or Collectors of the ſaid Toll, to keep a Book or Regiſter for entering and regiſtering therein an Account of all Hay and Straw which ſhall be ſold in the ſaid Hay-market; and that ſuch Receiver or Receivers ſhall duly account for, and pay to the Lord of the ſaid Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the Time being, or ſuch Perſon or Perſons as ſhall be appointed by him or them to receive the ſame, all ſuch Sum and Sums of Money as ſhall be received by ſuch Receiver or Receivers, Collector or Collectors, by virtue or on account of the keeping ſuch Book or Regiſter as aforeſaid, clear of all Charges and Expences whatſoever.

Receivers may collect the Money for Regiſtering.

Provided always, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, from Time to Time, to compound and agree for the ſame with the ſaid Lord of the Manor, or ſuch other Perſon as ſhall be Owner or Proprietor of the ſaid Market for the Time being, for a certain Sum of Money, by the Year or otherwiſe, for any Term not exceeding Three Years, as the ſaid Commiſſioners, or any Five or more of them, ſhall think reaſonable.

Commiſſioners may compound with the Lord of the Manor.

And whereas by the ſaid Act made in the Thirty-firſt Year of His late Majeſty King George the Second, intituled, An Act to aſcertain the Weight of Truſſes of Straw, and to puniſh Deceits in the Sale of Hay and Straw in

Act 31 *Geo.* II.

Truſſes in *London*, and within the Weekly Bills of Mortality, and within the Diſtance of Thirty Miles thereof; and to prevent common Saleſmen of Hay and Straw from buying the ſame on their own Account, to ſell again; and alſo to reſtrain Saleſmen, Brokers, or Factors in Cattle, from buying on their own Account, to ſell again any live Cattle in *London*, or within the Weekly Bills of Mortality, or which are driving up thereto; it is, amongſt other Things, enacted, That from and after the Twenty-ninth Day of September, One thouſand ſeven hundred and fifty-eight, no Perſon or Perſons ſhall permit or ſuffer his or their Waggon, Cart, or Car, laden with Hay or Straw for Sale, to ſtand or be in the Hay-market in Smithfield, in London, or in any Hay-market within the Weekly Bills of Mortality, from Ladyday to Michaelmas, after Four of the Clock in the Afternoon; and from Michaelmas to Ladyday, after Three of the Clock in the Afternoon.

Hay-market when to be held.

And whereas the keeping open the Hay-market in the High Street, in the Pariſh of Saint Mary Matfellon, otherwiſe Whitechapel, to ſuch late Hours, has been found very inconvenient, not only to the Farmers and Conſumers of Hay and Straw, but likewiſe to all Paſſengers who have Occaſion to paſs through the ſaid High Street, and ſome further Regulation is likewiſe neceſſary with reſpect to the ſaid Hay-market; be it therefore enacted by the Authority aforeſaid, That from and after the paſſing this Act, ſo much of the above-recited Act as directs the Time when the Hay-market held in the ſaid High Street ſhall end, and the ſtanding of Waggons, Carts, or Cars, in the ſaid Market, be, and the ſame is hereby repealed; and that for the future, the ſaid Market ſhall be held, from Ladyday to Michaelmas, from Seven in the Morning till One of the Clock in the Afternoon; and from Michaelmas to Ladyday, from Eight in the Morning till Twelve of the Clock at Noon, and at no other Time or Times; and if any Perſon or Perſons ſhall, at any Time, continue or ſuffer his or their Waggon, Wain, Cart, or Car, laden with Hay, Straw, or Fodder, to ſtand or be in any Part or Parts of the ſaid High Street or Hay-market, otherwiſe than as above mentioned, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Shillings; to be recovered and applied in ſuch and the ſame Manner as, by the ſaid recited Act, the Penalties for offending againſt the ſaid Act are to be recovered and applied.

And,

And, for the more effectually enabling the said Commissioners to execute the Purposes of this Act in the most expeditious Manner; be it further enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, and they are hereby impowered, from Time to Time, when they shall judge it necessary for the Purposes aforesaid, to borrow and take up at Interest any Sum or Sums of Money, not exceeding Four thousand Pounds, upon the Credit of the Rates or Assessments, to be made and payable by virtue of this Act, and upon the said Toll upon Hay; and by any Writing or Writings, upon Vellum or Parchment, signed by them, to assign the said Rates or Assessments, and the said Toll, or either of them, to any such Person or Persons who shall advance or lend such Money thereon, as a Security or Securities for the several Sums so borrowed, with legal or lower Interest for the same; which Interest shall be payable and paid Half-yearly, by the said Commissioners, out of the Monies to arise by or from the said Rates or Assessments, and the said Toll respectively.

Commissioners may borrow 4000 *l.* on the Credit of the Act.

And whereas many Persons may chuse to advance Money for the Purchase of Annuities, to be secured upon, and payable out of the said Rates and Assessments, and the said Toll respectively; be it therefore further enacted, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners, or any Seven or more of them, or such Person or Persons as they shall appoint for the Purposes of this Act, any Sum or Sums of Money not exceeding in the Whole the Sum of Three thousand Pounds, for the absolute Purchase of One or more Annuity or Annuities to be paid and payable during the full Term of the natural Life of such Persons as shall be nominated by or on the Behalf of such respective Contributors, at the Time of Payment of their respective Contribution-monies; which Annuity or Annuities shall not exceed the Rate of Eight Pounds per Centum per Annum for every One hundred Pounds, and so in Proportion for any greater or lesser Sum, to be advanced and paid as aforesaid: All which Annuities so to be purchased shall be payable and paid by the said Commissioners out of the Monies to arise by or from the said Rates and Assessments and Toll respectively, by quarterly Payments, the first Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of the first Quarter after Payment of their respective Purchase-monies; the Rate whereof shall be settled and adjusted

Persons may advance to purchase Annuities not exceeding 3000 *l.*

justed by a publick Sale of the said Annuities by the said Commissioners, to the best Bidder for the same.

Trustees to pay 1000 *l.* to Commissioners.

And whereas the said Part of the said Street directed to be paved by this Act, is the great Avenue to the City of London from the County of Essex, and other Eastern Counties of this Kingdom, and ought to be paved, and the Work compleated in the same or like substantial Manner as that Part thereof is done which lies in the City of London: And whereas the Trustees appointed to put in Execution the several Acts of Parliament made for repairing the Turnpike Road adjoining to the said High-street, leading from the Stones End at Whitechapel Church, in the County of Middlesex, to Shenfield, and other Places in the County of Essex, are willing to contribute, advance, and pay the Sum of One thousand Pounds for that Purpose out of the Tolls and Duties arising by their said Turnpike Acts; be it therefore enacted by the Authority aforesaid, That the Trustees appointed or to be appointed under the said Turnpike Acts, or any Seven or more of them, shall and may, and they are hereby authorised and required to pay, or cause to be paid, unto the said Commissioners, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by Writing under their Hands and Seals, appoint to receive the same out of the Money arising, or to arise under their said several Turnpike Acts, the Sum of One thousand Pounds of lawful Money, within the Space of Six Calendar Months next after the passing of this Act; provided that Part of the said Highstreet shall be so paved, compleated, and finished in Manner aforesaid, the Person or Persons receiving the same, giving a due Receipt and Discharge for the same.

Trustees to borrow 1000 *l.* on the Credit of the Act.

And, for the better enabling the said Trustees to raise and pay the Sum of Money as aforesaid, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, from Time to Time, to borrow and raise, on the Credit of their said Acts, any Sum or Sums of Money, not exceeding in the Whole the said Sum of One thousand Pounds, for the Purposes aforesaid, over and above all other Sum and Sums of Money already raised, or which shall hereafter be raised by virtue of the said Turnpike Acts, or any of them, for the particular Purposes of the same Acts; and also to secure the Re-payment thereof by such Means, Assignments, Mortgages, and Securities upon the Tolls and Duties, in such Manner, and at such Interest as they are impowered by the said Acts,

Acts, or any of them, to raise and secure Money for the particular Purposes of those Acts.

And be it further enacted by the Authority aforesaid, That all Monies raised or collected, by virtue, or by Means, or under the Authority of this Act, shall be, and the same are hereby vested in the said Commissioners, and shall be applied for the Purposes of this Act, and to or for no other Use or Purpose whatsoever. Money vested in Commissioners.

Provided always, and be it further enacted by the Authority aforesaid, That the Charges and Expences of procuring and passing this Act shall be paid out of the First Monies which shall be raised by virtue of this Act. Expences of the Act.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, from Time to Time, to compound and agree with any Person or Persons against whom the said Commissioners, or any Five or more of them, shall bring, or cause to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts, hereafter to be entered into on account of any Breach or Non-performance of any Contract or Contracts, for such Sum or Sums of Money as they, or any Five or more of them, shall think proper; and also to mitigate, compound, or lessen any other the Forfeitures incurred under this Act, so as the Sums 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 the Costs, Charges, and Expences, which shall be occasioned thereby, and so as the Mitigation of the other Forfeitures as aforesaid do not extend to remit above One Moiety of the said Forfeitures respectively. Penalties may be mitigated.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be held for the County of Middlesex, within Three Calendar Months after the Cause of Complaint shall have arisen, such Appellant first giving, or causing to be given, Fourteen Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Commissioners, and within Two Days after such Appeal to the Quarter Sessions.

Notice, entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizances, shall hear and finally determine the Causes and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such General or Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Recovery and Application of Penalties.

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

Commissioners may reward Informers.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them,

them, from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding One Moiety of them, or any of them, to and for the Use of the Informer or Informers, or any of them; any Thing herein contained to the Contrary thereof notwithstanding.

Justices may administer Oaths.

And be it further enacted by the Authority aforesaid, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall be lawful for such Justice or Justices to administer an Oath to any Person for his or their more certain Information in the Matters then depending.

Commissioners who are Justices for *Middlesex* may act.

And be it further enacted, That it shall and may be lawful to and for any Two Justices of the Peace for the County of Middlesex, although such Justices shall be Commissioners for the Purposes of this Act, to hear and determine any of the Offences arising within their respective Jurisdictions which are made subject to, and punishable by, any pecuniary Penalties directed to be levied by virtue of this Act.

Orders, &c. to be kept in Books, &c.

And be it further enacted, That a Book or Books shall be prepared and kept by the said Commissioners, or by such Person or Persons as they, or any Five or more of them, shall appoint, wherein shall be fairly entered, from Time to Time, the Names of such Persons as they, or any Five or more of them, shall nominate and appoint to put in Execution the Purposes of this Act; and Copies of all Orders and Proceedings relating thereto, and also an Account of what Monies shall have been assessed, raised, levied, and paid by virtue of this Act, and how the same shall have been applied, and the Names of the Annuitant or Annuitants, and what Sum or Sums he, she, or they paid for such Annuity or Annuities respectively, and what he, she, or they, is or are to receive for the same; which Book or Books the said Annuitants, or any of them, and all Persons contributing to the said Rates or Assessments, may at all convenient Times peruse and inspect without Fee or Reward.

Commissioners to defray their own Expences.

And be it further enacted by the Authority aforesaid, That the said Commissioners shall, at all their Meetings under this Act, pay and defray their own Expences.

Distress not unlawful for want of Form.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress

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 Default or want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but 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 if Tender of Amends be made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by, or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit; whereupon such Proceedings, or Orders and Judgements, shall be had, made, and given, in and by such Court, as in other Actions, where the Defendant is allowed to pay Money into Court.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That no Nomination, Contract, Warrant, Judgement, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Commissioner, or Justice or Justices of the Peace, or exhibited before them, or under the Hand and Seal, or Hands and Seals of, or only signed by, any other Person or Persons whatsoever, relating to the Execution of this Act, shall be chargeable with any Stamp-duty whatsoever.

Orders, &c. to be entered in Books.

And be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the said Commissioners, at their Meetings, shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, so entered, shall be signed by the Clerk or Clerks at any Meeting of Five or more of the said Commissioners assembled, as the Case shall require; and such Orders shall be deemed and taken to be Original Orders; which said Book or Books shall and may be produced and read in Evidence in all Courts whatsoever.

And

And be it further enacted by the Authority aforesaid, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the Contrary notwithstanding. Proceedings not to be removeable by *Certiorari*.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given in Writing to the Clerk of 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, for which such Action or Actions, Suit or Suits, shall be brought; and every such Action shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and the Defendant or Defendants, in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials that shall be had thereupon; and that the Matter or Thing, for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs; and shall Limitation of Actions. General Issue. Treble Costs.

have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

Publick Act, And be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts of Justice as a Publick Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without the same being specially pleaded.

FINIS.