ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XLVIII.

An Act for amending and rendering more effectual Two Acts, made, One in the Eighth and the other in the Tenth Year of His present Majesty's Reign, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleansing, and lighting, the Parish of *Saint Mary le Bone*, in the County of *Middlesex*, and for other Purposes in the said Acts mentioned.

WHEREAS in and by Two several Acts made, One in the Eighth Year of the Reign of His present Majesty, intituled, An Act for repealing an Act, made in the Twenty-ninth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the better regulating the Nightly Watch and Beadles, and cleansing, enlightening, and paving the Streets, Squares, Lanes, and other Passages, and repairing* Preamble. Act 8 Geo. III.

the Highways and Causeways, and regulating the Poor, within the Parish of Saint Mary le Bone, *in the County of* Middlesex), and for making more effectual Provisions for those Purposes: And the other in the Tenth of his said Majesty's Reign, intituled, An Act for the more effectually paving, repairing, cleansing, and lighting the Streets, Squares, Lanes, and other Passages, and for regulating Weights and Measures, within the Parish of *Saint Mary le Bone*, in the County of *Middlesex*, and for other Purposes therein mentioned; certain Powers were, for the Purpose of the due Execution of the said Two Acts, vested in the Vestrymen and Commissioners therein respectively named: And whereas the said Vestrymen and Commissioners have made a very considerable Progress in the Execution of the several Powers by the said Acts in them respectively vested; but find that the good Purposes intended by the said Acts cannot be effectually answered, unless the said Acts are further amended; 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 so much of the said Act, made in the Eighth Year of the Reign of his present Majesty, as vests the Power of regulating the Nightly Watch and Beadles in the Vestrymen of the said Parish shall be repealed: And that from and after the passing of this Act, the Nightly Watch and Beadles of the said Parish (subject to the Rules, Directions, and Powers, in the said Act prescribed, with respect to the same) shall be under the sole Authority, Jurisdiction, and Control, of the Commissioners acting by virtue of the said Act, made in the Tenth Year of the Reign of his present Majesty; any Thing contained in the said Act of the Eighth Year of his said Majesty's Reign, for vesting the Authority, Jurisdiction, and Control, of the Nightly Watch and Beadles in the Vestrymen of the said Parish, to the Contrary thereof notwithstanding.

48 & 49 Geo. III. c. 132.

So much of Act 8 *Geo.* III. as impowers the Vestrymen to regulate the Nightly Watch and Beadles repealed;

and by this Act to be under the Direction, &c. of the Commissioners.

And

And be it further enacted by the Authority aforesaid, That if any Person or Persons, other than the Scavenger or Scavengers contracting with the said Commissioners, or those employed under him or them, shall carry away any Dust, Cinders, or Ashes, from any House or other Premises, in any Square, Street, Lane, or Place, within the Limits of the said Act of the Tenth Year of the Reign of His present Majesty, (without the Consent of the Owner); in every such Case it shall and may be lawful to and for any Person or Persons whatsoever, who shall see such Offence committed, to seize, and also for any other Person or Persons to assist in seizing the Offender or Offenders; and he and they is and are hereby required so to do by the Authority of this Act, and without any other Warrant, to convey and deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace of the said County of Middlesex, or City and Liberty of Westminster, as the Case shall be; and every such Person or Persons so carrying away such Dust, Cinders, or Ashes, shall forfeit and pay the Sum of Five Shillings for the First Offence, and the Sum of Ten Shillings for the Second and every other subsequent Offence: And in case the said Penalties be not forthwith paid, or Security given for the Payment thereof, to the Satisfaction of the Justice before whom such Offender or Offenders shall be convicted, such Offender or Offenders shall be committed to the House of Correction for the County of Middlesex, or City and Liberty of Westminster, as the Case shall be, for any Time not exceeding Thirty Days, nor less than Twenty Days, to be computed from the Day of Commitment.

Persons carrying Dust, Cinders, or Ashes away, not being the Scavenger, shall forfeit

for 1st Offence, Five Shillings; 2d, and every other Offence, Ten Shillings, &c.

And be it further enacted, That in case the Person or Persons who shall carry away any Dust, Cinders, or Ashes, without the Consent of the Owner or Owners, or without being properly authorised by the Scavenger or Scavengers, contracting with the said Commissioners, cannot be apprehended; then, and in every such Case, the Owner or Owners of the Cart or Carriage in which

If Persons offending cannot be apprehended, the Penalty to be laid on the Owner of the Cart or Carriage.

such Dust, Cinders, or Ashes shall be placed, in order to be carried away, or of any Horse or Beast carrying away the same, shall forfeit and pay the Sum of Ten Shillings for the First Offence; and for the Second or any other subsequent Offence, the Sum of Twenty Shillings: And that it shall and may be lawful to and for any Person or Persons whatsoever to seize, or cause to be seized, any such Cart or Carriage, together with the Horse or Horses, or any Beast or Beasts drawing the same, or any Horse or Beast carrying away the same, and drive, remove, or take, or cause the same to be driven, removed, or taken, to the Court-house or Pound belonging to the said Parish, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants, shall and do pay to the Person or Persons, in whose Custody the same shall be, the said Penalty, together with the Charges of removing the same, and of keeping such Horse or Horses, or any other Beast (if any); and in case the same shall not be demanded, and the said Penalty and Charges paid within Five Days, then it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the same to be appraised and sold, and the Money arising therefrom shall be applied, One Moiety to the Person who shall apprehend any such Offender, or seize, carry, or take to the said Pound or Court-house such Cart, Carriage, or Beast, and the other Moiety to the Purposes of the said former Acts, or this Act, returning the Overplus (if any) after deducting the said Penalty, and the Charges attending such Removal, and of maintaining such Horse or Horses, or other Beast, and of appraising and selling such Cart, Carriage, Horse, or Beast, to the Owner or Owners thereof, upon Demand.

So much of Act 10 G. III. impowering Water Companies to repair Pavement, &c. repealed.

And be it further enacted, That so much of the said Act of the Tenth Year of the Reign of His present Majesty, as impowers any of the Water Companies who now furnish, or shall hereafter furnish, the Inhabitants, within the Limits aforesaid, with Water, to repair the Pavement where any Pipe or Pipes belonging to any of

of the Water Companies within the said Limits shall happen to burst or break, as as directs the Paviors or Turncocks of any of the said Companies, or the Surveyors of the said Commissioners, to give Notice of their respective Names and Places of Abode, shall be repealed.

The Manner, and by whom, Water-pipes and Pavements are to be repaired.

And be it further enacted, That when and so often as any Main, Pipe or Pipes, belonging to any of the Water Companies, who now furnish, or shall hereafter furnish, the Inhabitants, within the Limits aforesaid, with Water, and which now lie, or shall hereafter be laid, under Ground, in any of the said Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, shall happen to break, burst, or decay, so as to require Reparation, the Surveyor of the said Commissioners for the Time being, or such other Person or Persons as the said Commissioners shall appoint for that Purpose, shall forthwith give, or cause to be given, Notice thereof, in Writing, to the Pavior of the Water Company to whom he apprehends the said Main or Mains, Pipe or Pipes, to belong, who is hereby required to take up the Pavement, and open the Ground, at or near the Place where such Reparation shall appear to be wanting: And if the said Pavior shall, upon taking up such Pavement, and opening such Ground, discover that the Main or Mains, Pipe or Pipes, so broken, burst, or decayed, does not or do not belong to the Water Company whose Pavior he is; then, and in every such Case, he shall forthwith give, or cause to be given, Notice thereof, in Writing, to the Pavior to the Company, to whom the said Main or Mains, Pipe or Pipes, shall appear to belong; in which Case, such last-mentioned Pavior is hereby required, upon Demand, to make Satisfaction for the taking up such Pavement, and opening such Ground, to the Pavior giving Notice as aforesaid; and the Pavior of such Water Company to whom the said Main or Mains, Pipe or Pipes, shall belong, is hereby required to cause or procure the said Main or Mains, Pipe or Pipes, to be repaired, and afterwards to fill up the said Ground, and ram down the

the same, within Two Days next after such Notice to be given; and as soon as such Main or Pipe shall have been so repaired, and the Ground so filled up and rammed down, he shall give, or cause to be given, Notice thereof in Writing to the Pavior or Contractor for the Time being of the said Commissioners: And if the Pavior or Paviors of any of the said Water Companies to or for whom such Notice shall be given, or left at his or their last Place or Places of Abode, shall, by the Space of Two Days next after the giving or leaving such Notice as aforesaid, refuse or neglect to take up such Pavement, and open such Ground; or if upon discovering that the Main or Mains, Pipe or Pipes, so broken, burst, or decayed, doth not, or do not belong to the Company whose Pavior he is, shall refuse or neglect to give immediate Notice thereof, in Writing, to the Pavior of the Company to whom the said Main or Mains, Pipe or Pipes, doth or do belong; or if the Pavior of the Water Company to whom such Main or Mains, Pipe or Pipes, shall belong, shall, by the Space of Two Days next after such Notice given to him, or left at his last Place of Abode, refuse or neglect to cause or procure such Main or Mains, Pipe or Pipes, to be amended and repaired, or afterwards to fill up the Ground so taken up, or to give such immediate Notice of his having so done to the Pavior or Contractor of the said Commissioners for the Time being; then, and in every such Case, the Person or Persons so respectively refusing or neglecting, shall, for every such Offence severally, forfeit and pay the Sum of Five Pounds: And if any Main or Mains, Pipe or Pipes, not belonging to any of the Water Companies, shall happen to break, burst, or decay, as aforesaid, in any of the said Squares, Streets, Lanes, Yards, Courts, Alleys, Passages, or Places; then, and in every such Case, the respective Owner or Owners thereof shall forthwith cause the Ground over the same to be opened, and such Main or Mains, Pipe or Pipes, to be repaired, and Notice thereof in Writing to be given to the Clerk for the Time being of the said Commissioners, or in case of Refusal or neglect so to do, shall, for every such Offence,

Pavement to be relayed by the Space of Two Days.

forfeit and pay the Sum of Five Pounds: And if any Pavement shall be broken or taken up for the Purpose of making, repairing, or altering, any Main, Pipe, Vault, or Drain, or for any other Purpose whatsoever; then, and in every such Case, the Person or Persons so breaking or taking up the said Pavement, or causing the same to be so broken or taken up, shall, as soon as the Nature of the Work will permit, cause the Ground to be filled in, and Notice thereof in Writing to be given to the Clerk for the Time being of the said Commissioners, or in case of Refusal or Neglect so to do, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; and the said Clerk of the said Commissioners, shall forthwith, upon every such Notice as aforesaid given to him, or left at the Office of the said Commissioners, at the Court-house of the said Parish of Saint Mary le Bone, transmit such Notice, or cause the same to be transmitted, to the Paviour or Contractor of the said Commissioners for the Time being: And if the said Clerk shall refuse or neglect, by the Space of Two Days next after such Notice as aforesaid given to him, or left at his last Place of Abode, to transmit such Notice, or cause such Notice to be transmitted, to the said Paviour or Contractor for the Time being of the said Commissioners; or if such Paviour or Contractor to whom any such Notice as aforesaid shall be so transmitted, shall, by the Space of Two Days next after the transmitting of such Notice to him as aforesaid, refuse or neglect to relay and repair the Pavement so broken up; then, and in every such Case, the Person so refusing or neglecting shall forfeit and pay the Sum of Twenty Shillings for every Day such Pavement shall continue unrelaid or unrepaired after the Expiration of the said Two Days.

Provided always, That if it shall happen that at any Time there shall be no regular or fixed Appointment of a Paviour of any of the Water Companies, in that Case such Notice as aforesaid shall be delivered to, or left at the Office of the Clerk or Secretary of such Company respectively, who shall, in every such Case, be substituted Proviso.

in the Room of such Paviors, to all the Intents and Purposes aforesaid.

Paviors of the Water Companies to give Notice of their Names, &c.

And be it further enacted, That the several and respective Paviors now employed, or hereafter to be employed by the said Water Companies respectively, within the Limits aforesaid, shall, within the Space of Thirty Days next after the passing of this Act, or within Three Days next after they shall be respectively appointed Paviors to such Company or Companies, give Notice in Writing to the Clerk for the Time being of the said Commissioners, of their respective Names and Places of Abode, and of the Names of the respective Company whose Paviors they are, and of the respective District to which they are appointed; and in like Manner the Clerk for the Time being of the said Commissioners, after having received Notice of such Appointment as aforesaid, shall, within the respective Times aforesaid, give Notice to the respective Paviors of the said several Water Companies, of the Names and Places of Abode of the Pavior or Paviors, Contractor or Contractors, for the Time being of the said Commissioners; and if any of the said Paviors, or the Clerk of the said Commissioners for the Time being, shall neglect to give such Notice within the respective Times aforesaid, each of them shall, for every such Offence severally, forfeit and pay the Sum of Twenty Shillings.

Water Companies to pay to the Commissioners the Expence of new laying the Pavement when Pipes are broken, &c.

Provided always, and be it further enacted and declared, That the Charges and Expences of relaying the Pavement which shall be broken, or taken up for the Purposes of laying down, repairing, or amending, any such Main or Mains, Pipe or Pipes, shall be reimbursed and paid to the said Commissioners, or to such Person as they shall appoint to receive the same, by the Clerk or Treasurer for the Time being of the respective Water Companies, to whom such Main or Mains, Pipe or Pipes, shall belong; or if the same shall not belong to any of the said Water Companies, then by the respective Owner or Owners thereof; and if such Clerk or Treasurer to any of the said Water Companies, or the respective Owner

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or Owners of such Main or Mains, Pipe or Pipes, liable to reimburse and pay such Charges and Expences, shall refuse or neglect to pay the same within Ten Days next after Demand thereof in Writing, signed by the Clerk of the said Commissioners, and left at their respective Dwelling-houses, or last Places of Abode, or at the Office of the respective Companies, together with a Bill to be annexed to such Demand, containing an Account of such Charges and Expences; then, and in every such Case, the Money so expended shall and may be recovered by the said Commissioners, of, and from the Person or Persons so liable thereto, by Action or Actions of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in the Names of the said Commissioners, or any Five or more of them, to be commenced within Three Calendar Months next after such Demand respectively; in which Action or Actions, Suit or Suits respectively, no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Commissioners may contract for Paving, and to be advertised.

And be it further enacted, That the said Commissioners, or any Seven or more of them, shall, and they are hereby authorised and impowered, from Time to Time, at any of their Meetings, as Occasion shall require, to contract with any Person or Persons for paving, and keeping in Repair, the Pavement over the Water Trenches belonging to any of the said Water Companies; but that no such Contract shall be made unless, previous to the making thereof, Fourteen Days Notice at the least shall be given in some of the publick News-papers, expressing the Intention of such Contract, in order that any Person or Persons willing to undertake the same, not being Commissioners, may make Proposals for that Purpose, at the Time and Place in such Notice mentioned.

Water Companies may repair the Pavement by their own Workmen, within Four Feet of their Plugs, &c.

Provided always, and be it enacted, That nothing in this Act contained shall extend to prevent any of the said Water Companies, from Time to Time, as Occasion shall require, from taking up and repairing, by their own Workmen or Paviors, any Part of the Pavement within the

the Limits aforesaid, not exceeding the Distance of Four Feet from the Water-plugs, Drawing-plugs, and Fire-plugs, belonging to the respective Water Companies: Provided nevertheless, That in case such Pavement so taken up by the said Water Companies, their Workmen or Paviors, shall not be properly relaid to the Satisfaction of the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being; then, upon Notice given to the said Water Companies, or their Pavior, the said Pavement shall, within Four Days after such Notice, be again taken up and relaid, at the Expence of the Water Company that shall have so taken up the said Pavement; and in case the said Pavement so taken up shall not be relaid for the Third Time in a proper Manner, and to the Satisfaction of the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors for the Time being, then the Water Company, so neglecting to relay the said Pavement in a proper Manner, shall forfeit and pay to the said Commissioners, or any Five or more of them, the Sum of Twenty Shillings; and the said Commissioners, or any Five or more of them, shall cause such Pavement to be taken up and relaid by their own Workmen and Paviors, and the Expence thereof shall be borne and defrayed by the Water Company so neglecting to relay the same in a proper Manner; any Thing herein contained to the Contrary notwithstanding.

Commissioners may compound with the Water Companies.

Provided also, and be it further enacted, 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 of the said Proprietors or Water Companies respectively, for a certain Sum of Money, by the Foot or other Measure, as the said Commissioners, or any Five or more of them, shall think reasonable, for the Purpose of laying down or repairing such Parts of the said Squares, Streets, Lanes, Mewses, Alleys, Courts, Passages, or Places, as shall be necessary to be taken up by the Workmen of the said Proprietors or Water Companies, for the Purposes of laying down, replacing, altering, or amending, any of the Mains or Pipes.

And, for the more easy obtaining of Water in Cases of Fire, it is hereby further enacted, That the several Water Companies who shall supply any of the Inhabitants within the Limits aforesaid with Water, shall, from Time to Time, within the Space of Fourteen Days after the passing of this Act, or within Seven Days after the Appointment of any Turncock or Turncocks, give Notice, in Writing, to the said Commissioners, of the Names and Places of Abode of their respective Turncocks, distinguishing the Districts to which they respectively belong; and if any of the said Companies shall neglect to give such Notice within the Times aforesaid, they shall, for every such Neglect, forfeit and pay the Sum of Forty Shillings; and the said Commissioners shall, and they are hereby required, yearly, to cause to be printed, and distributed to and amongst the several Householders, within the Limits aforesaid, a List of the Names and Places of Abode of the several Turncocks of the District or Districts within the said Limits. How Water may more easily be obtained in Times of Fire.

And be it further enacted, That in order to avoid the Loss that frequently happens from the Tenants or Occupiers of Houses or Tenements, who frequently quit and remove from such Houses or Tenements before the Quarter Day on which the Rates and Assessments, charged by virtue of the said Acts, on the said Houses or Tenements become due and payable; it shall and may be lawful to and for the said Vestrymen and Commissioners of the said Parish respectively to demand and receive, or cause to be demanded and received, Sixty Days before every such Quarter Day, or at any other subsequent Time, the respective Rates and Assessments that would be due and payable on such Quarter Day; and in case of Nonpayment thereof, to enforce the Payment of such Rates and Assessments, in the same Manner, and with the same Powers, as they could or might by virtue of either of the said former Acts, or this Act, in case of Nonpayment of the said Rates and Assessments upon the Quarter Day on which the same became due and payable. Power to collect Rates within the Quarter.

Penalty of 5 s. on Persons rubbing out Numbers on Houses, &c.

And be it further enacted by the Authority aforesaid, That in all Cases where any Number painted or put on any House or Tenement, within the Limits aforesaid, under the Direction of the before-recited Act of the Tenth Year of the Reign of His present Majesty, shall be defaced or rubbed out, the Owner or Occupier of any such House or Tenement, where the Number or Numbers shall have been defaced or rubbed out, shall, upon Personal Notice given to him, her, or them, or upon Notice in Writing, left at his, her, or their last or most usual Place of Abode, by the Clerk to the said Commissioners, or by such other Person or Persons as any Five or more of the said Commissioners shall direct or appoint, cause the same Number to be in the same or like Manner painted, or put on such House or Tenement, within Five Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence the Sum of Five Shillings.

Creditors equal in Degree by 10 *Geo.* III. repealed.

And be it further enacted, That so much of the said Act of the Tenth Year of the Reign of His present Majesty as directs, that no Preference shall be given to any Person or Persons in the Payment of the Principal Sum or Sums by him, her, or them advanced, or to be advanced, upon the Credit of the said Act, shall be repealed.

A certain Proportion of the Rates to be applied in Discharge of Money borrowed.

And be it further enacted, That in order to discharge the said Principal Money and Interest, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorised and impowered, yearly and every Year, to deduct, appropriate, and set apart any Sum or Sums of Money, not exceeding One Penny Halfpenny in the Pound, of the Total Amount of the yearly Rent or Value of all and every the Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments respectively within the Limits aforesaid, and the said Sum or Sums of Money so to be set apart and appropriated, shall be, from Time to Time, taken and deducted from and out of the Rate and Assessment levied and collected by virtue of the said Act

of

of the Tenth Year of His present Majesty, for the Purpose of repairing, cleansing, and lighting the Squares, Streets, Lanes, and other Passages and Places within the Limits aforesaid: Provided always, That such Sum or Sums of Money so to be deducted, set apart, and appropriated, as aforesaid, shall not at any Time exceed the Proportion of One Penny Halfpenny in the Pound, according to the yearly Rent or Value of such Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, on which such Rates or Assessments shall have been actually levied and collected, and shall only be so deducted, set apart, and appropriated, at such Time or Times as the said Rate and Assessment by the said Act allowed to be levied and collected for the Purpose of repairing, cleansing, and lighting, as aforesaid, shall not exceed the full Sum of One Shilling in the Pound in any One Year; any Thing herein contained to the Contrary notwithstanding.

The Money to be paid into the Bank.

And be it further enacted, That the said Sum or Sums of Money so to be set apart and appropriated, shall and may, from Time to Time, as the same shall be levied and collected, be paid into the Bank of England, and from thence issued and applied in such Manner, and to and for such Uses and Purposes, as are by this Act hereinafter directed and appointed; and the Treasurer or Treasurers to the said Commissioners for the Time being shall keep the Account relating to such Sum or Sums of Money, so paid into the Bank as aforesaid, separate and distinct from all other Accounts of the said Commissioners.

Manner of paying off the Debt.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby authorised and impowered, from Time to Time, when and as often as the Surplus of the said Sixpenny Rate (if any) shall, together with the Produce of One Penny Halfpenny in the Pound, so to be set apart and appropriated, amount to the Sum of Five hundred Pounds, or upwards, to pay off and discharge the Mo-

ney borrowed, and to be borrowed, on the Credit of the said Sixpenny Rate, in such Manner as is herein-after directed, and a separate Account shall be kept of the Sums of Money paid off and discharged by the Surplus of the said Sixpenny Rate distinct from those which shall be paid off and discharged by the Sums so appropriated as aforesaid, by virtue of this Act.

Method to be taken for paying off Bonds.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, to cause the Numbers of all the Bonds or Securities which shall be then due and owing to the Creditors on the said Sixpenny Rate to be put separately into a Box or Glass, and that so many Numbers of the said Bonds or Securities shall be drawn out of the said Box or Glass by the Clerk to the said Commissioners, in the Presence of the said Commissioners, or any Seven or more of them, as shall make up the Sum then intended to be paid off; and that Six Calendar Months Notice, in Writing, or printed, and signed by the Clerk to the said Commissioners for the Time being, shall be given to the Person or Persons who shall be intitled to such Bond or Bonds, Security or Securities, so drawn out, or shall be left at his, her, or their last or most usual Place of Abode, that his, her, or their respective Bond or Bonds, Security or Securities, Principal and Interest, will be paid off; and that at the Expiration of the said Six Calendar Months, to be computed from the Day of such Notice given or left, as aforesaid, all Interest on such Bond or Bonds, Security or Securities, shall cease and determine.

Commissioners to borrow Money for paving, &c.

And whereas it may hereafter happen, That by a long and constant wear of the Pavement within the Limits aforesaid, the Expence of repairing the same may be too large to be defrayed out of the annual Rates allowed to be collected for that Purpose; be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Seven or more of the said Commissioners, and they are hereby authorised and impowered, in Cases of such Necessity only, to borrow and take up at Interest such Sum or Sums of Money as shall be so wanted,

on the Credit of the said Sixpenny Rate, in like Manner as is directed by the before-recited Act of the Tenth Year of the Reign of His present Majesty, for the borrowing Money on the said Sixpenny Rate: Provided always, That no greater Sum or Sums of Money shall be so borrowed than was or were actually paid off and discharged by Means of the said Sum of One Penny Halfpenny in the Pound, by this Act so set apart and appropriated, as aforesaid.

Commissioners to borrow Money at a lower Interest to pay off Bonds.

And be it further enacted by the Authority aforesaid, That in case the said Commissioners can, at any Time, borrow and take up any Sum or Sums of Money, not less than the Sum of Five hundred Pounds at One Time, at a lower Rate of Interest than the Bonds or Securities by them issued then carry, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time, to pay off and discharge the Bonds or Securities bearing an higher Rate of Interest, following the Directions and Regulations as are herein-before prescribed for paying off Bonds and Securities.

Proviso.

Provided nevertheless, That no Bond or Security carrying a lower Rate of Interest all at any Time be paid off and discharged, whilst any of the Bonds or Securities carrying an higher Rate of Interest are unpaid and undischarged.

Cavendish Square to be new paved.

And whereas by the before-recited Act of the Tenth Year of His present Majesty, the Owners and Occupiers of Houses and Premises in Cavendish Square are impowered to raise such competent Sum as shall be sufficient to new-pave, beautify, and adorn the said Square, provided Three-fourths of such Owners and Occupiers shall assent thereto: And whereas the Commissioners under the said Act have, on very reasonable Terms, agreed to new-pave, adorn, and beautify the said Square, and have already compleated great Part of the Work: And whereas more than Three-fourths of the Owners and Occupiers of Houses, with respect to the Proportion of valuable Property, have consented thereto in due Form; but it being doubtful whether the Assents of

Three-fourths in Number of the Owners and Occupiers have been obtained, as some are Abroad, and others cannot be found, so that it is imagined that One or Two may be still wanting: And whereas it would be expedient for the good Purposes of this Act to remove all such Doubts and Difficulties, be it enacted by the Authority aforesaid, That the said Owners and Occupiers, together with the said Commissioners appointed by the said before-recited Act of the Tenth Year of the Reign of his present Majesty, shall have full Power and Authority, notwithstanding such Deficiency in the Consents given by the Owners and Occupiers in point of Number, to execute all and every Power, Matter, and Thing, directed to be performed by the said before-recited Act of the Tenth Year of His present Majesty, in as full and ample a Manner as if Three-fourths of such Consents had been obtained in due Form.

What Houses shall be deemed in *Cavendish Square*.

And, to the Intent that it may be clearly known what Houses and Premises shall be considered as situated in the said Square, for the Purpose of rating the same, be it enacted, That every House or Premises, the Front or Side of which shall face or form a Part of the Line of the said Square, though another Part of such House or Premises may front or face a Street, shall nevertheless be deemed and taken to be wholly situated in the said Square, for the Purpose aforesaid.

Proceedings shall not be valid until confirmed at a subsequent Meeting.

And be it further enacted, That no Proceedings of the said Vestrymen and Commissioners, either under the said former Acts, or this Act, shall be deemed valid, until the same shall have been confirmed and approved of at a Second or subsequent Meeting of the said Vestrymen or Commissioners, and shall have been signed by the Chairman of such Second or subsequent Meeting.

Clauses of the former Act extended to this Act.

And be it further enacted, That all the Clauses and Powers in the said former Acts contained, (except such as are hereby varied, altered, or repealed), shall extend, and be construed to extend, to this Act, as fully and effectually as if the same were repeated and re-enacted in this present Act.

Provided

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Commissioners may act as Justices.

Provided always, and be it enacted by the Authority aforesaid, That it shall and may be lawful to and for any Justice or Justices of the Peace, residing in the said Parish of Saint Mary le Bone, to act as Justices of the Peace, in the Execution of the said former Acts, or this Act, notwithstanding their being appointed Vestrymen and Commissioners under any of the said former Acts.

Charges of the Act how to be paid.

And be it further enacted, That all the Costs, Charges, and Expences, of passing this Act, and all other Charges incident to the obtaining thereof, shall be borne, paid, and defrayed out of the Monies arising by virtue of the said former Acts, or this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all the Penalties, Forfeitures, and Fines, by the said former Acts, or this Act, inflicted, or authorised to be imposed, (the Manner of levying and Recovery whereof is not otherwise hereby particularly directed), shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace for the County or Place wherein the Offender shall be or reside, or wherein the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, (which Oath such Justice or Justices of the Peace is and are hereby impowered and required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby impowered to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels, and the Penalties, Forfeitures, and Fines, when paid or levied, shall be applied to the Purposes of the said former Acts, or this Act; and in every Case where Distress is directed to be taken by the said former Acts, or this Act, and sufficient Distress shall not be found, and such Penalties, Forfeitures,

feitures, and Fines, shall not be forthwith paid, it shall and may be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorised and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the common Gaol or House Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, for the First Offence, and for the Second and every other Offence of the same Kind, for any Time not exceeding Six Calendar Months, nor less than Two Calendar Months, or until such Penalties, Forfeitures, or Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Justices may cause to be drawn up the following

And, for the more easy and speedy Conviction of Offenders against the former Acts, or this Act, be it further enacted by the Authority aforesaid, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against the said former Acts, or this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect.

Form of Conviction.

BE it remembered, That on the Day of in the Year of His Majesty's Reign, *A. B.* is convicted before of His Majesty's Justices of the Peace for the County of by virtue of an Act of the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For amending and rendering more "effectual Two Acts, made, One in the Eighth and the "other in the Tenth Year of His present Majesty's Reign, "for regulating the Nightly Watch and Beadles, and for "paving, repairing, cleansing, and lighting, the Parish of "*Saint Mary le Bone*, in the County of *Middlesex*, and "for other Purposes in the said Acts mentioned;" *(specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be.)*

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

And be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing whatsoever, relating to the Execution of the said former Acts, or this Act, shall be charged or chargeable with any Stamp-duty whatsoever; Writings to be without Stamps.

And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said former Acts, or this Act, until Twenty-one Days Notice shall be thereof given in Writing to the Clerk or Treasurer to the said Vestrymen and 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 so brought; and all such Actions or Suits shall be laid and tried in the County of Middlesex, and not in any other County or Place; and that the Defendant or Defendants in such Action or Actions, Suit or Suits, and every of them, may plead the General Issue, and give the said former Acts, and this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for or on which such Action or Actions, Suit or Suits shall be brought, was done in pursuance and by the Authority of the said former Acts, or 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 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 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, Suit or Suits; or if upon a Demurrer or Demurrers in such Action or Actions, Suit Limitation of Actions. General Issue.

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or Suits, Judgement shall be given for the Defendant or Defendants therein; then, and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in other Cases by Law.

Treble Costs.

Publick Act.

And be it further enacted, That the said former Acts, and this Act, shall be allowed in all Courts whatsoever as a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.