ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LXI.

An Act for the better lighting and watching the Town of *Kingston upon Thames*, in the County of *Surrey*; and for removing and preventing all Obstructions, Encroachments, and Nuisances therein.

WHEREAS the Streets, Passages, Squares, and other publick Places within the Town of Kingston upon Thames, in the County of Surrey, are not properly lighted and watched, and are subject to Obstructions, Encroachments, and Nuisances: And whereas it would conduce to the Convenience and Safety of the Inhabitants of the said Town, and all Persons resorting thereto, if some further Provision was made by Law for lighting and watching the several Streets, Passages, Squares, and other publick Places within the said Town, and for removing and preventing all Obstructions, Encroachments, and Nuisances therein; 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, Preamble.

7 in

Trustees.

in this present Parliament assembled, and by the Authority of the same, That the Bailiffs and High Steward of the said Town of Kingston upon Thames for the Time being, the Recorder of the said Town for the Time being, although not Resident in the said Town, the Justices of the Peace of the said Town for the Time being, and Joseph Ayres, Richard Baker, Elliot Bishop, John Box, Thomas Burston, William Bircombe, John Bircombe, John Baker, Grocer, Bennett Chandler, John Clark, John Clifford, Ezekiel Dickenson, John Edwards, John Farmer, James Frelove, Richard Garbrand, Abraham Goodwin, Thomas Goostrey, Green, the Reverend John Griffiths, George Hardinge, Jacob Hemmett, Thomas Hemmings, William Hobbs, William Holt, William Hunt, Robert Hester, William Hester, William Hawkins, Thomas Hind, William James, Edmund James, Charles Jemmett, Sir Thomas Kent Knight, James Kilsby, John Lidsey, John Linfield, Richard Macphedris, George Marks, Thomas Marson, Thomas Millis, Thomas Mundy, Joseph Mackrill, George Millis, James Neale, the Right Honourable George Onslow, George Parker, Henry Parkhurst, Pembroke, Ralph Porter, Hinkley Phips, John Wornham Penfold, John Penner, Thomas Peters, Richard Pierce, Sewel Roades, Henry Roake, William Roffey, George Roots, Richard Rose, John Rowls, John Rowls junior, Joseph Ryley, Joseph Ryley junior, Bolter Roffey, Henry Rose, Johnson Rowles, Thomas Reynolds, John Scott Baker, James Scufham, Francis Searle, Henry Selfe, James Sibbald, Thomas Smith Apothecary, William Smith, Stint Sutton, Richard Stevens, John Stevens, John Steward, Edward Swan, Josiah Stevens, William Stevens, John Smith, William Tallemach, Richard Tallemach, Jasper Taylor, John Thomas, Thomas Tickner, Thomas Tucker, Peter Turnbull, Thomas Taylor, Moses Waite Trentham, Thomas Waterhouse, Thomas Waterhouse, William Wood, George Wadbrook, Lake Young, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Trustees for lighting and watching the said Town, and for putting this Act and the several Powers and Authorities herein-contained in Execution.

And be it further enacted by the Authority aforesaid, That when any of the said Trustees herein-named, or hereafter to be elected, shall die, resign, or refuse to act, or shall remove from the said Town of Kingston upon Thames, or shall be disqualified to act as Trustees, it shall and may be lawful for the surviving or remaining Trustees, or any Eleven or more of them, from Time to Time, to elect and appoint a fit Person, residing in the said Town, to be a Trustee in the Stead of every such Trustee so deceased, resigning, refusing to act, removing, or being disqualified as aforesaid; and every such Person so from Time to Time elected and appointed, shall be joined with the surviving or remaining Trustees, and is hereby impowered to act, to all Intents and Purposes, in as full and ample Manner as if such Person had been particularly named and appointed a Trustee in and by this Act. Trustees not to act if interested.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee, in any Case, in the Execution of this Act, unless at the Time of his acting therein he shall be seised in his own Right, or in the Right of his Wife, and be in the actual Possession or Receipt of Rents and Profits of a real Estate, in Law or Equity, within the said Town, of the clear yearly Value of Ten Pounds above Reprizes; or unless such Person shall rent or occupy Lands, Tenements, or Hereditaments, within the said Town of Kingston upon Thames, of the yearly Value of Fourteen Pounds: And if any Person or Persons, hereby made incapable to act as a Trustee, shall presume to act in the Trusts aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds; to be recovered in any of His Majesty's Courts of Record at Westminster, or in His Majesty's Town Court of Record holden for the Town and Liberty of Kingston upon Thames, and Hundreds of Kingston, Elmbridge, Copthorne, and Effingham, by Action of Debt, or on the Case, or Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted, or against whom Qualification of Trustees. Penalty on acting if not qualified.

whom such Action shall be brought, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof given on the Part of the Plaintiff or Plaintiffs in such Action than that such Person hath acted as a Trustee in the Execution of this Act; and the Money to be recovered in such Action shall, after Payment of the extra Costs and Expences attending such Action, be applied to the Purposes of this Act: But no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall hold any Office of Profit, or have any Share or Interest in any Contract, or be employed in any Work relating to the Execution of any of the Powers of this Act.

No Trustee to act and hold a Place of Profit.

And be it further enacted, That the said Trustees, or any Eleven or more of them, shall meet on the First Tuesday in July, One thousand seven hundred and seventy-three, at the Castle Inn, in the said Town of Kingston upon Thames, and may adjourn themselves, and afterwards meet at the same Place, or at any other Place or Places within the said Town, as often as the said Trustees, or any Eleven or more of them, shall think fit, for putting this Act in Execution; and the said Trustees shall, at all their Meetings, pay their own Expences.

Time and Place of Trustees Meetings.

And be it further enacted, That the said Trustees, or any Eleven or more of them, shall, from Time to Time, (if they think fit), appoint a Clerk, who shall enter all their Proceedings in a Book or Books to be kept for that Purpose; and shall and may also, from Time to Time, appoint such other Officer or Officers as they shall think proper to employ in the Execution of this Act; and make such Allowances to such Clerk, Officer and Officers, for their Trouble, and for their Attendance, in the Execution of this Act, as the said Trustees, or any Eleven or more of them, shall, at any of their annual Meetings, from Time to Time, think fit; and shall and may also (if they think fit) appoint a Treasurer for the Receipt of the Money to be raised and collected by the Rates or Assessments to be made by virtue of this Act; and every such Treasurer so to be appointed is hereby directed and required to account at the End of every Three Calendar Months, or oftener, if required, to the said Trustees, or any

Trustees may appoint Officers;

Power to compel Treasurer to account.

any Eleven or more of them, for all Monies by him received and disbursed by virtue of this Act, and to pay such Money as upon such Account shall appear to be remaining in his Hands to such Person or Persons as the said Trustees, or any Eleven or more of them, shall appoint to receive the same, to be applied to and for the Purposes of this Act.

Treasurer and Officers to give Security.

Provided always, That the said Trustees shall take such Security from their Treasurer and other Officers for the due Execution of their respective Offices, as they, or any Eleven or more of them, shall think fit; but no Salary or Allowance whatsoever shall be made to any Collector or Treasurer upon any Account or Pretence whatsoever; and that no Victualler or Retailer of Ale, Beer, or Spirituous Liquors, shall be capable of holding any Place or Office under this Act.

Victuallers not to hold Place or Office.

Trustees to hold annual Meetings.

And, in order that a sufficient Sum of Money may from Time to Time be raised for the Purposes of this Act, be it further enacted by the Authority aforesaid, That the said Trustees, or any Eleven or more of them, shall, and are hereby authorised and required, to meet at such Place or Places, within the said Town, as they shall think proper, upon the Second Tuesday in July, One thousand seven hundred and seventy-three; and shall also meet annually, upon the Monday next after the Feast of Saint John the Baptist, or within One Calendar Month afterwards, at such Time and Place within the said Town as they, or any Eleven or more of them, shall think fit; Notice of the Time and Place of every such annual Meeting being first given in the Parish Church of Kingston upon Thames, on the Sunday next before every such Meeting; and the said Trustees, or any Eleven or more of them, shall, and are hereby authorised and required, at their first Meeting, to be held as aforesaid, and also at all subsequent annual Meetings which shall be held in pursuance of this Act, to make a Pound Rate, to be equally assessed, for defraying the Expences of lighting and watching the said Streets, Passages, Squares, and other publick Places, within the said Town of Kingston upon Thames, and for defraying all other the Charges and Expences attending the Execution of this Act, upon

all and every Person and Persons who do and shall inhabit, hold, use, occupy, or enjoy any Messuage, Tenement, House, Shop, Warehouse, Barn, Stable, Outhouse, or other Building whatsoever, or any Yard, Garden, or Orchard, within the said Town of Kingston upon Thames, (except as herein-after is excepted), for such Sum and Sums of Money as the said Trustees, by any Eleven or more of them, assembled at their First Meeting, or at any of their annual Meetings, shall order, direct, and appoint; and all such Rates or Assessments shall be paid Quarterly, and shall be signed by any Five or more of the said Trustees.

Rates not to exceed 2 s. in the Pound.

Provided always, That no Rate or Assessment, directed to be made as aforesaid, shall exceed, in the Whole, the Sum of Two Shillings in the Pound in any One Year, of the yearly Rent of such Messuages, Tenements, Houses, Shops, Warehouses, Barns, Stables, Outhouses, or other Buildings, Yards, Gardens, or Orchards, as aforesaid.

Persons exempted from Rates.

Provided also, That all Persons who occupy Tenements under the yearly Value of Forty Shillings, and who subsist only by their manual Labour, and do not keep an open Shop for the Sale of Goods, Wares, and Merchandises, shall be freed and exempted from the Payment of the said Rates or Assessments, or any Part thereof; any Thing contained in this Act to the Contrary notwithstanding.

Surveyors of the Highways to be Collectors of the Rates.

And be it further enacted, That the Surveyors of the Highways of the Town and Parish of Kingston upon Thames for the Time being, or such other Person or Persons as the said Trustees, or any Eleven or more of them, shall, by Writing under their Hands and Seals, appoint for that Purpose, shall be, and they are hereby appointed Collectors of the said Rates or Assessments; and the said Collectors are hereby authorised, impowered, and required, to collect and levy the same accordingly, and to execute all such Warrants of Distress as shall be granted from Time to Time by any Justice of the Peace of the said Town and Liberty of Kingston upon Thames, against any Person or Persons neglecting or refusing to pay the said Rates or Assessments, or any

Part or Parts thereof; and if the said Surveyors, or either of them, shall refuse or neglect to take upon him or them the Office of Collector or Collectors of the said Rates or Assessments, for the Space of Ten Days after Notice in Writing given to them for that Purpose, under the Hands of the said Trustees, or any Five or more of them, or left at their usual Place or Places of Abode, every such Surveyor shall, for every such Refusal or Neglect, forfeit the Sum of Ten Pounds. 10*l.* Penalty for Refusal or Neglect.

And be it further enacted, That the said Collectors, and each of them, shall, and he and they is and are hereby required to make up and render to the said Trustees, or any Eleven or more of them, at some publick Meeting to be held in pursuance of this Act, as often as thereunto required by the said Trustees, or any Eleven or more of them, a full, true, and perfect Account, in Writing, of all Monies collected and received by him or them, by virtue of this Act, and of all Monies rated and assessed and not received, and to pay over the Monies so by him or them collected and received, and remaining in his or their Hands, to such Person or Persons as the said Trustees, or any Eleven or more of them, present at any such publick Meeting, shall, by Writing under their Hands, appoint to receive the same, to be applied for lighting and watching the several Streets, Passages, Squares, and other publick Places within the said Town of Kingston upon Thames, and for the several other Purposes of this Act, according to the true Intent and Meaning hereof: And if the said Collectors, or either of them, shall refuse or neglect to give in a just and true Account as aforesaid, or to pay the Money which shall then be in his or their Hands as herein-before is directed, it shall and may be lawful for any One of his Majesty's Justices of the Peace for the said Town and Liberty of Kingston upon Thames, by Summons, Warrant, or otherwise, to cause such Collector or Collectors to be brought before such Justice, and to examine into such Refusal, Neglect, or Nonpayment, as well by the Confession of the Party or Parties, as by the Oath or Oaths of One or more credible Witness or Witnesses, (all which Oaths such Collectors obliged to account; and in case of Refusal, to be committed to the House of Correction.

Justice is hereby impowered and required to administer; and if such Collector or Collectors shall be convicted of any such Refusal, Neglect or Nonpayment, as aforesaid, the said Justice shall, upon such Conviction, commit such Collector or Collectors to the House of Correction of the said County, situate in the said Town of Kingston upon Thames, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment, as aforesaid.

Rates how to be enforced.

And be it further enacted, That in case any Person or Persons, so rated or assessed as aforesaid, shall refuse or neglect to pay any such Rate or Assessment to the said Owner or Collectors, for the Space of Six Days next after the same shall have been personally demanded, or after the same shall have been demanded by Writing, left at the last or usual Place of Abode of such Person or Persons; that then it shall and may be lawful to and for any One or more Justice or Justices of the Peace acting for the said Town and Liberty of Kingston upon Thames, upon Oath, (which Oath he and they is and are hereby impowered and required to administer) of such Demand and Nonpayment, by Warrant under under his or their Hand and Seal, or Hands and Seals, (which he and they is and are hereby impowered and required to grant), to authorise and direct the said Collector or Collectors to levy such Rate or Money so in arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of every such Person and Persons so in arrear and neglecting or refusing to pay as aforesaid, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels, on Demand thereof being made by such Owner or Owners.

Rates may be recovered out of the County of *Surrey*.

And, for the more effectual levying the Money rated and assessed for the several Purposes of this Act, be it further enacted by the Authority aforesaid, That the Goods and Chattels of any Person rated or assessed as aforesaid, who shall neglect or refuse to pay the same, shall and may be distrained and sold in Manner aforesaid, not only in the said Town of Kingston upon Thames, but in any other Place in the County of Surrey, and if sufficient Distress cannot be found within the same County, then, upon Oath thereof made before any One or more Justice

or Justices of the Peace of any other County, or for any City, Liberty, or Place, which Oath such Justice or Justices is and are hereby impowered and required to administer, and which Oath shall be certified, under the Hand or Hands of the said Justice or Justices, on the Warrant made for such Distress, the Goods and Chattels of the said Person so refusing or neglecting to pay shall be subject and liable to such Distress and Sale in such other County, City, Liberty, or Place, where the same shall be found, and may by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within the said Town of Kingston upon Thames.

When Rates cannot be recovered from Collectors, new Assessments to be laid.

And be it further enacted, That in case any Collector of the said Rates and Assessments shall embezzle, detain, or misapply any Sum or Sums of Money which shall be so collected by him, so that the same cannot be recovered from him, or shall be possessed of any Sum or Sums of Money by him collected by virtue of this Act, and which shall not be paid or recovered from his Executors or Administrators, by the Space of Twenty Days after his Death; then, and in every such Case, all such Sums of Money shall be raised by such additional Rate or Assessment, to be made for that Purpose on the Inhabitants of the said Town of Kingston upon Thames, and shall be collected and levied in such Manner, and under such Penalties, as are herein before provided for the collecting and levying the Rates and Assessments which shall be made in pursuance of this Act.

Money may be borrowed, and charged on the Rates.

And in order that sufficient Sum or Money may be forthwith raised to defray the Expences of lighting and watching the said Streets, Passages, Squares, and other publick Places within the said Town, be it further enacted, That it shall and may be lawful for the said Trustees, or any Eleven or more of them, from Time to Time, to borrow any Sum or Sums of Money for the Purposes of this Act, not exceeding in the Whole the Sum of Seven hundred Pounds, at Interest not exceeding five Pounds per Centum per Annum, and to assign over by Writing, signed by any Five or more of the said Trustees, all or any Part of the said Rates or Assessments,

as

as a Security for the Repayment of the Principal and Interest of the Money so to be borrowed; and all such Securities may, from Time to Time, be assigned and transferred by Indorsement or otherwise without Stamps; and such Assignments and Transfers shall intitle the Person to whom the same shall be made to all Principal Money, and all Interest due, and to grow due, upon such Securities.

And be it further enacted, That all Securities for any Money to be borrowed as aforesaid, shall be in the Words following, or Words to the following Effect:

Form of Security.

BY virtue of an Act, made in the Thirteenth Year of the Reign of His Majesty King *George* the Third, "For the better lighting and watching the Town of *Kingston upon Thames*, in the County of *Surrey*, and for removing and preventing all Obstructions, Encroachments, and Nuisances therein," we of the Trustees do assign to *A. B.* his Executors, Administrators, and Assigns, in consideration of the Sum of from this Day of in the Year of our Lord until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid, such Proportion of the Rates or Assessments to be rated or assessed by virtue of the said Act, as the said Sum of shall bear to the whole Sum advanced on the Credit of the same.

Copies of Securities to be entered in Books.

And Copies of all such Securities shall be entered in a Book or Books, to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed after such First Meeting, unless Notice for that Purpose be given in Writing, to be affixed upon the Church Door of the said Town, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons to whom any such Security or Securities shall be made as aforesaid, or who shall be intitled to the Money thereby secured, may, from Time to Time, by Writing, under his, her, or their Hand and Seal, or Hands and Seals, assign or transfer his, her, or their Right, Title, Interest, or Benefit, of the Principal and Interest

terest thereby secured, to any Person or Persons whomsoever, by proper Words of Assignment, to be indorsed on the Back of such Security, in the Presence of One credible Witness; which Transfer or Assignment shall be in the following Words, or Words to the like Effect:

I Do transfer this Assignment, with all my Right and Title to the Principal and Interest thereby secured, unto his Executors, Administrators, and Assigns. In Witness whereof I have hereunto set my Hand and Seal, this Day of

Witness *C. I.* *A. H.*

Which said Transfer or Assignment shall be produced and notified to the Clerk to the said Trustees, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money, in a Book or Books, to be kept for that Purpose, for which the said Clerk shall be paid such Sum as the said Trustees, or any Eleven or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made, and not till then, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and every such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of the Person or Persons making such Assignment to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

All Monies advanced, with the Interest, shall be paid out of Rates.

And be it further enacted, That all and every the Sum and Sums of Money so to be advanced and lent, and Interest thereof, shall be, and are hereby charged upon, and shall be paid and payable, from Time to Time, out of the Monies arising from the Rates and Assessments, to be rated and assessed by virtue and for the Purposes of this Act; and all Persons who shall be so possessed of such Securities shall be Creditors in equal Degree, without Preference in respect of the Priority of his, her, or their advancing the Money thereon.

And

Trustees may erect Lamps, and appoint Watchmen.

And be it further enacted, That the said Trustees, or any Eleven or more of them, are hereby impowered, from Time to Time, to cause such Number of Glass Lamps to be erected in the said Streets, Passages, Squares, and other publick Places, within the said Town of Kingston upon Thames, as they shall think fit, and to fix so many of the said Lamps as they shall think proper, to any Houses or other Buildings within the said Town, making good the Damage which shall be done to such Houses or other Buildings thereby, and to erect such Number of Posts for placing up Lamps at such Places as they shall from Time to Time think necessary; and shall appoint a competent Number of fit and able-bodied Men, not exceeding Fourteen, to watch the said Streets, Passages, Squares, and other publick Places, within the said Town, and out of the Money to be raised and received by virtue of this Act, to make such Allowances to all such Workmen and Watchmen, for their Work, Labour, Attendance, and Care, and to give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed, and for the due and regular Performance of their Duty, as the said Trustees, or any Eleven or more of them, shall, from Time to Time, think proper; and from Time to Time may remove and discharge any of the said Watchmen, and to appoint others in the Room of such of them as shall be so removed and discharged.

Lamps, &c. vested in Trustees.

And be it further enacted, That from and after the passing of this Act, the Right and Property of all the Watch-houses, Lamps, Lamp-irons, and Posts, and the Furniture thereof, and of all other Things which shall be erected or fixed by virtue of this Act, and of all Materials, Implements, and other Things, to be purchased for those Purposes, shall be, and the same are hereby vested in the said Trustees, and they, or any Two 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 in the Name of their Treasurer or Clerk, or to prefer any Bill or Bills of Indictment, (as the Case shall require), against any Person or Persons who shall steal, take, or carry away, or destroy any Part or Parts thereof.

And

And be it further enacted, That if any Person shall wilfully break, throw down, or otherwise damage any of the Watch-houses or Lamps which shall be built, erected, or set up, by virtue of this Act, or any of the Posts, Irons, or Furniture thereof, or any other Matter or Thing thereunto belonging or appertaining, or shall extinguish any of the said Lamps, it shall be lawful for any Justice of the Peace for the said Town and Liberty of Kingston upon Thames, and he is hereby required, upon Oath made of the Commission of any such Offence, (which Oath such Justice is hereby authorised and required to administer), to issue a Warrant for apprehending the Party accused; or it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, as also for any other Person or Persons to assist in apprehending, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Town and Liberty; and the Justice before whom the Party or Parties accused shall be brought, 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, her, or their own Confession, or upon such Information as aforesaid, he, she, or they, so convicted, 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 subsequent Offence the Sum of Three Pounds; and shall also make full Satisfaction to the said Trustees, or to their Treasurer or Clerk for the Time being, for all the Damage so by him, her, or them done, as aforesaid: And in case such Offender or Offenders shall not upon Conviction pay such Penalty or Forfeiture, and make such Satisfaction, as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them, to the House of Correction of the said County, situate in the said Town of Kingston

Penalty for breaking Lamps wilfully,

is, for the First Offence, 20 *s.* for the Second Offence 40 *s.* and for the Third Offence 3 *l.*

upon Thames, there to be kept to hard Labour for any Time not exceeding Two Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they, shall have been committed, unless such Penalty or Forfeiture and Satisfaction shall be sooner paid and given: And if any Person shall negligently or accidentally break, throw down, or otherwise damage any of the said Watch-houses or Lamps, or any of the Posts, Irons, Furniture, or other Matter or Thing thereunto belonging or appertaining, and shall not, upon Demand, make Satisfaction to the said Trustees, or any Two or more of them, or to their Treasurer or Clerk, for the Damage by such Person done as aforesaid, it shall be lawful for any Justice of the Peace for the said Town and Liberty, and he is hereby required, upon Complaint made to him by any Two or more of the said Trustees, or their Treasurer or Clerk, to summon the Party or Parties complained of, and upon his, her, or their appearing, or making Default to appear, Oath being made that the Party or Parties complained of was served with such Summons, or that the same was left at his, her, or their Dwelling-houses or Places of Abode, if known, or that he, she, or they could not be found, (which Oath such Justice is hereby authorised to administer), such Justice shall proceed to examine the Matter of the said Complaint, and upon Proof thereof, either by the Confession of the Party or Parties complained of, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice is hereby impowered and required to administer), shall award and order such Satisfaction to be made by the Party or Parties complained of for the Damage so by him, her, or them done, as to such Justice shall appear just and reasonable, and shall also cause the Sum so awarded, (in case the same be not paid forthwith upon the making such Award or Order), to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons complained of, rendering to him, her, or them, upon Demand, the Overplus (if any be) after the Charges

Satisfaction to be made by Persons negligently breaking Lamps.

of

of prosecuting such Complaint, and of such Distress and Sale, shall be deducted.

Trustees may contract for lighting the Streets, &c.

And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Eleven or more of them, and they are hereby authorised and impowered, from Time to Time, to contract with any Person or Persons for the lighting the several Streets, Passages, Squares, and other publick Places within the said Town; all which Contracts shall specify the Work to be done, and the Prices to be paid for the same, and the Time and Times when such Works shall be performed or completed, and the Penalties to be suffered in case of Nonperformance thereof; and the same shall be signed by the said Trustees, or any Five or more of them, and by the Person or Persons contracting to perform such Works; and the said Trustees, or any Eleven or more of them, are hereby authorised and impowered to pay such Sum or Sums of Money for such respective Works as they shall so contract and agree for out of the Monies raised or received by virtue of this Act; and in case any Person or Persons who shall enter into any such Contract or Contracts with the said Trustees, or any Eleven or more of them, and shall not perform the same according to the true Tenor and Meaning of such Contract or Contracts, it shall and may be lawful to and for the said Trustees, or any Two or more of them, in the Name or Names of any One or more of them, to bring an Action of Debt in any of His Majesty's Courts of Law at Westminster, or in His Majesty's Town Court of Record holden for the Town and Liberty of Kingston upon Thames, and Hundreds of Kingston, Elmbridge, Copthorne, and Effingham, against any Person or Persons so contracting as aforesaid, and who shall neglect to perform such Contract or Contracts, for any Penalty or Penalties which shall be contained in any such Contract or Contracts; and on proving the signing such Contract or Contracts, and Nonperformance thereof, at the Time or Times for that Purpose therein mentioned, the said Trustees, or any Two or more of them, shall be intitled to, and shall recover the Penalty or Penalties therein contained, and the same, when recovered,

Power to inforce Contracts.

vered, shall be applied towards the Purposes of this Act.

Annoyances, &c. how to be prevented.

And, in order to prevent all Obstructions, Incroachments, and Nuisances, within the Streets, Squares, Passages, and other publick Places within the said Town, be it further enacted, That if any Person or Persons shall throw or lay, or shall permit or suffer to be thrown or laid, any Ashes, Dirt, Dust, Soil, Straw, Dung, or any Filth or Annoyance whatsoever, in any of the said Streets, Passages, Squares, or other publick Places within the said Town; or shall set out or leave, or cause to be set out or left, any Carriage, Horse, or Beast; or any Timber, Stone, Log of Wood, Cask, or any other Matter or Thing whatsoever, which may occasion any Annoyance, Nuisance, or Obstruction, in any of the said Streets, Passages, Squares, or other publick Places within the said Town, so as to endanger, stop, obstruct, hinder, or incommode, any Person or Persons whatsoever, passing either on Horseback or in Carriages, or on Foot; or shall permit or suffer his or her Swine to go at large in any of the said Streets, Passages, Squares, or other publick Places within the said Town, and shall be convicted thereof before any Justice of the Peace for the said Town and Liberty by the Oath of One or more Witness or Witnesses, (which Oath such Justice is hereby impowered to administer), every Person so offending, in any of the Cases aforesaid, shall, for every such Offence, forfeit and pay to the said Trustees, or any Two or more of them, the Sum of Twenty Shillings; and in case the same shall not be forthwith paid, it shall and may be lawful to and for such Justice, by Warrant under his Hand and Seal, to cause the said Forfeiture to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons, rendering the Overplus, (if any be), when demanded, to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the said Forfeiture, and the Charges of such Distress and Sale; and in case sufficient Distress cannot be found to answer the said Forfeiture, and the Charges of such Distress and Sale, it shall and may be lawful to and for such Justice of the Peace,

Peace, and he is hereby required, upon Complaint thereof made by the said Trustees, or any Two or more of them, to cause the Person or Persons so offending to be committed to the House of Correction of the said County situate in the said Town of Kingston upon Thames, for the Space of One Calendar Month, unless such Forfeiture, and such Charges, if any shall have arisen, shall be sooner paid.

Trustees may give Liberty to erect Fences for inclosing building Materials, &c.

Provided always, That it shall and may be lawful to and for the said Trustees, or any Two or more of them, by Writing under their Hands, to give Liberty and Licence to any of the Proprietors and Inhabitants within the said Town, or their Builders or Workmen, to make proper Inclosures before their respective Houses, in order to the pulling down, rebuilding, or repairing the same, or for making or repairing any Vault, Drain, or Building, belonging thereto, and for laying the necessary Materials for the same, and the Rubbish arising therefrom, for which Licence the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Clerk to the said Trustees by the Person to whom such Licence shall be granted; and no Person or Persons acting under such Licence, and in pursuance thereof, shall, during the Time to be limited in such Licence, be subject or liable to any of the Penalties aforesaid.

Owners of Houses, &c. to place Pipes on the Sides of their Houses for carrying off the Water.

And be it further enacted, That in case the Owner or Owners of any House, Shop, Warehouse, or other Building whatsoever, now adjoining or contiguous to, or which shall adjoin or be contiguous to any of the Streets, Passages, Squares, and other publick Places, within the said Town of Kingston upon Thames, shall not, at their own Costs and Charges, within One Calendar Month next after Notice in Writing shall be given to them respectively, or left at such House, Shop, Warehouse, or other Building, under the Hands of any Five or more of the said Trustees, cause all Water to be conveyed from the Roofs, Eaves, Cornices, and Penthouses, of his or her House, Shop, Warehouse, or other Building respectively, into the common Channels or Drains by proper and sufficient Pipes or Trunks to be fixed to the Sides of every such House, Shop, Warehouse,

House, or other Building respectively, in such Manner as in such Notice shall be expressed or directed, or shall not, after such Notice as aforesaid, cause all Water to be conveyed from the Roofs, Eaves, Cornices, and Penthouses, of every such House, Shop, Warehouse, or other Building, as aforesaid, into their own private Grounds; it shall be lawful for the said Trustees, or any Five or more of them, to cause the same to be done, and to levy, or cause to be levied, the Costs and Charges attending the same by Distress and Sale of the Goods and Chattels of the Owner, Tenant, or Occupier, of such House, Shop, Warehouse, or other Building, rendering the Overplus, (if any be), when demanded, to the Person or Persons whose Goods and Chattels shall be so distrained and sold; or it shall be lawful for such Tenant or Occupier to fix up such Pipes and Trunks, and to deduct and retain the Charges and Expences thereof, and also of any Money which shall or may be levied upon the Goods and Chattels of any such Tenant or Occupier, as aforesaid, out of his or her Rent; and every Owner, Proprietor, or Landlord, is hereby required to allow the same accordingly.

Trustees may take down Signs, *etc.* in case the Owners shall neglect, after Notice given.

And be it further enacted, That, in case the Owner or Occupier of any House, Shop, Warehouse, or other Building, in the said Town, to which any Signs, Sign-irons, Sign-posts, or any other Posts, Pent-houses, Spouts, Steps, Cellar-windows, or Doors going into Cellars, Shop-windows, or other Incroachments, upon any of the Streets, Passages, Squares, and other publick Places, or any of them, now or may hereafter belong, shall not at their own Costs and Charges, within Ten Days after Notice in Writing shall be given to them respectively, or left at their respective Dwelling-houses, under the Hands of any Five or more of the said Trustees, remove all such Signs, Sign-irons, Sign-posts, and other Posts, Pent-houses, Spouts, Steps, Cellar-windows, or Doors going into Cellars, Shop-windows, or other Incroachments, or otherwise alter and reform the same in such Manner as in such Notice shall be expressed or directed, it shall be lawful to and for the said Trustees, or any Five or more of them, to cause the

same to be done; and to levy, or cause to be levied, the Costs and Charges attending the same by Distress and Sale of the Goods and Chattels of such Owner or Occupier, together with the Charges of such Distress and Sale, rendering the Overplus, (if any be), when demanded, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Penalty on obstructing Persons in the Execution of this Act.

And be it further enacted, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder, or molest the said Trustees, or any of them, or any Surveyor or Surveyors, or other Officer or Officers, Person or Persons whomsoever, who are or shall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty; every such Person and Persons so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Trustees not to act but at publick Meetings.

And be it further enacted, That in all Cases where the said Trustees, or any of them, are impowered to do any Act whatsoever by virtue of this Act, the same shall be done at or by the Order of some publick Meeting of the Trustees to be held in pursuance of this Act, and not otherwise; and whenever it shall happen at any such Meeting that there shall be an Equality of Votes of the said Trustees, the Chairman shall have the casting Vote.

Five Trustees may adjourn, and in Default Three may meet to appoint Meetings.

Provided always, That Five Trustees shall be sufficient to meet for the Purpose of Adjournment only; and in case it shall at any Time happen that no Adjournment of the Trustees shall be made according to the Directions of this Act, that then, and in every such Case, as often as it shall so happen, it shall and may be lawful for the said Trustees, or any Three or more of them, to meet at any House or Place within the said Town of Kingston upon Thames, Six Days Notice in Writing being first affixed upon the Church Door within the said Town, appointing the Time and Place of such Meetings; and the said Trustees, or any Eleven or more of them, shall, and they are hereby authorized and impowered to meet, pursuant to such Notice, and shall proceed to the Execution of this

Act, and may afterwards, from Time to Time, adjourn to such Time and Place as they shall think fit.

Trustees who are Justices may act.

And be it further enacted, That it shall and may be lawful for any Trustee, appointed, or to be elected, to put this Act in Execution, who is or shall be a Justice of the Peace for the Town and Liberty of Kingston upon Thames, to act as a Justice of the Peace within his Jurisdiction for putting in Execution the several Powers and Authorities granted by this Act, notwithstanding his being a Trustee.

Expences of this Act how to be paid.

And be it further enacted, That out of the first Monies arising by virtue of this Act, the said Trustees, or any Eleven or more of them, shall, in the First Place, pay and discharge all the Expences attending the procuring and passing this Act.

Writings to be without Stamps.

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 any other Writing whatsoever, relating to the Execution of this Act, shall be charged or chargeable with any Stamp-duty whatsoever.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted, That all Penalties and Forfeitures by this Act imposed or incurred, for the Recovery and Application whereof no particular Method is already directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of any One or more Justice or Justices of the Peace for the said Town and Liberty of Kingston upon Thames for the Time being; all which Warrants such Justice or Justices is and are hereby impowered and required to issue upon the Information of One or more Witness or Witnesses, upon Oath, (which Oath such Justice or Justices is and are hereby impowered and required to administer); and such Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) upon Demand, to the Party or Parties whose Goods and Chattles shall be so

diſtrained and ſold, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall go and be applied to and for the Purpoſes of this Act.

Perſons aggrieved may appeal to the Quarter-ſeſſions;

And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Rate or Aſſeſſment to be made as aforeſaid, he, ſhe, or they, ſhall, notwithſtanding, be obliged to pay ſuch Rate or Aſſeſſment, and then, upon an Appeal either to the General Quarter Seſſion of the Peace to be holden for the ſaid County of Surrey, or the General Seſſions of the Peace to be holden for the Town and Hundred of Kingſton upon Thames aforeſaid, (except Richmond) next after the Payment of ſuch Rate or Aſſeſſment, or next after making the Diſtreſs for ſuch Rate or Aſſeſſment, it ſhall and may be lawful for the Juſtices of the Peace, or the major Part of them then aſſembled, to cauſe ſo much Money to be returned to the Appellant or Appellants as ſhall appear to the ſaid Juſtices to have been overpaid by ſuch Appellant or Appellants reſpectively, and to make ſuch other Order therein as to them ſhall ſeem meet; which Order ſhall be final and concluſive to all Parties; or if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any other Thing done in purſuance of this Act, he, ſhe, or they may appeal as aforeſaid, within Six Calendar Months next after the Cauſe of Complaint ſhall ariſe; and it ſhall and may be lawful for the ſaid Juſtices, or the major Part of them, aſſembled in ſuch Seſſions, to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable; and, by their Order or Warrant, to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; all which Determinations of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned.

And

Proceedings not to be quashed for want of Form, nor removeable by *Certiorari*.

And be it further enacted, That no Order, Conviction, Judgements or other Proceedings to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form, nor shall be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and, when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same deemed a Trespasser or Trespassers, on account of any Want of Form in or Defect of Summons, Conviction, Notice, Warrant of Distress, or other 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 Damages in an Action upon the Case.

Not to recover if Tender of Amends have been made.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, or Trespass, or other wrongful Proceedings, by virtue of this Act, if Tender of Amends shall be made by or on Behalf of the Party or Parties who shall or may commit, or cause to be committed, any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought.

Expences for the Prosecution of Offences against this Act how to be defrayed.

And be it further enacted, That the said Trustees, or any Eleven or more of them, are hereby authorized and impowered, at any publick Meeting, from Time to Time, to appoint such Person or Persons as they shall think fit, effectually to carry on Prosecutions for Offences committed against this Act; and that, in case any Action or Prosecution shall be commenced or prosecuted for any Offence committed against this Act, under the Authority and by the Direction of the Trustees, or any Eleven or more of them, as aforesaid, that then the said Trustees, or any Eleven or more of them, at some publick Meeting, as aforesaid, shall, out of the Monies arising by any Rate or Assessment to be made by virtue of this Act, or out of the Money that

shall be borrowed upon the Credit thereof, allow and pay to the Prosecutor so much as the Costs allowed by Law shall fall short of reimbursing him his just and reasonable Expences: And that if any Action, Suit, or Prosecution, Rule, or Order of Court, shall be brought, commenced, prosecuted, or obtained, against any of the said Trustees, or any of their Collectors, or other Officers, for any Thing done by the Direction of the said Trustees, or any Eleven or more of them, as aforesaid, in pursuance of this Act; that then, and in every such Case, the said Trustees, or any Eleven or more of them, shall, out of the Money arising by any of the Rates and Assessments, or out of the Money that shall be borrowed on the Credit thereof, allow and pay to such Trustee or Trustees, their Collectors, or other Officers, all such reasonable Costs, Charges, and Expences, as they, or any of them, shall or may sustain, or be put unto, by reason or means thereof.

Limitation of Actions.

And be it further enacted, That if any Action or Suit shall be brought against any Person, for any Thing done in pursuance of this Act, such Action shall be commenced within One Calendar Month after the Fact committed, and not afterwards, and shall be laid and brought in the County of Surrey, and not elsewhere, and the Defendant or Defendants, in such Action or Suit, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to be so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

Publick Act. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and all other Persons, without specially pleading the same.

FINIS.