Anno tertio

Georgii III. Regis.

CAP. XXIII.

An Act to explain, amend, and render more effectual, an Act made in the laſt Seſſion of Parliament, intituled, *An Act for paving, cleanſing, and lighting, the Squares, Streets, and Lanes, within the City and Liberty of* Weſtminſter, *the Pariſhes of* Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, *that Part of the Pariſh of* Saint Andrew's Holbourn *which lies in the County of* Middleſex, *the ſeveral Liberties of the* Rolls *and* Savoy, *and that Part of the Dutchy of* Lancaſter *which lies in the County of* Middleſex, *and for preventing Annoyances therein; and for other Purpoſes therein mentioned.*

WHEREAS an Act was made in the laſt Seſſion of Parliament, intituled, An Act for paving, cleanſing, and lighting, the Squares, Streets, and Lanes, within the City and Liberty of *Weſtminſter*, the Pariſhes of *Saint Giles in the Fields*, *Saint George the Martyr*, *Saint George Bloomſbury*, that Part of the Pariſh of *Saint Andrew's Holborn* which lies in the County of *Middleſex*, the ſeveral Liberties of the *Rolls* and *Savoy*, and that Part of the Dutchy of *Lancaſter* which lies in the County of Preamble. Act 2 *Geo.* III.

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of *Middlesex*, and for preventing Annoyances therein; and for other Purposes therein mentioned: And whereas the Commissioners for putting the said Act in Execution, have made some Progress in the Trusts reposed in them, but find that the said Act is defective, with respect to some of the Powers thereby given; nor can the same be effectually put in Execution, so as to answer the good Purposes thereby intended, unless some new Powers are granted, and the said Act, in other Respects, amended and made more effectual; May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, any Five or more of the Commissioners appointed to put the said former Act in Execution, shall be, and they are hereby declared to be, vested with full Power and Authority to do, execute, perform, and direct, all and every the Purposes, Acts, Matters, and Things, by the said former Act vested in, or directed to be done or performed by, any greater Number or Quorum of the said Commissioners, except only for the Purpose of chooling new Commissioners in the Stead of such as shall die or refuse to act.

Five Commissioners are vested with full Power to execute all Matters directed by the recited Act to be done by a greater Number, except in the Case of electing new Commissioners;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Five or more of them, at any Time when they shall think fit, to raise, sink, or otherwise alter, the Position of any of the Leaden or other Pipes which, for the Purpose of conveying Water into any House, Area, or other Place, shall be laid into or from any Pipe laid down or placed by any of the Companies who furnish the Inhabitants of the City or Liberty of Westminster with Water; the Expence whereof shall, from time to time, be paid out of the Money arising by virtue, or appropriated to the Purposes, of the said Act; and shall always be done with as little Detriment and Inconvenience to the said respective Companies or Inhabitants, as the Circumstance of the Case will admit.

and they are impowered to alter the Position of any of the Water Pipes;

and to pay the Expence thereof out of the Money appropriated for the Purposes of the said Act.

Provided always, That so often as any Part of the Pavements of the said Squares, Streets, or Lanes, which shall be begun to be paved by virtue of the said former Act, shall be taken up by any Person or Persons, for the Purpose of placing, altering, or amending, any such Pipe, the same shall, with all convenient Speed, be repaired by the Paviour or Paviours contracting with, or employed by, the said Commissioners, at the Expence of the Proprietor or Proprietors of the said Leaden or other Pipes respectively.

But Pavements taken up for placing or amending Pipes, are to be repaired by the Commissioners Paviours, at the Expence of the Proprietors;

Provided likewise, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from time to time, to compound and agree with any of the said Proprietor or Proprietors, 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, in lieu and instead of laying down or repairing such Parts of the said Squares, Streets, or Lanes, as shall be necessary to be taken up for the Purposes aforesaid. and the Commissioners may compound with the said Proprietors for such Repairs.

And be it further enacted by the Authority aforesaid, That where any Part or Parts of the Pavements of the said Squares, Streets, and Lanes, have been accustomed or ought to be paved and repaired by any particular Parish or Parishes, Bodies Politick or Corporate, and not by the Owners or Occupiers of the Houses or other Buildings adjoining to the Pavements of the said Squares, Streets, or Lanes, the same shall be paved and repaired at the Expence of the respective Parish or Parishes, Bodies Politick or Corporate, by the Paviour or Paviours contracting with or employed by the said Commissioners. Pavements liable to be repaired by any Parish, Body Politick or Corporate, are to be repaired at their Expence, by the Commissioners Paviours;

Provided always, That it shall and may be lawful for the said Commissioners, or any Five or more of them, from time to time, to compound and agree for the same, with any such Parish or Parishes, or Bodies Politick or Corporate, 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. and the Commissioners may compound with such Parishes, &c. for the same.

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

And be it further enacted by the Authority aforesaid, That all Signs, Sign-Irons, Posts, Boards, Spouts, or Gutters, or any Encroachment or other Annoyance whatever, already built, placed, or hung, in any of the said Squares, Streets, or Lanes, which shall be begun to All Signs, Sign-Irons, Posts, Spouts, Gutters, or other Annoyances,

may be removed, and new placed, by the Commissioners;

be paved by virtue of the said former Act, shall be, at the Expence of the said Commissioners, fixed or placed on the Fronts of such Houses respectively whereto the same shall belong, or may, from time to time, be removed and placed in such Manner as the said Commissioners, or any Three or more of them, shall think most proper and convenient, in order to prevent the same occasioning any Obstruction or Annoyance; and that for the future all Signs, Boards, Spouts, or Gutters, shall be placed or fixed on the Fronts of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong, and not otherwise: And if any Person or Persons shall, at any Time hereafter, hang, place, erect, or build, any Sign, Sign-Post or Iron, Board, Spout, Gutter, or any other Annoyance, or cause the same to be done, in any other Manner than as aforesaid, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds, to be levied and recovered in such Manner as Penalties are by the said Act directed to be levied and recovered.

and for the future, all Signs, Spouts, and Gutters, &c. are to be placed on the Fronts of the Houses they belong to;

on Penalty of 5*l.*

Such Parts of any of the said Signs, &c. as shall remain unused after the Alteration, to be returned to the Owners.

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

Corner Houses how to be rated.

And be it further enacted by the Authority aforesaid, That in making the Rates authorized by the said former Act to be made, the said Commissioners shall have regard to Lands, Houses or other Bildings, situate or being at the Corner of any Square, Street, or Lane, whereon the Rate shall be laid or assessed, or where Part of any House, Building, or Ground, shall extend into, or abut upon, any other Square, Street, or Lane; and that no more shall be charged in such Rate in respect to any such Land, House or other Building, than in Proportion to the Part of such Land, House or other Building, which shall be situated in the Square, Street, or Lane, whereon such Rate shall be made and laid; any thing in the said former Act to the contrary notwithstanding.

The Rates to be paid by the Inhabitants.

And be it further enacted by the Authority aforesaid, That the Rates or Assessments, authorized by the said former Act, to be laid, raised, and levied, shall and may be laid, raised, and levied, on the respective Inhabitants of any Part or Parts of any such Square, Street, or Lane, as soon as the Pavement of any such Part or Parts shall be completed, by virtue of the said former Act; any thing

in the said former Act contained to the contrary notwithstanding.

Commissioners may order the Streets to be watered;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Three or more of them, shall have full Power and Authority, from time to time, to cause all or any Part of such Squares, Streets, and Lanes, to be well watered as often as there shall be Occasion, and to be done in such Manner as the said Commissioners, or any Three or more of them, shall direct; and to defray the Expences arising thereby, out of the Money to be raised by virtue, or appropriated for the Purposes, of the said former Act.

and the Names of the Streets and Squares to be affixed on the Corner Houses.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Three or more of them, may order and direct to be engraved, painted, or otherwise described, on Stone or Wood, to be affixed on a conspicuous Part of some House or other Building, at the End or Corner of each Square, Street, or Lane, the Names by which such respective Square, Street, or Lane, is usually or properly called or known; and if any Person or Persons shall wilfully or maliciously destroy, pull down, injure, obliterate, or deface, any such Name or Description, or any Part thereof, or cause or procure the same to be done, and shall be convicted thereof, by his or her own Confession, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the City and Liberty of Westminster, which Oath the said Justice or Justices is and are hereby impowered to administer, every such Person so offending, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; to be levied, recovered, and applied, as the Penalties and Forfeitures, are by the said former Act directed to be levied, recovered, and applied.

Penalty of defacing or destroying the same, 40 s.

No Inclosure may be made for depositing Materials for building or repairing, without Leave.

And be it further enacted by the Authority aforesaid, That it shall be lawful for any Person or Persons to erect or set up, or cause to be erected or set up, in any of the said Squares, Streets, or Lanes, which shall be completed by virtue of the said former Act, any Inclosure, Posts, Bars, or Rails, or other Matters or Things for the Purpose of making Mortar, and depositing Bricks, Lime, or other Materials, for building or repairing any Houses, Buildings, or other Works, every such Person and Persons first obtaining Leave under the Hand of the Surveyor, for the time being, to the said Commissioners, for those Purposes respectively; but if any Person or Persons shall erect or set up, or cause to be erected or set up, any such Inclosures, Posts, Bars,

or

or Rails, or any other Matter or Thing, for the Purposes aforesaid, without Leave first had and obtained, every such Person shall be liable to the same Forfeiture, as he or she are now liable to, under the said former Act, for doing thereof without the Consent of the said Commissioners, or any Three or more of them; any thing in the said former Act to the contrary thereof notwithstanding.

Clause in Act 29 *Geo.* II. concerning Presentments by the Annoyance Jury, repealed.

And whereas by an Act made in the Twenty ninth Year of the Reign of His late Majesty King George the Second, intituled, An Act for appointing a sufficient Number of Constables for the Service of the City and Liberty of *Westminster*; and to compel proper Persons to take upon them the Office of Jurymen, to prevent Nuisances, and other Offences, within the said City and Liberty; it is enacted, That the Jury of Annoyance, shall, as often as directed by the Court Leet for the said City and Liberty, strictly inquire into and present to the said Court, all defective or bad Pavements, and all Annoyances in obstructing of, or Incroachments upon, any of the publick Ways or Passages, within the City or Liberty of Westminster, which are to be prevented or removed, as in the said Act is described: And whereas it is apprehended, that the Pavements within the said City and Liberty may be better taken Care of, and provided for, under the Powers of the said Act made in the last Session of Parliament, and of this Act; be it therefore further enacted by the Authority aforesaid, That so much of the said Act made in the Twenty ninth Year of His said late Majesty, as relates to the Pavements within the said City and Liberty, shall be, and the same is hereby repealed.

Surveyor, &c. to the Commissioners to view and present all defective Pavements;

And be it further enacted by the Authority aforesaid, That the Surveyor to the said Commissioners, or any other Person or Persons to be appointed by them for that Purpose, shall, as often as he shall be directed by the said Commissioners, or any Three or more of them, view the Condition of the said Squares, Streets, and Lanes, and present on Oath to the said Commissioners (which Oath the said Commissioners, or any Three or more of them, are hereby impowered to administer) all defective or bad Pavements; and the said Commissioners, or any Three or more of them, shall thereupon send Notice in Writing to the House or Houses, or other Buildings to which such defective or bad Pavements shall belong; and if such Pavements are not sufficiently amended within Fourteen Days after such Notice given, the said Commissioners, or any Three or more of them, shall forthwith cause the same to be repaired, and they shall be reimbursed what Charges and Expences they shall be at in so doing, by the

and if the same are not repaired within 14 Days after Notice sent for the Purpose,

the Commissioners may order the same to be done, and be reimbursed the Charges by the Parties;

Parties who should or ought to have done the same; and in case the said Parties shall, upon Demand, refuse or neglect to pay the said Charges, the said Commissioners, or any Three or more of them, or such Person or Persons as they shall appoint for that Purpose, shall make Complaint thereof to any One Justice of the Peace for the County or Place where such Person or Persons so refusing or neglecting shall be and reside; and such Justice may, and is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Party or Parties to be brought before him, and upon the Party or Parties appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses, which Oath such Justice is hereby impowered and required to administer, it shall appear to the Satisfaction of such Justice, that such Charges have been incurred by the said Commissioners, and not repaid or satisfied by the Party or Parties as aforesaid, then such Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause the same to be levied by Distress and Sale of the Goods and Chattles of such Party or Parties, returning the Overplus, after all Charges paid, to the Owner or Owners thereof, upon Demand.

and if the Parties refuse or neglect to pay the same, any Justice may hear and determine the Matter in a summary Way,

and levy the Charges by Distress and Sale.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, until Twenty one Days Notice shall be thereof given in Writing to the Clerk or Treasurer to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried, in the County or Place where such Matters and Things respectively shall be committed or done, and not in any other County or Place; and that the Defendant or Defendants in such Action and Suits, and every of them, may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act: And if the said Matter or Thing shall appear to have been so done; or if it shall appear that such Action or Suit was brought before Twenty one Days Notice given thereof, as aforesaid;

Limitation of Actions.

General Issu

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said; or that sufficient Satisfaction was made or tendered as aforesaid; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid; then the Jury or Juries shall find for the Defendant or Defendants therein: And if a Verdict or Verdicts shall be found for such Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuited, or suffer a Discontinuance of such Action or Actions; or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein; then, and in 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 any other Cases by Law. 4

Treble Costs.

FINIS.