Anno tertio

Georgii III. Regis.

An Act for the better and more eaſy Rebuilding of the Town of *Wareham* in the County of *Dorſet*, and for determining Differences touching Houſes and Buildings burnt down or demoliſhed by reaſon of the late dreadful Fire there, and for preventing future Danger by Fire.



DRASTICH as the greateſt Part of the Town of Wareham, in the County of Dorſet, hath been burnt down by a ſudden and dreadful Fire, which happened on Sunday the Twenty fifth Day of July, One thouſand ſeven hundred and ſixty two, and divers Suits and Controverſies, by reaſon thereof, are likely to ariſe between the Proprietors of Lands there, tending (if not prevented) to their great Veration and Damage, and hindering the rebuilding of the ſaid Town: Therefore, to remedy the ſame, and alſo to promote the rebuilding of the ſaid Town, and to prevent further Danger by Fire; Preamble.

be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor of Wareham for the time being, Anthony Earl of Shaftesbury, Joseph Lord Milton, Sir Gerard Napier, and Sir William Hanham, Baronets; John Pitt, Thomas Earl Drax, George Pitt, Humphry Sturt, William Pitt, John Bankes, Edmund Morton Pleydell, John Damer, John Bond, Nathaniel Bond, Henry William Portman, Awnsham Churchill, William Richards, William Richards junior, George Trenchard, Edward Drax, William Wentworth, Ralph Willett, David Robert Mitchell, Thomas Gundry, Radford Gundry, Thomas Strode, Nevill Morton Pleydell, Charles Brune, William Morton Pleydell, Thomas Bower, Justinian Ekins, and Thomas Williams, Esquires; the Reverend Doctor John Walker, Denis Bond, Thomas Bankes Janson, Thomas Coulson, and John Harris, Clerks; Sir Robert Long Baronet, Sir Peter Thompson Knight, Henry Bankes, William Churchill of Colleton, Edward Walter, William Augustus Pitt, George Chafin junior, Joshua Churchill, Henry Seymour, George Browne, Edmund Okeden, James Frampton, John Trenchard, Richard Brodrepp, Charles Brune, and George Turner, Esquires; the Reverend Henry Fitch Clerk, Anthony Trew, Giles Brown, Thomas Hyde, Harry Tuck, Thomas Bartlett, and William Filliter, Gentlemen; shall be, and are hereby constituted and appointed Commissioners for executing the several Powers and Authorities given, and granted to, and vested in them by this Act; and that the said Commissioners, or any Seven or more of them, sitting at the same Time together at some convenient Place within the said Town or Borough, shall be, and, by the Authority of this Act, are made and constituted a Court of Record; And the said Commissioners, or any Seven or more of them, shall hold their first Meeting on the last Day of May, One thousand seven hundred and sixty three, and shall then, and at every subsequent Meeting, adjourn themselves; and if at any Time it shall happen that there shall not be a sufficient Number to act at such Meeting, and to adjourn, that then, and in all such Cases, the said Commissioners, or any Seven or more of them, shall meet on that Day Fortnight, to be accounted from the Day of their last Meeting, or intended Meeting; and that, in the mean Time, no Meeting shall be held by any Number of Commissioners for, or under the Pretence of, executing the Purposes of this Act; and if any such Meeting

Commissioners Names.

Their Power of Meeting and adjourning.

ing or pretended Meeting shall be had in such Intervals, as aforesaid, that all Orders therein made, and all Business there transacted, shall be deemed utterly void and of no Effect: And the Clerk of the said Commissioners shall, previous to every Meeting to be held as aforesaid, cause Notice in Writing of the Day appointed for every such Meeting, to be affixed on the Door of the Church of our Lady Saint Mary, in the said Town of Wareham, and shall also cause such Notice to be advertised in the Salisbury Journal, or some other public News Paper printed at Salisbury, at least Ten Days before such Meeting; and such Clerk shall, for each and every Default thereof, forfeit and pay the Sum of Five Pounds, to be levied by Distress and Sale of the Goods and Chattles of such Clerk, by virtue of a Warrant under the Hand and Seal of any One Justice of the Peace for the said County of Dorset, and all the said Meetings shall be held at some convenient Place within the said Town of Wareham: And the said Commissioners, or any Seven or more of them, shall, and are hereby authorized, from time to time, summarily and without the Formalities of Proceedings in Courts of Law or Equity, either by Verdict or Inquisition of Jurors, Testimony of Witnesses upon Oath, Examination of Parties interested, or by all or any of the said Ways, or otherwise, at their Discretions, to hear and determine all Differences and Demands whatsoever, which have arisen or may arise, or be claimed by or between Proprietors, Landlords, Tenants, Lessees, Under-Tenants, or late Occupiers of any the Houses or Buildings burnt, pulled down, or otherwise demolished or damaged, by or by reason of the said Fire, or of any Courts, Yards, Gardens, or Appurtenances thereunto belonging, or by or between any Person or Persons, Bodies Politick or Corporate, having or claiming any Estate, Right, Title, Interest in Law or Equity, Trust, Charge, or Incumbrance, in, to, or upon the same, or their or any of their Heirs, Executors, Administrators, Successors, or Assigns, or any other Person, for, touching, or concerning the Repairing, Building, or not Building of the said Houses or Buildings and Premisses, or for or concerning the Payment, Defalcation, Apportioning or Abatement of any Rent or Rents for Houses or Buildings burned or destroyed by the said Fire (other than Arrears of Rent due before the said Fire) or for or touching any Covenant, Condition, or Penalty relating thereunto, or for, touching, or concerning the prefixing or limiting of any Time for such Repairs or New Buildings, or any Rate or Contribution to be borne or paid for and towards the repair-

Orders made in the Intervals of the stated Meetings, declared void.

10 Days previous Notice to be given of all Meetings,

on Penalty of 5*l.*

A Court of Commissioners impowered to hear and determine in a summary Way all Differences and Demands between Proprietors, Landlords and Tenants, &c.

ing and rebuilding of the said Houses, by any Person or Persons, Bodies Politick or Corporate, or Trustees interested in the Premisses, and all Incidents relating thereunto; subject nevertheless to the Directions, Regulations, and Restrictions herein after expressed: And that the definitive Order of the said Court shall be binding between the said Parties, their Heirs, Executors, Administrators, Successors, and Assigns, and all claiming by, from, or under them, as touching the Matters contained in such Orders, from which there shall be no Appeal, otherwise than as herein after is mentioned; nor shall any Writ of Error or Certiorari lie for the Removal or Reversal of the same.

and their Order to be binding between the Parties;

And, for the better enabling the said Commissioners to proceed with Effect in executing the Purposes of this Act, be it enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them as aforesaid, shall and may issue out Summonses under their Hands, or the Hands of any Three of them, thereby warning the Person or Persons, Bodies Politick and Corporate, therein named, to appear before them as Parties, Witnesses, or otherwise, at such Place and such Times not less than Fourteen Days after the issuing of such respective Summons, as in such Summons or Summonses shall in that Behalf be specified: And, upon Appearance of the said Person or Persons so summoned, or upon Default of Appearance, and Oath made of due Notice given to him, her, or them; which Oath, and all other Oaths (or Affirmations of the People called Quakers) necessary for executing the Purposes of this Act, the said Commissioners, or any Two of them, are hereby enabled to administer; the said Commissioners, or any Seven or more of them, may proceed to make such definitive Orders aforesaid: And that such Service of the said Summons or Summonses as is usually deemed to be good Service in Cases of Subpœna, shall be accounted to be good Service in the Cases aforesaid. Saving always, That when any Person or Persons, Bodies Politick or Corporate, so to be summoned, at the Time of issuing such Summons shall be beyond the Seas, or cannot be found to be summoned, that no Proceeding shall be thereupon had until after Six Months then next following, and then (Oath having been made of endeavouring to serve the said Summons) the said Court shall and may proceed as if the said Party or Witness had been actually summoned, unless the said Party or Witness so absent, upon a new Summons, after his or their Return, or being found, shall sooner appear.

and they are impowered for that Purpose to summon the Parties and Witnesses, and proceed to make their definitive Order;

allowing only 6 Months to Persons beyond Seas, or who cannot be found to be summoned, to appear.

And,

And, for determining all Differences and Demands between Proprietors, Landlords, Tenants, Lessees, Under Tenants, or late Occupiers of any of the Houses or Buildings aforesaid, be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, as aforesaid, shall and may, and they are hereby impowered, where they shall judge it reasonable, to order, under and subject to the Restrictions herein after expressed, the granting, enlarging, charging, abridging, exchanging, surrendering, or determining of any Estates in the Premisses by the Proprietors, Landlords, Tenants, or other Persons interested therein, their Heirs, Executors, Administrators, Successors, or Assigns, at such Rents or Fines, or upon such Terms and Conditions as they shall think fit; unless in such Cases where the Laws of this Realm do forbid the diminishing of ancient and accustomable Rent; and that all Infants, Femes Covert, Ideots, Persons of Non Sane Memory, or beyond the Seas, Tenants in Tail, Bishops, Deans and Chapters, Colleges, and other Ecclesiastical Persons, and Bodies Corporate, and their Successors, and all other Person and Persons, Bodies Natural and Politick, their Heirs, Executors, Administrators, and Successors, and their respective Interests, shall be bound and concluded by such respective Orders; subject nevertheless to such Appeal and Determination as herein after is mentioned.

They are impowered also to order the granting, enlarging, abridging, exchanging, surrendering, &c. of any Estates in the Premisses;

except in Cases of ancient and accustomable Rent;

And be it further enacted by the Authority aforesaid, That the said Court shall have Power and Authority to make and appoint, from time to time, such Rules and Directions in the Forms and Orders of Buildings, to be observed in the re-edifying or repairing of such Houses or other Buildings as were demolished or damaged by, or by reason of, the said late Fire, or any of them, and of all other Buildings made or [illegible] made, from the Time of the said Fire, to the Time of making such Order as they shall think fit and convenient, for the better Security and Ornament of the said Town; and that all such Buildings and Reparations shall be pursuant to such Rules and Directions: And that in case the Proprietors or Owners of the Houses or Buildings demolished or damaged by, or by reason of the said Fire, their Heirs, Executors, Administrators, Successors, or Assigns, shall not, within the Space of Five Years, to be computed from the said last Day of May, One thousand seven hundred and sixty three, lay the Foundation of their Houses or Buildings to be rebuilt; and the same shall not, within a reasonable Time, to be limited by the said Court, be repaired or rebuilt, that upon such Default, the said Court shall have Power

and to make Rules and Directions in the Forms and Orders of the Buildings, for the better Security and Ornament of the Town.

If the Foundations be not laid in 5 Years, and the Houses rebuilt within a reasonable Time, the Court may let the Premisses on Building Leases,

Power and Authority by their Order and Decree to dispose of the Ground and Premisses so unbuilt, and of all Courts, Yards, Gardens, and other Appurtenances thereunto belonging, upon any Lease or Leases, for any Term not exceeding Five hundred Years, to such Person or Persons, Bodies Politic or Corporate, as will rebuild the same, and to their Executors, Administrators, Successors, and Assigns: And that the said Court shall and may appoint the Terms and Conditions, and the Fine and reserved Rents to be paid on such Lease or Leases. And that for the better perfecting of such Lease or Leases, the said Court shall and may order and decree any Surrender or Surrenders to be made of all Estates or Interests for Life or Lives, or Years, to the Proprietors or Owners of the Inheritance of the said Grounds and Premisses, their Heirs or Assigns, or other Person interested therein, where such Surrenders shall be deemed necessary for the Purposes aforesaid. And that the said Court shall and may appoint what Sum of Money or other Satisfaction the Person or Persons so undertaking to rebuild, shall give to the Proprietors or Owners of the said Grounds and Premisses, and also to such Tenant or Tenants who shall be ordered to surrender their Estates and Interest as aforesaid.

and in order thereto, decree a Surrender of the said Estates and all Interest therein,

and appoint what Satisfaction shall be made to the Proprietors.

And, for the better regulating the new Building of the said demolished or damaged Houses or Buildings, be it further enacted by the Authority aforesaid, That the said Court shall, by Authority of this Act, have Power to order or direct any Alterations in the Foundations thereof, by taking and giving Ground from one to another by way of Exchange, as shall in their Judgement be expedient for the better rebuilding of the Premisses; and that the said Court shall appoint what Sum of Money or other Satisfaction shall be paid or made by the Person or Persons, Bodies Politick or Corporate having Benefit by such Alterations, unto the Owner or Owners, or other Persons interested therein, so as such Exchange so to be made be of Lands held by the same Tenure.

They may also order such Alterations to be made in the Foundations, by exchanging of Grounds, as shall be necessary for the Purposes aforesaid,

appointing Satisfaction to be made for such Exchanges;

And, in case any of the said Parties will not, or through any Disability, by Nonage, Coverture, Non Sanity, Especial Intail, Settlement, or other Impediment, cannot submit to the Award of the said Court touching the Sums to be paid, or Satisfaction to be made on account of such Alterations, or to the Order of the said Court touching the Fines or reserved Rents to be paid by the Rebuilders of the said Houses or Buildings, be it enacted by the Authority aforesaid, That, in either of the said Cases, it shall and may be lawful to and for

the said Court, from time to time, to issue out a Warrant or Warrants, Precept or Precepts, signed by Three or more of the said Commissioners, directed to the Sheriff of the County of Dorset, who is hereby authorized and directed to obey the same, to impanel and return Twenty four honest, substantial, and disinterested Persons, qualified to serve on Juries; and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Persons shall be drawn by the said Court, in such Manner as Juries for the Trials of Issues joined in His Majesty's Courts at Westminster are, by an Act made in the Third Year of the Reign of His late Majesty King George the Second (intituled, An Act for the better regulating of Juries) directed to be drawn, and under the like Penalties in Default of Appearance, as by the said Act are directed; which Penalties the said Commissioners shall have Power to inflict: And that all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen: Which Jury, upon their Oaths, to be administered by the said Court, are to assess such Damages and Recompences as they shall adjudge fit and reasonable to be awarded to the Proprietors or Owners of the said Grounds and Premisses, and to such Tenant or Tenants who shall be ordered to make any Surrender or Surrenders for the Purposes aforesaid, according to their respective Interests in the same; and the said Jury shall likewise award and determine such Fines and reserved Rents as they shall think reasonable, to be paid by the Rebuilders of the said Houses and Buildings, to the Proprietors or Owners neglecting or refusing to rebuild the same, as aforesaid; and upon Payment or Satisfaction of what shall be so awarded and determined, or upon Tender and Refusal thereof, the Interests of all Persons, Bodies Politick and Corporate, in the said Grounds and Premisses, shall be bound and concluded, and the same shall remain to and for such Uses and Purposes, consistent with the Directions of this Act, as the said Court shall order and direct; and the said Court shall have Power and Authority, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or that shall refuse to be sworn on the said Jury, or being sworn, shall refuse to give, or shall not give their Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give

and where any shall be disabled, by Law to submit to their Award, touching the Sums payable on account of such Alterations, Fines, reserved Rents, &c. the Court may issue Precepts for summoning a Jury;

who shall assess the Damage and Recompence,

and award the Fines and reserved Rents;

and the Interests of all Persons to be bound and concluded thereby.

Court may fine the Sheriff, his Officer or Jury, making Default in the Premisses;

and also Witnesses summoned, and refusing to appear and give Evidence.

give Evidence before the said Jury touching the said Premisses, shall refuse or neglect to appear, or appearing, shall refuse to be examined and give Evidence; and, from time to time, to levy such Fine or Fines by Warrant of Distress under the Hands and Seals of any Seven or more of the said Commissioners, and Sale of his and their Goods and Chattles, rendering the Overplus, if any be, to the Owner or Owners thereof, upon Demand; so as no such Fine shall exceed the Sum of Five Pounds upon such Sheriff or his Under Sheriff, and Forty Shillings upon any One other Person for any One Offence; and all such Fines shall be applied and paid into the general Fund raised and collected for the Benefit of the Sufferers by the said Fire.

They may also order the Streets and Passages to be enlarged, under certain Restrictions.

And be it further enacted by the Authority aforesaid, That the said Court shall, from time to time, order and decree the Enlargement or Alteration of any the Streets, Lanes, Roads, and Passages, or other Places of publick Use, for the better Convenience thereof: Provided always, That the said Divers shall not extend to the pulling down or demolishing of Houses heretofore built, and which were not in any Degree, or at least not materially damaged by the said Fire; and provided also, That the said Divers shall not extend to the taking away the Ground or Soil of any Person or Persons, Bodies Politick, or Corporate, or others, otherwise than to enlarge or alter the Passages, Streets, and Places, hereinafter particularly mentioned and described; that is to say,

Places to be enlarged.

To enlarge the lower Part of the North Street and the Market Place, by taking in, and adding thereto, the Ground whereon, before the said late Fire, stood several Houses, Shops, and Buildings, together with any Courts or Yards thereunto respectively belonging, in the several Possessions or Occupations of Henry Bestland Glazier, William Dugdale Hosier, Mary Dugdale Widow, George Phippard Sadler, Robert Delacourt Barber, Giles Brown Gentleman, Richard Fabian Collarmaker, George Standley Barber, Elias Dugdale Whitesmith, Mary Spragg Widow, and Part of the Dwelling-house of one James Fisher, then in Possession of Mary Dean Widow, and also the Porch belonging to the Dwelling-house then in the Possession of Edward Seward Innholder; and, at the Desire of the respective Owners and Proprietors, to join and annex to the several Pieces or Parcels of Ground, on that Part of the West Side of the North Street where the said Street widens to the West, so much of the said North Street as to bring the Front Walls of the Houses on the West Side thereof to a straight Line with the Front

No. Walls

Walls of the Houses on the West Side of the South Street, the Front of every such annexed Piece to be of equal Dimensions from North to South, with the Front Walls of the House to which such respective Piece shall be so adjoined; and also to enlarge the South Street, by taking in and adding thereto, the Ground whereon, before the said late Fire, also stood several Shops or Shambles, then in the several Possessions or Occupations of Betty Tuckwell Widow, the said Giles Brown, and the Feoffees of the Ann's Land; and also the Ground whereon now stand several Porches and Penthouses belonging to the Dwelling-houses of Daniel Dugdale the elder, John Edmunds, and Jonathan Lawrence; and also the Ground whereon, before the said late Fire, stood Two Pent-houses, and Part of the Dwelling-houses of the said George Phippard and Edward Swayne; and also the Ground whereon now stands Part of the Shop of Robert Goodwin Butcher; and also to enlarge the East Street, by taking into the same the Ground whereon, before the said late Fire, stood Part of the Shop belonging to the Dwelling-house of John Chapman Apothecary; and also the Grounds whereon now stand the Town Prison or Gaol, and also the Engine-house, and an House before the said Fire made use of for securing the moveable Standings or Shambles: And also to enlarge the West Street, by taking into the same the Ground whereon, before the said late Fire, stood a little Room or Counting-house belonging to the Dwelling-house then in Possession of Charles Hill Apothecary; and also the Ground whereon now stands a Shop in Possession of Robert Harris Barber, and the other Part of the Shop in Possession of the said Robert Goodwin: And also to enlarge the Town Quay, by taking into the same the Ground whereon, before the said late Fire, stood an House or Cellar belonging to the said John Chapman, and then in Possession of Jonadab Chisman

Provided also, That it shall and may be lawful for the said Court to allot and assign to the several Proprietors of the said Grounds, Houses, Shops, Shambles, Porches, Pent-houses, and other Buildings, according to their respective Interests therein, such Satisfaction as to the said Court shall seem meet: And in case the said Proprietors will not, or through any such Disability or other Impediment as before in this Act is expressed, cannot submit to the Decree of the said Court, that in such case the said Court shall, in the Manner above prescribed, and pursuant to the Directions herein before given, cause a Jury to be summoned, which Jury shall appear, under the Penalties above-mentioned, in Default of Appearance, and

The Court is impowered to assign the Satisfaction to be paid to the Proprietors, for their Interests in the said Grounds, &c.

and in case of any Disability to submit thereto, a Jury is to be summoned to assess the Damage and Recompence

of their Oaths, to be administered as aforesaid, assess such Recompence and Satisfaction as they shall adjudge reasonable to be awarded to such Proprietors for the said Houses and Premisses; and upon Payment or Satisfaction of what shall be so awarded, or Tender and Refusal thereof, the Interests of the said Proprietors shall be bound and concluded, and the said Premisses shall remain to and for such Uses and Purposes, consistent with the Directions of this Act, as the said Court shall direct;

and the Interest of the Proprietors to be bound and concluded thereby.

And be it further enacted by the Authority aforesaid, That all Tenants for Life, all Trustees for Infants, Femes Covert, and other Cestuique Trusts, their Heirs, Executors, Administrators, and Assigns, and all Bodies Politick and Corporate, and their Successors, who are or shall be seized of, interested in, or intitled unto any of the Grounds, Houses, Shops, Shambles, and other Buildings whatever, to be disposed of by Order of the said Court, according to the Directions of this Act, shall lay out and invest the Monies that shall be paid to, or received by them respectively, as the Fine, Consideration, or Satisfaction for the same, in the Purchase of any other Grounds, Houses, Tenements, or Hereditaments, of equal Value with such of their respective Grounds, Houses, Shops, Shambles, or other Buildings, as shall be so disposed of for the Purposes aforesaid, or as near the Value thereof as can be; which said Grounds, Houses, Tenements, or Hereditaments, so to be purchased as aforesaid, shall be conveyed, limited, and settled, to such Uses, and upon such Trusts, Estates, Limitations, Interests, and Purposes, as such Grounds, Houses, Shops, Shambles, and other Buildings, are now respectively limited, settled, or assured, or such or so many of them as shall be then existing and undetermined, or capable of taking Effect; any Law, Statute, Custom, or other Thing whatsoever, to the contrary notwithstanding. And in the mean time, and until such Purchases can be made, to put out the said Monies at Interest in the publick Funds, or on Government Security, the Dividend and yearly Interest and Produce of which shall be paid and applied to such Person or Persons as should, for the time being, be intitled to the Rents and Profits of the Grounds, Houses, Tenements, or Hereditaments, in case the same were purchased and settled in pursuance of this Act.

Where any of the said Estates are held for Life only, or in Trust, the Consideration-money is to be laid out in other Purchases, and to be limited and settled to like Uses, and Trusts;

and till such Purchases can be made, the Monies to be placed out in the Funds.

And be it enacted by the Authority aforesaid, That all the Ground and Soil upon which the Houses, Tenements, Shops, Shambles, Porches, Penthouses, Gaol and other Buildings, so to be taken in, and added to the said Market Place, Quay, Streets, and other Places of pub-

The Grounds taken in and added to the Markets and Streets are to be deemed as Part thereof, and not to be built on;

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lick Use, now stand or formerly stood, shall, for the future, be deemed and used as Parts of the said Market-Place, Quay, Streets, and other Places in, or adjoining to which, the same Ground or Soil do or shall respectively lie; and that no Building whatsoever shall hereafter be erected upon or over the same Ground or Soil, or any Part thereof.

but the Freehold is to remain to the Proprietors, who may let out the same.

Provided always, That the Freehold of the said Ground and Soil shall nevertheless be, and shall still remain in the respective Proprietors or Owners of the said Ground and Soil, so to be added and annexed for the Purposes aforesaid, according to their respective Interests therein: And that the said Proprietors or Owners of such Freeholds shall, and they are hereby impowered to grant, or let the same to any Person or Persons whatsoever, for the placing of moveable Shambles thereon, or for any other Purpose whatever, so as the same be consistent with the Directions of this Act.

Ground taken from one ancient Freehold, and annexed to another, does not constitute distinct Freeholds, nor give a Right to vote.

Provided also, and it is hereby enacted and declared, That all Pieces or Parcels of Ground taken out of any Street, or separated from any ancient Freehold, and joined and annexed to any other Piece or Parcel of Ground, being Freehold, shall not be, nor be deemed to be, distinct Freeholds, nor give any Right, nor qualify any Person in Possession thereof to vote for Members to serve in Parliament; but shall be and be deemed Parts of such Pieces or Parcels of Ground respectively to which they shall be so joined or annexed as aforesaid.

Provision with respect to rebuilding, where any of the Copartners, Joint Tenants, or Tenants in common, shall be desirous of so doing,

but the others shall delay or refuse to join,

And be it further enacted by the Authority aforesaid, That in case it shall happen that there were Two or more Copartners, Joint Tenants, or Tenants in common, of any House or Houses burnt or demolished by the said late Fire, or that Two or more Persons, Bodies Politick or Corporate, had several Estates or Interests in several Rooms, Stories, or Parts of any such House or Houses burnt or demolished; and that same, or One of them is desirous and willing to build the same, or such Part, Room, or Story, of or in the same, as to him or them doth or may appertain, according to his or their Estate or Interest as aforesaid; and that any other of the Copartners, Joint Tenants, Tenants in common, or others, having such several Estate or Interest as aforesaid, in any of the Rooms, Stories, or Parts thereof, shall delay or refuse to join in building the same, or to contribute and continue his, her, and their reasonable Part and Portion towards the Charge thereof; or shall, by Disagreement among themselves, obstruct or hinder the making of Party Walls intire and upright; that then it shall and may be

lawful to and for any One or more of such Copartners, Joint Tenants, Tenants in common, or others, having Estate or Interest in any of the Rooms, Stories, or Parts thereof as aforesaid, that will rebuild the said House or Houses, to cause such House or Houses to be wholly rebuilt in such Sort and Manner as the same was before the said late Fire, or as near thereunto as conveniently may be, Respect being had to the different Interests of the Parties concerned as aforesaid; and the same House or Houses so rebuilt, to hold and enjoy to his and their own proper Use and Benefit, until that he or they shall be fully satisfied and reimbursed all or so much of the Charge of such Building, as in a due Proportion ought to have been contributed and allowed towards the Building thereof, by such Copartners, Joint Tenants, Tenants in common, or others, having such Estate or Interest as aforesaid, according to his Estate or Interest therein as aforesaid, together with Interest for the same after the Rate of Four Pounds per Centum per Annum, for the Forbearance thereof, to be accounted from the Covering of the said Building: And in case of Neglect or Refusal to satisfy and pay such Proportion of the Charge of Rebuilding thereof by the Space of Two Years, to be accounted from the Covering as aforesaid, that then it shall and may be lawful to and for the Rebuilders, from and after the End and Expiration of the said Two Years, to be accounted as aforesaid, paying to such Copartners, Joint Tenants, Tenants in common, or others having such Estate or Interest as aforesaid therein, so much as such their Estate or Interest shall be reasonably worth, or upon Tender and Refusal thereof, to hold and enjoy such House or Houses so rebuilt as aforesaid, wholly and entirely against the Parties so refusing, their Heirs, Executors, Administrators, Successors and Assigns, for and during the Continuance of such Joint or other Estate or Interest aforesaid, as the Party or Parties, by whom such House or Houses shall be so rebuilt, had in the same, or in any Room, Story, or other Part thereof; And in case any Difference shall happen between such Builders and any of the Parties refusing to build as aforesaid, concerning the Charge of rebuilding the same, or concerning the Value of the Estate or Interest of the Parties so refusing to build as aforesaid, and what Money ought to be paid or given for the same by such Rebuilder, after such Time and in Manner aforesaid; or in case of any Disagreement among the respective Owners having several Estates or Interests as aforesaid, in any of the Rooms, Stories, or Parts of such House or Houses which may obstruct the making of

Rebuilder allowed 4 *l.* *per Cent.* Interest for the Money laid out;

and if not repaid within 2 Years, then upon Payment or Tender to the Parties interested, of the reasonable Worth of their Estate therein, he may hold the House in his own Right.

All Differences and Disagreements among the respective Owners to be settled by the Court or a Jury.

Party Walls intire and upright; that then all such Disagreements and Differences shall be referred to the Examination of the said Court, who shall hear and finally determine the same: And in case any of the said Parties will not, or through any such Disability or other Impediment as before in this Act is expressed cannot, submit to the Decree of the said Court, that in such Case the said Court shall, in the Manner above prescribed, and pursuant to the Directions herein before given, cause a Jury to be summoned, which Jury shall appear, under the Penalties above-mentioned on Default of Appearance, and on their Oaths, to be administered as aforesaid, assess the Value of the Estate and Interest of the Parties so neglecting or refusing, and decree what Money ought to be paid for the same by such Rebuilders as aforesaid, and likewise what Satisfaction shall be made to any Person or Persons damnified by any Order touching the making of any Party Wall: And upon Payment or Satisfaction of what shall be so assessed or decreed, or Tender and Refusal thereof, the Interest of all such Parties so neglecting or refusing shall be bound and concluded, and the Premisses shall remain to and for such Uses and Purposes, consistent with the Directions of this Act, as the said Court shall direct.

30 Days Notice to be given to the Parties interested, before the Court proceed to determine any Differences or Demands concerning the repairing or building of Houses, granting Leases, apportioning Fines or Rent, making Exchanges, or ordering Surrenders.

Provided always, and be it enacted by the Authority aforesaid, That the said Commissioners shall not proceed to hear and determine any Differences and Demands touching or concerning the repairing or building of any Houses or other Edifices, or to grant Leases of any Houses, Buildings, Lands, or Appurtenances, or to appoint or decree any Fine or reserved Rent to be paid, or to take and give any Ground by way of Exchange, or to order any Surrender or Surrenders to be made, under the Authority of this Act, without previous Notice in Writing being given to the respective Parties interested in the Determination of such Differences or Demands, or in the granting such Leases, or making such Exchanges, or in his, her, or their Absence, left at his, her, or their Place of Residence at least Thirty Days before their making any such Determination, Order, Regulation, or Decree, as aforesaid.

Building Leases declared void, where the Foundations shall not be laid within 6 Months, and covered in within the Time limited by the Court;

Provided always, and be it enacted, That in case any Person or Persons, to whom any such Lease or Leases shall have been so made and granted, by the Order and Direction of the said Court as aforesaid, shall not, within the Space of Six Months, to be computed from the Date of the said Lease or Leases, lay the Foundations of a Dwelling House or Dwelling Houses upon the Ground

or Soil to him or them granted or leased, and shall not, within a reasonable Time to be limited by the said Court, cover in the same, that then the said Lease shall be, and is hereby declared to be, void; and the Lessee so making Default, shall forfeit to the Lessor all such Sum or Sums of Money as shall have been paid by, or be then due from such Lessee, for or in Consideration of such Lease.

and the Lessee to forfeit the Money paid.

All Buildings erected since the late Fire, or that shall be built or repaired within the Limits described,

And, for the preventing of future Danger by Fire, be it further enacted by the Authority aforesaid, That all Houses, Outhouses, Walls, and other Buildings now standing, erected since the late Fire, or hereafter to be built or repaired, within and on such Parts and Places of the said Town as are herein after particularly mentioned and described, shall be covered with Lead, Slate, or Tile, and not otherwise; that is to say, All Houses, Outhouses, Walls, and other Buildings now standing, erected since the late Fire, or hereafter to be built on any Part of that Square Piece or Parcel of Ground lying on the West Side of the North Street, and bounded with a Lane or Street called Cow Street, on the North, with the said North Street on the East, with the Corn Market and the West Street on the South, and with a Lane called Mill Lane on the West; and also on any Part of that Square Piece or Parcel of Ground, lying on the North Side of the East Street, and bounded with a Lane called Hayward's or Dugdale's Lane on the North, with a Lane called Morton's Lane on the East, with the said Street called the East Street on the South, and with the said Street called the North Street on the West; and also on any Part of that Square Piece or Parcel of Ground lying on the East Side of the South Street, and bounded with the said East Street on the North, with a Lane called Church Lane, and with Part of a Lane leading from the said Church Lane to Sawpit Green, on the East, and with other Part of the said Lane with the said Sawpit Green, and with the Road or Way leading out of the said South Street to Lady Saint Mary Church, on the South, and with the said South Street on the West: And also on any Part of that little Square Piece or Parcel of Ground lying on the East Side of the South Street, whereon stood, before the said late Fire, Two Messuages or Dwelling-houses, and other Buildings, in the Tenure or Occupation of Ann Loop Widow: And also on any Part of that Square Piece or Parcel of Ground lying on the North Side of the Town Quay, and bounded with Sawpit Green, and a Way or Road leading therefrom into the said Street called South Street, on the North, with the Church-way or Road and Church Green on the East, with the

are to be covered with Lead, Slate, or Tile;

the said Town Quay on the South, and with the said South Street on the West: And also, on all that little Square Piece or Parcel of Ground lying on the East Side of the Town Quay, and bounded with the said Church Green on the North, with a Road or Way leading to a Quay called Hayter's Quay on the East, with the River on the South, and the said Town Quay on the West: And also on any Part of that Square Piece or Parcel of Ground lying on the West Side of South Street, bounded by the West Street on the North, the said South Street on the East, and a Lane called Trinity Lane on the South and West: And also, on any Part of that Piece of Ground, Part of a Square Piece, lying on the East Side of the North Street, and bounded with a Glebe Garden belonging to the Rectory of Saint Peter's, and Part of a Garden of George Pitt Esquire, now in the Tenure of on the North, with a Lane called Bonnett's or Saint Martin's Lane, on the East, and with the said Lane called Hayward's or Dugdale's Lane, on the South, and with the said North Street, on the West: And also, on any Part of those several Tofts or Gardens lying on the East Side of Church Lane aforesaid; which, at the Time of the said late Fire, were in the several Tenures, Possessions, or Occupations of John Card, Henry Chapple, Mary Gawden, William Cole, Frances Tucker, Henry Courtney, John Roe, Robert Cribb, John Sleet, and William Gould: And also, on any Part of that Toft or Garden Plot lying on the South Side of the East Street, also at the Time of the said late Fire in the Possession of the said John Card, and Part of the said Alms Land. And also, on any Part of that Piece of Garden Ground lying on the West Side of the said Church Lane, and bounded with a Lane leading from Church Lane aforesaid, to Sawpitgreen on the North and West, which at the Time of the said late Fire was in the Tenure or Occupation of Ruben Small, as Tenant to the Widow Spurrier. And also, on any Part of that Part of a Square Piece or Parcel of Ground lying on the West Side of the South Street, and bounded with the said Trinity Lane on the North, with Trinity Church and the Lands of Thomas Hyde Gentleman, on the South, and Tanner's Lane on the West: And also, on any Part only of the same Square Piece, containing in Length, from North to South, Fifty seven Feet, and from East to West, in Breadth, Sixty seven Feet, whereon formerly stood a Messuage or Tenement in the Possession of John Devenish, but since converted into a Malt-house, and at the Time

of the said late Fire in the Possession of the said Thomas Hyde; and which is bounded on the East by the South Street, on the West with other Lands in the same Square Piece of Ground belonging to him the said Thomas Hyde; on the North by Trinity Church, and the Lands of John Redwood; and on the South by a Road or Way leading from South Bridge to Tanner's Lane aforesaid. And also, on any Part of the South Side of that Part of West Street, lying between the Horse and Jockey Alehouse, in the Possession of George Clarke, and the North End of Trinity Lane; and on any Part of the South and West Sides of Trinity Lane aforesaid, against and fronting the said Lane. And also, on any Part of that Part of a Square Piece or Parcel of Ground lying on the North Side of the West Street, bounded with the Glebe Lands belonging to the Rectory of Saint Michael's on the North; with Part of the said Lane called Mill Lane on the East, the said West Street on the South, and with a Lane called Saint Michael's Lane, on the West; nor shall any Stack or Stacks, Rick or Ricks of Hay, Furze, Wood, Turf, Peat, Corn, Rushes, Straw, Fern, or any such like combustible Matter, be erected, placed, or made, within the Limits or Places before mentioned: And that all Houses, Out-houses, Walls, and other Buildings, of what Nature or Kind soever, now standing, erected since the late Fire, or hereafter to be built, or to be repaired, on any Part or Parts of the above mentioned Squares, Pieces or Parcels of Ground or Places which shall be covered or repaired, contrary to this present Act; and all Houses built contrary to the Form, Order, and Direction of the said Court; and also, all Stack or Stacks, Rick or Ricks of Hay, Furze, Wood, Turf, Peat, Corn, Rushes, Straw, Fern, or other combustible Matters, erected, placed, or made within the Limits or Places aforesaid; shall be adjudged and are hereby declared to be common and publick Nusances, and be proceeded against, and dealt with accordingly. And if any Person, being guilty of such Nusance, shall, for the Space of One Calendar Month after Notice given by the Mayor and any One or more Justice or Justices of the said Borough for the time being, for that Purpose, refuse or Neglect to remove, redress, and rectify the same, every Person so offending shall, for every Week such Nusance shall continue unremoved and unrectified as aforesaid, forfeit the Sum of Ten Shillings, to be recovered by Action of Debt, Plaint, Bill, or Information, in any of His Majesty's Courts of Record, by any Person or Persons who shall sue for the same, with full Costs of Suit; in which

and no Ricks of Hay, Furze, Wood, Turf, or other like combustible Matter, to be placed within the said Limits;

and all Houses built, repaired, or covered, contrary to the Direction of this Act, or Order of the Court,

and all combustible Matter placed within the Limits aforesaid, to be deemed and proceeded against as Nusances;

and if not rectified after Notice given, the Offender to forfeit 10 *s.* per Week.

no

no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Such thatched Buildings as were not destroyed by the late Fire, are not liable to be covered with Slate or Tile, &c. for 16 Years.

Provided always, and be it enacted, That no Proprietor or Owner of any thatched Houses, thatched Walls, or other thatched Buildings which were not destroyed or consumed by the said late Fire, within the Parts or Places herein before described, shall be compelled to cover the same with Lead, Slate, or Tile, as aforesaid, during the Space of Sixteen Years, to be computed from the said last Day of May, One thousand seven hundred and fifty three; nor shall any such thatched Houses, thatched Walls, or other thatched Buildings above mentioned, be deemed common publick Nusances, or be indictable or presentable as such, at any Time within the said Space of Sixteen Years.

nor to be deemed Nusances.

Damage for Non-performance of Orders concerning Building, Surrenders, or Security, may be recovered in *Westminster Hall*,

or a Bill be maintained in Equity, for Performance thereof;

and Persons not abating any Annoyance or Purpresture, may be indicted for Obstinacy,

And be it further enacted, That where any Person or Persons, Bodies Politick or Corporate, or Trustees, shall be ordered or decreed to build any House, or other Edifice, make any Surrender or Surrenders, or give Security, or to do any other Matter or Thing so to be decreed or ordered in pursuance of this Act, it shall be lawful to and for every Person or Persons, Bodies Politic or Corporate, concerned in the Default thereof, by his Action upon the Case, in any of his Majesty's Courts of Record at Westminster, to recover his Damage for Non-performance thereof; or, at his Election, to have and maintain his Bill in Equity for the Performance thereof in Specie; and where any Person or Persons shall be ordered or adjudged to abate any Annoyance or Purpresture, and shall refuse or neglect to do the same by such a Day or Time as by the said Order or Decree shall be injoined, the said Person or Persons so offending, shall and may be indicted for such his Obstinacy and Contempt.

Actions at Law may be brought for Nonpayment of Money decreed by the Court,

And be it further enacted by the Authority aforesaid, That where any Person or Persons, Bodies Politick or Corporate, shall be ordered or decreed by the said Court to pay any Sum or Sums of Money, it shall be lawful for the Party or Parties concerned, upon Nonpayment thereof, to bring any Action at the Common Law for Recovery thereof, and to give such Order or Decree in Evidence to prove the same; in which Action no Essoin, Protection, or Wager of Law, shall be allowed.

All Orders and Decrees of the Court, against which no Appeal is made, deemed valid.

And, for the better Satisfaction of Builders, Purchasers, and others concerned, be it enacted by the Authority aforesaid, That all and every Judgement, Order, and Decree, so made as aforesaid, shall be good and effectual both at Law and in Equity, to all Intents and Purposes; and shall be obeyed by all Persons concerned therein,

therein, and shall bind and conclude Infants, Femes Covert, Ideots, Persons of Non Sane Memory, or beyond the Seas, Tenants in Tail, Bishops, Deans and Chapters, and all other Ecclesiastical Persons, and all other Persons, Bodies Politick and Corporate whatsoever, their Heirs, Executors, Administrators, Successors, and Assigns; subject nevertheless to the Appeal and Determination herein after mentioned.

Wherein Appeal shall be made, the Justices of Assize, upon the Exceptions being laid before them, are to review and determine the same;

And be it also enacted by the Authority aforesaid, That it shall be lawful for any Person or Persons thinking themselves aggrieved by any Order or Decree of the said Court, to present his, her, or their Exceptions to the same in Writing, to the Justice or Justices of Assize for the County of Dorset, in their Circuit next after the making such Order and Decree; who shall, and are hereby impowered and directed to consider and review the said former Order or Decree; and upon Examination on Oath of the Parties, and such Witnesses as shall be produced, to reverse, confirm, enlarge, diminish, or otherwise alter any such Order or Decree, and, if such Justice or Justices of Assize shall see Cause, to award Costs against such Appellants for their Vexation and Delay, and to cause the same to be levied by Distress and Sale of the Goods and Chattles of the Offender, rendering the Overplus, if any be, to the Owner; and that his or their Determination shall be final, and shall bind and conclude Infants, Femes Covert, Ideots, Persons of Non Sane Memory, or beyond the Seas, Tenants in Tail, Bishops, Deans and Chapters, and all other Ecclesiastical Persons, and all other Persons, Bodies Politick and Corporate whatsoever, their Heirs, Executors, Administrators, Successors, and Assigns; and that no Writ of Error or Certiorari shall be granted or issue for the Removal or Reversal of the same.

and if the Appeal shall be vexatious or dilatory, may award Costs.

Appeals to be finished within a Year.

Provided always, That such Appeals shall be completely finished and determined within the Space of One Year next following after the Delivery of such Exceptions as aforesaid.

Orders and Decrees of the Court to be entered in a Book, and signed by the Persons making the same, and the Book to be lodged with the Mayor.

And, for the perpetuating the said Judgements, Orders, and Decrees, be it further enacted by the Authority aforesaid, That the same shall be fairly entered in One or more Book or Books, and be subscribed with the Names of the Persons that made the same respectively; and that the said Book or Books be delivered unto the Mayor of the said Borough of Wareham for the time being, to the end the same may be safely kept and preserved among the Records of the said Borough for ever; and all Persons concerned shall have free Liberty of Recourse and Access unto the

the said Books, to peruse the same, from time to time, as Occasion shall require; and the said Commissioners, or any Seven or more of them, are hereby required to sign and seal a Duplicate of the said Judgements, Orders, and Decrees, and to deliver the same to be entered and recorded with the Clerk of the Peace for the said County.

Commissioners to take the following Oath before they act.

Provided always, and it is hereby enacted, That Two of the Commissioners herein constituted and appointed for executing the Purposes of this Act, shall, on or before the said last Day of May, One thousand seven hundred and sixty three, take the Oath following before One of His Majesty's Justices of the Peace; and that all the said Commissioners, before they execute any of the Authorities or Powers in this Act mentioned, shall take the Oath following before any Two of the said Commissioners, who have themselves been first sworn; which Oath they are hereby impowered to administer.

The Oath.

I *A. B.* do swear, That I will justly and truly execute the Powers and Authorities in the Execution of an Act, intituled, *An Act for the better and more easy Rebuilding of the Town of* Wareham *in the County of* Dorset, *and for determining Differences touching Houses and Buildings burnt down or demolished by reason of the late dreadful Fire there, and for preventing future Danger by Fire*, contained, according to the best of my Knowledge, without Favour or Affection to any of the Parties concerned.

So help me God.

A. Trew, and *T. Hyde*, to account with the Commissioners for the Monies received for the Use of the Sufferers by Fire.

And whereas divers Sums of Money have been raised and contributed for the Relief of the Sufferers by the said Fire, which Monies have been paid over to the following Persons, viz. Anthony Trew and Thomas Hyde, Gentlemen, appointed by the Trustees for the said Sufferers, Treasurers to receive and distribute the same; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for the said Anthony Trew and Thomas Hyde, respectively, and their respective Executors or Administrators, from time to time to account to and with the said Commissioners, hereby authorized to put this Act in Execution, or any Seven or more of them, other than and except themselves the said Anthony Trew, and Thomas Hyde, for all and every Sum and Sums of Money already received or paid, or hereafter to be received or paid on account of the said Sufferers, which Accounts being allowed and signed by any such Seven or more of the said Commissioners, so hereby authorized, shall be final and conclusive to all Persons whatsoever; and the

said Anthony Trew, and Thomas Hyde, and all and every other Person and Persons through whose Hands the Monies so to be accounted for shall have passed, their respective Heirs, Executors, and Administrators, shall be from thenceforth discharged thereof, indemnified and saved harmless from any farther or other Account to be given for the same.

General Issue.

And be it enacted, That if any Person or Persons shall be sued or impleaded for any Matter or Thing done in the Execution or in the Pursuance of this Act, such Person or Persons may plead the General Issue, and give the Special Matter in Evidence; which Suit shall be commenced within Six Calendar Months from the Time such Cause of Action shall accrue, and not afterwards; and that such Action shall be laid in the said County of Dorset, and not elsewhere: And if the Plaintiff shall be Nonsuited, or a Verdict do pass against him, such Defendant shall have and recover his Double Costs.

Double Costs.

Where the Interest of any Judge of the Court is the Matter in Debate, he is to withdraw till the same is determined.

Provided nevertheless, and it is hereby further enacted and declared, That in case the Subject Matter, or Dispute or Controversy depending before the said Court, shall any way concern the Estate or Interest of any Commissioner or Judge of the said Court, the Commissioner or Judge so concerned in Interest in the said Dispute or Controversy shall withdraw at the Time of the Debate of such Controversy, until it be determined by the rest of the Commissioners or Judges of the said Court, they not being less than Seven in Number.

Such Part of the Act, as relates to the preventing future Danger by Fire, is made perpetual;

the rest to be in Force for 10 Years.

And it is hereby further enacted, That this Act, so far as the same relates to the preventing of future Danger by Fire, shall be, and is hereby declared to be perpetual: And the Remainder of this Act shall continue in Force for the Term of Ten Years to be computed from the said last Day of May, One thousand seven hundred and sixty three, and from thence to the End of the then next Session of Parliament, and no longer.

Publick Act.

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

FINIS.