ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XC.

An Act for making a new Street from *Saint George's Road*, in the Parish of *Christ Church*, in the County of *Surrey*, through *Holland's Leagure*, into and across the *Green Walk*, and from thence into *Gravel Lane*, in the said Parish; and for discontinuing, as a publick Highway, Part of a Street called *The Upper Ground Street*, in the said Parish.

[21st *June* 1793.]

WHEREAS it would be of great publick Utility if a new and commodious Street was laid out and made from Saint George's Road, in the Parish of Christ Church, in the County of Surrey, through a Place called Holland's Leagure, into and across the Green Walk, and from thence into Gravel Lane, in the said Parish of Christ Church: And whereas most of the Houses and Buildings situate in that Part of the Upper Ground Street, which lies on the East Side of Saint George's Road aforesaid, and extends Preamble.

extends from thence Eastward to the Corner of the Green Walk aforesaid, are in a ruinous State, and fit only to be pulled down: And whereas the present Passage through such Part of the said Street is incommodious and dangerous: And whereas, when such new Street shall be made, the Passage through such Part of the said Upper Ground Street will become useless, and as the said Part of the said Upper Ground Street lies on or near the Bank of the River Thames, it will tend much to the Advantage of the several Persons who are Owners of the Houses, Wharfs, and Estates there, and would be of no Inconvenience to the Publick, if that Part of the said Street was shut up, and the same was discontinued as a publick Highway, and the Ground and Soil thereof laid into and annexed to the said Wharfs and Estates, as soon as such new Street shall be formed, laid out, made, and completed: 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 George Russell, John Wilcox, Henry Bunn, George Butler, John Platt, Benjamin Harrison junior, Gilbert Handasyde, Alexander Thomas Cox, Samuel Wyatt, Stephen Hall, Willington Clark, James Lukin, John Tappen, John Adams, and Benjamin Cape, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for putting this Act in Execution; and all and every the Powers, Authorities, Directions, Matters, and Things, by this Act given to and directed to be done and executed by or before the said Commissioners, shall and may be exercised, had and done, by or before any Three or more of them, and all such Acts, Matters, and Things shall be of as full Force and Effect as if done or executed by or before all the said Commissioners.

Commissioners.

Their Quorum.

II. And be it further enacted, That when any of the said Commissioners shall die, or by Writing under his Hand, delivered to the Clerk of the said Commissioners, shall decline to act, or shall neglect to attend at some publick Meeting of Commissioners for the Space of Three Months, at any One Time, without a reasonable Cause, to be allowed by the said Commissioners, it shall be lawful for the surviving or remaining Commissioners, from Time to Time, by Writing under their Hands, to elect some other Person to be a Commissioner in the Place of every Commissioner so dying, declining, or neglecting

For chusing new Commissioners.

neglecting to act, but Notice in Writing of the Time and Place for every such Election, shall be given by the Clerk to the said Commissioners, by his signing such Notice, and affixing, or causing the same to be affixed on the Door of the Parish Church of Christ Church aforesaid, Eight Days at the least before the Meeting for such Election, and that such Election shall be made between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and not otherwise, and every Person so elected is hereby vested with the same Powers for putting this Act in Execution, as if he had been named a Commissioner in and by this Act.

Of which Eight Days Notice to be given.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless at the Time of his acting therein he shall have or be seised of, in his own Right or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a real Estate, in Law or Equity, of the clear yearly Value of Fifty Pounds above Reprizes, or be possessed of or entitled to a personal Estate to the Amount or Value of One thousand Pounds; and if any Person not being so qualified shall presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person had acted as a Commissioner in the Execution of this Act, and the Money so to be recovered shall, after Payment of the extra Costs and Expences attending the Recovery thereof, be applied, One Moiety to the Informer or Prosecutor, and the other Moiety to the Purposes of this Act.

Qualification of Commissioners.

Penalty on acting if not qualified.

IV. Provided also, and be it further enacted, That no Person hereby appointed, or hereafter to be appointed a Commissioner as aforesaid, shall be capable of acting as such, who is a Victualler, or sells Ale, Wine, Cyder, or Spirituous Liquors by Retail, or during the Time he shall hold or enjoy any Office or Place of Profit under, or be concerned in any Contract made by virtue of this Act, or in any Case wherein he shall be personally interested,

Victuallers, &c. and Persons holding Places of Profit under this Act, not to act as Commissioners.

except as a Creditor, upon Pain of forfeiting and paying the Sum of Ten Pounds for each Time of acting.

First Meeting.

V. And be it further enacted, That the said Commissioners shall meet together at the House called The Cross Keys, situate in the said Parish of Christ Church, upon the First Thursday next after the Day of the passing of this Act, or as soon thereafter as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon of the same Day, and proceed to the Execution of this Act; and shall then, and from Time to Time afterwards, adjourn themselves to, and meet within the same Hours at the same Place, or at any other convenient Time or Place within the said Parish, as they, or the major Part of them present at such Meeting, shall appoint; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act, or to adjourn to another Day (Two Commissioners being always deemed sufficient for the Purpose of Adjournment), or if the Commissioners when met shall refuse or neglect to make an Adjournment, then and in every such Case, the Clerk to the said Commissioners, or any Two or more of the said Commissioners, shall and may call a Meeting, at the Place where the last Meeting was appointed to be held, on that Day Fortnight, by Notice thereof in Writing, to be affixed on the Door of the said Parish Church, at least Eight Days before such Meeting; but no Act of the said Commissioners (except that of Adjournment as aforesaid, and also except where it is hereby otherwise particularly directed) shall be valid, unless made or done at some publick Meeting to be held by virtue of this Act; and publick Notice shall be given of all and every such Meeting and Meetings by the Clerk to the said Commissioners, and affixed on the said Church Door, at least Eight Days before such Meeting, where other Notice is not herein particularly required; and the Commissioners shall, at all their Meetings, bear and pay their own Charges and Expences; and that all such Commissioners as are Justices of the Peace may act as Justices in the Execution of this Act, within their respective Jurisdictions, notwithstanding their being Commissioners, except only in such Cases where they shall be immediately and personally interested; and in all Cases where the Commissioners, or any Justice or Justices of the Peace, are authorized to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Commissioners and Justices, and they are hereby

Adjournments and future Meetings.

Proceedings to be at publick Meetings only.

Commissioners to pay their own Expences; and such as are Justices may act as such.

Power of administering Oaths, and taking Affirmations.

required

required to administer such Oath, or take such Affirmation.

VI. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk, and that no Action that may be brought or commenced by or against the said Commissioners, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the Commissioners, but the Clerk to the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges, as by the Event of any such Proceedings he shall be put to, or become chargeable with, by Reason of his being so made Plaintiff or Defendant therein. Actions to be in the Name of the Clerk.

VII. And be it further enacted, That the said Commissioners shall cause Books to be provided and kept, and shall, either by themselves, or by their Treasurer or Clerk, cause fair and regular Entries to be made in such Books of the several Meetings, and Names of the Commissioners attending such Meetings, and of the Nomination of all Officers and Persons, and of all Acts, Orders, and Proceedings relative to the Execution of this Act, and the Commissioners present, concurring in such Orders and Proceedings, together with their Treasurer or Clerk, shall subscribe their Names at the End of the Proceedings of every such Meeting, and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted to be read as Evidence in all Causes, Suits, and Actions touching any Thing to be done in pursuance and by virtue of this Act; and such Books shall be kept by the Treasurer or Clerk to the said Commissioners, as the said Commissioners shall from Time to Time direct, and shall, at every such Meeting, and at all other seasonable Times, be open and liable to the Inspection of the said Commissioners, and of all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby. Books to be kept of Proceedings.

VIII. And be it further enacted, That the said Commissioners shall and may, by Writing under their Hands, at their First or any subsequent Meeting, giving Fourteen Days Notice thereof, after the First Meeting, in Writing, to be affixed on the Door of the said Parish Church, For appointing Officers.

Church, appoint One or more Clerk or Clerks, and Treasurer or Treasurers, and Collector or Collectors, Receiver or Receivers of the Rates or Assessments, Surveyor or Surveyors, and such other Officer or Officers for the Execution of this Act, as they the said Commissioners shall think proper, and from Time to Time remove him or them, and appoint others, as they shall find necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, may and are hereby impowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners shall and may take such Security for the due Execution of the respective Offices by such Person or Persons as aforesaid, as the said Commissioners shall think proper; and such Person or Persons as is or are hereby made liable to pay the several Rates or Sums of Money hereby granted, shall pay the same to such Person or Persons as shall from Time to Time be so appointed to collect and receive the same, according to the true Intent and Meaning of this Act; and all such Officers and Persons so to be appointed as aforesaid, shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts, in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands, to the said Commissioners, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall, upon Oath, if thereunto required, verify their said Accounts; and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Thirty Days after being thereunto required by such Commissioners, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or

Trustees may remove them, and appoint others;

Salaries to them.

Officers to give Security;

obliging them to account,

and deliver up all Books and Vouchers in their Custody;

shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Commissioners, or as they shall direct or appoint, then, and in either of the Cases aforesaid, such Commissioners may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing shall be and reside, such Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way, and if, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices, that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may, and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, then and in either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County of Surrey, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby impowered to make, or until he shall deliver up such Books, Papers,

or to be punished.

Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners, or any Three or more of them.

Commissioners may appoint Officers occasionally, in case of Death or Removal.

IX. Provided always, That as often as any Collector or Receiver of the Monies to be raised by virtue of this Act shall die, or be incapable of performing his Duty, it shall be lawful for the said Commissioners, though not assembled at any Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Monies, and such Person shall continue to collect the same, until the Commissioners shall at a Meeting to be held in pursuance of this Act, appoint a Collector or Receiver of such Monies; any Thing herein contained to the contrary notwithstanding.

Officers taking any Reward besides their Salary,

X. And be it further enacted, That if any Person who shall be employed as a Clerk, Treasurer, Collector, Receiver, or Surveyor, or any other Officer or Servant who shall be anyways employed by the said Commissioners in putting this Act, or any the Powers thereof, in Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards as shall be appointed, allowed, and approved of by the said Commissioners, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to the putting this Act in Execution, or shall anyways be concerned in Interest in any Bargain or Contract made or to be made by the said Commissioners, or any of them, for the Purposes of putting this Act in Execution, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of One hundred Pounds to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, within Six Calendar Months after the Offence committed, in which said Suit, no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

or being interested in any Contract,

incapacitated, and to forfeit also 100 *l.*

Penalty on Persons interrupting or assaulting Workmen, &c.

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

of Forty Shillings; and for the Third and every other Offence, the Sum of Three Pounds.

Commissioners to have Power to lay out the new Street.

XII. And be it further enacted by the Authority aforesaid, That the said Commissioners, and their Successors, or any Three or more of them, shall have full Power, and shall give Directions, when and as they shall judge it expedient after their said First Meeting, for laying out and making a new Street from Saint George's Road aforesaid, through Holland's Leagure aforesaid, into and across the Green Walk aforesaid, and to be continued from thence through certain Lands and Tenements, belonging or late belonging to Oliver William Baron Esquire, and Alexander Thomas Cox Gentleman, into Gravel Lane, in the Parish of Christ Church, and shall cause the said Street to be raised, sunk, or lowered, in such Manner as they the said Commissioners shall think proper, and may from Time to Time cause to be dug, carted, and carried away out of, or brought into the said Street, or any Part thereof, such Gravel, Stones, and other Materials, as they shall judge necessary, and may cause the Course of the Channels running in or through the same to be turned or altered, and the Water Pipes which now lie or hereafter shall be laid under Ground, to be taken up and new laid, in such Places, and Manner and Form, as they shall judge best; and may cause all or any Posts, Bars, or Rails, in the said Street as they shall judge useless, or to be a Nuisance or Obstruction either to Foot Passengers or to Carriages, to be carried away or removed; and likewise all Steps, Bulks, Stalls, Dung Holes, Saw Pits, Shew Glasses, Shew Boards, and other Matters and Things incroaching upon the Footway, to be removed, filled up, or altered, as they the said Commissioners shall judge necessary and expedient, and may employ such Artificers, Workmen, Labourers, and others, and may issue Money for the above Purposes, and may do all and every such Acts and Things, for accomplishing the aforesaid Ends and Designs, as they the said Commissioners shall think necessary; and shall pay for the same out of the Monies arising by virtue of this Act.

New Street to be laid out as straight as may be.

XIII. And be it further enacted, That the said new Street shall be designed, laid out, and made in a straight Line, or as near thereto as conveniently may be, and shall be Forty-five Feet wide; and in case, after making the said Street of such Width as aforesaid, there shall remain any Waste Ground, Part of the present Passage through Holland's Leagure aforesaid, the same shall

shall be vested in the Commissioners for putting this Act in Execution.

XIV. And be it further enacted by the Authority aforesaid, That the said new Street shall be laid out and made in a straight Line from Saint George's Road to the Green Walk, and from thence continued Eastward to Gravel Lane, in a Line corresponding with that above mentioned, as near as may be.

Commissioners may purchase Houses, &c. for making the Street.

XV. And be it further enacted, That the said Commissioners, or any Three or more of them, shall and may contract for and purchase any Messuages, Buildings, Lands, Tenements, or Hereditaments, for the Purpose of making such intended new Street, which they, or any Three or more of them, shall think necessary to be purchased for that Purpose, Conveyances whereof shall be made to such Persons as the said Commissioners, or any Three or more of them, shall appoint, upon Trust, and to the Intent that the Messuages, Buildings, Lands, Tenements, and Hereditaments so purchased, may be applied to the Uses hereby intended.

Commissioners may make Contracts.

XVI. And be it further enacted, That the said Commissioners may, and are hereby impowered, from Time to Time as Occasion shall require, to contract with any fit Person or Persons for laying out and making the said Street, which Contract and Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by the said Commissioners, and by the Person or Persons contracting to perform such Works, but previous to the making of any such Contract, Fourteen Days Notice shall be given in some publick Newspaper circulated in London and Westminster, expressing the Intention of the intended Contract, in order that any Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

Surveyors, &c. to inspect the Works.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed to cause all and every the Works done in pursuance of this Act, to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Sense and Meaning of such Contract or Contracts, or shall not be finished and completed at or within

the Time or Times that the same are agreed to be completed by the said Contract or Contracts, the said Commissioners shall and may bring an Action, in any of His Majesty's Courts of Record at Westminster, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, and for any Penalty or Penalties, Damage or Damages, which shall be contained in such Contract or Contracts; and upon the proving the signing of the said Contract or Contracts, and Nonperformance thereof at the Time or Times for the Purpose therein mentioned, the said Commissioners shall be entitled to, and shall recover such Penalty or Penalties, Damage or Damages, which, when recovered, shall be applied for the Purposes of this Act.

Hoards or Inclosures may be made for building or repairing.

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

Materials vested in the Commissioners.

XIX. And be it further enacted, That all Timber, Stones, Bricks, Tiles, Slates, Planks, Iron, Lead, Glass, and all other Materials belonging or appertaining to the said Houses, Buildings, and Premises which shall be taken down by virtue of this Act, shall be, and they are hereby vested in the said Commissioners, and they are hereby required, with all convenient Speed, when and as the same are taken down or taking down, to cause such Materials from Time to Time to be removed off the Premises, and to use and employ so much thereof as they shall see fitting in and about the laying out and making the said Street, and the remaining Part of the said Materials shall be sold and disposed of for as much Money as can be reasonably gotten for the same, which

shall go and be applied for and towards the Purposes of this Act, in laying out and making the said Street.

Bodies Politick, &c. may contract for Sale.

XX. And be it further enacted, That it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunaticks and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, or Femes Covert who are or shall be seised in their own Right, and all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in such Houses, Buildings, Lands, Tenements or Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for the Purposes aforesaid, to treat, contract, and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Commissioners, or to such Persons, and their Heirs for ever, as the said Commissioners shall direct, in Trust for them the said Commissioners for the Purposes aforesaid; and that all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act as aforesaid, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

On Refusal to treat, Value to be settled by a Jury.

XXI. And be it further enacted, That if any Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Feme Covert, Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever,

soever, (except as herein-after is excepted in and by this Act), impowered and qualified to treat, contract, or agree for, sell, convey, and dispose of any Part of the Premises herein-before mentioned, or any Interest therein, shall refuse to treat, contract, or agree as aforesaid, or by Reason of Absence, or otherwise, shall be prevented from treating and agreeing, or shall decline or refuse to sell, convey, and dispose of the Premises whereof or wherein, or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate, for the Purposes, and according to the Tenor, true Intent, and Meaning of this Act, or shall not produce or make out a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching such Purchase or Purchases, the said Commissioners are hereby impowered and authorized to issue Notice in Writing, under their Hands, to the Sheriff of the County of Surrey, thereby requiring him, who is hereby authorized, directed, and required accordingly, to impannel, summon, and return, at such Time and Place as shall be expressed in such Notice, Twenty-four substantial and disinterested Persons, qualified to serve on Juries, and out of such Persons, so to be impannelled, summoned, and returned, the said Commissioners shall, at such Time and Place, swear, or cause to be sworn, a Jury of Twelve Persons of the said Twenty-four, who shall be drawn by the Clerk to, or other Person to be appointed by the said Commissioners, in the same Manner as Juries for Trials of Issues in His Majesty's Courts at Westminster, by an Act made in the Third Year of the Reign of King George the Second, intituled, An Act for the better Regulation of Juries, are directed to be drawn, which Twelve Men shall be the Jury for the Purposes aforesaid; and the said Commissioners shall order such Jury to view the Place in Question, if there shall be Occasion; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Persons of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number Twelve, which Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Commissioners at such Time and Place as in

Juries may be impannelled.

such Notice or Notices shall be directed and appointed, and to attend there, from Day to Day, until discharged by the said Commissioners; and all Persons concerned shall have their lawful Challenges (but not challenge the Array of the Pannel) against any of the said Jurymen when they come to be sworn; and the said Commissioners are hereby impowered to summon or call before such Jury, and examine upon Oath, all Persons who shall be thought necessary or proper to be examined as Witnesses touching the Matters in Question; and the said Commissioners shall have full Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy, making Default in the Premises, and on any Person or Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall in any other Manner neglect their Duty, contrary to the true Intent and Meaning of this Act, and on any Person or Persons who, being required to give Evidence before such Jury, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence, so as no such Fine shall exceed the Sum of Twenty Pounds upon any One Person for One Offence, which Fine or Fines shall be applied towards the Purposes of this Act; and the said Commissioners shall have Power to adjourn such Meeting from Day to Day, as Occasion shall require, and such Jury, Witnesses, and Parties shall attend, until all Matters for which they shall be so summoned shall be concluded; and the said Jury, upon their Oath, shall enquire of and assess the Value, Recompence, and Satisfaction to be paid or made for such Premises respectively, and assess and ascertain the proportionable Sum or Sums to be paid to every such Person or Persons for the Purchase of their respective Estates and Interests claimed therein, or any Part thereof, and the said Commissioners shall give Judgement for such Sum and Sums of Money so to be assessed; which said Verdict or Verdicts, and the said Judgement, Decree, and Determination thereon (Notice in Writing being given to the Person or Persons interested, at least Fourteen Days before the Time of such Assessment, declaring the Time and Place of the Meeting of the said Commissioners as aforesaid, and Jury, by leaving such Notice at the Dwelling-house of such Person or Persons, or at his, her, or their usual or last Place or Places of Abode, or with the Tenant or Occupier of such Premises so intended to be valued or assessed) shall be binding and conclusive to all Intents and Purposes whatsoever, against all Bodies Politick, Corporate or Collegiate, Corpora-

Juries may be challenged.

Penalty on Sheriffs, Jurymen, and Witnesses.

Jury may assess the Value, and proportionable Sums to be paid to every Person interested:

Which Verdict shall be binding,

tions Aggregate or Sole, or other Persons whomsoever; and the said Verdicts, Judgements, and Decrees, and all other Proceedings of the said Commissioners as aforesaid, and Juries, so to be made, given, and pronounced as aforesaid, shall be fairly written or engrossed, and kept and entered amongst the Records of the Quarter Sessions, in the Office of the Clerk of the Peace of the said County of Surrey, and the said Verdicts, Judgements, and Decrees, and all such other Proceedings shall be deemed and taken to be Records, to all Intents and Purposes whatsoever; and the same, or a Copy thereof, shall be deemed and taken to be good and effectual Evidence and Proof, in any Court or Courts of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis, and take Copies thereof, paying for every Copy not exceeding Two-pence for every Seventy-two Words, and so proportionably for any Number of Words. and recorded in the Office of the Clerk of the Peace.

XXII. And be it further enacted, That in case any Verdict shall be given for a greater Sum or Recompence than shall have been offered by or on Behalf of the said Commissioners, before the summoning of any such Jury, for or in respect of such Houses, Buildings, Lands, or Hereditaments, or Damages as aforesaid, that then all the Expences of such Jury, and the Witnesses attending in consequence thereof, and of taking such Inquest, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if any Verdict shall be given for no more, or a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then and in every such Case, such Expences shall be paid by the Owners of, or Persons interested in the Houses, Buildings, Lands, or Hereditaments in Question, which Expences, having been ascertained and settled by some Justice of the Peace for the said County of Surrey, not interested in the Matter in Question (who is hereby required to examine and settle the same) shall and may be deducted out of the Money so assessed and decreed, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies, shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the Whole Sum or Sums so assessed and decreed; or otherwise, such Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, by such Ways and Means as Expences of the Jury and Witnesses, by whom to be borne.

are herein-after provided for Recovery of Penalties and Forfeitures.

Verdict not binding, unless Money paid within Three Months.

XXIII. Provided always, That in case the said Sum or Sums so assessed by the said Jury, and ordered and adjudged by the said Commissioners to be paid as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Premises, shall not be paid, tendered, or left, according to the true Intent and Meaning of this Act, within Three Calendar Months after the same shall have been so assessed, ordered, and adjudged, then, and in such Case, the Verdict of the said Jury, and Order and Adjudication of the said Commissioners, shall not be binding upon the said Parties, any Thing herein contained to the contrary notwithstanding.

Money belonging to Corporations, &c. to be reinvested.

XXIV. And be it further enacted, That the Principal Money to arise from the Sale of any Houses, Buildings, Lands, Tenements, or Hereditaments, which shall be purchased for any the Purposes of this Act of any Body Corporate or Ecclesiastical, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Feme or Femes Covert, shall be paid to such Person or Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed to be reinvested in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to and upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased from them respectively by the said Commissioners as aforesaid, were respectively settled, limited, or assured at the Time of such the purchasing of the same, or so many thereof as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect.

On Payment of Purchase Money, Premises to be conveyed.

XXV. And it is hereby further enacted and declared, That every Sum of Money to be agreed for or assessed as aforesaid, shall be paid out of the Monies to be raised by virtue of this Act, to the Parties or Persons respectively entitled to such Monies, or their Agents, and upon Payment thereof, or in case of Refusal to accept the same, or the Parties not being to be met with, on leaving the same in the Hands of the Treasurer for the Time being of the said Commissioners, for the Use of such Parties or Persons, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in

Law and Equity, of the Person or Persons respectively, for whose Use the same was paid, in, to, or out of such Houses, Buildings, Grounds, Tenements, and Hereditaments, shall vest in the said Commissioners, for the only Uses and Purposes of this Act, and they shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes, as fully and effectually as if every Person having an Estate in the said Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery and Seisin, Fine and Recovery, or any other legal Conveyance whatsoever, and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand, of the Person or Persons to whose Use such Payment was made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person or Persons, and all Estates Tail, in Reversion, or Remainder, and the Issue or Issues of such Person and Persons, and every Person claiming under them, as effectually as a Recovery or Fine would do, if levied or suffered by the proper Parties in due Form of Law.

Premises vested in the said Commissioners.

XXVI. And be it further enacted, That all and every Person and Persons who would be entitled to recover the mesne Profits of the Premises against the Person or Persons in Possession, in case the same had not been so conveyed to, or vested in the said Commissioners as aforesaid, shall be entitled to recover the Sum and Sums to arise from such Interest and Dividends as aforesaid, by Action of Debt, or otherwise, against the Person or Persons who shall receive the same.

Persons entitled to the mesne Profits, may recover against the Person receiving.

XXVII. And be it further enacted, That all and every such Person and Persons who shall have any Mortgage or Mortgages on any such Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on Tender of the Principal Money and Interest due thereon, together with Three Calendar Months Interest of the said Principal Money by the said Commissioners, or by such Person or Persons as they shall appoint, immediately assign such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint in Trust for them; or, in case such Mortgagee or Mortgagees shall have Notice in Writing given to him, her, or them from the said Commissioners, or any Person authorized by them, that they will pay off and discharge the Principal and Interest Money which, at

Mortgagees to assign on Tender of Principal, and Three Months Interest;

or on Three Months Notice.

at the Expiration of the said Three Calendar Months, to be computed from such Notice given, shall be due on such Mortgage, that then, at the End of the said Three Calendar Months, on Payment or Tender of the Principal and Interest Money so due, such Mortgagee or Mortgagees shall convey and assign his, her, and their respective Estates and Interests in the said mortgaged Premises to the said Commissioners, or to such Person or Persons as they shall nominate and appoint in Trust for them; and if any such Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do on such Tender or Payment, then all Interest on every such Mortgage shall cease and determine.

Tenants to quit on Notice given.

XXVIII. And be it further enacted, That in case the said Commissioners, or any Person authorized by them, shall, after the said Houses, Buildings, Lands, Tenements and Premises shall be purchased by them in pursuance of this Act, give Three Calendar Months Notice in Writing to the Tenants or Occupiers respectively of any such Premises so purchased, to quit or deliver up such Premises at the Expiration of such Three Calendar Months, then every such Tenant or Occupier shall, at the End of such Term, peaceably and quietly deliver up the Possession of the Premises so by him or her respectively occupied, whether upon Lease or otherwise, to the Person or Persons who shall be appointed by the said Commissioners to take Possession thereof; and if any Person or Persons so in Possession shall refuse to give up such Possession at the Expiration of such Three Calendar Months, after every such Notice as aforesaid, it shall be lawful for the said Commissioners to issue a Precept or Precepts to the Sheriff of the said County of Surrey, to cause Possession thereof to be delivered to such Person or Persons who shall be in such Precept or Precepts nominated to receive the same, and to direct the said Sheriff to levy such Costs as shall accrue by Means of the issuing and Execution of every such Precept, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall refuse or neglect to pay the same Costs, and the said Sheriff is hereby required to deliver Possession, and levy such Costs in Manner aforesaid.

In what Manner Houses, &c. may be purchased.

XXIX. Provided always, and it is hereby enacted and declared, That if any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, Aggregate or Sole, shall be applied to by or on Behalf of

the said Commissioners to treat for, sell, dispose of, or convey, for the Purposes aforesaid, any Part or Parts of any House or Premises in the actual Occupation of One Tenant, or of several Joint Tenants, and the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, shall by Notice in Writing, to be left with the Clerk of the said Commissioners within Fourteen Days next after such Application, signify his, her, or their Inclination or Desire to treat for, sell, dispose of, and convey the Whole of such House or Premises, then, and in every such Case, the Whole of such House and Premises shall be deemed, taken, and held to be necessary to be purchased for the Purpose aforesaid; and if it shall happen that the said Commissioners shall not think proper, or be willing to purchase the Whole of such House or Premises, then, and in every such Case, nothing in this Act contained shall extend, or be construed to extend, to compel the Owner or Owners, Occupier or Occupiers thereof, to treat for, sell, dispose of, or convey any Part of such House and Premises, any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Commissioners may let or sell any overplus Ground.

XXX. And whereas, by Reason of the Purchases which the said Commissioners are hereby impowered to make by virtue of this Act, they may happen to be possessed of some Piece or Pieces of Ground over and above what may be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners to let, sell, or dispose of any such Piece or Pieces of Ground, either together or in Parcels, in such Manner as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract, agree for, or purchase the same, giving Preference to the Person or Persons of whom the same shall have been purchased, to any other Person offering the same Sum; and it shall be lawful for the said Commissioners to design, assign, and lay out in what Manner any new Houses or Edifices shall be erected or built upon any such Piece or Pieces of Ground which they shall be possessed of as aforesaid, over and above what may be necessary for the Purposes of this Act, and the Money to arise in Manner aforesaid shall be applied towards the Purposes of this Act.

Limiting Time for purchasing.

XXXI. Provided always, and be it further enacted, That in case the said Commissioners shall not purchase and be possessed of, and pay for the said Houses and Premises, within the Space of One Year next after the Commencement of this Act, the respective Owners and

Persons interested in such of the said Houses and Premises which shall then remain undisposed of, shall not be afterwards obliged to convey, sell, or otherwise dispose of the same, or any Part thereof, or their Interest therein, nor shall any Jury or Juries be summoned or meet to settle or ascertain the Value thereof, or any Recompence or other Matter respecting the same, any Thing hereinbefore contained to the contrary thereof notwithstanding.

Rate upon the Proprietors of Ground.

XXXII. And be it further enacted, That for the defraying the Charges and Expences of executing this Act, it shall be lawful for the said Commissioners, and they are hereby impowered and required, Once in every Year, or oftener, if they shall think proper and needful, to make and sign a Rate to be assessed upon all and every Owner or Proprietor, Landlord or Lessor, of any Ground lying, or which shall lie adjoining to or fronting the said Street, in such competent Sum or Sums of Money as the said Commissioners shall from Time to Time order and direct, so as such Rate or Assessment do never, in any One Year, exceed the Sum of One Shilling for every Foot of such Ground which shall so lie adjoining to or fronting the said Street: Provided nevertheless, that no such Rate or Assessment shall be laid or collected until the said Street shall be begun to be laid out and made.

Rates to be allowed by Two Justices of the Peace.

XXXIII. And be it further enacted, That all the said Rates shall be allowed and signed by Two Justices of the Peace acting in and for the said County of Surrey, who are also hereby impowered and required to grant a Warrant or Warrants for collecting and levying the same, and the said Rates, after the same shall be so allowed and signed by the said Two Justices, shall be collected by the Person or Persons from Time to Time appointed by the said Commissioners, pursuant to this Act, to collect and receive the same; and if any Person or Persons shall refuse, neglect, or omit to pay the Sum or Sums of Money which he, she, or they shall be rated or assessed to in any such Rate, for the Space of Ten Days after personal Demand made thereof, or Demand in Writing left at the Place of Abode or Occupation of such Person or Persons, then, and in every such Case, it shall be lawful for the Collector or Collectors, and he and they is and are hereby authorized and required, to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting, refusing, or omitting to pay the same respectively; and in case no such Goods or Chattels can be found to be so distrained, or in case such Goods and Chattels shall be locked up or secured, or re-

Manner of Recovery.

moved from the said Collector or Collectors, so that he or they cannot distrain the same, then, and in either of the said Cases, upon Information thereof given to the said Justices, or any Two other Justices of the Peace for the said County of Surrey, it shall be lawful for such Justices, and they are hereby required, to commit the Offender or Offenders to the Common Gaol or House of Correction for the said County of Surrey, there to remain, without Bail or Mainprize, for any Time not exceeding the Space of One Calendar Month, unless Payment of such Rate or Assessment, and reasonable Charges occasioned by the Nonpayment thereof, be sooner made.

Persons removing.

XXXIV. And be it further enacted, That when any Person or Persons who hath or have been rated and assessed, shall not be resident in, or being resident, shall remove out of the said County of Surrey, and shall not have paid such Rate or Assessment, and shall afterwards refuse or neglect to pay the same when due and demanded by the Collector or Collectors authorized and appointed to receive the same, that then and in every such Case it shall be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for the County of Surrey, in any Place within the said County, or out of the Limits thereof, such Warrant being first backed or countersigned by some Magistrate of the County, City, or Liberty where the Distress is to be made (which Warrant such Magistrate is hereby required to back or countersign without Fee or Reward) to collect and levy such Rate, and all Arrears due thereon, by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the same wheresoever such Goods and Chattels shall or may be found; and if within Six Days next after such Distress shall be made, the said Rate, and all Arrears due thereon, shall not be paid, together with the reasonable Charges of taking and keeping such Distress, the said Collector or Collectors shall cause the said Goods and Chattels to be sold, or such Part thereof as shall be sufficient to pay the said Rate, together with all Arrears due thereon, and the reasonable Charges and Expences of such Distress and Sale, rendering the Overplus, and the Goods and Chattels remaining (if any be) unto the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Commissioners may sue in the Name of their Treasurer.

XXXV. Provided always, That the said Commissioners may, if they shall think proper, sue, in the Name or Names of their Treasurer or Treasurers, for any Rate which shall be by them made by virtue of this Act, and all

all Arrears due thereupon and unpaid, in which Action no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Commissioners impowered to borrow Money upon Credit of the Rates.

XXXVI. And, for enabling the said Commissioners to execute the Purposes of this Act in the most expeditious Manner, it is hereby further enacted, That it shall be lawful for the said Commissioners, and they are hereby impowered, from Time to Time, when they shall judge it necessary, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments to be made by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment, signed by the said Commissioners, to assign the said Rates or Assessments, or a competent Part thereof, to such Person or Persons as shall advance and lend such Money thereupon, as a Security or Securities for the several Sums so borrowed, with Interest for the same, which Interest shall be payable and paid half-yearly by the Treasurer or Treasurers to the said Commissioners, out of the Monies to arise by or from the said Rates or Assessments.

For borrowing Money by Annuities on Lives.

XXXVII. And whereas many Persons may chuse to advance Money for the Purchase of Annuities, to be secured upon, and payable out of the said Rates and Assessments; be it therefore further enacted, That it shall be lawful for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners, or such Person or Persons as they shall appoint to receive the same, for the Uses and Purposes for which the said Rates or Assessments are made, any Sum or Sums of Money for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of such Person or Persons as shall be nominated by or on Behalf of such Contributor or Contributors at the Time of Payment of the respective Contribution Money, so as the said Annuity or Annuities do not exceed the Rate of Ten Pounds by the Hundred by the Year, and so in Proportion for any greater or less Sum, to be paid as aforesaid; all which Annuities, so to be purchased, shall be payable and paid by the Treasurer or Treasurers for the Time being, out of the Monies to arise by or from the said Rates and Assessments, by quaterly Payments, the First Payment to be made to the respective Purchasers, or their Assigns, at the Expiration of Three Calendar Months after Payment of their respective Purchase Monies, the Rate whereof shall, from Time to Time, be adjusted and settled by the said Commissioners as they

shall think proper, at a publick Meeting to be held for that Purpose, whereof Fourteen Days Notice shall be given in some publick Newspaper circulated in the Bills of Mortality, so that the Total Sums to be borrowed on Life Annuities, and at Interest, shall not exceed in the Whole the Sum of Six hundred Pounds.

The Whole, by both Methods of borrowing, not to exceed 600 *l.*

XXXVIII. Provided always, and it is hereby further enacted, That the better to enable the Commissioners to pay the Money borrowed by Mortgage of the said Rates in Manner aforesaid, it shall be lawful for them at any Time or Times, until the Sum so borrowed, and all Interest due thereon, shall be fully paid and satisfied, and no longer, as any such Annuitant or Annuitants, or Nominees, shall die, to permit any Person or Persons to purchase of them the said Commissioners One or more Annuity or Annuities, in the Room of such Annuitant or Annuitants, or Nominee, so dying, upon the Life of such Person or Persons, upon such Terms and Conditions, and payable in such Manner as above mentioned, so that the Sum or Sums to be contributed for the Purchase of any Annuity or Annuities to be granted by virtue of this Act, shall at no Time exceed the Sum of Two hundred Pounds.

If Annuitants die, any Person may purchase others till Mortgage Money paid off.

XXXIX. Provided also, That as such Annuitant or Annuitants shall die off, and such Rates or Assessments can be lowered and reduced, the same shall be so done, in equal Proportion, from Time to Time, if the said Commissioners, or any Three or more of them, shall think fit.

As Annuitants die, Rates to be lowered, if Commissioners think fit.

XL. And be it further enacted, That all and every such Annuity or Annuities shall be, and is and are hereby charged upon, and shall be paid and payable, from Time to Time, out of the Monies arising by the Rates and Assessments made and laid by virtue of this Act; and all and every the Contributor and Contributors, duly paying the Consideration or Purchase Money as aforesaid, for any such Annuity or Annuities, his, her, or their respective Executors, Administrators, and Assigns, shall have, receive, and enjoy, and be entitled by virtue of this Act to have, receive, and enjoy the respective Annuity or Annuities so to be purchased, out of the said Rates or Assessments, for the Payment thereof as aforesaid, during the Term of the natural Life of the Person to be nominated by such Purchaser or Contributor as before mentioned; and that all and every such Purchaser and Purchasers, and their Executors, Administrators, and Assigns, shall have good, sure, absolute, and indefeasible Estates and Interests in the Annuity or Annuities

Annuities charged upon the Rates.

ties so by him, her, or them respectively to be purchased, according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall, now or hereafter, be subject or liable to the Tax charged or to be charged upon Land by Authority of Parliament; and that every Contributor for the Purchase of any such Annuity or Annuities, his, her, or their Assigns, upon Payment of the Consideration or Purchase Money, shall have a Receipt or Receipts for the same, and also an Order on Parchment for Payment of the said Annuity or Annuities, for and during the natural Life of the Person who shall be so nominated as aforesaid, by quarterly Payments, which Order shall be signed by the said Commissioners, and after signing thereof, the same shall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

Clerk to enter all Securities for Money borrowed, or Annuities granted.

XLI. And be it further enacted, That the Clerk to the said Commissioners for the Time being shall enter in a Book or Books to be for that Purpose provided and kept by the said Commissioners, all Securities for Monies borrowed, or Annuities granted by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing, in Words at length, the Names, Surnames, Additions, Places of Abode, and other Descriptions, of all such Persons as shall from Time to Time be entitled to such Securities, and also the Name, Surname, Addition, Place of Abode, and other Description, of every Person for whose Life any Annuity shall be granted by virtue of this Act, and the Days whereon the said Annuity shall be payable, to which Book and Books the Person and Persons entitled to and possessed of such Annuity or Annuities, and all and every the Person or Persons liable to the Payment of the said Rates and Assessments, shall at all reasonable Times have Access, with free Liberty to inspect the same without Fee or Reward.

Securities may be transferred.

XLII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand or Hands respectively, to assign or transfer such Securities, by Indorsement on the Back thereof, to any Person or Persons whomsoever, and so toties quoties; and such Assignments or Transfers, after they shall respectively be entered by the Clerk of the said Commissioners in Manner aforesaid (which he is hereby required to do without Fee or Reward) shall entitle the Person or Persons to whom they shall

be respectively made, and his, her, or their respective Executors, Administrators, and Assigns, to the Benefit of the Security or Securities so assigned or transferred.

Balance of Money received, and not paid over at the Time of the Receiver's Death, to be paid by the Executors out of the Deceased's Estate.

XLIII. And be it further enacted, That if any Collector or Receiver shall happen to die before he or they shall have fully paid and satisfied all the Money by him received by virtue of this Act, then and in every such Case, the Executors or Administrators, Executrix or Administratrix, or other legal Representative or Representatives, or Person or Persons possessing the late Estate and Effects of every such Person, shall, out of such Estate and Effects, pay to the Treasurer or Treasurers for the Time being under this Act, all such Sums of Money by such Collector or Receiver so received and not paid, or so much thereof as the said Estate or Effects will extend to pay, and the Receipt of the said Commissioners shall be a good Discharge for such Money; and every Executor or Administrator, or other Person as aforesaid, may, to any Action or Suit commenced or brought against him, her, or them, plead or give in Evidence the Payment of the same, and shall be allowed Payment of the same out of such Estate or Effects; and in case of Nonpayment of the same by the Space of Thirty Days after the same shall be demanded, it shall be lawful for the said Treasurer or Treasurers for the Time being, and he or they is and are hereby directed and required, in his or their own Name or Names, to commence and bring One or more Action or Actions in any of his Majesty's Courts of Record at Westminster, against such Executors or Administrators, or other Person or Persons as aforesaid, for the Recovery of the same.

For shutting up Part of the Upper Ground Street.

XLIV. And be it further enacted, That when the said new Street shall be laid out, and made fit and commodious for the Use of the Publick, in the Opinion and to the Satisfaction of the said Commissioners, then it shall be lawful for the said Commissioners, and they are hereby impowered and required, to shut up such Part of the said Upper Ground Street as aforesaid, and the same shall from thenceforth be discontinued as a publick Highway, and the Owners and Proprietors of the Houses, Wharfs, and Estates there shall and may lay and annex so much of the Ground and Soil of the said Street or Highway as lays in the Front of their respective Estates and Premises into and to the same; Saving nevertheless, to Benjamin Harrison Esquire, the Occupier of a certain Warehouse called The Northumberland Bottle Warehouse, during his Term and Interest therein, and

to

to the Owners of the Fee thereof, a Right of Way and Passage from the said Warehouse cross the said Upper Ground Street, through Ground belonging to or in the Possession of the Albion Mill Company, into the new Street so to be laid out and made, of the Width of Twenty five Feet, in the same Manner as such Occupier and Owners are now entitled to in the said Upper Ground Street, and over which Way or Passage no Building shall be erected during the Term and Interest of the said Benjamin Harrison in the said Warehouse, nor shall any Building be erected opposite to the said Warehouse, during such Term and Interest, nearer than Sixteen Feet Six Inches; and such Occupier or Owner is to be exempt from the Payment of any Rate or Charge for making the said new Street, or the Avenues thereto.

For mitigating Penalties.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to compound and agree with any Person or Persons against whom the said Commissioners shall bring, or cause to be brought, any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts already entered into, or hereafter to be entered into, on Account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, and also to mitigate, compound, or lessen any other the Forfeitures incurred under this Act, so as the Sum so compounded and agreed for, be not less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts, and all the Costs, Charges, and Expences which shall be occasioned thereby, and so as the Mitigation of the other Forfeitures as aforesaid do not extend to remit above One Half of the said Forfeitures respectively.

Persons aggrieved may appeal to the Quarter Sessions, if no other Method of Relief is appointed.

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

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

For Recovery and Application of Penalties and Forfeitures.

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

XLVIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the

Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (videlicet),

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County of [*specifying the Offence, and Time and Place when and where the same was committed, as the Case shall be*].

Given under my Hand and Seal, the Day and Year first above mentioned.

For rewarding Informers.

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, if they shall see Cause, to pay and apply such Part of the said Penalties and Forfeitures, or any of them, as they shall think proper, not exceeding One Moiety of them, or any of them, to and for the Use of the Informer or Informers, or any of them; any Thing herein contained to the contrary notwithstanding.

Distress not to be deemed unlawful, nor Party making it a Trespasser, for Want of Form in Proceedings.

L. And be it further enacted, That where 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 be deemed a Trespasser or Trespassers, on Account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damage in an Action on the Case.

Tender of Amends having been made before Action brought, Plaintiff not to recover.

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

For paying Money into Court.

had,

had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings against Offenders not to be quashed for Want of Form.

LII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty 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 the Defendant or Defendants in such Actions and Suits, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials 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 Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then,

General Issue.

and in any or 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.

Treble Costs.

Publick Act.

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

FINIS.