ANNO TRICESIMO QUINTO

Georgii III. Regis.

****

CAP. XLV.

An Act to explain, amend, and render more effectual an Act, made and paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for paving, lighting, watching, cleanſing, watering, repairing, and keeping in Repair*, Finſbury Square, *in the Pariſh of* Saint Luke, *in the County of* Middleſex, *and Part of the Manor of* Finſbury, *and certain other Streets and Places communicating with or near to the ſaid Square; and for preventing or removing Nuiſances and Annoyances within the ſame.* [28th *April* 1795.]

Preamble recites 31 *Geo.* III, Cap. 90.

WHEREAS an Act, paſſed in the Thirty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for paving, lighting, watching, cleanſing, watering, repairing, and keeping in Repair*, Finſbury Square, *in the Pariſh of* Saint Luke, *in the County of* Middleſex, *and Part of the Manor of* Finſbury, *and certain other Streets and Places communicating with or near to the ſaid Square; and for preventing or removing Nuiſances and Annoyances within the ſame:* And whereas conſiderable Progreſs has been made in the Execution of the ſaid Act, but the Money thereby authorized to be raiſed has been found very inſufficient for carrying the ſaid Act into Execution, in *Finſbury Square* aforeſaid, and in *Chriſtopher Street* and *Dean Street* therein mentioned; and ſuch Rates or Aſſeſſments being computed as directed by the ſaid Act, according to the Yearly Rents or Values of Houſes and Premiſes, as the ſame Rents or Values are aſcertained by the Aſſeſſment thereof to the Poors Rates, are found to be unequally proportioned, and therefore it is expedient that the Truſtees ſhould be empowered to make in future ſuch Rates or Aſſeſſments for the Purpoſes in the ſaid recited Act directed, and in ſuch Manner as herein-after mentioned; and ſhould be empowered not only to raiſe or borrow a further Sum of Money, to be applied for the Purpoſes of the ſaid Act, ſo far as the ſame relates to *Finſbury Square*, *Chriſtopher Street*, and *Dean Street* aforeſaid only, but alſo to

raiſe or borrow ſuch other Monies as ſhall be neceſſary, to be applied in paving, lighting, watching, cleanſing, and watering, and removing all Nuiſances and Annoyances in any other Streets, Paſſages, or open Places within the Boundaries in the ſaid Act mentioned, other than *Finſbury Square*, *Chriſtopher Street*, and *Dean Street* aforeſaid, in caſe Two Thirds or more of the Owners, Leſſees, and Occupiers of Houſes and Buildings therein reſpectively, ſhall, in the Manner expreſſed in the ſaid recited Act, ſignify their Deſire to take the Benefit thereof, and of this Act; and ſome other additional Powers are neceſſary to be given, and Regulations made, to effect the Purpoſes aforeſaid: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid recited Act of the Thirty-firſt Year of His preſent Majeſty, as directs that the Rate or Rates, Aſſeſſment or Aſſeſſments, to be made, laid, and aſſeſſed by the Truſtees, under that Act, or any Five or more of them, upon the Inhabitants of Houſes and Premiſes encompaſſing or abutting upon the ſaid Square, and the Streets called *Chriſtopher Street* and *Dean Street* aforeſaid, or of ſo many of the ſaid Houſes in the ſame Streets as are within the ſaid Pariſh of *Saint Luke*, and of all Houſes in the Angles or Corners of any other Street or Streets leading into the ſaid Square or Streets, ſhall not exceed, in any One Year, the Sum of Three Shillings in the Pound, on the Yearly Rent or Value of ſuch ſeveral Houſes and Premiſes liable to be rated thereto as aforeſaid, as the ſame ſhall be aſcertained by the Aſſeſſment thereof to the Poors Rates, ſhall, from and after the Twenty-fourth Day of *June*, One thouſand ſeven hundred and ninety-five, be, and the ſame is from thenceforth hereby repealed.

So much of recited Act as limits the Extent of the Rate to be laid, repealed.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to make, lay, and aſſeſs, ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, for the Purpoſes in the ſaid Act mentioned, without regard to the ſaid Limitation or Reſtriction of Three Shillings in the Pound, on the Yearly Rents or Values of the Houſes and Premiſes liable to be rated, and alſo without regard or Attention to the Aſſeſſment of ſuch Houſes and Premiſes to the Poors Rates, ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not in the Whole exceed in any One Year the Sum of Four Shillings in the Pound, on the reſpective Yearly Rents or Values of ſuch ſeveral Houſes and Premiſes liable to be rated thereto, as ſuch Rents or Values ſhall be, from Time, to Time, aſcertained by the ſaid Truſtees, or any Five or more of them, in ſuch Manner as they ſhall deem juſt and proper; and all ſuch Rates or Aſſeſſments ſhall be raiſed, levied, collected, recovered, paid, accounted for, and charged and chargeable, and applied in ſuch and the ſame Manner, in all Reſpects, and ſuch Appeals may be made by Perſons reſpectively thinking themſelves aggrieved thereby, as is in the ſaid recited Act directed concerning the Rates or Aſſeſſments therein mentioned, and as if ſuch Rates and Aſſeſſments had been therein originally limited to Four Shillings in the Pound, inſtead of Three Shillings in the Pound, without regard to the Aſſeſſment of the ſaid Houſes and Premiſes to the Poors Rates.

Rates to be made, not exceeding 4 *s.* in the Pound.

III. And be it further enacted, That all dead Walls, unfiniſhed Buildings, and void Spaces of Ground, ſet to build upon, adjoining to or abutting upon the ſaid Square, and *Chriſtopher Street* and *Dean Street* aforeſaid, or any Part thereof, ſhall be rated and aſſeſſed as in and by the ſaid

Dead Walls, unfiniſhed Buildings, and void Ground, how to be rated.

ſaid recited Act is directed concerning the ſame; and in caſe of Non-payment by the reſpective Owners or Leſſees of the ſame Premiſes, of any ſuch Rates or Aſſeſſments, whether at any Time heretofore made under the ſaid recited Act, or hereafter to be made, then ſuch laſt-mentioned Rates or Aſſeſſments, and all Arrears due thereon, ſhall be paid by the next or any other Tenant or Tenants, Occupier or Occupiers thereof reſpectively, and all ſuch Tenants and Occupiers are hereby authorized to deduct and retain the Amount of the ſame out of their Rents reſpectively; and the reſpective Owners or Leſſees of all ſuch dead Walls, unfiniſhed Buildings, and void Spaces of Ground, let to build upon, are hereby required to allow ſuch Deduction upon Receipt of the Reſidue of their reſpective Rents; and all ſuch Tenants or Occupiers ſhall be and are hereby acquitted and diſcharged of and from ſo much of their reſpective Rents as the laſt-mentioned Rates or Aſſeſſments, and all Arrears due thereon, ſo paid by them, ſhall amount unto; and in the mean Time, and until ſuch Payment ſhall be made as aforeſaid, ſuch Premiſes ſhall be, and the ſame are hereby made a Security for and chargeable with all ſuch laſt-mentioned Rates or Aſſeſſments, and all Arrears thereof.

Commencement of the Rates.

IV. And be it further enacted, That the Firſt Rate or Aſſeſſment to be made, according to this Act as aforeſaid, ſhall commence from the Twenty-fourth Day of *June* One thouſand ſeven hundred and ninety-five, and the Firſt Payment thereof ſhall become due on the Twenty-ninth Day of *September* then next enſuing.

Truſtees may raiſe not exceeding 2,000 *l.* upon Annuities;

V. And, for more effectually carrying the Purpoſes of the ſaid recited Act into Execution, be it further enacted, That it ſhall be lawful for the Owners, Leſſees, or Occupiers of Houſes and Premiſes in the ſaid Square and Streets, and to and for any other Perſon or Perſons whomſoever, to advance and pay to the ſaid Truſtees, or their Treaſurer for the Time being, for the abſolute Purchaſe of any Annuity or Annuities, any Sum or Sums of Money, not exceeding in the Whole the Sum of Two thouſand Pounds, over and above the Sum of Four thouſand Pounds, which the ſaid Truſtees were, by the ſaid recited Act, authorized to raiſe or borrow as therein mentioned; ſuch Annuity or Annuities reſpectively to be paid and payable during any Term of Years, or for any Single Life, as the ſaid Truſtees, or any Five or more of them, ſhall think fit, and to commence from the reſpective Times ſuch Conſideration Money ſhall be paid, and to be computed at ſuch Rate as ſhall be agreed upon between the Parties; all which Annuities ſhall be granted by the ſaid Truſtees, or any Five or more of them, to be iſſuing out of the ſaid Rates and Aſſeſſments to be made by virtue of the ſaid recited Act, and of this Act, by Writing, upon Parchment or Vellum, ſigned and ſealed by any Five or more of the ſaid Truſtees; and ſuch Annuities ſhall be payable to the reſpective Purchaſers thereof, his, her, or their Executors, Adminiſtrators, or Aſſigns, by even and equal Half Yearly Payments; the Firſt Payment thereof to become due at the End of Six Calendar Months from the Time of paying the Purchaſe Money; and the ſaid Rates or Aſſeſſments to be made, laid, or aſſeſſed by virtue of the ſaid recited Act, and of this Act, ſhall be charged and chargeable in the Firſt Place with the Payment of ſuch Annuities, and all Arrears thereof, from Time to Time, and ſhall veſt in the Annuitants, upon Default of Payment of ſuch Annuities, until the ſame ſhall be fully paid and ſatisfied, together with Intereſt, and the Coſts and Charges occaſioned by the Non-payment of the ſame; and in caſe there ſhall be any Arrears of the ſaid Annuities, then until full Payment thereof, with Intereſt and Charges as aforeſaid; the ſaid Annuitants ſhall reſpectively have the

ſame Power of levying, recovering, or ſuing for the ſaid Rates or Aſſeſſments, or any of them, ſo aſſigned or charged as aforeſaid, as the ſaid Truſtees could have had by virtue of the ſaid recited Act, and of this Act, or either of them, in caſe the ſaid Annuities had been regularly and fully paid and ſatisfied; and all ſuch Annuities ſhall be deemed Perſonal Eſtate, and may be aſſigned or transferred by the Owners thereof, by Indorſement or otherwiſe, and ſhall be free and exempt from all Parliamentary or other Taxes, Duties, Rates, and Aſſeſſments whatſoever.

Or borrow the ſame at Intereſt, if they think fit.

VI. And be it further enacted, That if the ſaid Truſtees, or any Five or more of them, ſhall think it more adviſeable to borrow the ſaid Sum of Two thouſand Pounds, or any Part thereof, inſtead of granting Annuities as before mentioned, that then it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to borrow and take up at Intereſt, any Sum or Sums of Money, from any Perſon or Perſons willing to lend and advance the ſame, ſo as the ſame Monies ſo to be borrowed, together with the Monies to be raiſed by granting Annuities under the Power laſt herein-before given in that Behalf, ſhall not exceed, in the Whole, the Sum of Two thouſand Pounds, and by any Writing or Writings, upon Vellum or Parchment, to be ſigned and ſealed by the ſaid Truſtees, or any Five or more of them, to aſſign or mortgage the ſaid Rates or Aſſeſſments, as a Security or Securities for the Re-payment of ſuch Sum or Sums of Money as they ſhall ſo borrow, with legal or lower Intereſt for the ſame; which Intereſt ſhall be payable and paid Half Yearly by the Treaſurer for the Time being to the ſaid Truſtees, out of any Monies to ariſe by or from the ſaid Rates or Aſſeſſments.

Application of the Money to be raiſed or borrowed.

VII. And be it alſo enacted, That all and every Sum and Sums of Money which ſhall be raiſed, borrowed, or received, by the ſaid Truſtees, or any Five or more of them, as aforeſaid, ſhall be applied and diſpoſed of, to and for the like Uſes and Purpoſes as the aforeſaid Rates or Aſſeſſments are reſpectively by the ſaid recited Act, and this preſent Act, directed to be applied and diſpoſed of.

For effectually extending the Powers of the former Act, and this Act, to certain Spaces of Ground, in the former Act particularly deſcribed.

VIII. And, for more fully and effectually extending the beneficial Purpoſes of the ſaid recited Act to the Streets, Paſſages, and Open Places, which now are, or hereafter may be formed on the Ground in *Middle Moorfields*, between *Finſbury Square* aforeſaid, and the Quarters in *Moorfields*, within the Boundaries in the ſaid recited Act particularly mentioned; be it further enacted, That, if at any Time hereafter, Two Thirds or more of the Owners, Leſſees, and Occupiers of Houſes and Buildings, erected or to be erected, forming any Street or Streets, Paſſage or Paſſages, Open Place or Open Places, within the ſaid Boundaries, other than the ſeveral Houſes and Buildings erected or to be erected in, abutting on, or belonging to *Finſbury Square*, and the ſaid Two Streets called *Chriſtopher Street* and *Dean Street* aforeſaid, ſhall be deſirous to take the Benefit of the ſaid recited Act, and of this Act, and to have ſuch Streets, Paſſages, or Open Places, or any of them, paved, lighted, watched, cleanſed, and watered, and all Nuiſances and Annoyances therein removed, and ſhall, by Writing under their Hands, ſignify ſuch their Deſire, and the Mode in which they would have the ſame done, to the ſaid Truſtees, or any Five or more of them, and the ſaid Truſtees, or any Five or more of them, ſhall approve thereof, then all the Powers and Authorities by the ſaid recited Act, and this preſent Act granted, and all the Penalties, Forfeitures, Clauſes, and Proviſions therein and herein contained, (except ſo much of the ſaid recited Act as is hereby repealed as aforeſaid), ſhall extend and have relation as well to ſuch Streets,

Paſſages, and Open Places laſt-mentioned, as to *Finſbury Square* aforeſaid, and the ſaid Two Streets called *Chriſtopher Street* and *Dean Street*, as fully and effectually as if ſuch other Streets, Paſſages, or Open Places, had been in the ſaid recited Act, and this preſent Act, particularly named and directed to be paved, lighted, watched, cleanſed, and watered; and that, for more ſpeedily carrying the ſame into Execution, it ſhall, in every ſuch Caſe, be lawful for the ſaid Truſtees, or any Five or more of them, to raiſe and receive by Sale of One or more Annuity or Annuities, or to borrow and take up at Intereſt any ſuch Sum or Sums of Money, as ſuch laſt-mentioned Owners, Leſſees, and Occupiers, or Two Thirds, or more of them, ſhall deem neceſſary, and, by Writing under their Hands, notify to the ſaid Truſtees, or any Five or more of them, as proper to be raiſed for thoſe Purpoſes; and that all the ſaid laſt-mentioned Monies ſhall be ſo raiſed by Sale of Annuities, or borrowed on Securities, at Intereſt, in ſuch and the ſame Manner; and ſuch Annuities, or Monies borrowed, ſhall be charged and chargeable and ſecured upon the Rates or Aſſeſſments of the Houſes, Buildings, and other Premiſes, within, or abutting upon, or encompaſſing ſuch Street or Streets, Paſſage or Paſſages, Open Place or Open Places, by ſuch and the like Method and Means; and the Perſons purchaſing ſuch Annuities reſpectively, or advancing and lending ſuch Monies, or any Part thereof, ſhall have ſuch and the like Powers and Remedies for recovering and receiving from and out of the laſt-mentioned Rates or Aſſeſſments, the ſaid Annuities, or any Part thereof, when in Arrear, and the Repayment of the Monies ſo advanced, with the Intereſt thereof reſpectively, when and as the ſame ought to be repaid or diſcharged, as are herein-before expreſſed and directed concerning the Money, not exceeding Two thouſand Pounds, which the ſaid Truſtees are firſt herein-before empowered to raiſe by Sale of Annuities, or borrow as aforeſaid.

Separate Accounts of the Optional Streets, *&c.* to be kept.

IX. Provided always, and be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall cauſe ſeparate and diſtinct Accounts to be kept of the Expences of paving, lighting, watching, cleanſing, and watering, the ſaid laſt-mentioned Streets, Paſſages, or Open Places, and of repairing the Pavement thereof, and the Rates or Aſſeſſments to be made for the ſame, and of the Monies to be raiſed, or borrowed as aforeſaid, on the Security of ſuch Rates or Aſſeſſments, and of all other the Purpoſes of the ſaid recited Act, and of this Act, ſo far as the ſame relate to ſuch Streets, Paſſages, or Open Places, or any of them.

Rates on Houſes, *&c.* in the Square, *etc.* or Money raiſed or borrowed, chargeable thereon, not applicable to Optional Streets, *&c.*

X. Provided alſo, and be it further enacted, That no Part of the Rates or Aſſeſſments to be made upon the Houſes, and other Premiſes, in *Finſbury Square*, *Chriſtopher Street*, and *Dean Street*, aforeſaid, or of the Principal Monies, firſt herein-before directed to be raiſed or borrowed, ſhall be charged or chargeable with, or ſubject or applicable to any Part of the Coſts and Expences of carrying the ſaid recited Act, and this preſent Act, or either of them, into Execution, in any Street or Streets, Paſſage or Paſſages, Open Place or Open Places, other than and beſides the ſaid Square, and *Chriſtopher Street* and *Dean Street* aforeſaid; any Thing herein contained to the contrary in anywiſe notwithſtanding.

Notice to be given previous to raiſing Money.

XI. Provided alſo, That before any Money ſhall be borrowed or raiſed upon the Credit of this Act, the ſaid Truſtees, or any Five or more of them, ſhall cauſe Fourteen Days Notice thereof to be given in the *London Gazette*, or in ſome publick Newſpaper, and ſhall ſet forth in ſuch Notice whether they intend to raiſe Money by granting ſuch Annuities as aforeſaid, or by borrowing the ſame at Intereſt.

XII. And

Securities to be entered in Books.

XII. And be it further enacted, That ſuch and the like Entries ſhall be made in a Book or Books, of all Securities for Payment of the Annuities granted, and of the Principal Monies borrowed by virtue of the Powers for theſe Purpoſes herein-before given, and the Intereſt of ſuch Principal Monies, and of all Aſſignments or Transfers of the ſame reſpectively, and ſuch and the like Acceſs to and free Liberty to inſpect the Book or Books containing ſuch Entries, from Time to Time, ſhall be had by and given to the Perſons reſpectively entitled to ſuch Securities as are in and by the ſaid recited Act mentioned and directed, concerning the Securities made or to be made by virtue thereof, and the Aſſignments or Transfers of the ſame reſpectively; and that all Aſſignments or Transfers of ſuch Securities to be made by virtue of this Act ſhall, after being reſpectively entered in the ſaid Book or Books, in Manner before mentioned, entitle the Perſon or Perſons to whom they ſhall be reſpectively made, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of ſuch Security or Securities as aforeſaid.

No Preference to Securities on Account of prior Date.

XIII. And be it further enacted, That none of the Securities already made, and hereafter to be made purſuant to the ſaid recited Act, and to be made purſuant to this preſent Act reſpectively, ſhall, on Account of prior Date and Execution, be entitled to any Priority of Payment, or other Preference, before any other or others of ſuch Securities of later Date.

Compenſation to the Pariſh of *Saint Luke*, not to be prejudiced.

XIV. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to hinder or prevent the Payment of the Yearly Sum of Money which the ſaid Truſtees were, by the ſaid recited Act, directed to pay to the Truſtees, under an Act therein mentioned, of the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, and which Yearly Sum is now payable to the Truſtees, under an Act of the Thirty-third Year of His preſent Majeſty's Reign, intituled, *An Act for the better lighting, cleanſing, watching, and regulating the Squares, Streets, Lanes, Alleys, Paſſages, and Places, within the Pariſh of* Saint Luke, *in the County of* Middleſex, *and for removing and preventing Nuiſances, Annoyances, and Encroachments, within the ſame*, or to defeat, abridge, or alter, the Powers, Proviſions, Penalties, and Forfeitures, which were given and granted by the ſaid herein-before recited Act, and the ſaid Act of the Thirty-third Year of His preſent Majeſty, or either of them, for aſcertaining and recovering ſuch Yearly Sum of Money, in ſuch Manner as is therein mentioned.

Coſts of this Act, how to be paid.

XV. And be it further enacted, That all the Coſts, Charges, and Expences of paſſing this Act, and all Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed, out of the Monies ariſen by virtue of the ſaid recited Act, or out of the firſt Monies to ariſe by virtue of the ſaid recited Act, and this preſent Act.

Extending all the Proviſions of the former Act to this Act.

XVI. And be it further enacted, That all the Powers, Clauſes, and Proviſions, contained in the ſaid recited Act of the Thirty-firſt Year of His preſent Majeſty's Reign, and not hereby varied, altered, or repealed, ſhall, ſo far as the ſame are applicable to this Act, continue in full Force and Effect, and be extended to this Act in as full and ample a Manner as if the ſame were herein repeated and re-enacted.

Publick Act.

XVII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act; and all Judges and Juſtices are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

FINIS.