ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXIV.

An Act for keeping in Repair the Footways in the High Street of the Town of *Kenſington*, in the County of *Middleſex*, and for lighting and watching the ſaid Street, and alſo certain Courts and Alleys communicating therewith, and for removing and preventing Encroachments, Nuiſances, and Annoyances therein. [19th *May* 1795.]

Preamble.

WHEREAS the Footways in the High Street within the Town of *Kenſington*, in the County of *Middleſex*, on the South Side thereof, from the Eaſt End of a Houſe now in the Occupation of *Alexander Baxter* Eſquire, to the Weſt End of a Houſe next to a Place called *The Terrace*, now in the Occupation of *James Cowmeadow*; and on the North Side thereof, from the Palace Gate to the Weſt End of a Houſe next beyond the Houſe known by the Sign of the *Coach and Horſes*, have been paved at a very conſiderable Expence: And whereas it will be for the Benefit of the Inhabitants and of the Publick that the ſaid Footways ſhould be kept in good Repair, and that the ſaid Street, and alſo certain Courts or Alleys called *Brown's Buildings*, *Aldridge's Buildings*, and *New Tavern Yard*, communicating therewith, ſhould be lighted and watched, and all Encroachments, Obſtructions, Nuiſances, and Annoyances, therein removed, and prevented for the future: May it

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 *James Whebie*, *Thomas Stokes*, *William Rogers*, *Matthew Stenſon*, *Shirley David Beare*, *Samuel Pounſett*, *John Chancellor*, *George Vewers*, and *John Burrows*, being Inhabitants of Houſes within the ſaid Street, Courts, or Alleys, and their Succeſſors, to be appointed in Manner herein-after mentioned, ſhall be, and are hereby appointed Commiſſioners for repairing the ſaid Footways, and putting this Act in Execution; and that all Acts, Matters, and Things, done by or before the Majority of ſuch of the ſaid Commiſſioners as ſhall be preſent at their reſpective Meetings, (the whole Number preſent not being leſs than Five), ſhall be as good, valid, and effectual, in the Law, as if all the ſaid Commiſſioners had been preſent; and in all Caſes where the Number of Votes upon any Queſtion ſhall be equal, (including the Chairman's Vote), the Chairman ſhall have the caſting Vote.

Commiſſioners.

Meetings.

II. And be it further enacted, That the ſaid Commiſſioners ſhall meet at the *Crown Inn*, in *Kenſington* aforeſaid, upon the Third *Thurſday* next after the paſſing of this Act, and proceed to the Execution thereof, and may then, and from Time to Time afterwards, adjourn to ſuch Time and Place within the ſaid High Street, or Courts or Alleys, as they ſhall think proper; and if it ſhall at any Time happen that there ſhall not meet a ſufficient Number of the ſaid Commiſſioners to act or to adjourn, or in caſe of any Neglect or Omiſſion to adjourn, then the Clerk to the ſaid Commiſſioners ſhall appoint a Meeting to be held at the Place where the laſt Meeting was held, or ſuch intended Meeting was appointed to have been held, and ſhall cauſe Notice thereof to be affixed on the Door of the Church of *Kenſington* aforeſaid, at leaſt Seven Days before ſuch Meeting; and the ſaid Commiſſioners at all their Meetings ſhall defray their own Expences.

Appointing Commiſſioners upon Vacancies.

III. And be it further enacted, That in caſe any of the ſaid Commiſſioners ſhall die or remove out of the ſaid Street, Courts, or Alleys, or ſhall refuſe to act, the ſurviving or remaining Commiſſioners ſhall, at their next Meeting to be held after ſuch Death, Removal, or refuſing to act, declare the ſame, and ſhall within Three Months next after declaring the ſame, by Notice to be given by their Clerk in Manner aforeſaid, appoint a Time and Place for a Meeting of the Inhabitants of the ſaid Street, Courts, or Alleys, (ſubject to be rated as herein-after mentioned), for chuſing a Commiſſioner in his Stead, at leaſt Ten Days previous to ſuch Meeting, and the Majority of the ſaid Inhabitants preſent at ſuch Meeting ſhall by Writing under their Hands elect, from amongſt the Inhabitants of the ſaid Street, Courts, or Alleys, (ſubject to be rated as aforeſaid), ſome Perſon to be a Commiſſioner in the Room of every ſuch Commiſſioner, and every Perſon ſo elected is hereby empowered to act in the Execution of this Act in as full and ample Manner as the Commiſſioner in whoſe Room he ſhall be elected was empowered to act.

Qualification.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Commiſſioner under the Authority of this Act

in any Caſe wherein he ſhall be perſonally intereſted, or during the Time he ſhall hold any Place of Profit ariſing out of the ſaid Rates; and that no Perſon (other than the Perſons herein-before named) ſhall be capable of acting as a Commiſſioner in the Execution of this Act unleſs he ſhall be then reſident and an Houſeholder in the ſaid Street, Courts, or Alleys, or One of them, and ſhall be aſſeſſed to, and pay his Share of the ſaid Rates to be made by virtue of this Act, and ſhall alſo be poſſeſſed of a Perſonal Eſtate of the Value of Three hundred Pounds, over and above Debts and Repriſals, and be rated to the Rates by virtue of this Act at or after the Rate of Twenty Pounds *per Annum* Rent at leaſt, or ſhall be rated to the ſaid Rates at or after the Rate of Twenty-five Pounds *per Annum* Rent, or until he ſhall have taken and ſubſcribed an Oath to the Effect following; (that is to ſay),

'I *A. B.* do ſwear, That I am poſſeſſed of a Perſonal Eſtate of the Value of Three hundred Pounds, over and above Debts and Repriſals, and am rated or liable to be rated at Twenty Pounds [*or*, am rated or liable to be rated at Twenty-five Pounds, *as the Caſe ſhall be*] *per Annum* at the leaſt, by virtue of an Act of Parliament of the Thirty-fifth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*].'

Which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter; and if any Perſon, not being qualified, or being diſqualified as aforeſaid, ſhall act as a Commiſſioner in the Execution of this Act, he ſhall for every ſuch Offence forfeit and pay to the ſaid Commiſſioners the Sum of Twenty Pounds, to be recovered by Action of Debt or on the Caſe, in any of Majeſty's Courts of Record at *Weſtminſter*, and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence being given, on the Part of the Plaintiff, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act; and every ſuch Penalty, when recovered, ſhall be applied to the Purpoſes of this Act.

For appointing Officers.

V. And be it further enacted, That the ſaid Commiſſioners may, from Time to Time, appoint a Clerk, and a Collector of the Rates to be made as herein-after mentioned, and alſo a Treaſurer, and may employ ſuch other Perſons as they ſhall think proper in the Execution of this Act, and allow ſuch Salaries or Rewards to the ſaid Clerk, Collector, and other Perſons, as the ſaid Commiſſioners ſhall think proper; and may, from Time to Time, remove any ſuch Clerk, Collector, Treaſurer, and other Perſon, whenever they think proper; and every ſuch Collector and Treaſurer, and alſo every other Perſon who hath been concerned in the Receipt or Expenditure of any Money already raiſed by virtue of any former Act or Acts of Parliament for repairing any of the ſaid Footways, and lighting and watching the ſaid Street and Courts or Alleys, or any of thoſe Purpoſes, ſhall from Time to Time, (when thereunto required by the ſaid Commiſſioners), make out and render to them a true, exact, and perfect Account in Writing under his Hand, upon Oath, if required, (which Oath the ſaid Commiſſioners are hereby empowered to adminiſter), of all Monies which ſhall, at that Time, have been received, paid, and diſburſed by him by Reaſon of his Office, with proper Vouchers for the ſame; and in caſe any Money ſo received ſhall

remain in his Hands, the ſame ſhall be paid according to the Order of the ſaid Commiſſioners; and in caſe any ſuch Collector, Treaſurer, or other Perſon, ſhall not make and render, or ſhall refuſe or neglect to verify upon Oath, if required, any ſuch Account, or to make ſuch Payment as aforeſaid, then any Juſtice of the Peace for the County of *Middleſex* ſhall make Enquiry concerning ſuch Default, in a ſummary Way, as well by Confeſſion of the Party as by the Teſtimony of any credible Witneſs upon Oath, (which Oath ſuch Juſtice is hereby empowered to adminiſter), and upon Conviction ſuch Juſtice ſhall commit ſuch Collector, Treaſurer, or other Perſon, to the Common Gaol, there to remain, without Bail or Mainprize, until he ſhall render and make ſuch Account and Payment as aforeſaid, or until he ſhall have compounded for ſuch Money with the ſaid Commiſſioners, and ſhall have paid ſuch Compoſition to their Order, which Compoſition the ſaid Commiſſioners are hereby empowered to make; but no ſuch Perſon ſhall remain in Gaol for a longer Space of Time than Twelve Calendar Months.

Limitation of Impriſonment.

Officers to deliver up Papers and Writings to the Commiſſioners.

VI. And be it further enacted, That if any ſuch Clerk, Collector, or Treaſurer, ſhall refuſe or neglect to deliver up to the ſaid Commiſſioners, within Fourteen Days after being thereunto required by Writing under their Hands, all the Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, it ſhall be lawful for any Juſtice of the Peace for the County of *Middleſex*, upon Complaint thereof made to him, by Warrant under his Hand and Seal, to commit the ſaid Clerk, Collector, or Treaſurer, to the Common Gaol of the ſaid County, there to remain, without Bail or Mainprize, until he ſhall deliver, or cauſe to be delivered, to the ſaid Commiſſioners, or to their Order, all ſuch Books, Papers, and Writings, or ſhall have given Satisfaction to the ſaid Commiſſioners concerning the ſame.

Officers to give Security.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to take ſuch Security from every Collector and Treaſurer to be by them appointed, for the due Execution of their reſpective Offices, as the ſaid Commiſſioners ſhall think proper.

Veſting Footways, &c. in the Commiſſioners.

VIII. And be it further enacted, That the Pavement of the Footways within the ſaid High Street, and all Lamps, Lamp Irons, Watch Boxes, and other Things, which have been erected, ſet up, purchaſed, or provided, at the joint Expence of the Inhabitants of the ſaid Street, and Courts or Alleys, and alſo all Lamps, Lamp Irons, Watch Boxes, and other Things, which ſhall be erected, ſet up, fixed, purchaſed, or provided, by virtue of this Act, ſhall be and are hereby veſted in the ſaid Commiſſioners, and they are hereby empowered to bring Actions in the Name of their Clerk or Treaſurer, or to prefer and proſecute with Effect Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, injure, or damage the ſame, or any of them, or ſhall diſturb the ſaid Commiſſioners in the Poſſeſſion thereof.

Commiſſioners to repair the Footways, *etc.*

IX. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe the Footways within the ſaid Street to be repaired and regulated, from Time to Time, in ſuch Manner as they ſhall think proper, and the Courſe of any Channel running into or out of the ſaid Footways to be turned and altered, and the Water Pipes which now are, or hereafter

ſhall be, laid under the ſaid Footways, to be taken up and repaired, or new laid, in ſuch Places, Manner, and Form, as they ſhall think proper, and alſo may, if they think proper, cauſe the ſaid Courts or Alleys to be cleanſed; and if any Perſon ſhall, without Authority from the ſaid Commiſſioners, or (in caſe of Exigency) from any Three or more of them, although not aſſembled at a Meeting in purſuance of this Act, take up or alter any Part of the Pavement of the ſaid Footways, for any Purpoſe whatſoever, ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds, and alſo the Expences of relaying the ſame, according to the Directions of the ſaid Commiſſioners.

Inhabitants to cleanſe the Pavement.

X. And be it further enacted, That the Occupier or Tenant of every Houſe or Tenement in the ſaid Street, and Courts or Alleys, ſhall Once in every Day before the Hour of Ten of the Clock in the Forenoon, ſweep and cleanſe the Footway before their reſpective Houſes or Tenements, and in Default thereof ſhall forfeit and pay the Sum of Two Shillings.

Empowering the Commiſſioners to erect Lamps, and appoint Watchmen.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe to be erected or fixed to any Houſes or other Buildings within the ſaid Street, and Courts or Alleys, ſuch Number of Lamp Irons and Lamps as they ſhall think proper, ſo that the Number of Lamps ſhall not be leſs than Thirty between *Michaelmas-day* and *Lady-day*, nor leſs than Eight between *Lady-day* and *Michaelmas-day*, in every Year, (making good any Damage that may be done thereto); and may appoint and employ a competent Number of fit and ablebodied Watchmen in the ſaid Street, and Courts or Alleys, and give ſuch Directions concerning the Duty of the ſaid Watchmen, and how they ſhall be armed and ſtationed, and what Allowances ſhall be made to them, as the ſaid Commiſſioners ſhall think reaſonable and proper; and it ſhall be lawful for the ſaid Watchmen, or any of them, during the Time of their being upon Duty, to apprehend and ſecure all Malefactors, Rogues, Vagabonds, and other diſorderly Perſons, who ſhall be found loitering, wandering, or miſbehaving themſelves, or committing any Diſorders or Offences, or whom the ſaid Watchmen, or any of them, ſhall have Reaſon to ſuſpect of any evil Deſigns, and the Perſon or Perſons ſo apprehended ſhall be ſecured by ſuch Watchmen, or any of them, as ſoon as conveniently may be, in the Watch-houſe of the Pariſh of *Kenſington*, or delivered into the Cuſtody of a Conſtable, or other Peace Officer, who is hereby required to ſecure ſuch Perſon or Perſons, and as ſoon as conveniently may be, to convey him, her, or them, before ſome Juſtice of the Peace for the County of *Middleſex*, to be examined and dealt with according to Law.

Rates.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall and may from Time to Time, by Writing under their Hands and Seals, make ſuch Rate or Rates as they ſhall think fit, upon all Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements, already or hereafter to be built, and alſo all Lands and other Hereditaments within the ſaid Street, and Courts or Alleys, which by the Laws in being are liable to be rated towards the Relief of the Poor, in ſuch reſpective Sums of Money as they the ſaid Commiſſioners ſhall from Time to Time judge neceſſary for the Purpoſes of this Act, ſo as ſuch Rate or Rates do not

in

in any One Year exceed in the Whole the Sum of One Shilling and Three-pence in the Pound of the Yearly Value of ſuch Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements, Lands, and Hereditaments, reſpectively, ſuch Yearly Value to be aſcertained by ſuch Ways and Means as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners ſhall cauſe the ſeveral and reſpective Sums ſo rated to be collected Quarterly, or otherwiſe, from the Occupiers of ſuch Houſes, Shops, Warehouſes, Cellars, Vaults, and other Tenements, Lands, and Hereditaments, who are hereby required to pay the ſame.

Truſtees may empower Perſons to inſpect Books of Aſſeſſment.

XIII. And be it further enacted, That it ſhall be lawful for ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, at all convenient Times to inſpect the Books of Aſſeſſments to the Land Tax and Poor Rates of the Pariſhes of *Kenſington* and *Saint Margaret's Weſtminſter*, in order to aſcertain the Rates to be made by virtue of this Act, and to take Copies thereof, without paying any Thing for the ſame.

Owners of Houſes let to Two or more Tenants, to pay the Rates.

XIV. Provided always, That where any Houſe, liable to be rated by virtue of this Act, is let out to Two or more Tenants, the ſaid Commiſſioners ſhall and may rate the Landlord of every ſuch Houſe, and ſuch Landlord ſhall bear the Whole of ſuch Rates, but the ſame ſhall be paid by One or more of ſuch Tenants.

XV. Provided alſo, That all ſuch Tenants may and are hereby empowered to deduct and retain, out of the Rents payable to the Landlords or Owners of the ſaid Premiſes, all ſuch Money as they ſhall reſpectively pay for or towards the ſaid Rates, on Behalf of ſuch Landlords or Owners, and the Landlords or Owners are hereby required to allow ſuch Deduction accordingly, upon Receipt of the Remainder of the Rent.

The Pavements before the Church Yard to be rated according to the Number of Square Yards.

XVI. Provided always, That the ſaid Commiſſioners ſhall and may rate the Churchwardens of the ſaid Pariſh of *Kenſington*, in reſpect of ſuch Part of the ſaid Footways lying Southward of the Church, as ſhall be equal to Two hundred and four Square Yards, at any Sum or Sums of Money not exceeding Four-pence in any One Year for every ſuch Square Yard; and the Churchwardens for the Time being are hereby required to pay ſuch Money or Rate out of the Church Rates of the ſaid Pariſh, and the ſame ſhall be allowed to them in their Accounts.

Rates veſted in Commiſſioners, and Manner of Recovery.

XVII. And be it further enacted, That the Money ariſing by the Rates to be made by virtue of this Act, is hereby veſted in the ſaid Commiſſioners for the Purpoſes of this Act, and the ſaid Commiſſioners ſhall and may cauſe the ſaid Rates (after Demand thereof made, and Refuſal or Neglect to pay the ſame) to be levied by virtue of a Warrant under the Hands and Seals of any Five or more of them, directed to ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, by Diſtreſs of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to pay, whereſoever the ſame may be found, and to detain and keep the ſame until ſuch Rates, with the reaſonable Charges of ſuch diſtraining and keeping ſhall be paid; and it ſhall be lawful for ſuch Perſon or Perſons ſo diſtraining, after the Space of Five Days next after ſuch Diſtreſs taken, to ſell the Goods and Chattels ſo diſtrained, returning the Overplus,

Overplus (if any), after ſuch Rate or Rates, and the reaſonable Charges of ſuch diſtraining, and keeping and ſelling the Diſtreſs, ſhall be deducted, to the Owner or Owners, upon Demand.

Money already raiſed for thoſe Purpoſes to be paid to the Treaſurer.

XVIII. And be it further enacted, That all Money already raiſed for repairing the ſaid Footpaths, and lighting and watching the ſaid Street, and Courts or Alleys, or for any of thoſe Purpoſes, and now in the Hands of any Perſon or Perſons, ſhall be forthwith paid into the Hands of the Treaſurer to be appointed by the ſaid Commiſſioners, and the Receipt of the ſaid Treaſurer ſhall be a ſufficient Diſcharge to every ſuch Perſon for ſo much Money as he ſhall pay into the Hands of the ſaid Treaſurer; and that any Collector or Collectors to be appointed in purſuance of this Act ſhall and may collect and levy the Arrears of any Rate already made, laid, or aſſeſſed, by virtue of any former Act or Acts of Parliament, for or relating to all or any of the Purpoſes aforeſaid, within the ſaid Street, and Courts or Alleys, or any of them, by ſuch and the like Ways, Means, and Remedies, and in ſuch and the like Manner as he or they can or may collect and levy any of the Rates to be made by virtue of this Act.

Proceedings to be entered.

XIX. And be it further enacted, That true and fair Accounts of all the Monies which ſhall be rated, levied, and received, and which ſhall be laid out and expended by virtue of this Act, and of all Orders, Acts, and Proceedings, of the ſaid Commiſſioners in the Execution of this Act, ſhall, from Time to Time, be regularly entered in Books to be kept for that Purpoſe, which Books may be peruſed at all ſeaſonable Times by any Perſon charged to the ſaid Rates, and ſuch Books, or any of them, ſhall and may be produced, peruſed, and read in Evidence, in all Caſes of Appeal, and in any Suits or Actions touching any Thing done in purſuance of this Act.

Perſons rated not to pay to any other Rate for paving, &c. in *Kenſington*, or *St. Margaret's Weſtminſter*.

XX. And be it further enacted, That no Perſon who ſhall be charged towards any of the Rates to be raiſed by virtue of this Act, ſhall be liable to or charged with any other Rate made or to be made for or towards the paving, lighting, or watching, any Street or Place, other than the ſaid High Street, and Courts or Alleys; any Law or Uſage to the contrary notwithſtanding.

Power to borrow Money.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners from Time to Time, upon the Credit of the ſaid Rates, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think needful, (ſo that the whole Principal Money to be due at any One Time upon the Credit of the ſaid Rates ſhall not exceed the Sum of Three hundred Pounds), and to mortgage or aſſign over the ſaid Rates, or any Part thereof, to any Perſon or Perſons for any Term or Number of Years, as a Security for the Money ſo borrowed, and the Intereſt thereof; and Copies of all ſuch Securities ſhall be entered at Length in a Book to be kept by the Clerk to the ſaid Commiſſioners, and every Aſſignment or Transfer of any ſuch Security ſhall be produced and notified to the ſaid Clerk, within Three Months after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof, for which Entry he ſhall be paid the Sum of Two Shillings and Six-

pence, and no more; and every such Book shall be perused at all seasonable Times by any Person interested, without Fee or Reward.

Application of Money.

XXII. And be it further enacted, That out of the First Money arising by the Rates which shall be collected by virtue of this Act, or to be borrowed upon the Credit thereof, the said Commissioners shall, in the First Place, pay and defray the Charges and Expences incident to and attending the obtaining and passing of this Act, and after Payment thereof, all the Money which shall arise or come to the Hands of the said Commissioners or their Treasurer by virtue of this Act, shall, from Time to Time, be applied in repairing the said Footways, and in defraying all other Charges and Expences attending the Execution of this Act, and in paying the Interest of the Money to be borrowed as aforesaid, and also in paying off such Money.

Penalty on wilfully breaking Lamps.

XXIII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, take away, spoil, or otherwise damage any Lamp, Lamp Iron, or Lamp Post, vested in the said Commissioners by virtue of this Act, it shall be lawful for any Person or Persons whomsoever who shall see such Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender or Offenders by the Authority of this Act, and without any other Warrant or Authority to keep him, her, or them, in safe Custody, and with all reasonable Dispatch to convey him, her, or them, before some Justice of the Peace for the said County; and such Justice shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence, and if the Party accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit and pay the Sum of Twenty Shillings for every Lamp, Lamp Iron, or Lamp Post, so broken, thrown down, or damaged, and shall also make full Satisfaction for the Damage which shall have been done thereby, and One Half of such Forfeiture shall be paid to the Person or Persons apprehending the Offender; and in case any such Offender shall not, on Conviction, pay the said Forfeiture and Satisfaction, such Justice is hereby required to commit him, her, or them, to the House of Correction, there to be kept to hard Labour, for any Time not exceeding Two Calendar Months, unless such Forfeiture and Satisfaction shall be sooner paid; and if any Person shall carelessly or accidentally break or damage any of the said Lamps, Lamp Posts, or Lamp Irons, and shall not upon Demand make Satisfaction to the said Commissioners for the Damage to be done thereby, it shall be lawful for any Justice of the Peace for the said County, upon Complaint thereof made to him, to summon the Party complained of, and upon hearing the Parties on both Sides, or Non-appearance of the Party complained of, to examine the Matter of Complaint, and award such Sum of Money by Way of Satisfaction to the said Commissioners for such Damage as such Justice shall think reasonable, and in case of Neglect or Refusal forthwith to pay such Money, then the same, and all Expences attending the Recovery thereof, may be levied and recovered as any Penalty or Forfeiture is by this Act directed to be levied and recovered.

Persons carelessly or accidentally breaking Lamps, &c. to make good the Damage.

XXIV. And

XXIV. And be it further enacted, That the reſpective Occupiers of Houſes and other Buildings within the ſaid Street, and Courts or Alleys, ſhall, at their own Coſts and Charges, within ſuch Time, and in ſuch Manner, as the ſaid Commiſſioners ſhall, from Time to Time, (by Notice in Writing under the Hands of the Majority of the Commiſſioners preſent, at any of their Meetings, to be delivered to ſuch Occupiers, or left at their Dwelling Houſes), direct, cauſe all Sign Irons, Sign Poſts, and other Poſts, Penthouſes, Spouts, Steps, Shop Windows, and Cellar Windows, and other Encroachments, Obſtructions, and Annoyances, which now or hereafter ſhall belong to the reſpective Houſes or other Buildings within the ſaid Street, and Courts or Alleys, and which are or ſhall be incommodious to Foot Paſſengers, to be removed, altered, or reformed, and the Water to be conveyed from the Roofs, Cornices, and Penthouſes, of ſuch Houſes or other Buildings, by proper and ſufficient Pipes or Trunks to be affixed to the Sides of ſuch Houſes and other Buildings, and from thence by proper Drains under the ſaid Foot Pavements, or otherwiſe into the common Drains or Sewers; and in caſe the Occupier of any ſuch Houſe or other Building ſhall neglect or refuſe ſo to do, it ſhall be lawful for the ſaid Commiſſioners to cauſe the ſame to be done, and to cauſe all the Coſts and Charges attending the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Occupier, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *Middleſex*, rendering the Overplus, (if any), when demanded, to the Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; and if the Tenant in Poſſeſſion of any ſuch Houſe or other Building ſhall remove, alter, or reform, any ſuch Encroachment, Obſtruction, or Annoyance, as aforeſaid, according to the Directions of the ſaid Commiſſioners, (except ſuch as ſhall be put up or occaſioned by ſuch Tenant), it ſhall be lawful for every ſuch Tenant to deduct and retain the Charges and Expences thereof out of his or her Rent, and the Landlord is hereby required to allow the ſame accordingly: Provided always, that nothing herein contained ſhall extend to authorize the ſaid Commiſſioners to ſtop up any Cellar Window, Door, or Flap, where there ſhall be no other Way from the Street or other publick Paſſage or Place into ſuch Cellar, unleſs the ſaid Commiſſioners ſhall make or provide ſome other commodious and ſufficient Way into ſuch Cellar.

Encroachments to be removed.

XXV. And be it further enacted, That if any Perſon ſhall run or drive any Wheelbarrow, or any Wheel, whether affixed to any Carriage or not, or ſhall wilfully ride, drive, or lead, any Horſe, or other Beaſt or Cattle, along any Part of the ſaid Footways, or ſuffer any Horſe or other Cattle to ſtand upon any Part of the ſaid Footways, or ſuffer any Swine to wander upon the ſaid Footways, or in any of the ſaid Courts or Alleys, or ſhall ſet or place any Goods, Wares, or other Things, upon any Part of the ſaid Footways, ſo as to obſtruct or incommode the Paſſage thereof, or if any Perſon ſhall throw or place any Dirt, Duſt, Aſhes, or other Thing, within any of the ſaid Courts or Alleys, whereby any Nuiſance or Annoyance ſhall be occaſioned to any of the Inhabitants or Occupiers of Houſes therein, or in the ſaid Street, every Perſon offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Shillings.

Penalty on occaſioning Nuiſances.

XXVI. And

Power to contract.

XXVI. And be it further enacted, That the ſaid Commiſſioners may, from Time to Time, if they think proper, contract and agree with any Perſon or Perſons for the doing and performing all or any of the Works by this Act authorized or directed to be done and performed; and in caſe any of the Works to be done and performed by any ſuch Contractor ſhall not be well and ſufficiently done and performed according to ſuch Contract, the ſaid Commiſſioners may cauſe an Action to be brought in any of His Majeſty's Courts of Law at *Weſtminſter* againſt any ſuch Contractor, for any Penalty contained in his Contract, and on Proof of the Signing of the ſaid Contract, and Non-performance thereof, the ſaid Commiſſioners ſhall be entitled to and ſhall recover the Penalty contained in ſuch Contract: Provided always, that it ſhall be lawful for the ſaid Commiſſioners (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Non-performance of any ſuch Contract, for ſuch Sum of Money as the ſaid Commiſſioners ſhall think proper, not being leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract, and of all Coſts, Charges, and Expences, which ſhall be occaſioned thereby.

Commiſſioners may ſue and be ſued in the Name of their Clerk or Treaſurer.

XXVII. And be it further enacted, That the ſaid Commiſſioners may ſue and be ſued in the Name of their Clerk or Treaſurer; and that no Action to be brought or commenced by or againſt the ſaid Commiſſioners, or any of them, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, or by the Act of ſuch Clerk or Treaſurer, without the Conſent of the ſaid Commiſſioners; but the Clerk or Treaſurer for the Time being to the ſaid Commiſſioners ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe ſhall be: Provided always, that every ſuch Clerk or Treaſurer, 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 be raiſed by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put unto or become chargeable with by reaſon of his being ſo made Plaintiff or Defendant therein.

Recovery and Application of Penalties.

XXVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act impoſed, (the Manner of levying and recovering whereof is not herein-before directed), ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place wherein the Offender ſhall be or reſide, which Warrant ſuch Juſtice is hereby empowered to grant, upon the Information of any credible Witneſs upon Oath, and the Overplus (if any) after deducting the Charges of ſuch Diſtreſs and Sale, ſhall be rendered, upon Demand, to the Party whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, and ſuch Penalties and Forfeitures, when recovered, ſhall be paid to the Treaſurer to the ſaid Commiſſioners, and applied to the Purpoſes of this Act; and in caſe ſufficient Diſtreſs cannot be found, it ſhall be lawful for ſuch Juſtice, and he is hereby required, by Warrant under his Hand and Seal, to commit the Offender to the Common Gaol for any Time not exceeding Two Calendar Months, unleſs ſuch Fines, Penalties, or Forfeitures, and all Expences attending the Recovery thereof, ſhall be ſooner paid.

XXIX. And be it further enacted, That any of the ſaid Commiſſioners who are or ſhall be in the Commiſſion of the Peace for the County of *Middleſex*, may act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners, except in Caſes where they ſhall be perſonally intereſted; and that, upon any Complaint or Information againſt any Perſon for any Offence committed againſt this Act, any Perſon ſubject to pay any of the ſaid Rates ſhall be admitted to give Evidence, notwithſtanding his being ſo ſubject; any Law or Uſage to the contrary notwithſtanding.

Commiſſioners being Juſtices, may act as ſuch, in the Execution of the Act.

XXX. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Rate which ſhall be made in purſuance of this Act, he, ſhe, or they, may apply to the ſaid Commiſſioners, at their Firſt Meeting to be holden after the Expiration of Five Days after the demanding of ſuch Rate, and the ſaid Commiſſioners are hereby authorized and empowered, if they ſhall think ſuch Perſon or Perſons aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable; and if any ſuch Perſon or Perſons ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners therein, or if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any other Matter or Thing to be done in purſuance of this Act, every ſuch Perſon or Perſons may appeal to the Juſtices at any General or Quarter Seſſion of the Peace to be holden for the County of *Middleſex*, or any Petty Seſſion to be held within the ſaid Town of *Kenſington*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving Fourteen Days Notice at the leaſt, in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within Five Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſion; and the Juſtices, at ſuch Quarter or Petty Seſſion, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt, as they ſhall think proper, and their Determination therein ſhall be final, binding, and concluſive.

Appeal to Commiſſioners againſt the Rates.

General Appeal to the Quarter Seſſion.

XXXI. And be it further enacted, That no Order made touching or concerning any of the Matters aforeſaid, or any other Proceedings to be had touching the Conviction of any Offender againſt this Act, ſhall be removed or removeable by *Certiorari*, or any other Writ or Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, and that where any Diſtreſs ſhall be made for any Sum 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 Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any ſubſequent Irregularity in the Proceedings of the Perſon or Perſons making ſuch Diſtreſs, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover

Proceedings not to be removed by *Certiorari*, or quaſhed for Want of Form.

recover full Satisfaction for the Special Damage in an Action upon the Caſe.

Limitation of Actions.

XXXII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon for any Thing done in purſuance of this Act, until Thirty-one Days Notice thereof ſhall be given to the Clerk to the ſaid Commiſſioners, or after ſufficient Satisfaction or Tender thereof ſhall have been made to the Party aggrieved, or after Three Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be brought and tried in the County of *Middleſex*, and not elſewhere; and the Defendant in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall be brought before ſuch Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant ſhall appear, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff, the Defendant ſhall recover Treble Coſts and have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

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

FINIS.