Anno quarto

# Georgii III. Regis.

## CAP. XIV.

An Act for the better regulating of Buildings; and to prevent Miſchiefs that may happen by Fire within the Weekly Bills of Mortality, and other Places therein mentioned.



Whereas ſo much of the Act, paſſed in the Eleventh Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for the better regulating of Buildings; and to prevent Miſchiefs that may happen by Fire within the Weekly Bills of Mortality, and other Places therein mentioned; as relates to pulling down or rebuilding of Partitions or Party Walls, between Houſe and Houſe, is confined to Caſes where One of the Houſes is to be erected or built; and it may happen, that Party Walls within the ſaid City and Liberty of Weſtminſter, and the Pariſhes, Precincts, and Preamble, reciting Clauſe in Act 11 *Geo.* I.

Places comprised within the Weekly Bills of Mortality, and within the several Parishes of Saint Mary Le Bone and Paddington, and within the Parishes of Chelsea, and Saint Pancras, or either of them, in the County of Middlesex (except the City of London, and the Liberties thereof; and also, except Houses on London Bridge, and on the River of Thames below Bridge), may be so far out of Repair, as to render it necessary to pull down and rebuild the same, although neither of the adjoining Houses, to which such Party Walls belong, require to be rebuilt; and it may happen, that Party Walls, within the Limits aforesaid, may be so far defective and bad, by falling out of the Perpendicular, as to become unsafe for the Builder of the next adjoining House to rest Timbers thereupon, or oblige such Builder to run or place his Timbers quite through such defective Party Walls, in order to preserve their just Lengths, whereby Fire may be more readily communicated from House to House, contrary to the Intent of the said Act; And whereas the Workmen appointed, by virtue of the said recited Act, to examine Party Walls, are often equally divided in Opinion about the Necessity of pulling down and rebuilding such Party Walls, whereby a Certificate from the major Part of such Workmen, as by the said recited Act is required, cannot be obtained, and the Purposes of the said Act, in many Instances, have been evaded; Wherefore, may it therefore please Your most Excellent 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 as relates to Party Walls within the said City and Liberty of Westminster, or any Parish, Precinct, or Place, comprised within the Weekly Bills of Mortality, or within the several Parishes of Saint Mary le Bone and Paddington, or within the Parishes of Chelsea, and Saint Pancras, or either of them, in the County of Middlesex (except the City of London, and the Liberties thereof; and also, except the Party Walls of Houses on the River of Thames below Bridge), shall, from and after the passing of this present Act, extend, and be construed, deemed, and taken to extend, to all Cases whatsoever within the said City and Liberty of Westminster, and the several Parishes, Precincts,

So much of the recited Act as relates to Party Walls within the City and Liberty of *Westminster*, &c.

extended to all Cases, where necessary to pull down and rebuild any Party Wall; whether either of the adjoining Houses shall be to be rebuilt or not.

cincts, and Limits aforesaid, where it is or shall be necessary to pull down and rebuild any Party Wall, whether either of the adjoining Houses shall or shall not be, or require to be, rebuilt, or new built.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, in case the major Part of the Workmen appointed, in Manner by the said recited Act prescribed, to view the Party Wall of any House or Houses within the said City of Westminster, and the several Parishes, Precincts, and Limits aforesaid, intended to be pulled down, shall not, within the Space of One Calendar Month next after such Appointment, sign a Certificate in Writing, as by the said Act is required; then, and in every such Case, it shall and may be lawful to and for any Two or more of His Majesty's Justices of the Peace for the City or County, residing within or near the Parish, Liberty, or Precinct, where the House or Houses, having such Party Wall or Walls intended to be pulled down, shall stand, and such Two or more Justices are hereby authorized and required, upon Application to them, for that Purpose, made, by the Owner or Occupier of either of the Houses between which the Party Wall, so proposed to be pulled down, shall be, to name and appoint One other able Workman, to be added to the Workmen appointed by virtue or in pursuance of the said recited Act; and the Workmen so appointed by virtue and in pursuance of the said former Act, and of this present Act, or the major Part of them, who shall meet for that Purpose (Ten Days Notice having been given to, or left at the Dwelling House of, each and every of them, of such intended Meeting) shall view the Party Wall so proposed to be pulled down; and in case the major Part of such Workmen, shall certify in Writing, under their Hands, that such Party Wall is defective and bad, and ought to be pulled down, then, and in such Case, it shall and may be lawful to and for the Owner or Occupier of either of the said adjoining Houses, to cause such Party Wall to be pulled down and rebuilt; and he or she shall have such Remedy for recovering a Moiety of the Expences thereof, as in and by the said recited Act is given or provided; subject nevertheless to such Appeal to, and Determination by, the Justices of the Peace, as by the same Act is directed.

Where a Majority of the Workmen, appointed in pursuance of the recited Act to view any Party Wall to be pulled down, shall not sign a Certificate, as required,

Two neighbouring Justices, upon Application, may name another, to be added to them;

and the Majority then agreeing in a Report of such Wall being defective, the same may be pulled down and rebuilt;

and a Moiety of the Expences recovered accordingly.

And whereas it would tend greatly to prevent the fatal Conſequences of Fire ſpreading and communicating to adjoining Houſes, within the ſaid City, Pariſhes, Precincts, and other the Limits aforeſaid, if Party Walls between Houſe and Houſe, within the ſame, were to be made of greater Thickneſs than is preſcribed by the Act paſſed in the Seventh Year of the Reign of Her late Majeſty Queen Anne, intituled, An Act for making more effectual an Act made in the Sixth Year of Her ſaid Majeſty's Reign, for the better preventing of Miſchiefs that may happen by Fire; and if no Timbers, except the Timbers of the Girders, Binding Joiſts, and the Templets under the ſame, were laid into the Party Walls; and if no Timbers of the Roof be laid into ſuch Party Walls (except the Purloins or Kerb thereof) and if the Ends of the Girders or Binding Joiſts, lying within the ſaid Party Walls, did not exceed One Foot; and if none of the Ends of the Girders or Binding Joiſts, in adjoining Houſes, met, or were laid oppoſite to each other, and the Sides thereof were laid at leaſt Fourteen Inches diſtant from each other; and if there ſhould be Nine Inches, at leaſt, of ſolid Brickwork left at or between the Ends of all Lentils, Wall Plates, and Bond Timbers, which may or ſhall be laid in or upon the Walls of the Fore and Back Fronts of all Houſes which ſhall adjoin to each other; be it therefore enacted by the Authority aforeſaid, That all Party Walls which, from and after the Expiration of Three Calendar Months next after the paſſing of this Act, ſhall be erected or built within the ſaid City or Liberty of Weſtminſter, and the Pariſhes, Precincts, and Limits aforeſaid, ſhall be Two Bricks and an half thick at the leaſt in the Cellar, and Two Bricks thick upwards to the Garret Floor, and from thence One Brick and an half thick at leaſt Eighteen Inches above the Roofs or Gutters which adjoin to ſuch Party Walls; and that the ſame ſhall be built of Stone, or of good ſound burnt Bricks, and none other.

Act 7 *Anne.*

Thickneſs for the future of Party Walls, in the Cellar, to the Garret Floor,

and from thence upwards; and to be 18 Inches high above the Roofs.

And be it further enacted by the Authority aforeſaid, That from and after the Expiration of the ſaid Three Calendar Months, no Timbers, except the Timbers of the Girders, Binding Joiſts, and the Templets under the ſame, ſhall be laid into the Party Walls erected or built, or to be erected or built, within the ſaid City or Liberty of Weſtminſter, and the Pariſhes, Precincts, and Limits

No Timbers to be laid into the Party Walls, except what are herein particularly allowed.

Limits aforesaid; and that no Timbers of the Roof be laid into such Party Walls (except the Purloins or Kerb thereof) and that the Ends of Girders, and Binding Joists, lying within such Party Walls, shall not exceed Nine Inches; and that none of the Ends of the Girders, or Binding Joists, in adjoining Houses, shall meet, or be laid opposite to each other; and that the Sides thereof shall be, at least, Fourteen Inches distant from each other; and that there shall be Nine Inches, at least, of solid Brick-work left at or between the Ends of all Lentils, Wall Plates, and Bond Timbers, which may or shall be laid in or upon the Walls of the Fore and Back Fronts of all Houses which shall adjoin to each other: And if any Head Builder, Master Bricklayer, or Workman, shall erect and build, or cause to be erected and built, any Party Wall within the said City or Liberty of Westminster, and the Parishes, Precincts, and Limits aforesaid, contrary to the Directions, true Intent, and Meaning of this Act; or shall use, in the building thereof, any Bricks, other than good sound burnt Bricks; or shall lay any Timber in any Party Wall erected or built, or which shall be erected or built, within the said City or Liberty of Westminster, and the Parishes, Precincts, and Limits aforesaid, contrary to the Directions, true Intent, and Meaning of this Act; then such Head Builder, Master Bricklayer, or Workman, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be equally divided, One Moiety thereof to the Informer, and the other Moiety to the Poor of the Parish where such Building shall be; to be levied, by Warrant under the Hands and Seals of Two or more of His Majesty's Justices of the Peace, by Distress and Sale of the Offenders Goods, upon Conviction upon Oath of One or more credible Witness or Witnesses, or upon his or their own Confession, rendering the Overplus (if any be) to the Owner or Owners; and, for want of such Distress, the Offender shall be imprisoned for the Space of Six Months, unless the said Penalty shall be sooner paid, by Warrant under the Hands and Seals of the said Two or more Justices, who are hereby required and impowered to issue such Warrant accordingly; or that it shall and may be lawful to and for all and every Person and Persons whomsoever, to sue for and recover all and every or any the aforesaid Penalty and Penalties,

Rules to be observed in placing the Ends of the Girders, and Joists;

Lentils, Wall Plates, and Bond Timbers.

Builder, &c. not conforming to these Directions,

or using Bricks not duly burnt,

or laying Timber in Party Walls otherwise than prescribed,

to forfeit 50 *l.*

to be levied by Distress and Sale;

and for want of Distress Offender to be committed for 6 Months;

or the Penalty may be sued for and recovered in any of the Courts at *Westminster*,

nalties, given or impoſed by this Act, by Action of Debt, Bill, Plaint, Suit, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, ſhall be allowed; and that every the Perſon and Perſons, ſuing or proſecuting for any ſuch Penalty or Penalties, ſhall, in all Caſes where he or they ſhall recover the ſame in Manner herein laſt mentioned, be intitled to, and ſhall recover Double Coſts of Suit, over and above all and every ſuch Penalty and Penalties; and One Moiety of every ſuch Penalty and Penalties, when recovered, ſhall be immediately paid, by the Perſon or Perſons recovering the ſame, to the Churchwardens or Overſeers of the Poor for the time being of the Pariſh, Liberty, or Precinct, in which ſuch Penalty or Penalties ſhall ariſe, and for which ſuch Action ſhall be commenced, for the Uſe of the Poor of ſuch Pariſh, Liberty, or Precinct, and the other Moiety thereof ſhall be for the Uſe of the Perſon or Perſons who ſhall inform, ſue for, and recover the ſame.

with Double Coſts.

Application of the Penalty.

Rules to be obſerved with reſpect to Hearths, and Chimnies;

And be it enacted by the Authority aforeſaid, That from and after the Firſt Day of July, One thouſand ſeven hundred and ſixty four, no Timber or Timbers whatſoever ſhall be laid or placed under the Hearth or Hearths of any Room or Rooms, or within Nine Inches of any Funnel or Flew of any Chimney or Chimnies of any Houſe or Houſes within the Limits aforeſaid; and that no Timber Buildings whatſoever ſhall be built adjoining to any Houſe or Houſes, ſo as the Timbers thereof ſhall be laid into the Wall of any ſuch Houſe or Houſes already built, or hereafter to be built, within the Limits aforeſaid, under the Penalty of Fifty Pounds; to be recovered, levied, and applied, againſt the Workman offending therein, or the Inhabitant or Perſon cauſing ſuch Building to be erected or built, in like Manner as any other Penalty or Forfeiture is, in and by this Act, directed to be recovered, levied, and applied.

and to Timber Buildings.

Penalty of not conforming thereto, 50 *l.*

Party Walls not to be cut into or wounded, by adjoining Buildings,

And be it further enacted by the Authority aforeſaid, That after any Party Wall or Party Walls ſhall be erected or built purſuant to the Directions of this Act, no Perſon or Perſons whatſoever, who ſhall build againſt ſuch Party Wall or Party Walls, ſhall, on any Pretence whatſoever, cut into or wound the ſame, for the Conveniency of making a Chimney or Chimnies, or for any

any other Purpoſe whatſoever; nor ſhall lay into the ſame any other Timbers than are allowed by this Act to be laid into new Party Walls, under the Penalty of Fifty Pounds, to be recovered againſt the Party or Perſon offending, in the Manner herein before directed.

nor other Timbers to be laid therein, than is here allowed, on Penalty of 50*l.*

And be it further enacted by the Authority aforeſaid, That every Maſter Builder who ſhall, after the Firſt Day of July, One thouſand ſeven hundred and ſixty four, erect or build any Houſe within the Limits above mentioned, ſhall, within Fourteen Days after the ſame ſhall be covered in, cauſe the ſame to be ſurveyed by One or more Surveyor or Surveyors; and ſuch Surveyor or Surveyors ſhall make Oath, before One of His Majeſty's Juſtices of the Peace for the ſaid County of Middleſex or City of Weſtminſter (which Oath ſuch Juſtice is hereby impowered and required to adminiſter) that the ſame hath been (to the beſt of his or their Judgement and Belief) built and erected agreeable to the ſeveral Directions in this Act contained; which Affidavit ſhall be filed with the Clerk of the Peace for the ſaid County of Middleſex, within Ten Days after the making thereof; and the ſaid Clerk of the Peace ſhall, for his Trouble therein, be intitled to and receive the Sum of One Shilling, and no more: And if any Maſter Builder ſhall make Default in the Premiſſes, by neglecting to cauſe ſuch Survey to be made, or ſuch Affidavit to be made and filed as aforeſaid, ſuch Maſter Builder ſhall, for every ſuch Neglect or Default, forfeit the Sum of Fifty Pounds; to be recovered and applied in the ſame Manner, as any Penalties or Forfeitures are, by this Act, directed to be recovered and applied.

Builders to cauſe the Houſes to be ſurveyed:

Surveyors to make Oath of the ſame being built according to the Directions of this Act.

Oath to be filed with the Clerk of the Peace:

His Fee,

Builder not complying, to forfeit 50*l.*

And be it further enacted by the Authority aforeſaid, That the Pariſhioners and Inhabitants of the Pariſh, Liberty, or Precinct, where any Offence againſt this Act ſhall be committed (except Perſons receiving Alms) ſhall be admitted and allowed to be competent Witneſſes, notwithſtanding his, her, or their being a Pariſhioner or Pariſhioners, Inhabitant or Inhabitants, in ſuch Pariſh, Liberty, or Precinct.

Pariſhioners, &c. deemed competent Witneſſes.

And whereas ſome Part or Parts of Houſes already pulled down, or that ſhall hereafter be pulled down, in order to be rebuilt, may be ſo intermixed with adjoining Houſes over or under each other, in ſuch Manner, that a

Party Wall or Party Walls, of Brick or Stone, cannot be effectually built upon the old Foundations, perpendicular quite through all the Stories, in order to prevent Mischiefs by Fire, without pulling down some Part or Parts of the One, and laying the same to the other: For preventing Disputes thereupon, or determining any subsisting Disputes, be it enacted by the Authority aforesaid, That in all Cases where any Dispute or Controversy hath arisen, or shall arise, between the Owner or Owners of any House or Houses already pulled down, or that shall be pulled down in order to be rebuilt, and the Owner or Owners of any House adjoining on either Side to such House or Houses, within the said City or Liberty of Westminster, and the Parishes, Precincts, and Limits aforesaid, concerning any Part or Parts thereof intermixed over or under each other, in such Manner that a Party Wall or Party Walls of Brick or Stone cannot be effectually built upon the old Foundations, perpendicular quite through all the Stories of the said House or Houses, in order to prevent Mischiefs by Fire, without pulling down some Part or Parts of One or more of the said adjoining Houses, and laying some Part or Parts of One or more of the said adjoining House or Houses or Ground to the other or others thereof, it shall and may be lawful to and for the Justices of the Peace, in the General or Quarter Sessions to be holden for the said City and Liberty of Westminster, or the County of Middlesex, and they are hereby authorized and required, upon Application made to them by the Person or Persons desirous to pull down or rebuild any House or Houses as aforesaid, to examine into such Dispute or Controversy, and ascertain the Property, and fix the Value, of what may be found necessary to be wanted for erecting perpendicular Party Walls upon the old Foundations as aforesaid; and, for that Purpose, to issue their Order to the Sheriffs or Bailiffs, or other proper Officer of the City or County wherein any such Dispute or Controversy hath arisen or shall arise, to summon a Jury to view the Premisses, try the Facts, and fix the Value of any Damages that may arise, on their Verdict; and, upon such Verdict, the said Justices shall and may, and are hereby authorized and required to make such Order or Orders in the said Premisses as they, in their Discretions, shall think to be just and reasonable; and the Determinations

Disputes about Damage, by erecting new perpendicular Party Walls upon the old Foundations, where Parts of the adjoining Houses intermix,

are to be referr'd to the Justices at their Quarter Sessions,

who are to summon a Jury to fix the Value;

and the Order made upon such Verdict,

Determinations of the said Justices shall be final and conclusive to all Parties, without any Appeal from the same. is to be final.

And, for the better preventing Mischiefs that may happen by Fire, and to deter and hinder ill-minded Persons from wilfully setting their House or Houses, or other Buildings, on Fire, with a View of gaining to themselves the Insurance Money, whereby the Lives and Fortunes of many Families are lost; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the respective Governors or Directors of the several Insurance Offices, within the Cities of London and Westminster, for insuring Houses and other Buildings against Losses by Fire, and they are hereby authorized and required, upon the Application and Request of any Person or Persons interested in, or intitled unto, any House or Houses, or other Buildings, within the Limits by this Act prescribed, which hereafter shall or may be burnt down, demolished, or damnified by Fire; or upon any Grounds of Suspicion that the Owner or Owners, Occupier or Occupiers, or other Person or Persons who shall have insured such House or Houses, or other Buildings, have been guilty of Fraud, or of wilfully setting their House or Houses, or other Buildings, on Fire; to cause the Insurance Money to be laid out and expended, as far as the same will go, towards rebuilding, reinstating, or repairing such House or Houses, or other Buildings, so burnt down, demolished, or damnified by Fire; unless the Party or Parties claiming such Insurance Money shall, within Sixty Days next after such Claim shall be adjusted, give a sufficient Security to the Governors or Directors of the Insurance Office where such House or Houses, or other Buildings, are insured, that the same Insurance Money shall be so laid out and expended as aforesaid; or unless the said Insurance Money shall be in that Time settled and disposed of to and amongst all the contending Parties, to the Satisfaction and Approbation of such Governors or Directors of such Insurance Offices respectively. Cases, wherein Insurance Offices may lay out the Insurance Money, towards rebuilding, &c. Houses burnt, or damnified by Fire.

And be it further enacted by the Authority aforesaid, That no Order which shall be made by any Justice or Justices of the Peace, by virtue of or under this Act, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, Orders of Justices not liable to be quashed for want of Form;

Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

nor to be removed by *Certiorari*.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action shall be brought, or Suit commenced, against any Person or Persons, for any Thing done in pursuance of this Act, such Action or Suit shall be laid or brought within Six Months next after the Fact done, and not afterwards; and shall be laid or brought in the County or Place where the Fact was committed, and not elsewhere; and the Defendant or Defendants in such Action 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 Authority of this Act: And if the same shall appear to have been so done, or if any Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the said Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have, for Costs, in any other Cases by Law.

General Issue.

Treble Costs.

Expence of Party Walls pulled down and rebuilt, in pursuance of the recited Acts,

to be estimated between the Parties, at the Rate of 6 *l.* 10 *s. per* Rod;

Provided always, and be it enacted by the Authority aforesaid, That in all Cases where any Party Wall within the said City or Liberty of Westminster, and the Parishes, Precincts, and Limits aforesaid, shall, by virtue of the said recited Act of the Eleventh Year of His Majesty King George the First, and of this present Act, be pulled down and rebuilt, agreeable to the Directions of this present Act, by the Owner or Occupier of One of the adjoining Houses, the Expence of such Party Wall shall be estimated and computed at and after the Rate of Six Pounds and Ten Shillings per Rod; any thing in the said former Act to the contrary thereof in any wise notwithstanding.

and in like Manner those built in pursuance of this Act.

Provided also, and be it enacted by the Authority aforesaid, That in all Cases where any Party Wall shall be erected or built, agreeable to the Directions of this

this present Act, in Execution of any Contract or Contracts entered into with the Builder or Workman before the First Day of July, One thousand seven hundred and sixty four, the Expence of such Party Wall shall be estimated and computed at and after the Rate of Six Pounds and Ten Shillings per Rod; any thing in such Contract or Contracts to the contrary thereof in any wise notwithstanding.

Back and Fore Fronts of all future Buildings to be of Stone, or good Brick, from the Breast Summer upwards, as also the Party Walls.

And be it further enacted by the Authority aforesaid, That for the further and better preventing the Spreading of Fires, all Houses or other Buildings which, from and after the Expiration of Three Calendar Months next after the passing of this Act, shall be erected or built within the said City or Liberty of Westminster, and the Parishes, Precincts, and Limits aforesaid, shall be built of Stone, or of good sound hard well burnt Bricks, and none other, both in the Fore Front, and Back Front thereof, from the Breast Summer upwards (and likewise the Party Walls thereof) and that such Breast Summer, in all such Houses or other Buildings, shall not be higher than the Floor of the One Pair of Stairs.

Height of the Breast Summer.

Act 6 *Anne.*

And whereas, by an Act made in the Sixth Year of the Reign of Her late Majesty Queen Anne, a Reward of Ten Shillings is to be paid to the Turn Cock belonging to any Water Work where Water shall be found on, or first come into, the Main or Pipe where the first Plug shall be opened at any Fire; Thirty Shillings to the First Engine Keeper, who brings in any Parish Engine to help to extinguish any Fire; Twenty Shillings to the Keeper of the Second Parish Engine, that shall be next brought to a Fire; and to the Third, Ten Shillings; by the Churchwardens of the Parish where such Fire shall happen; be it further enacted by the Authority aforesaid, That in all Cases where any of the said Rewards shall be claimed, by reason of any Fire happening within the said City of Westminster, or within the Parishes, Precincts, Liberties, or Places aforesaid, such Rewards shall be paid and payable in the same Manner to the Keeper of any other Large Engine (though not a Parish Engine) who shall bring in such Engine in good Order and complete, to help to extinguish such Fire, in the same Manner as if such Engine was a Parish Engine.

In Cases of Fire, the Keepers of other Large Engines are equally intitled with the Parish Engines to the Rewards granted by Act 6 *Anne.*

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

FINIS.