Anno quarto

Georgii III. Regis.

CAP. XXXIX.

An Act to explain, amend, and render more effectual, Two ſeveral Acts of Parliament, made in the Second and Third Years of His preſent Majeſty, for paving, cleanſing, and lighting, the Squares, Streets, and Lanes, within the City and Liberty of *Weſtminſter*, and other Places therein mentioned, and for preventing Annoyances therein; and for other Purpoſes therein mentioned.

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Preamble.



WHEREAS an Act was made in the Second Year of the Reign of his preſent Majeſty, intituled, An Act for paving, cleanſing, and lighting, the Squares, Streets, and Lanes, within the City and Liberty of *Weſtminſter*, the Pariſhes of *Saint Giles in the Fields*, *Saint George the Martyr*, *Saint George Bloomſbury*, that Part of the Pariſh of *Saint Andrew's Holbourn* which lies in the County of *Middleſex*, the ſeveral Liberties of the *Rolls* and *Savoy*, and that Part of the Dutchy of *Lancaſter* which lies in the County of *Middleſex*, and for preventing Annoyances therein; and for other Purpoſes therein mentioned: And whereas another Act was made in the laſt Seſſion of Parliament, to explain, amend, and render more effectual, the laſt mentioned Act: And whereas the Commiſſioners for putting the ſaid Two ſeveral Acts in Execution, have made ſome further Progreſs in the Truſts thereby repoſed in them, but find that both the ſaid Acts are defective with reſpect to ſome of the Powers thereby given; nor can the ſaid Acts be effectually put in Execution, ſo as to anſwer the good Purpoſes thereby intended, unleſs ſome new Powers are granted, and the ſaid Acts, in other Reſpects, amended, and made more effectual; 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 if at any Time or Times, from and after the paſſing of this Act, it ſhall happen, that there ſhall not appear at any Meeting which ſhall be appointed to be had or held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners, as provided for by the ſaid recited Acts, to act at ſuch Meeting, and to adjourn to another Day, that then, in ſuch Caſe, it ſhall and may be lawful to and for the Clerk to the ſaid Commiſſioners for the time being, and he is hereby required to ſummon the ſaid Commiſſioners to meet at the Place where the laſt Meeting was

Where a ſufficient Number of Commiſſioners ſhall not meet to act and adjourn,

Clerk is to ſummon another Meeting;

was appointed to be held, within Six Days next after the Day on which such last Meeting was appointed to be held; such Summons to be in Writing, and signed by the Clerk, and to be delivered at the usual or last Place of Abode of the said Commissioners, at least Four Days before such next Meeting; and in case the said Clerk shall happen to die before such Summons issued, or shall neglect to issue such Summons in manner aforesaid, then the Treasurer to the said Commissioners for the time being shall and may, and he is hereby required to issue such Summons in manner aforesaid.

and the Summons is to be delivered 4 Days before, at the Commissioners Houses.

Clerk dying, or neglecting, the Treasurer is to summon such Meeting.

And be it further enacted by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Provisions, Regulations, Clauses, Matters, and Things whatsoever, contained in the said recited former Acts, and this Act, or either of them, shall extend to all Places, not Thoroughfares, within the said Parishes, Precincts, and Places, comprized in the said former Acts, in such and the same Manner as they already extend, or are hereby intended to extend, to Places which are Thoroughfares, as effectually, to all Intents and Purposes, as if the respective Powers, Authorities, Directions, Provisions, Regulations, Clauses, Matters, and Things, in the said Acts, or either of them, contained, were herein repeated and specially enacted.

Powers and Clauses in the present and former Acts, extended to all Places comprized in the said Acts.

And whereas by the said Act of the Second Year of his present Majesty, the Commissioners for putting the said Act in Execution, are directed to cause the Works done, under the Authority of the said Act, to be inspected by their Surveyor or Surveyors, or other Person or Persons appointed by them for that Purpose, who are to report to the Commissioners, in case the said Works shall not be performed according to the true Sense of the Contract or Contracts entered into for that Purpose, before the said Commissioners can cause the Person or Persons, so contracting, to be sued for Nonperformance of their Contract, which Method has been found inconvenient; wherefore, be it further enacted by the Authority aforesaid, That so much of the said Act as requires and directs a Report to be made by the Surveyor or Surveyors, or other Person or Persons appointed by the Commissioners for that Purpose, before any Action shall be brought against any Person so contracting, shall be, and the same is hereby declared to be repealed.

Clause in Act 2 *Geo.* III. requiring a Report to be made by the Surveyor, of any Non-performance of Contract, before the Commissioners bring an Action for the same, repealed.

Receivers, or other Persons authorized by the Commissioners are to be allowed to inspect and take Copies of, or Extracts from, the Books of Poors Rates in the several Parishes *gratis*,

in order to ascertain the Assessments to be made by virtue of the recited Acts.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Receiver or Receivers of the Rates or Assessments appointed or to be appointed by the said Commissioners, or any or either of such Receiver or Receivers, or for any other Person or Persons authorized by the said Commissioners, or any Three or more of them, at all convenient Times (first having an Order under the Hands of the said Commissioners, or any Three or more of them, for that Purpose, to inspect the Books or Rates made for raising Money for the Relief and Maintenance of the Poor of all or any of the Parishes or Places comprehended within the said recited Acts, or either of them, in order to ascertain the Rates and Assessments to be raised by virtue of this and the said Two recited Acts, and also to take Copies thereof, or make Extracts therefrom, and likewise to inspect and take Copies of, or Extracts out of or from, any Book or Books kept by any Parish Officer or Officers, or other Officer or Officers appointed by Authority of Parliament, within the Cities of London or Westminster, or County of Middlesex, for the paving, cleansing, or lighting, any Square, Street, Lane, Place, or District, in London, Westminster, or Middlesex; which Inspection, Copies, and Extracts, the Vestry Clerk or Vestry Clerks, or other Officer or Officers of the respective Parishes and Places, or other Officer or Officers, Person or Persons, having the Custody of such Book and Rate Books and Rates, are hereby required to permit and suffer to be made, without Fee or Reward, by such Receiver or Receivers, or other Person or Persons appointed as aforesaid, on their producing an Order under the Hands of the said Commissioners, or any Three or more of them, for that Purpose; and in case any such Vestry Clerk, or other such Officer or Officers, or Person or Persons, shall neglect or refuse so to do, within Three Days after such Order shall be produced and shewn to him or them, or a Copy thereof left at his or their last or most usual Place of Abode, then, and in every such Case, he or they so refusing or neglecting, 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.

Penalty of such Refusal.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, from time

time to time, and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners, or any Five or more of them, 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, or any Five or more of them, shall think proper; 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.

Commissioners allowed to compound for Penalties in Breach of Contract.

And, for the more effectual and proportional rating Dead Walls, Void Spaces of Ground, and other Buildings and Erections belonging to any Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement; be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby required, when and at such Time and Times as the Rates and Assessments hereby and in the said recited Acts, or either of them, are directed to be made, to rate and assess all such Dead Walls, Void Spaces of Ground, and other Buildings and Erections, belonging to any such Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement, situate, standing, lying, and being within the said Parishes and Places, comprehended within the said recited Acts, or this Act, or either of them, at a Rate not exceeding Six Pence for every Square Yard, belonging to such Dead Wall, Void Space of Ground, Building, or other Erection, over and above what such Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement, to which such Dead Wall, Void Space of Ground, Building, or Erection belongs, shall, by virtue of the said recited Acts, or this present Act, or either of them, be rated at the said Rates or Assessments, to be laid, received, recovered, and applied, in such Manner as other Rates and Assessments are directed to be laid, received, recovered, and applied, by the said former Acts, or this Act, or either of them.

Dead Walls, Void Spaces of Ground, and Buildings, &c. belonging to any such Land, House, Shop, &c. how to be rated and assessed.

And be it further enacted by the Authority aforesaid, That when any defective or bad Pavement shall be

mended,

Charges of altering or repairing defective or bad Pavements, to be paid by the Tenant or Occupier;

mended, altered, or repaired, by the Order or Direction of the said Commissioners, or any Three or more of them, by virtue of the Powers given by the Act passed in the Third Year of his present Majesty's Reign; the Charges and Expences thereof shall be reimbursed and paid by the Tenant or Tenants, Occupier or Occupiers, of the respective Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, to which such Pavements shall adjoin, appertain, or belong; and such Tenant or Tenants, Occupier or Occupiers, of Lands, Houses, Shops, Warehouses, Cellars, Vaults, or other Tenements, are and shall be liable to pay the whole of such Charges and

and if not paid after due Notice given,

Expences; and in case such Tenant or Tenants, Occupier or Occupiers, shall not within Ten Days after the same shall be demanded, by a Notice thereof in Writing given to him, her, or them, or left at his, her, or their last or most usual Place of Abode, pay or cause to be paid, the said Charges and Expences to the said Commissioners, or any Three or more of them, or to such Person or Persons as they shall appoint to receive the same (which said Notice shall be in Writing, and signed by the Clerk to the Commissioners for the time being, by Order of the said Commissioners, or any Three or more of them, and annexed to the Bill containing an Account of the Expence of such Repairs) it shall and may be lawful for the Person or Persons so to be appointed by the said Commissioners to receive the same, to make Complaint thereof to any One or more Justice or Justices of the Peace for the County or Place where such Person or Persons so refusing or neglecting shall be and reside; and such Justice or Justices may, and is and are hereby authorized and required to issue a Warrant under his or their Hand and Seal, or Hands and Seals, to cause the Party or Parties to be brought before him or them, and upon the Party or Parties appearing, or not being to be found after due Enquiry, and Proof thereof by the Oath of the Party making such Enquiry (which Oath the said Justice or Justices is and are hereby impowered and required to administer) to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby impowered and required to administer)

any Justice for the County, &c. upon Complaint thereof, may issue his Warrant for bringing the Offender before him;

ser) it shall appear to such Justice or Justices, that such Charges and Expences have been incurred by the said Commissioners, and not paid or satisfied by the Party or Parties as aforesaid, then such Justice or Justices may, and he or they is and are hereby authorized and required to issue a Warrant or Warrants under his and their Hand and Seal, or Hands and Seals, for the levying the same, by Distress and Sale of the Goods and Chattles of such Party or Parties; and if after full Payment thereof, together with all Charges attending such Distress and Sale, there shall be an Overplus, then the same shall be paid to the Owner or Owners of such Goods and Chattles, upon Demand.

and may afterwards levy the Expence by Distress and Sale.

Provided always, That nothing herein contained shall be deemed or taken to make void any Contract, Covenant, or Agreement, between Landlord and Tenant, touching or concerning the keeping in Repair such Pavement.

Contracts between Landlord and Tenant concerning keeping Pavements in Repair, not altered by this Act.

And be it further enacted by the Authority aforesaid, That when any defective or bad Pavement adjoining or belonging to any Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement, or to any Part or Parts thereof, which shall then be untenanted or unoccupied, shall, by the Direction of the said Commissioners, or any Three or more of them, be mended, altered, or repaired, then, and in every such Case, the Expence of mending, repairing, or altering such Pavement shall be paid by the Owner or Owners, Proprietor or Proprietors of such Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement respectively; and in case of Non-payment thereof within Ten Days next after Notice in Writing, to be signed by the Clerk to the said Commissioners for the time being, by Order of the said Commissioners, or any Three or more of them, given or left at the last or most usual Place of Abode of such Owner or Owners, Proprietor or Proprietors, or of the known Agent or Agents, Steward or Stewards, to such Owner or Owners, Proprietor or Proprietors, to pay the same; and in case such respective Place of Abode shall not be known, and, upon Inquiry, not to be found, such Inquiry to be verified upon Oath before One or more Justice or Justices of the Peace, who is and are hereby authorized to administer the same to the Person or Persons making such Inquiry, then, within Ten Days next after Notice in Writing, signed as aforesaid, shall be affixed on some conspicuous Part

Defective or bad Pavements belonging to Lands or Houses, &c. untenanted, to be repaired by the Commissioners at the Expence of the Owners;

and if not paid after due Notice given,

of such Land, House, Shop, Warehouse, Cellar, Vault, or other Tenement respectively; in every such Case, the said Commissioners, or any Three or more of them, shall and may, if they shall think proper, bring, or cause to be brought, any Action or Actions in the Name of their Treasurer for the time being, against any such Owner or Owners, Proprietor or Proprietors, for the Money at any Time so due; in which Action or Actions no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

the Treasurer may bring an Action for the same.

And be it further enacted, That if any Person or Persons shall, for the future, run, drive, draw, or cause to be run, driven, or drawn, on any of the Foot Pavements of any of the said Squares, Streets, Lanes, Courts, Alleys, Yards, Passages, or Places, which shall be begun to be paved by virtue of the said former Acts, or either of them, or of this Act, any Wheel or Wheels, Sledge, Wheel-barrow, or any Carriage whatsoever, such Person or Persons shall forfeit, for the First Offence, the Sum of Ten Shillings; for the Second Offence, the Sum of Twenty Shillings; and for the Third and every other Offence, the Sum of Forty Shillings.

Penalty of running, driving, or drawing, any Wheel, Sledge, Wheel-barrow, or other Carriage, on any of the Foot Pavements.

And be it further enacted by the Authority aforesaid, That when and so often as any Part of the Pavements of any of the Squares, Streets, Lanes, Courts, Alleys, Yards, Passages, or Places, which shall be begun to be paved by virtue of this or the said Two recited Acts, shall be taken up by any Person or Persons, for the Purpose of making, repairing, or altering, any Vault or Drain, or for any other Purpose whatsoever; the Person or Persons so taking up such Pavement or Pavements, shall immediately give Notice thereof to the Surveyor or Surveyors employed by the Commissioners for putting this and the said recited Acts in Execution, in order that the same may, with all convenient Speed, be laid down and repaired, under the Inspection of the said Surveyor or Surveyors; and the Charges and Expences thereof shall be paid by the said Commissioners, and they shall be reimbursed the same by the Person or Persons, Companies of Water-works, or Commissioners of Sewers, who shall take up, or cause or procure to be taken up, the said Pavement or Pavements, or any Part or Parts thereof; and in case such Person or Persons, Companies of Water-works,

Notice to be given to the Commissioners Surveyor, of the taking up any Pavements for the Purpose of making, repairing, or altering, any Vault or Drain, &c.

in order that the same may be relaid under his Inspection.

Commissioners to pay the Expence, and they are to be reimbursed by the Persons taking up such Pavements;

or

or Commissioners of Sewers respectively, shall neglect or refuse to pay what the said Commissioners shall have so paid and disbursed, within Ten Days next after Notice thereof, to be left, by the Receiver or Receivers appointed, or to be appointed, by the said Commissioners, at the Dwelling-house, or last Place of Abode of such Person or Persons, or of the Secretary or Secretaries, Clerk or Clerks, of such Companies of Water-works, or Commissioners of Sewers respectively; which Notice shall be in Writing, and signed by the Clerk to the Commissioners for putting this and the said recited Acts into Execution, by Order of the said Commissioners, or any Three or more of them, and annexed to the Bill containing an Account of the Expence of such Repair; it shall and may be lawful to and for the said last mentioned Commissioners, or any Three or more of them, and they are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of their Treasurer or Treasurers for the time being, for the Recovery of such Sum or Sums of Money as they shall have so expended, for the relaying and repairing such Pavement or Pavements taken up in Manner aforesaid; and in case such Person or Persons hereby directed to give such Notice to the Surveyor or Surveyors, as is before directed, shall neglect so to do, for the Space of Twenty four Hours after such Pavement or Pavements be so taken up, such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

On their Neglect or Refusal, after due Notice given.

an Action may be brought for the Money in the Treasurer's Name.

Penalty of not giving due Notice of the taking up such Pavements.

And be it further enacted by the Authority aforesaid, That when and so often as there shall be Occasion, after the passing of this Act, to make new, or additional, or repair, or alter, any of the old Grates belonging to the Commissioners of Sewers, in any of the Squares, Streets, Lanes, Courts, Yards, Alleys, Passages, or Places, which have been, or shall be, begun to be paved by virtue of this and the said Two former Acts, the same shall be made new, repaired, or altered, at the Expence of the said Commissioners of Sewers; and the same, when so made new, repaired, or altered, shall be laid down in such Places, and at such Distance from each other, and in such Manner and Form, as shall be directed by the Surveyor or Surveyors to the Commissioners appointed by the said

Where it shall be necessary to make new Grates, or to repair or alter old ones, the Commissioners of Sewers are to pay the Expence;

and the Grates are to be laid down as the Surveyors under this Act shall direct.

If the Commissioners of Sewers neglect, &c.

the Commissioners under this Act may order the same to be done, and they are to be reimbursed by the Commissioners of Sewers.

said recited Acts, or either of them, at the Expence of the said Commissioners of Sewers; and in case the said Commissioners of Sewers shall neglect or refuse so to do, for the Space of Ten Days next after Notice given, or left with their Clerk or Clerks for the time being, it shall and may be lawful to and for the said Commissioners appointed by the said recited Acts, or any Three or more of them, or their Surveyor or Surveyors, to cause such Grate or Grates as shall be necessary to be made new, repaired, altered, and laid down, to be so made new, repaired, altered, and laid down; the Expence whereof shall be reimbursed and paid by the said Commissioners of Sewers.

Commissioners impowered to remove and alter all Steps projecting into the Foot Ways, Steps, and Doors, going down out of the Foot Ways into Cellars, Shew-glasses, and other Matters, causing an Obstruction or Nuisance in the common Passages.

And whereas several of the Streets, Lanes, and other Places, comprehended within the said Two recited Acts, or this Act, or either of them, are in some Parts thereof very narrow, and are greatly obstructed and made dangerous to Foot Passengers, by Steps being brought out from several Houses into the Streets; Steps, and Doors, going down into Cellars, Vaults, and other Places, belonging to such Houses; and by Shew-glasses, Shew-boards, or other Matters or Things projecting from Shops or Houses, over and beyond the Area belonging to such Houses, or into the Foot Ways; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act, all such Steps projecting into the Foot Ways of the Streets, all Steps, and Doors, going down out of the Foot Ways into any Cellars, Vaults, or other Places, belonging to any House, Shop, Warehouse, or Tenement, as likewise all Shew-glasses, or Shew-boards, projecting over and beyond the Areas, or into the Foot Ways; and all and every other Material, Matter, or Thing, belonging to any Houses, Warehouses, Shops, Cellars, or other Buildings, which cause or occasion any Nuisance, Annoyance, Incroachment, or Obstruction, in any of the Squares, Streets, Lanes, Courts, Alleys, Yards, Passages, or other Places (either in the Foot or Carriage Ways thereof) which shall be begun to be paved by virtue of this and the said Two former Acts, shall be, at the Expence of the said Commissioners, removed, fixed, placed, or altered, in such Manner and Form as shall be approved of by the said Commissioners, or any Five or more of them, or their Surveyor or Surveyors by their Direction.

And

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time or Times hereafter, obstruct, hinder, or molest, any Surveyor or Surveyors, or other Officer or Officers, Person or Persons whatsoever, who are or shall be employed to put this and the said Two former Acts, or either of them, in Execution, in the Performance or Execution of their Duty; every such Person and Persons 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. Penalty of obstructing any Officer, or other Person, in the Execution of his Duty.

And whereas all that Part of a certain Street or Place called Swallow Street (which is situate in the Two several Parishes of Saint James and Saint George Hanover Square, within the Liberty of Westminster; and extends from the West End of a publick Way or Passage called Major Foubert's Passage, in the said Parish of Saint James; and from the East End of Conduit Street in the said Parish of Saint George Hanover Square, Northwards, to a certain Street or Place called Oxford Road) hath for several Years past been, and still is, in all Respects compleately paved as a Street, with Houses of Habitation, and other Buildings regularly erected and built on each Side thereof: And whereas the said Part of Swallow Street above discribed, was not a Street (at the Time of passing an Act of Parliament in the Second Year of the Reigns of the late King William and Queen Mary, made (amongst other Things) for paving and cleansing the Streets in the Cities of London and Westminster, and Suburbs and Liberties thereof) but was then, and for several Years after, used as a common graveled Lane or Highway, not built upon as a Street, and was called Marybone Lane; and therefore some Doubts have lately arisen, whether the said Part of Swallow Street above described, is or is not now a Street within the Meaning of the said last mentioned Act of Parliament, with respect to the Paving thereof, and keeping the same in Repair: For the obviating of which Doubts, be it enacted by the Authority aforesaid, That the said Part of Swallow Street herein before described, shall at all Times hereafter be, and be deemed and taken to be, a Publick Street, and Part of Swallow Street aforesaid, to all Intents, Constructions, and Purposes whatsoever, The Whole of *Swallow Street* above described, declared to be a Publick Street.

and to be within the Meaning of the Act of 2 W. & M.

soever, and within the Meaning of the said Act of Parliament, made in the said Second Year of the Reign of King William and Queen Mary; any thing in this or in any former Act or Acts of Parliament contained, or any other Law, Usage, or Custom, to the contrary in any wise notwithstanding.

Commissioners impowered, with Consent of the Proprietors, and at their Expence, to make any new Passages,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them, may, and they are hereby impowered to make, or cause to be made, any Passage or Passages, through any Square or Place within the Parishes and Places comprized in the said recited Acts or this present Act, with the Consent of the Owner or Owners, Proprietor or Proprietors, and at the Expence of such Owner or Owners, Proprietor or Proprietors thereof; and if any such new Passage or Passages shall be made, the said Commissioners may pave, repair, cleanse, and light the same, in like Manner, and under the same Powers, Provisions, Rules, Regulations, and Authorities, as is herein and in the said Two several recited Acts provided, in Respect of the Squares, Streets, Lanes, Courts, Alleys, Yards, Passages, and Places, before mentioned.

and to pave, cleanse, and light the same.

No Part of the Monies granted by Parliament, or raised by the Rates, to be applied in purchasing Houses or Ground for the above Purpose.

Provided always, That no Part of the Monies that shall be given by Parliament for the Purposes of this and the said Two recited Acts, nor any Part of the Monies that shall be raised by the Rates to be made and levied by virtue of this and the said Two recited Acts, shall be applied to the Purpose of purchasing the said Lands or Houses, or either of them, or the Ground or Soil thereof.

In order to make a new Passage, or open the old one, at the *Devil's Gap* near *Long Acre*,

And whereas by the said recited Act of the Second Year of his present Majesty, Power is given to the said Commissioners, or any Seven or more of them, to make a new Passage, or widen the old one, from Drury Lane into Great Queen Street, in the Parish of Saint Giles in the Fields, in the County of Middlesex, at or near a certain Place called The Devil's Gap, and near adjoining to the East End of Long Acre, in Manner, and upon the Terms and Conditions, in the said Act mentioned; be it therefore further enacted by the Authority aforesaid, That upon Payment of such Sum or Sums of Money as shall be agreed to be paid for the Premisses mentioned in the said first recited Act, or such Part thereof as shall be necessary to be purchased for that Purpose; or if no Agreement

the Commissioners are impowered, upon such Money as shall be agreed on being paid,

or

or Contract shall be made, then upon making Satisfaction, in Manner herein after mentioned, to the Owners of, and Persons interested in, such Premisses, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to take down, or cause or procure to be taken down, all such House or Houses, with the Appurtenances, on the South Side of the said Gap, or any Part or Parts of all or such of the said Houses as shall be necessary for the Purpose (not exceeding in the Whole Six such Houses) and to cause the Materials thereof to be removed and taken away.

or Satisfaction made to the Owners, to take down such Houses as shall be necessary for that Purpose:

And be it further enacted by the Authority aforesaid, That if any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees, or any other Person or Persons whomsoever, in any wise interested in any such Lands, Tenements, Buildings, Houses, Grounds, or Hereditaments, upon Ten Days Notice to them given or left in Writing at the Dwelling-house or Houses, Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Body Politick, Corporate, or Collegiate, Aggregate or Sole, or at the House of the Tenant in Possession of such Lands, Tenements, Houses, Buildings, Grounds, and Hereditaments, shall neglect or refuse to treat, or shall not agree for the Sale of any such Lands, Tenements, Houses, Buildings, Grounds, or Hereditaments, or any Part or Parts thereof, or for their Interest therein, or, by reason of Absence, or otherwise, shall be prevented from treating as aforesaid; then, and in any such Case, the said Commissioners, or any Seven or more of them, shall cause it to be enquired into, and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County of Middlesex (which Oath the said Commissioners, or any Three or more of them, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, Proprietors, or other Person or Persons interested for such Lands, Tenements, Houses, Buildings, Grounds, and Hereditaments, or any Part or Parts thereof, which the said Commissioners shall want to purchase: And in order thereunto, the said Commissioners, or any Seven

And where the Persons interested in such Lands and Houses

shall refuse to treat or agree for the Sale thereof,

the Damage and Recompence is to be ascertained by a Jury.

And the Commissioners are impowered to summon a Jury accordingly, and examine Witnesses on Oath touching the Premisses;

Seven or more of them, are hereby impowered and required, from time to time, as there shall be Occasion, to summon and call before the said Jury, and examine upon Oath, all Persons whatsoever, who shall be thought necessary or proper to be examined as Witnesses touching or concerning the Premisses (which Oath the said Commissioners, or any Two or more of them, are hereby impowered and required to administer) and if any of the Parties interested shall request the same, or the said Commissioners, or any Seven or more of them, shall think it necessary, shall also cause the said Jury to view the Place or Places in Question, and shall use all other lawful Ways and Means as well for their own, as for the said Jury's better Information in the Premisses, in such Manner as they the said Commissioners, or any Seven or more of them, shall think fit: And after the said Jury shall have so inquired of, ascertained, and settled, such Damage and Recompence, they the said Commissioners, or any Seven or more of them, shall thereupon order and adjudge the Sum or Sums of Money so assessed by the said Jury for such Purchases as aforesaid, to be paid to the Persons interested in such Lands, Tenements, Buildings, Houses, Grounds, or Hereditaments, or any Part or Parts thereof, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and the Order or Adjudication so had and made, shall be final and conclusive to all Intents and Purposes against all Parties or Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs, Executors, or Administrators, and Successors respectively, as well absent as present, Infants, Femes Covert, Lunaticks, Ideots, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Aggregate or Sole, as well as other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons in any wise interested in such Lands, Tenements, Buildings, Houses, Grounds, or Hereditaments, or any Part or Parts thereof so purchased as aforesaid, shall thereby be, from and after the Money so contracted and agreed for, or so assessed and adjudged for such Purchases as aforesaid, shall

and to adjudge the Sum assessed to be paid accordingly.

The Verdict of the Jury, and Order thereupon made, to be final;

and the Parties to be divested of all Property in the Premisses,

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shall be paid, tendered, or left as herein directed, to all Intents and Purposes divested of all Right, Claim, Interest, or Property, of, in, to, or out of, the same; and the said Commissioners, or any Seven or more of them, shall have full Power, by virtue of this Act, by Deed indented and inrolled, within Three Months after the making thereof, in some of His Majesty's Courts of Record at Westminster, to grant, bargain, sell, and convey, such Lands, Tenements, Buildings, Houses, Grounds, or Hereditaments, or such Parts thereof as shall be purchased as aforesaid, to such Person or Persons, and their Heirs and Assigns, as the said Commissioners, or any Seven or more of them, shall nominate and appoint, in Trust for the said Commissioners and their Successors, for the Purposes of the said recited Acts, and of this Act, or either of them; which said Grant, Bargain, Sale, and Conveyance, shall be good and available in the Law to such Person or Persons, and their Heirs, in Trust as aforesaid, against all Persons whomsoever, their Heirs, Executors, Administrators, or Assigns, whether under Abilities or Disabilities as aforesaid, or in any wise interested in, or claiming, any Estate, Right, Title, or Interest, in such Lands, Tenements, Buildings, Houses, Grounds, or Hereditaments, and every Part or Parts thereof so purchased as aforesaid.

which may be sold and conveyed by the Commissioners,

in Trust for the Purposes mentioned in this and the recited Acts.

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, Incumbrancers, Occupiers, or others, for their respective Interests in the said Premisses, shall not be paid, tendered, or left, as herein mentioned, according to the true Intent and Meaning of this Act, within One Calendar Month 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: And, for the summoning and returning of such Jury or Juries, the said Commissioners, or any Five or more of them, are hereby impowered, from time to time, to issue their Warrant or Warrants to the Sheriff of the said County, thereby requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, to appear before the said Commissioners, or any

If the Sums awarded shall not be duly paid, &c.

the said Verdict and Adjudication to be void.

Commissioners impowered to issue their Warrant to the Sheriff for summoning a Jury,

Five or more of them, at such Time and Place as in such Warrant shall be appointed; of which Time and Place all Parties interested shall have Ten Days Notice given or left in manner herein last before-mentioned; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners, or any Five or more of them, shall cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return so many of the Standers-by as shall be necessary to make up the Number of Twelve, to serve on such Jury.

Sheriff to return a Jury accordingly;

and in Default of a sufficient Number appearing, Standers-by may be returned.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall, from time to time, have their lawful Challenges (but not to challenge the Array of the Panel) against any of the said Jurymen, when they come to be sworn; and the said Commissioners, or any Seven or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or refuse to be sworn on the said Jury, or to give their Verdict, or in any Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who, being required to give Evidence touching the Premisses, shall refuse to be examined or to give Evidence; and, from time to time, to levy such Fine or Fines in such Manner as any Penalties in the said recited Acts are directed to be levied and recovered, so as that no such Fine shall exceed the Sum of Ten Pounds upon any One Person for any One Offence.

Jury may be challenged.

Power given to the Commissioners to fine the Sheriff, his Agents, and Jury,

and Persons summoned to give Evidence, making Default in the Premisses.

Limitation of such Fines.

And be it further enacted by the Authority aforesaid, That in case such Person or Persons, to whom such Sum or Sums of Money shall be so assessed or due as aforesaid, cannot be found, or if by reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, or otherwise, it shall not appear to the said Com-

If the Parties to whom the Consideration Money shall be awarded cannot be found, or there be any Dispute in Law, or Defect of Evidence,

Commiſſioners what Perſon or Perſons is or are intitled; or if any Mortgagee or Mortgagees ſhall refuſe to take in his, her, or their Mortgage Money due on the Premiſſes, after Notice given to him, her, or them, for that Purpoſe; then, and in all and every ſuch Caſe and Caſes, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, to order the Sum or Sums ſo aſſeſſed and awarded as aforeſaid, or as ſhall be due on ſuch Mortgage, to be paid into the Bank of England, in the Name of the Treaſurer to the ſaid Commiſſioners for the time being, and of any Five or more of the ſaid Commiſſioners, for the Uſe of the Parties intereſted in the ſaid Premiſſes, to be paid to them, and every of them, according to their reſpective Eſtates and Intereſts in the ſaid Premiſſes, as the ſaid Commiſſioners, or any Five or more of them, ſhall, by any Order to be made by them, direct.

or Mortgagees refuſe to take in their Mortgage Money;

the Sums aſſeſſed to be paid into the Bank,

for the Uſe of the Parties.

And whereas ſeveral Noblemen, Gentlemen, and others, reſiding near and paſſing through the ſaid Gap, have, by voluntary Subſcription among themſelves, agreed to raiſe a conſiderable Sum of Money towards purchaſing the ſaid Houſes and Ground, but it may ſo happen that the ſaid Fund may not be quite ſufficient to pay the Purchaſe-money; and in order to compleat the ſaid Deſign, other Perſons may be induced to lend and advance Money towards the ſaid Purchaſe: And whereas by reaſon of ſuch Purchaſes as aforeſaid, the Commiſſioners may be poſſeſſed of One or more Houſe or Houſes, or ſome Piece or Parcel of Ground, over and above what may be neceſſary for the opening and widening the ſaid Gap; be it therefore further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, to let, ſell, or diſpoſe of ſuch Houſe or Houſes, or ſuch Piece or Parcel of Ground, either together, or ſeparately and in Parcels, as they ſhall think moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame; and to deſign and lay out in what Manner the Houſes to be built thereon ſhall be erected and built, and of what Breadth and Extent the ſaid Street or Gap, ſo intended to be widened, ſhall be; and alſo to ſell and diſpoſe of the Materials of ſuch Houſe or Houſes as the ſaid Commiſſioners ſhall purchaſe and cauſe to be pulled down as aforeſaid; and apply the Money ariſing by ſuch Sale as aforeſaid, to reimburſe and pay the Perſon and Perſons

Commiſſioners may let or ſell ſuch Houſes and old Materials, or the Ground ſo purchaſed, which ſhall be more than ſufficient for their Purpoſe; and lay out the Manner of building thereon; and the Breadth and Extent of the Street;

and apply the Money arising by the Sale to the Contributors.

sons who shall have advanced any Sum or Sums of Money, over and besides the Money raised by such voluntary Subscription as aforesaid.

Such of the Powers, &c. granted by the former Act, as are altered by this, are repealed.

And be it further enacted by the Authority aforesaid, That such of the Powers, Provisions, and Authorities, contained in the said former Acts, or either of them, as are varied or altered by this Act, shall be, and the same are hereby declared to be repealed.

Clauses in Act 6 *Geo.* I.

And whereas by an Act made in the Sixth Year of the Reign of His Majesty King George the First, for preventing the Carriage of excessive Loads of Meal, Malt, Bricks, and Coals, within Ten Miles of London and Westminster, it is provided, That no Person shall carry, at One Load, within the said Limits, in any Waggon or Cart having the Wheels thereof shod or bound with Tire or Streaks of Iron, more than One Chaldron of Coals: And whereas by an Act made in

3 *Geo.* II.

the Third Year of the Reign of His late Majesty King George the Second, for the better Regulation of the Coal Trade, Provision is made for inflicting a Penalty on all Persons who shall sell any Quantity of Coals as and for Pool Measure including the Ingrain, and shall not deliver to the Buyer of such Coals the full Quantity of Coals so sold, as the same were measured from on Shipboard, together with the Ingrain

and 19 *Geo.* II.

thereof: And whereas by an Act made in the Nineteenth Year of the Reign of His said Majesty King George the Second, for preventing Frauds and Abuses in the Admeasurement of Coals, it is declared, That all Agreements for Coals to be delivered within the Limits aforesaid, directly from any Lighter or other Craft, to the Consumer, not being a less Quantity than Five Chaldrons, shall be deemed and understood to be for Pool Measure, including the Ingrain of One Chaldron for every Twenty Chaldrons: And whereas many Persons have, to their great Prejudice, suffered the Penalty inflicted by the said Act made in the Sixth Year of the Reign of His Majesty King George the First, by carrying the Ingrain belonging to each Chaldron in the same Cart with the Coals: Therefore, for preventing such Hardships for the future, be

Any Quantity of Coals, not exceeding 1 Chaldron,

it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall be lawful for any Person or Persons to carry at One Load, within the Limits described by the said Act of the Sixth of King George the First, in any Waggon or Cart, any

any Quantity of Coals not exceeding the Quantity of One Chaldron, and the Ingrain thereunto belonging, after the Rate of One Chaldron in every Twenty Chaldrons, without being liable to any Penalty for the same; any thing in the said Act of the Sixth Year of the Reign of His said Majesty King George the First, or any other Act or Acts, to the contrary thereof in any wise notwithstanding.

with the Ingrain, may be carried at One Load, without being liable to any Penalty.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offenders Goods and Chattles, by Warrant under the Hand and Seal of some Justice of the Peace for the said County of Middlesex, or the City and Liberty of Westminster, as the Case may be; 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 (which Oath such Justice is hereby impowered to administer) and the Penalties and Forfeitures when recovered, after rendering the Overplus, if any be, upon Demand to the Party or Parties whose Goods and Chattles shall be so distrained and sold (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 the said former Acts, and this Act; and in case sufficient Distress cannot be found, and such Penalties or Forfeitures shall not be paid, it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction, for any Time not exceeding Two Months.

Recovery and Application of Penalties.

And be it further enacted by the Authority aforesaid, That no Proceeding 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.

Proceedings touching the Conviction of Offenders, not to be quashed for want of Form, or removed by *Certiorari*.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Eight clear 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 that 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 Eight clear 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 any such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then, and in 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.

General Issue.

Treble Costs.

FINIS.