Anno ſexto

Georgii III. Regis.

CAP. XXVII.

An Act to explain, amend, and render more effectual, the Powers of an Act made in the Thirty third Year of the Reign of His late Majeſty, intituled, *An Act for widening certain Streets, Lanes, and Paſſages, within the City of* London, *and Liberties thereof; and for opening certain new Streets and Ways within the ſame; and for other Purpoſes therein mentioned.*

WHEREAS by an Act of Parliament made in the Thirty third Year of the Reign of His late Majeſty King George the Second, intituled, An Act for widening certain Streets, Lanes, and Paſſages, within the City of *London*, and Liberties thereof; and for opening certain new Streets and Ways within the ſame; and for other Purpoſes therein mentioned; it is enacted, That the Mayor, Aldermen, and Commons, of the ſaid City, in Common Council

Preamble, reciting Act 33 *Geo.* II.

Council assembled, shall have Power and Authority, not only to widen and render more convenient such and so many of the several Streets, Lanes, and Passages, mentioned and described in a Schedule to the said Act annexed, intituled, First Schedule, in manner in the said Schedule particularly mentioned, but also to design, make, open, and lay out, such new Streets, Ways, and Passages, in the Parts and Places particularly mentioned and described in another Schedule to the said Act also annexed, intituled, Second Schedule, in manner in such Second Schedule mentioned: And whereas the several Streets, Lanes, and Passages, by the said Act intended to be widened and rendered more convenient, are mentioned and described in a Schedule to the said Act annexed, intituled, Second Schedule, to which the Act refers, and the Manner of widening and rendering the same more convenient, is particularly mentioned in such Second Schedule: And whereas the Parts and Places wherein the several new Streets, Ways, and Passages, are, by the said Act, intended to be designed, made, opened, and laid out, are particularly mentioned and described in a Schedule to the said Act also annexed, intituled, First Schedule, to which the Act refers, and the Manner of designing, making, opening, and laying out the same, is therein mentioned: And whereas Doubts have arisen whether the said Schedules are well and sufficiently referred to by the said Act; and, in consequence thereof, whether the Powers by the said Act intended to be vested in the Mayor, Aldermen, and Commons, of the said City of London, in Common Council assembled, or in a Committee to be by them appointed, for enabling the Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, to effect the Purposes aforesaid, are, by the said Act, well and sufficiently vested in the Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, or in a Committee to be by them appointed; by reason whereof, the further Prosecution of a Design so useful and beneficial to the Publick, wherein a considerable Progress hath been already made at the Peril and Risque of the Persons concerned therein, is greatly interrupted, and, if an adequate Remedy be not applied, may be wholly laid aside: Now, to obviate all Doubts in the Premisses, and to enable the Mayor,

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Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, to effect the said Purposes of the said Act, according to the true Intent and Meaning thereof; may it 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 from and after the passing of this Act, the Mayor, Aldermen, and Commons, of the City of London, in Common Council assembled, shall have, and shall be deemed to have, Power and Authority to design, make, open, and lay out, new Streets, Ways, and Passages, in the Parts and Places particularly mentioned and described in a Schedule to the said recited Act annexed, intituled, First Schedule, to which the Act refers, in manner in such Schedule mentioned; and also to widen and render more convenient the several Streets, Lanes, and Passages, particularly mentioned and described in another Schedule to the said recited Act also annexed, intituled, Second Schedule, to which the Act refers, in manner in such Second Schedule mentioned.

Mayor, Aldermen, and Commons, in Common Council assembled, impowered to make the Improvements mentioned in the Two Schedules annexed to the recited Act.

And be it further enacted, That the several Provisions, Powers, and Authorities, of the said recited Act, which respect either the designing, making, opening, or laying out, any new Streets, Ways, or Passages, or the widening or rendering more convenient any Streets, Lanes, and Passages, not hereby altered or repealed, shall extend, and be construed to extend, to enable the Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, to effect the Purposes aforesaid.

Provisions of former Act, relating to laying out new Streets, &c. extended to this.

And be it further enacted, That from and after the passing of this Act, no Advantage shall be taken of any Mistake or Defect in the said recited Act, touching any thing in, or in the Reference to the Schedules thereunto annexed, in any Court of Law or Equity, by any Person whatsoever, against the Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, their Committees, Agents, Workmen, Officers, Servants, or Persons acting by or under their Authority, or any other Person whatsoever.

No Advantage to be taken of any Defect in former Act.

And whereas in and by the said recited Act, the Court of Mayor and Aldermen of the said City, are impowered and authorized to issue certain Warrants and Precepts, and to proceed thereon in Manner therein expressed, and to do several other Acts: And whereas Doubts have arisen whether the Powers and Authorities thereby vested in the Court of Mayor and Aldermen of the said City, may be lawfully exercised by the Court of Mayor and Aldermen of the said City to be holden in the outer Chamber of the Guildhall of the said City, according to the Custom of the City: And whereas it would greatly facilitate the Execution of the said Act, if the said last mentioned Court had all the Powers and Authorities by the said Act vested in the Court of Mayor and Aldermen of the said City; be it enacted by the Authority aforesaid, That from and after the passing of this Act, the said Court of Mayor and Aldermen of the said City, to be holden in the outer Chamber of the Guildhall of the said City, according to the Custom of the said City, shall be, and are hereby impowered and authorized to issue all such Warrants or Precepts as aforesaid, and to proceed thereon as aforesaid, and to do all other Acts which the Court of Mayor and Aldermen of the said City might lawfully do by virtue of the said recited Act and of this Act, subject nevertheless to the Alterations, Restrictions, and Provisions, herein contained.

Powers vested in the Court of Mayor and Aldermen to be holden in the outer Chamber of the City.

And whereas the Provisions of the said recited Act have been found to be defective, in Cases where Persons seized or possessed of, or interested, or claiming any Interest in Lands, Tenements, or Hereditaments, necessary to be purchased for the Purposes of the said Act, have not produced and evinced a clear Title to their respective Interests by them claimed, to the Satisfaction of the Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, or of the Person or Persons by them authorized or appointed, according to the Directions of the said Act: Now for Remedy in the Premisses, and to provide for the speedy Decision of all Controversies touching the Title to any such Lands, Tenements, or Hereditaments, be it further enacted, That from and after the passing of this Act, when and as often as in any of the Cases above mentioned a Jury shall be impanelled, returned, and sworn, according to the Directions

Jury to assess the Value of Land, &c.

of

of the said recited Act, such Jury shall inquire of and assess the Value of such Lands, Tenements, and Hereditaments, and the proportionable Value of the respective Estate and Interest of any Person claiming any Estate or Interest therein, or in any Part thereof; and the Court of Mayor and Aldermen shall thereupon give Judgement, that the Sum or Sums of Money so to be assessed be the Value of such Lands, Tenements, and Hereditaments, and of such Estates or Estate, Interests or Interest; and the Verdict and Judgement as aforesaid (Notice having been duly given according to the Directions of the said recited Act) shall be binding and conclusive as to Value, as well against the King's Majesty, His Heirs and Successors, as against every other Person, Bodies Politick and Corporate whatsoever; and it shall be lawful for the Court of Mayor and Aldermen, to order the Sum so to be assessed as and for the Value of such Lands, Tenements, and Hereditaments, to be paid into the Bank of England, in the Name and with the Privity of the Accomptant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in such Lands, Tenements, or Hereditaments, describing them, subject to the Order, Controul, and Disposition, of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum, by Motion or Petition, shall be, and is hereby impowered, in a summary Way of Proceeding, or otherwise, as to the said Court shall seem meet, to order Distribution thereof according to the respective Estates or Estate, Title, or Interest, of the Person or Persons making Claim thereunto, of, in, or to, such Lands, Tenements, and Hereditaments, to be made appear to, and to be declared by, the said Court, and according to the Value thereof, assessed as aforesaid; and to make such other Order in the Premisses, as to the said Court shall seem just and reasonable.

Purchase-money to be paid into the Bank in the Name of the Accomptant General;

And be it further enacted by the Authority aforesaid, That immediately from and after such Verdict, Judgement, and Order, of the said Court of Mayor and Aldermen, and Payment into the Bank as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, as well of the King's Majesty, His Heirs and Successors, as of all and every Person, Bodies Politick or Corporate whatsoever, of, in, to, or out of, such Lands, Tenements,

Premisses thereupon vested in the Mayor, &c.

ments, or Hereditaments, shall vest in the Mayor, and Commonalty, and Citizens, of the said City of London; and they shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes whatsoever; any thing in the said recited Act to the contrary notwithstanding.

And whereas the Provision made in and by the said recited Act, for preventing the fatal Effects of Fire within the said City and Liberties, hath not been found sufficient to answer the Purposes thereby intended, 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 Liberties thereof, shall be Two Bricks and an Half thick, at least, in the Cellar Story; and Two Bricks thick upwards to the Top above the Tiling; and to rise Nine Inches at least above the Tiling of the Roof; and that the same shall be built of Stone, or of good, sound, hard, well burnt Bricks, and none other: And also, that from and after the Expiration of the said Three Calendar Months, no Sort of Linthaling, Bond Timber, or any other Timbers whatsoever, except the Timbers of the Roof, the Girders, and Templets not more than Three Feet in Length under the Ends of the said Girders, the Ends of Trimmers, and the Ends of Joists, shall be laid into the Party Walls, that may be erected or built within the said City and Liberties; and that the Ends of Girders, Ends of Trimmers, and the Ends of Joists, lying within such Party Walls, shall not exceed One Foot; and that none of the Ends of the Girders, Trimmers, or Ends of Joists, in adjoining Houses, shall meet, or be laid opposite to each other; and that the Sides thereof shall be at least Nine Inches distant from each other; and that in case the Ends of Joists shall happen to lie in the Party Walls, then, instead of Timber Linthaling, Scantlings of Portland Stone, nine Inches wide and Five Inches thick, shall be laid in the Party Walls upon which the Ends of the Joists shall rest: And if any Person or Persons shall offend in the Premisses, he, she, or they, shall forfeit for every such Offence, the Sum of Forty Pounds; to be recovered, with Costs of Suit, by any Person who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, or within the said City,

Party Walls, within the City and Liberties of *London*, to be built as here directed.

City, in which Action, no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; One Moiety of ſuch Forfeiture, when recovered, to be paid and delivered to the Treaſurer of Chriſt Hoſpital, to be employed towards the Relief of the poor Children to be brought up and maintained in the ſaid Hoſpital, and the other Moiety thereof to the Perſon who ſhall ſue for the ſame.

Powers of former Act, ſo far as they are applicable, extended to this.

And be it further enacted, That all and every the Powers, Clauſes, Proviſoes, Matters, and Things, contained in the ſaid recited Act, ſhall, ſo far as they, or any of them, are applicable to this preſent Act, be extended to, and be in full Force, and executed as well for the Purpoſes of this Act, as of the ſaid former Act, as amply and effectually as if the ſame were in and by this Act expreſsly re-enacted, and declared to take Effect and be in Force.

Proceedings not to be quaſhed for want of Form; or removeable by *Certiorari*.

Provided always, and be it further enacted, That no Verdict, Judgement, or other Proceeding, under or by virtue of this Act, ſhall be quaſhed, vacated, or diſcharged, for want of Form only, or be removed or removable by Certiorari, or otherwiſe, into any Court of Record at Weſtminſter.

Limitation of Actions.

And be it further enacted, That if any Action ſhall be brought, or Suit commenced againſt any Perſon or Perſons, for any thing done in purſuance of this Act, in relation to the Premiſſes, or any of them, ſuch Action or Suit ſhall be laid or brought within Six Calendar Months next after the Fact done, and ſhall be laid or brought in the City of London, 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 the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch 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, 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 other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be, a Publick Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame. 2

FINIS.