ANNO SECUNDO

GULIELMI IV. REGIS.

***

by an Act passed in the Fourth Year of the Reign of King *George* the Third, intituled *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;* and by an Act passed in the Fifth Year of the Reign of King *George* the Third, intituled *An Act to enlarge the Powers of and to render more effectual the said several Acts passed in the Second, Third, and Fourth Years of His present Majesty's Reign, for paving, cleansing, lighting, and otherwise regulating the Squares, Streets, and other Places within the City and Liberty of* Westminster, *and other Parts in the said Acts mentioned; and for extending the Provisions of the said Acts to the Surrey Side of* Westminster Bridge; *and for enlarging the Powers of the said Acts with respect to Squares;* certain Persons therein named, and their Successors, were appointed Commissioners for carrying into execution the said Acts (which Commissioners are herein-after styled "The *Westminster* Commissioners"), and the several Squares, Streets, and Lanes within the Limits of the said Acts (except such Squares, Streets, and Lanes as were paved, cleansed, and lighted under any other Act or Acts of Parliament,) were placed under the sole Management and Controul of the said Commissioners: And whereas by an Act passed in the Eleventh Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual several Acts made relating to paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places within the City and Liberty of* Westminster *and Parts adjacent,* the said Squares, Streets, and Lanes (except certain Streets and Places therein called *Optional Streets*) were placed under the Management of Parochial Committees, to be elected as therein mentioned, but subject to the Controul of the said "*Westminster* Commissioners," and of certain other Commissioners in such Act mentioned; and it was declared that for the several Purposes of such Act so much of the Parish of *Saint Andrew Holborn* as lies above the Bars, and the Parish of *Saint George the Martyr,* should be considered as One Parish, and that the Committee for that Part of the Parish of *Saint Andrew Holborn* which lies above the Bars, and the Committee for the Parish of *Saint George the Martyr,* should be considered as One Committee: And whereas by an Act passed in the Thirtieth Year of the Reign of King *George* the Third, intituled *An Act to alter, explain, amend, and render more effectual several Acts made for paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places within the City and Liberty of* Westminster *and Parts adjacent; and for putting certain Streets therein mentioned, commonly called* Optional Streets, *under the Management of Parochial Committees, subject to the Controul of the Commissioners appointed by or in pursuance of the said several Acts; and for removing and preventing Nuisances, Annoyances, Obstructions, and Encroachments in the said Streets and other Places; and for other Purposes;* and by an Act passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act for altering and enlarging so much of the Powers of several Acts, made in the Second, Third, Fourth, Fifth, Eleventh, Fourteenth, and Thirtieth Years of His present Majesty,*

4 G. 3. c. 39.

5 G. 3. c. 50.

11 G. 3. c. 22.

30 G. 3. c. 53.

47 G. 3. c. 38.

Majesty, for paving, cleansing, lighting, and watching the Streets and other Places within the City and Liberty of Westminster *and Parts adjacent, as relates to the Parishes of* Saint Giles in the Fields *and* Saint George Bloomsbury *in the County of* Middlesex, *and to certain Places called* Holborn above the Bars *and* Middle Row *in* Holborn, *in the said County; and for the better Regulation of the Nightly Watch of the said Parishes,* further Powers were given to the said joint Committee: And whereas by an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for altering and enlarging the Powers of several Acts of His present Majesty, for amending and rendering more effectual several Acts for paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places in the City and Liberties of* Westminster *and Parts adjacent; and for putting certain Streets therein mentioned, commonly called* Optional Streets, *under the Management of Parochial Committees, subject to the Controul of Commissioners; and for other Purposes, as far as the same relate to a Street and Passage called* Holborn *and* Middle Row, *in the Parish of* Saint Andrew Holborn above the Bars *in the County of* Middlesex, that Part of *Holborn* which lies within the said Parish of *Saint Andrew Holborn above the Bars,* and a Passage called *Middle Row,* in the said Parish, were placed under the sole Management of the said joint Committee: And whereas by virtue of the said Acts or some of them the several Squares, Streets, and other Places within that Part of the Parish of *Saint Andrew Holborn* which lies above the Bars, and within the Parish of *Saint George the Martyr* (except *Red Lion Square,* herein-after mentioned), have been newly paved, and in order to defray the Expences thereof several Sums of Money have been borrowed, and a considerable Part thereof still remains charged upon the Credit of the said Acts: And whereas the Streets and public Places within the said United Parishes of *Saint Andrew Holborn above the Bars* and *Saint George the Martyr,* herein-after mentioned, might be more conveniently paved, repaired, cleansed, lighted, and improved, and kept free from Nuisances and Obstructions, if the same were withdrawn from the Controul and Jurisdiction of the said "*Westminster* Commissioners," and were vested in Commissioners to be appointed as hereafter mentioned: 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 Parliament assembled, and by the Authority of the same, That from and after the Day on which Commissioners for carrying into execution the Purposes of this Act shall have been appointed under the Provisions herein-after contained, the said recited Acts of the Second, Third, Fourth, Fifth, Eleventh, Thirtieth, Forty-seventh, and Fifty-ninth Years of the Reign of King *George* the Third, so far as the same or any of them relate to paving, repairing, cleansing, lighting, and preventing Nuisances, Annoyances, and Obstructions in Squares, Streets, Lanes, Passages, and Places within that Part of the Parish of *Saint Andrew Holborn* which lies above the Bars and in the County of *Middlesex,* and within the said Parish of *Saint George the Martyr* in the same County (save and except that Part of the said Parish of *Saint George the Martyr* which is called *Red Lion Square*), shall be and the same are hereby declared to be repealed, and the Owners and Occupiers of

59 G. 3. c. 119.

Certain Parts of the recited Acts repealed.

Owners of Houses, &c. exempted from Rates except those made under this Act.

of Houses, Lands, and Tenements within the Limits of this Act shall be and are hereby exempted and discharged from all Rates and Assessments (except such as shall be made or levied under the Authority of this Act, and except as herein-after mentioned,) for or towards paving, repairing, cleansing, lighting, or improving the Squares, Streets, Lanes, and other public Passages and Places within the Limits of this Act; and from and after the Election of Commissioners for the Purposes of the said Act, in manner herein-after mentioned, the sole Power and Superintendence of the paving, repairing, cleansing, lighting, and improving, and preventing Nuisances and Obstructions in the Squares, Streets, Lanes, and other public Passages and Places within the Limits of this Act, shall be and the same are hereby vested in the said Commissioners.

Superintendence of Paving, &c. vested in the Commissioners to be appointed.

Rates and Monies due under former Acts may be recovered by Commissioners for executing this Act.

II. Provided always, and be it further enacted, That all Rates and Assessments which before the Commencement of this Act shall have been duly and legally made, and all Fines and Penalties which shall have been incurred under or by virtue of the said former Acts hereby repealed, or either of them, on account of or in relation to the said united Parishes of *Saint Andrew Holborn above the Bars*, and *Saint George the Martyr*, and all other Monies due to the said united Parishes, and which shall respectively remain uncollected or unpaid, or be in existence and unperformed, at the Time of the Commencement of this Act, shall and may be collected, recovered, and enforced by the Commissioners acting in the Execution of this Act, in the same Manner and by the same Ways and Means as if such Rates and Assessments had been made and as if such Fines and Penalties had been incurred under or by virtue of this Act.

Officers under former Acts to account with Commissioners for executing this Act.

III. And be it further enacted, That all Treasurers, Collectors, and other Officers and Persons who at the Time of the Commencement of this Act shall have in their Possession or under their Controul any Money, Books, Documents, Papers, Writings, or other Effects belonging to the Committee or Persons acting in the Execution of the said former Acts or either of them, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, and Effects to the Commissioners for executing this Act, in the same Manner, and subject to the same Process, Pains and Penalties, for Refusal or Neglect, as if such Treasurers, Collectors, Officers, or Persons had been appointed by the Commissioners acting in the Execution of this Act; and all other Persons who at the Time of the Commencement of this Act shall owe any Money to the Committee or other Persons acting in the Execution of the said former Acts or either of them, for or in respect of any Matter or Thing affecting or relating to any such Acts, shall be liable to the Payment of such Money to the Commissioners acting in the Execution of this Act, and in case of Refusal or Neglect to pay the same shall be subject to the Provisions of this Act for the Recovery thereof as if such Money had become due under this Act.

Conveyances, &c. under former Acts valid.

IV. Provided also, and be it further enacted, That all Bonds, Mortgages, Assignments, Annuities, Grants, or Conveyances, Leases, and other Securities made or granted to or by any Person or Persons, Body

Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, acting by virtue of or under the Authority of the said Acts or either of them, hereby repealed, shall be as valid and effectual to all Intents and Purposes whatsoever as if such Acts had not been repealed.

This Act liable to Debts created under former Acts.

V. Provided also, and be it further enacted, That this Act, and the several Rates hereby authorized to be raised, shall be and the same are hereby made respectively liable to the Payment of all Monies and Debts which at the Time of the Commencement of this Act are or shall be due and owing from or by the Commissioners, Committee, or Persons acting under the said former Acts, or for any other Purpose, Matter, or Thing arising out of the Execution of the said former Acts or either of them, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had become due on the Credit of this Act.

Same Proportion of Expences of former Commissioners to be paid by the Parishes until March 1833, and then to cease.

VI. And be it further enacted, That the Proportion of tne Monies hitherto paid by the said united Parishes towards the Salaries of the Officers of the Commissioners acting in the Execution of the said former Acts hereby repealed, and of any other Expences to which the said united Parishes are liable under the said Acts, shall continue to be paid until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three, and from and after the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-three all Contribution by the said united Parishes towards any of the Expences of carrying into effect the said Acts shall cease and utterly determine.

Commissioners under former Acts to account with Commissioners under this Act.

VII. And be it further enacted, That the Commissioners and Committee-men appointed by virtue of or acting under the said former Acts hereby repealed, or any of such Acts, shall and they are hereby required, within Three Calendar Months next after the Commencement of this Act, to render to the Commissioners for executing this Act a full and particular Account of all Monies remaining in their Hands or Power relating to the several Squares, Streets, Lanes, and other public Passages and Places within the Limits of this Act; and the said Commissioners or Committee-men appointed by virtue of or acting under the said former Acts hereby repealed, or any Three or more of such Commissioners or Committee-men respectively, shall and they are hereby authorized and required, within Four Calendar Months next after the Commencement of this Act, to transfer or pay to the Commissioners for executing this Act the Money which upon the Balance of such Accounts shall appear to be in their Hands or Power.

Limits of Act prescribed.

VIII. And be it further enacted, That for the Purposes of this Act that Part of the Parish of *Saint Andrew Holborn* which lies above the Bars and in the County of *Middlesex*, and the said Parish of *Saint George the Martyr*, except such Part thereof as is called *Red Lion Square*, shall from and after the Commencement of this Act be considered as united, and shall be called "The United Parishes of *Saint Andrew Holborn above the Bars* and *Saint George the Martyr* in the County of *Middlesex*," and the Words "united Parishes," herein-

herein-after used, shall be deemed to mean that Part of the Parish of *Saint Andrew Holborn* which lies above the Bars and in the County of *Middlesex* and the said Parish of *Saint George the Martyr*, except such Part thereof as is called *Red Lion Square*, and the Limits of this Act, and the Jurisdiction of the Commissioners for carrying the same into execution, shall extend to and over and shall comprise all the present and future Squares, Streets, Markets, Lanes, Courts, Passages, and Places within the said united Parishes, except as aforesaid.

Red Lion Square excepted.

IX. Provided nevertheless, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to the said Square called *Red Lion Square*, or the Inhabitants, Owners, or Occupiers of Tenements or Lands therein.

Meetings of Inhabitants to be held for the Appointment of Commissioners.

X. And be it further enacted, That the Inhabitant Householders of that Part of the said Parish of *Saint Andrew Holborn* which is within the Limits of this Act shall and may assemble in the Workhouse belonging to the said united Parishes, or in such other Place as shall be appointed for that Purpose, upon the Second *Thursday* in the Month of *March* One thousand eight hundred and thirty-three, or within Twenty-one Days next thereafter, and on the Second *Thursday* in the Month of *March* in every succeeding Year, or within Twenty-one Days next thereafter, between the Hours of Ten in the Forenoon and Two in the Afternoon; and the Persons present at such respective Meetings, or the major Part of them, shall and may elect Twenty-eight Persons Inhabitants of the said Part of the said Parish of *Saint Andrew Holborn*, and duly qualified as in this Act mentioned, to be Commissioners for the Purposes of this Act; and the Inhabitant Householders of that Part of the said Parish of *Saint George the Martyr* which is within the Limits of this Act shall and may assemble in the said Workhouse, or in such other Place as shall be appointed for that Purpose, on the Second *Friday* in the Month of *March* One thousand eight hundred and thirty-three, or within Twenty Days next thereafter, and on the Second *Friday* in the Month of *March* in every succeeding Year, or within Twenty Days next thereafter, between the Hours herein-before mentioned; and the Persons present at such respective Meetings, or the major Part of them, shall elect Twenty-two Persons, Inhabitants of the said Part of the said Parish of *Saint George the Martyr*, and duly qualified as in this Act mentioned, to be Commissioners for the Purposes of this Act; and the several Persons so elected at such respective Meetings shall be and are hereby declared to be joint Commissioners for carrying the several Purposes of this Act into execution: Provided always, that Notice of the Time and Place of such respective Meetings, signed as to the First Meetings of the said respective Parishes by the Clerk or Clerks of the Committee appointed under the Powers of the said Act of the Eleventh Year of the Reign of King *George* the Third, hereby repealed, and as to all subsequent Meetings by the Clerk of the Commissioners acting in the Execution of this Act, shall be given in the Churches of the said respective Parishes, and in *Saint John's Chapel*, on the *Sunday* next preceding such Meetings respectively.

Present Committee to continue till Election of Commissioners under this Act.

XI. And be it further enacted, That the Committee-men elected and appointed for carrying into execution the said recited Acts or any of them shall continue to perform the Duties by such Acts imposed upon them until the Election of Commissioners under the Authority of this Act, notwithstanding the Year for which such Committee-men were elected shall have expired in the meantime.

Qualification of Commissioners.

XII. And be it further enacted, That no Person shall be capable of being elected or of acting as a Commissioner in the Execution of this Act unless he shall be a Householder within the Parish for which he shall be elected, and shall also be seised or possessed of Real or Personal Estate, or of Real and Personal Estate together, of the Value of Two thousand Pounds; nor shall any Person be capable of being elected or of acting as such Commissioner who shall hold any Office of Profit, or have any Share, or be any way, either directly or indirectly, interested or concerned in any Contract or Work to be done in pursuance of this Act; and if any Person not being qualified, or being disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act, he shall for every such Offence forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act; and no such Commissioner shall be capable of taking or of entering into such Contract during the Time of his being a Commissioner: Provided nevertheless, that all Acts and Proceedings of any Person so acting as such Commissioner in the Execution of this Act, and not being qualified, or being disqualified as aforesaid, shall notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Direction of this Act: Provided also, that no Justice of the Peace shall be disqualified from acting as such Justice in any Case within his Jurisdiction in the Execution of this Act, by reason only of his being a Commissioner for executing this Act.

First and other Meetings of Commissioners.

XIII. And be it further enacted, That the Commissioners for executing this Act shall meet together in the Workhouse of the said united Parishes, with the Consent of the Governors and Directors of the Poor thereof, or in such other Place as the said Commissioners shall appoint, within Twenty-one Days next after they shall have been elected as herein-before mentioned, and shall then and there proceed in the Execution of this Act; and in case no Commissioner, or less than Five Commissioners, shall attend at such Meeting, the same shall be deemed to be adjourned to the Day following, and so *toties quoties*, until a sufficient Number of Commissioners shall attend thereat to act in the Execution of this Act; and the said Commissioners may at such Meeting, and at all their several Meetings, from Time to Time adjourn themselves, and afterwards meet again as they shall

shall from Time to Time appoint; provided that no such Adjournment shall be made for a longer Space of Time than three Calendar Months; and if at any such Meeting there shall not appear a sufficient Number of Commissioners to act or adjourn, or if the Commissioners appearing shall not adjourn such Meeting, the Clerk to the said Commissioners shall and may from Time to Time, and as often as the Case shall happen, adjourn such Meeting to some other Day within Twenty-one Days then next following, to be held at the same Place, and shall cause Notice of such Adjournment to be given at least Two Days previous to the Day to which such Meeting shall be adjourned, by leaving such Notice at the usual Place of Abode of each of the said Commissioners.

Proceedings to be had at Meetings.

XIV. And be it further enacted, That all Orders and Proceedings of the Commissioners in the Execution of this Act shall be made and taken at a Meeting or Meetings to be held in pursuance hereof, and not otherwise (except in Cases hereby otherwise particularly provided for); and no Order or Proceeding shall be made or taken at any such Meeting unless the Majority of the Commissioners present thereat shall concur therein; and all Orders and Proceedings which are hereby directed to be made or taken by or before the said Commissioners, and all the Powers and Authorities hereby vested in them generally, shall and may be made, taken, or exercised by the Majority of the Commissioners who shall be present at the respective Meetings of such Commissioners, the whole Number of Commissioners present at every such Meeting not being less than Five (except in Cases where any other Number is by this Act named for any particular Purpose); and all Orders or Proceeding so made or taken by or before such Five Commissioners or other Number, as herein-before mentioned, as the Case may require, shall have the same Force and Effect, and be as binding and conclusive on all Persons, and to all Intents and Purposes, as if the same had been made or taken by or before all such Commissioners; and at every such Meeting the Commissioners present shall and may appoint a Chairman; and the Chairman, in case of an equal Number of Votes upon any Question, (including such Chairman's Vote,) shall have a second or deciding Vote; and no Order or Proceeding at any Meeting of the said Commissioners, once made or taken, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to the Directions of this Act, and shall have been entered in the Book of the Proceedings of such Commissioners, nor unless such Revocation or Alteration shall be agreed to by at least as great a Number of Commissioners as agreed to the Order or Proceeding so made or taken as aforesaid.

Meetings on Emergencies.

XV. Provided always, and be it further enacted, That if it shall on any Emergency be thought necessary that a Meeting of the Commissioners should be held, it shall be lawful for any Three or more of the said Commissioners, or for the Clerk of the said Commissioners, by an Order in Writing, signed by any Three or more of the Commissioners, although not assembled at a Meeting under this Act, to appoint

appoint such Meeting, by Notice in Writing mentioning the Time, Place, and Object of such Meeting, such Time not being less than Two Days after the Day of giving the Notice of such Meeting, and the said Commissioners shall thereupon meet accordingly, and all Orders and Proceedings of the said Commissioners at such Meeting, relating to the particular Subject on which such Meeting shall have been called, shall be as valid as they would have been in case such Commissioners had met in pursuance of Adjournment; and such Meeting may be adjourned to and be held at such Time and Place as the said Commissioners shall think proper, in the same Manner as any other Meeting may be adjourned under this Act.

Appointment of Officers.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, at any of their Meetings to be held as herein-before directed, to elect and appoint a Treasurer, and also a Clerk, and such other Officers as the said Commissioners shall think proper, for the due Execution of this Act; and it shall be lawful for the said Commissioners from Time to Time to remove, suspend, or displace all or any of such Officers as they shall see Occasion, and to appoint others in the Room or Place of such of them as shall be so removed, suspended, or displaced, or in the Room of such as shall die or resign their Offices; and also to pay such Salaries, or make such other Allowances to such Officers, as the said Commissioners shall judge necessary and reasonable; and the said Commissioners shall and are hereby required to take sufficient Security from every such Treasurer, and may also take such Security from every such other Officer, as they may think necessary, for the due and faithful Execution of his Office.

Present Officers to continue in Office unless removed by Commissioners.

XVII. Provided always, and be it further enacted, That the Clerks and Treasurers (if appointed consistently with the Provisions of this Act in reference to the Offices of Clerk and Treasurer) and all other Officers or Persons appointed under the said former Acts or either of them, hereby repealed, or in the Employment of the Committee of the said united Parishes, at the Time of the Commencement of this Act, shall hold and enjoy their respective Offices and Employments until removed therefrom by the Commissioners for executing this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and they and their Sureties shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, in every respect, as if they had been appointed or taken under and by virtue of this Act.

Clerk and Treasurer not to be the same Person.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint their Clerk in the Execution of this Act, or the Partner or any Person in the Service or Employ of such Clerk, to be their Treasurer for the Purposes of this Act, or to continue or appoint their Treasurer or the Partner of any such Treasurer to be the Clerk to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk to the said Commissioners, or in his Service or Employ, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being

being the Partner of any such Treasurer, or in his Service or Employ, shall accept the Office of Clerk to the said Commissioners, or shall act as Deputy of or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt.

Commissioners to sue and be sued in the Name of their Clerk or any One Commissioner.

XIX. And be it further enacted, That all Actions and Suits to be commenced or instituted by or on behalf of the said Commissioners shall and lawfully may be commenced or instituted and prosecuted in the Name of their Clerk for the Time being, or of any One of the said Commissioners for the Time being, as a nominal Plaintiff for and on behalf of the said Commissioners; and all Actions or Suits to be commenced or instituted against the said Commissioners shall be commenced, instituted, and prosecuted against their Clerk or against any One of the said Commissioners, for the Time being, as the nominal Defendant; and no Action or Suit which may be so commenced, instituted, or prosecuted by or against the said Commissioners in the Name of their Clerk or of any One of the said Commissioners shall abate or be discontinued by the Death, Resignation, Suspension, or Removal of such Clerk or Commissioner, or by any Act or Default of such Clerk or Commissioner done or suffered without the Consent or Direction of the said Commissioners; but such Clerk or Commissioner shall be always deemed Plaintiff or Defendant, as the Case may be, in every such Action or Suit: Provided always, that in all cases in which the Clerk of the said Commissioners, or any One of the said Commissioners, as aforesaid, shall be the Plaintiff or Defendant on the Record, in any Action or Proceeding in which in effect the said Commissioners shall be suing or be sued, pleading or impleaded, in the Name of such Clerk of such Commissioners as aforesaid, such Clerk or such Commissioner (as the Case may be) may and shall, if not otherwise interested, be a good and competent Witness in any such Action or Proceeding, either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or by such Commissioner, as the Case may be, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided always, that no such Clerk or Commissioner, in whose Name as such nominal Plaintiff any Action or Suit shall be commenced or prosecuted by the said Commissioners, or against whom as such nominal Defendant any Action shall be commenced or prosecuted, shall by reason thereof be liable to or become chargeable with any Costs, Damages, or Expences, but that every Plaintiff suing the said Commissioners in the Name of their said Clerk, or of any One of the said Commissioners, shall, on obtaining Judgment in any such Action or Suit, have the like Remedies for Satisfaction thereof as if the said Commissioners had been made Defendants in such Action or Suit.

Minutes of Proceedings of Commis-

XX. And be it further enacted, That regular Entries shall be made in some Book or Books to be provided for that Purpose, of the Com-

missioners who shall attend at each of the Meetings of the said Commissioners, and of all their Orders and Proceedings; and such Entry shall be read as the first Business of the next succeeding Meeting of the said Commissioners; and the Chairman of every such Meeting at which the same shall be read shall, if such Entries be correctly made, subscribe his Name to the same; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, and in all Suits, Actions, and Proceedings relating to any thing done in pursuance of this Act; and every such Book shall at all reasonable Times be open to the Inspection of the Inhabitants of such Parish respectively who shall be rated to any of the Purposes of this Act, without Fee or Reward; and if the Clerk or Person having the Custody thereof shall not permit such Persons as aforesaid, or any of them, so to inspect such Book or Books, such Clerk or Person shall forfeit and pay the Sum of Twenty Pounds for every such Offence.

sioners to be kept.

XXI. And be it further enacted, That the said Commissioners shall cause a proper Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Monies received and expended under the Authority of this Act, and of the several Articles, Matters, and Things, and for the several Purposes for which the same shall have been expended; all which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and of all Persons rated under the Authority of this Act, and of any Creditor or Creditors on such Rates, without Fee or Reward; and the said Clerk shall and he is hereby required to make and furnish Copies of or Extracts from such Accounts to all Persons who shall require the same, upon Payment of the Sum of Sixpence for every One hundred Words of such Copies or Extracts; and if the Clerk or Person having the Custody of such Book or Books shall not permit the said Commissioners, and Persons and Creditors as aforesaid, or any of them, to inspect the same, or shall not furnish such Extracts or Copies as aforesaid, such Clerk or Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence; and all such Books, with all Bills, Receipts, Vouchers, and Documents touching or concerning the same respectively, at a Meeting of the said Commissioners to be held annually for that Purpose on some Day prior to the annual Election of Commissioners, shall by the said Clerk be produced to the said Commissioners, to be by them examined and allowed.

Books of Account to be kept.

XXII. And be it further enacted, That the said Accounts, or a true Copy thereof, certified by the Clerk to the said Commissioners, shall be deposited in the Board Room of the Workhouse of the said united Parishes, or at such other Place as the said Commissioners shall hold their Meetings, together with an Account of all Monies by the said Commissioners rated and assessed, and at how much in the Pound, and of the Amount of so much of such Rates as shall appear to be collected and received, and of so much thereof as shall be in arrear and unreceived; and that such Copy and Account shall be open

Accounts to be open for Inspection of Inhabitants.

open to the Inspection of all or any Persons liable to pay any of the Rates assessed in pursuance of this Act, at all convenient Times during the whole Month of *April* in each Year.

Officers to account when required.

XXIII. And be it further enacted, That every Officer so continued or appointed by the said Commissioners as herein-before mentioned shall, at such Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, which Accounts shall show the Money received and also the Money expended by such Officer by virtue or for the Purposes of this Act, and the Objects of such Expenditure, together with proper Vouchers for such Payments; and every such Officer shall pay over all such Money as shall remain due from him to the said Commissioners, or to such Persons as they shall appoint to receive the same; and if any such Officer shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or to deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, within Seven Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by such Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer shall be or reside, such Justice is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer so refusing or neglecting to appear before him, or before some other Justice of the Peace; and upon such Officer appearing, or having been summoned and not appearing without some reasonable Excuse, or not being found, it shall be lawful for such Justice to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any Money remains due from such Officer, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if sufficient Goods or Chattels of such Officer shall not be found to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if it shall appear to such Justice that such Officer has refused or wilfully neglected to render such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remain in his Custody, and that he refuses or wilfully neglects to deliver or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice is hereby required to commit such Offender to any Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have paid such Money as aforesaid, or have compounded with the said Commissioners for such Money, and have paid such Composition (which Composition they are hereby empowered to make

make and receive), or until he shall have rendered such Accounts, and have produced the Vouchers relating thereto, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof, to the said Commissioners; but no such Offender shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months for Want of sufficient Distress only: Provided always, that no Prosecution or Commitment, under the Provisions of this Act, of any such Officer as aforesaid, shall invalidate, release, or discharge any Security which may have been given or executed by any Person as Surety for any such Officer to the said Commissioners for the faithful Execution of his Office, or for the Payment of any Money received or to be received by him.

Pavement, &c. vested in the Commissioners.

XXIV. And be it further enacted, That the Right and Property of all Pavements, Stones, Bricks, Posts, Carts, Horses, Iron, Timber, Furniture, Pumps, Pales, Rails, Chains, Gas and other Lamps, Lamp Irons, Pipes, Columns, and Posts, and Materials, Articles, Matters, and Things purchased, provided, or obtained for the Purposes of the said former Acts hereby repealed, or which shall hereafter be purchased, provided, or obtained for the Purposes of this Act (except when the same shall have been or shall be otherwise regulated by Contracts), shall belong to and be the Property of and are hereby vested in the said Commissioners and their Successors; and the said Commissioners may bring any Action or prefer any Bill of Indictment (as the Case may require) against any Person who shall steal or detain, destroy or injure any or any Part of the several Articles and Things hereby vested in the said Commissioners; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for the better Regulation and Improvement of the united Parishes of *Saint Andrew Holborn above the Bars* and *Saint George the Martyr* in the County of *Middlesex*," without particularly stating or specifying the Name or Names of all or any of the Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose, for the Purposes of this Act, of all or any Part of the said Articles and Things to such Persons and in such Manner as the said Commissioners shall think proper.

Commissioners empowered to light Streets, &c.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners to cause the several Squares, Streets, Lanes, Courts, Ways, Passages, and Places within the said Parish, or such of them as they shall from Time to Time think proper, to be well and sufficiently lighted at such Times and in such Manner as they shall direct; and it shall be lawful for the said Commissioners to provide and set up Lamps and other Apparatus and Works necessary for the Purposes of such lighting, and also to affix, carry, or place any such Lamps or Works to, upon, or against any Buildings or Premises, and to alter or remove and repair the same, in such Manner as shall from Time to Time become necessary.

Commissioners not to erect Gasometers, nor to carry Gas Pipes into private Premises.

XXVI. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Persons whomsoever making or supplying Gas, to carry or fix any Pipe or other Thing for the Conveyance of Gas for the lighting of any of the said Squares, Streets, Lanes, Courts, Ways, Passages, or Places, against, through, or into any private Buildings or Premises within the said united Parishes, or so to continue the same, without the special Consent and Authority of the Owner and Occupier of every such Building or Premises.

Gas Pipes to be laid at a Distance from the Water Pipes.

XXVII. And be it further enacted, That all Pipes to be laid for the Conveyance of Gas in or under any of the said Squares, Streets, Lanes, and other public Passages and Places within the Limits of this Act, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway will allow thereof at the Distance of Four Feet at least from the nearest Part of any Water Pipe, except where it shall be unavoidably necessary to lay any Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above such Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Case the Length of the said Gas Pipe so crossing the said Water Pipe shall always exceed Nine Feet, in order that no Joint of the said Gas Pipe may be nearer to any Part of the said Water Pipe than Four Feet; and in laying down such Gas Pipes the Person laying the same shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench properly form and complete the Jointing with the other Pipes to be connected therewith, and shall also make and keep air-tight all such Pipes, and all Pipes connected or communicating therewith, and in every respect prevent the said Gas from escaping, upon pain of forfeiting for every Default the Sum of Twenty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*.

For preventing the Escape of Gas.

XXVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall have been laid down or set up by any Company of Proprietors, Body Politic or Corporate, or other Persons whomsoever, making or supplying any Gas used or consumed within the Limits of this Act, such Company, Body, or other Persons shall, immediately after Notice of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop and to prevent the further Escape of such Gas; and in case any such Company, Body, or other Persons shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any further Escape of such Gas, then and in every such Case such Company, Body, or other Person as aforesaid shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving such Notice during which such Gas shall be suffered to escape.

To prevent Contamination of Water by Gas.

XXIX. And be it further enacted, That whenever the Water of any Waterworks supplying with Water the Limits of this Act, or the

Water in any Well within such Limits, shall be contaminated or affected by the Gas of any Company of Proprietors, Body Politic or Corporate, or other Persons whomsoever, making or supplying any Gas used or consumed within the said Limits, such Company, Body, or other Persons as aforesaid shall forfeit and pay the Sum of Twenty Pounds, and the same shall be paid or applied to and for the Use and Benefit of the Owners or Proprietors of such Waterworks, or of the Persons owning or using the Water of such Well as aforesaid, and suing for the same; and the said Company, Body, or other Persons as aforesaid shall also, within Twenty-four Hours next after Notice of such Contamination in Writing signed by the Treasurer or Clerk for the Time being to or by any Member of any Company, or by other the Owners or Proprietors of any Waterworks, or by any other Person interested in or using any Water so contaminated, to be left at the usual Office or Place of transacting Business of the said Company or Body, or at the last or usual Place of Abode of such other Persons so making or supplying Gas as aforesaid, cause Measures to be taken effectually to prevent the Gas from further escaping from their Works and contaminating such Water; and in case the said Company, Body, or other Persons as aforesaid shall not within Twenty-four Hours next after such Notice effectually prevent the Gas from further escaping, and satisfactorily remove the Cause of the Complaint whereof Notice shall have been given as aforesaid, then and in every such Case the said Company, Body, or other Persons as aforesaid shall, on each and every such Complaint, forfeit and pay, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated by any such Gas, and the same shall be paid and applied to and for the Use and Benefit of the Owners or Proprietors of such Waterworks, or of the Persons using or owning the Water of such Well as aforesaid, and suing for the same.

For ascertaining if Water be contaminated.

XXX. And whereas it may become Matter of Question upon such Complaint as aforesaid whether the said Water be contaminated by the Gas of the said Company of Proprietors, Body Politic or Corporate, or other Person making or supplying any Gas used or consumed within the said Limits; be it therefore enacted, That in every such Case it shall be lawful for the Owners or Proprietors of such Waterworks, or for the Persons interested in such Well, to dig to and about and search and examine the Works and Apparatus of the said Company, Body, or other Persons as aforesaid, for the Purpose of ascertaining whether such Contamination be occasioned by the Gas of the said Company, Body, or other Persons; and if it shall appear that the said Water has been contaminated by the Gas of the said Company, Body, or other Persons, the Costs and Expences of such Examination, and of the Repair of the Pavement or Surface of the Street or Place which shall have been disturbed by such Examination, shall be defrayed by the said Company, Body, or other Persons, and such Costs and Expences shall be determined, if necessary, by the Justice before whom the Matter shall be heard, and be recovered in like Manner as any Penalty may be recovered under this Act:

Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from such Gas, the Person making Complaint of such Contamination shall defray the Costs and Expences of such Examination and Repairs, and shall also make good to the said Company, Body, or other Persons as aforesaid any Loss or Damage which may be occasioned to the Works of such Company, Body, or other Persons, in or by such Examination; the Amount of such Loss or Damage to be determined, if necessary, by such Justice as aforesaid.

Penalty on suffering Liquids produced by Manufacture of Gas to flow into Streams, &c.

XXXI. And be it further enacted, That if any Company of Proprietors, Body Politic or Corporate, or any other Persons, making or supplying Gas used or consumed within the Limits of this Act, shall at any Time empty or convey, or cause or knowingly and willingly suffer to be emptied or conveyed, or to run or flow, any Washings or other Liquids, Substances, or Things whatsoever which shall arise or be used in the Manufacture of Gas, or in the Employment of any Gas Works, into any River, Brook, or running Stream, Reservoir, Spring, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or shall commit any Annoyance or Act whatsoever to the Water contained in any such River, Brook, or running Stream, Reservoir, Spring, or Well, Drain, Sewer, or Ditch, whereby such Water shall be contaminated or corrupted, the said Company, Body, or other Persons shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same shall be sued for within Twelve Calendar Months after the Time when such Annoyance or Act shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not be sued for or recovered, in case any of the said Washings or other waste Liquids, Substances, or Things shall be emptied or conveyed, or be suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, Reservoir, Spring, or Well, Drain, Sewer, or Ditch, or any such Annoyance or Act shall be committed as aforesaid, and Notice thereof in Writing shall have been given by any Person to the said Company, Body, or other Persons as aforesaid, and such Company, Body, or other Persons shall not within Twenty-four Hours after such Notice prevent the further Continuance of such of the Causes of Complaint as shall be expressed in such Notice, the said Company, Body, or other Persons, as the Case may be, shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause of Complaint shall continue; and any Justice of the Peace, upon Conviction of the Offender before him, upon the Oath or Affirmation of any credible Witness, shall and may, by Warrant under his Hand and Seal, cause the said Penalty, and also the Costs attending such Conviction, to be levied by Distress and Sale of the Goods and Chattels of such Offender; which Penalty when recovered shall, at the Discretion of the said Justice, either be paid to the Informer or to the Person who in the Judgment of the said Justice shall have sustained any Annoyance, Loss, or Damage by any such Cause of Complaint as aforesaid.

XXXII. And

Power for the Surveyor of the Commissioners of Sewers to enter into Gas Works to see if there be any Escape of Gas.

XXXII. And be it further enacted, That it shall be lawful for any Surveyor or other Person acting by or under the Authority of the Commissioners of Sewers at any Time in the Day-time to enter into any Manufactory, Gasometer, Receiver, or other Building belonging to any Company of Proprietors, Body Politic or Corporate, or any other Person or Persons, making or supplying Gas within the Limits of this Act, in order to ascertain if there be any Escape of Gas, or of any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any public Sewer or Drain; and if such Surveyor or other Person acting by or under the Authority of the said Commissioners of Sewers shall be refused Admittance, or shall not be admitted on Request into any such Manufactory, Gasometer, Receiver, or other Building, for the Purpose of making such Inspection as aforesaid, or being admitted shall be obstructed in or prevented from making such Inspection as aforesaid, the Party or Parties so offending shall forfeit and pay for every such Offence the Sum of Twenty Pounds.

Act not to protect Persons lighting with Gas from being indicted for a Nuisance.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to protect any Company, Body Politic or Corporate, or other Persons, making or supplying Gas used or consumed within the Limits of this Act, or any of the Servants, Officers, or Workmen of such Company, Body, or other Persons, from any Indictment or Prosecution for a public or private Nuisance in respect of any Gas Works, or of the Means which shall be employed in making or using such Gas, or from any Action for any Loss or Damage sustained by reason of such Gas Works, or of the making or using of such Gas, whether such Loss or Damage shall proceed from the Preparation or from the Use of such Gas, or from the Method of lighting therewith, or from the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever connected therewith or relating thereto.

Penalty on Persons wilfully breaking Lamps or doing any other Damage.

XXXIV. And be it further enacted, That if any Person shall wilfully break, throw down, spoil, or damage any Lamp, Lamp Iron, Column or Post, Pump, Pale, Rail, Chain, or other such Property as aforesaid, or wilfully extinguish the Light of any such Lamp, it shall be lawful for any Person who shall see the Offence committed to apprehend, and also for any other Person to assist in apprehending, such Offender, and without any other Authority than this Act to keep such Offender in safe Custody, and with all reasonable Dispatch to convey him before some Justice of the Peace for the City and Liberty of *Westminster* or County of *Middlesex*, and such Justice shall examine upon Oath any Witness who shall appear or be produced to give Evidence touching such Offence; and if the Party accused shall be convicted of any such Offence, either by his Confession or upon such Evidence as aforesaid, he shall forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings for every Light so wilfully extinguished as aforesaid, and any Sum not exceeding Sixty Shillings nor less than Twenty Shillings for every Lamp, Lamp Iron, Column, or Post so broken, thrown down, or

or damaged as aforesaid, and shall also make full Satisfaction for the Damage which shall have been done thereby; and such Party shall also pay any Sum not exceeding Five Pounds nor less than Forty Shillings for any other such Offence as aforesaid, and shall also make full Satisfaction for the Damage which shall have been done thereby; and one Moiety of such Forfeitures respectively shall be paid to the Person apprehending such Offender, and the Remainder shall be applied for the Purposes of this Act; and in case any such Offender shall not on Conviction pay such Forfeiture and make such full Satisfaction as aforesaid, such Justice is hereby required to commit him to the House of Correction, to be there kept to hard Labour, if such Justice shall so order, for any Time not exceeding Three Calendar Months, unless such Forfeiture and full Satisfaction shall be sooner paid or made.

Persons accidentally breaking Lamps.

XXXV. And be it further enacted, That if any Person shall carelessly or accidentally break any of the said Lamps, Lamp Irons, Columns, or Posts, or do any other Damage or Injury to the Property of the said Commissioners, as herein-before is mentioned, and shall not upon Demand make Satisfaction to them for the Damage or Injury so done, it shall be lawful for any Justice of the Peace for the said City and Liberty of *Westminster* or County of *Middlesex*, upon Complaint thereof made to him on Oath, to summon the Party complained of before him, and upon hearing the Parties upon both Sides, or on the Nonappearance of the Party complained of, to examine the Matter of Complaint, and to award such Sum of Money by way of Satisfaction to the said Commissioners for such Damage as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, the same, and all Expences attending the Recovery thereof, may be levied and recovered as any Penalty or Forfeiture inflicted by this Act may be levied and recovered.

Commissioners may regulate Lamps and Level, &c. of Streets, and cause Streets to be watered.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners to alter, regulate, and increase the Number and Position of the Lamps in any of the Streets and public Places within the Jurisdiction of this Act, and also to alter the Level of any such Street or public Place, and the Form of the Pavement, or the Materials with which the same is or shall be paved or otherwise made or formed, and to cause the said Streets and public Places to be watered at such Times and in such Manner as the said Commissioners shall think proper, and to pay the Expence thereof out of the Rates to be made by virtue of this Act.

Power to alter the Form and Position of Urinals.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners to order and direct any Alteration they shall think fit to be made by the Owners or Occupiers of any Public House or Alehouse, in the Form or Situation of the Urinals adjoining any of the Public Houses or Alehouses within the Limits of this Act, for the Convenience of which such Urinals shall be constructed; and it shall be lawful for the said Commissioners to order and direct the Owner or Occupier of any Public House or Alehouse which shall be without such Urinal to construct, at the Expence of such Owner or Occupier, a proper Urinal, to the Satisfaction of the said Com-

Commissioners, and subject to the Regulations of the Commissioners of Sewers as regards the Communication of Urinals with the public Sewers or Drains; and no such Urinal shall be hereafter constructed or made without the Consent in Writing of the Commissioners for that Purpose first had and obtained; and the said Commissioners are hereby empowered to order and direct the Owner or Occupier of the House for the Convenience of which any Urinal shall be standing, at his own Expence, to alter or to pull down and re-construct the same in such Manner and Situation as the said Commissioners shall direct, subject as aforesaid; and in case any such Owner or Occupier shall not, within Twenty-one Days after having received Notice in Writing signed by the Clerk of the said Commissioners, and left with some Inmate of the Dwelling House of such Owner or Occupier, alter or pull down and re-construct such Urinal, or erect one where there shall be none as aforesaid, every such Owner or Occupier so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, and a Sum not exceeding Five Shillings for each Day so long as the Nuisance shall be continued or such Urinal shall not be erected; and the said Commissioners are hereby authorized and empowered in such Case to cause such Alterations to be forthwith made under the Direction of their Inspector: Provided always, that the said Commissioners may, if they shall think proper so to do, pay any Part of the Expence of any such Urinal as aforesaid, or of the Drains thereof, out of the Monies applicable to the Purposes of this Act.

Commissioners may make Rules for the Regulation of their Proceedings, &c.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to make such Rules and Orders for the Regulation of their Meetings and Proceedings, and for the Management of the Affairs and Purposes for which they are appointed, and for the Controul and Management of the Persons employed by them, and from Time to Time to repeal or to alter all or any such Rules or Orders, and to make others: Provided always, that such Rules and Regulations shall not be made, or repealed or altered, except at some Meeting to be held for that Purpose, Five Days Notice whereof in Writing at least shall be given in manner aforesaid, nor unless Fifteen in Number at least of such Commissioners shall be present at the Time of making such Rules and Regulations, or of such Repeal or Alteration as aforesaid, as the Case may be, nor unless Two Thirds of such Number shall concur therein.

Commissioners empowered to contract for the Works authorized by the Act.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to contract and agree with any Person or Persons for all or any of the several Works, Matters, or Things by this Act authorized to be done or performed by the said Commissioners, or for any other Business, Matters, or Things necessary for carrying this Act into execution; and every such Contract shall specify the several Works to be done, the Prices to be paid for the same, and the Period within which the same are to be completed, and the Penalties to be suffered in case of the Nonperformance thereof, and shall be signed by Five or more of the said Commissioners,

missioners, and shall also be signed by the Person or be sealed with the Seal of the Body Corporate contracting to perform such Works respectively: Provided always, that Notice of the Intention to enter into every such Contract, and of the Time when and Place where the Tenders for the same are intended to be considered, shall be given Fourteen Days at least before the Day for entering into the same, by Advertisement in One or more of the daily Newspapers published within the County of *Middlesex*.

On Contracts not being performed, Commissioners may cause the Work to be done by other Persons, and deduct the Expence from the Money due to the Contractor.

XL. And be it further enacted, That whenever any Contract made by virtue of any of the said former Acts, or to be made as aforesaid, shall not in the Opinion of the said Commissioners in every respect be duly performed and executed according to the Terms and Conditions thereof, it shall be lawful for the said Commissioners to employ some fit Person to perform and execute or to complete the Works to be done by virtue of such Contract, and which in the Opinion aforesaid shall not be performed and executed or completed as aforesaid, and to deduct and retain the Expence thereof out of any Money then due or to grow due to the Contractor; and every such Contractor shall likewise forfeit and pay any Sum not exceeding One Half Part of the Money which may be expended by the Commissioners in doing such Work; which Forfeiture, and also such Expence as aforesaid, may be recovered, by Action at Law or otherwise, in such and the like Manner as any Penalty or Forfeiture inflicted by this Act is to be recovered, or may be deducted and retained out of any Money due and owing to the said Contractor.

Rates to be made for general Purposes of this Act.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, from Time to Time, as often as Occasion shall require, to make One or more Rate or Rates (to become due and payable in such Proportions and at such Time or Times as the Persons making the same shall direct) for defraying the Expence of carrying into execution the several Purposes of this Act, upon the several Tenants or Occupiers of all Lands, Houses, Buildings, Tenements, and Hereditaments within the Limits of this Act, so as no such Rates or Assessments shall exceed in the whole the Sum of Two Shillings and Sixpence in the Pound in any One Year upon the respective annual Value of such Tenements and Hereditaments, according to the Rates made in the said united Parishes for the Relief of the Poor; and the Money arising from such Rates is hereby vested in the said Commissioners and their Successors for the Time being acting in the Execution of this Act.

Commencement of first Rate.

XLII. Provided nevertheless, and be it further enacted, That the first Rate to be made by virtue of this Act shall not commence or take effect before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three; and the Monies charged and assessed in all Rates by this Act authorized to be made shall be payable quarterly, or otherwise, as the said Commissioners shall direct.

Commissioners may

XLIII. And be it further enacted, That whenever it shall appear to the said Commissioners, at any Time or Times after any Rate shall have

have been made and signed by them, that the Name of any Person who ought to be included in such Rate hath been omitted therein, and that the Name of any Person hath been inserted in such Rate or Assessment as Inhabitant Holder or Occupier of any Messuage or other Hereditament for or in respect of which some other Person ought to have been rated or assessed, or in case any Messuage or Tenement which at the Time of making any such Rate or Assessment was empty and unoccupied shall become occupied by any Person within the Meaning of this Act, or that any other Alteration or Amendment of such Rate or Assessment may in the Opinion of the said Commissioners be necessary, it shall be lawful for the Commissioners who made such Rate, or for their Successors, to cause to be added or corrected in such Rate the Name or Names of the Person or Persons omitted or erroneously rated, and the Description of the Property in respect of which he or they ought to be rated; and every such Addition or Correction made in any of the said Rates shall be as valid and effectual as if the same had originally been Part of the Rate.

rectify Omissions and correct Errors in Rates.

XLIV. And be it further enacted, That in case any Person charged with any Rate in pursuance of this Act shall refuse or neglect, after Demand made by the Collector, to pay the Money rated or assessed upon him, it shall be lawful for any of His Majesty's Justices of the Peace for the said County of *Middlesex*, and he is hereby required, to summon, by Writing under his Hand, every Person so charged, and who shall have so refused or neglected as aforesaid, (on Oath being made before such Justice by the Collector of his having attended at the Place of Abode of such Person,) to appear at a Time and Place to be mentioned in such Summons before such Justice or before any Justice of the Peace for the said County of *Middlesex*; and it shall be lawful for any Person appointed to collect and receive such Rates, or for any Person appointed by such Summons, to serve such Summons upon all Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Persons thereby intended to be summoned, or by leaving the same at their last or usual Places of Abode, or at or on the Premises for or in respect whereof the Rate or Rates mentioned in such Summons shall remain due and owing; and if any Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he shall attend and shall not make it appear to such Justice that he is not chargeable with such Rate or Rates under this Act, then such Person shall pay as well such Rate as the reasonable Costs and Charges of such Summons; and in all Cases where such Rate, Costs, and Charges shall not be paid upon the Return of such Summons, it shall be lawful for such Justice, and he is hereby authorized and required on Oath being made before him of the due Service of such Summons as aforesaid, or in case the Person so refusing or neglecting to pay as aforesaid shall have removed out of the said Parish, then on Proof of such Summons having been duly issued as aforesaid, to grant a Warrant under his Hand and Seal, authorizing and directing such Collector or any Constable to levy such Rate and all Arrears thereof, and the Expences of the Summons and of the Warrant, by Distress of the Goods and Chattels of the Party so neglecting or refusing;

Recovery of Rates.

fusing; and if within Five Days after such Distress shall have been made the said respective Rates and all Arrears thereof shall not be paid, together with the Costs and Charges of taking and keeping such Distress, it shall be lawful for such Collector or Constable to cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the said Persons the Overplus, if any, after deducting the said Rates and all Arrears thereof, and the reasonable Costs and Charges attending such Distress and Sale; which Costs and Charges, in case of Dispute, shall be settled and ascertained by any of His Majesty's Justices of the Peace for the said County of *Middlesex*; and in default of such Distress it shall be lawful for any such Justice to commit such Person to the Common Gaol or House of Correction for such County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon such Rates as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof; such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices respectively.

Rates may be recovered from Persons removing.

XLV. And for the better enforcing the Payment of the Rates to be made by virtue of this Act, be it further enacted, That if any Person liable to pay any of the said Rates shall at any Time begin to remove his Goods or Furniture from the House or other Premises in his Occupation within the Limits of this Act, or to sell or dispose of such Goods or Furniture therein by Public Auction, or to sell or dispose of or carry away his or her Goods or Furniture as aforesaid, without paying all Arrears of Rates then due in respect of such Houses or other Premises by virtue of this Act, in which the current Quarter shall be considered as due, then and in any of the said Cases it shall be lawful for the Collector for the Time being of the said Rates to collect and levy such Rates, and all Arrears due thereon, (the Rate due for the Quarter wherein such Removal or Sale shall begin to be made as aforesaid to be considered as due although previous to the Time for Payment of the Rate of such Quarter,) by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rates, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus, if any, to the Owner of such Goods and Chattels.

For recovering Rates from Persons who have quitted their Premises.

XLVI. And be it further enacted, That in case any Person who may have been rated to or who may be liable to the Payment of any Rates which shall be made by virtue of this Act shall quit his House or other Premises within the Limits of this Act, for or in respect whereof he shall be rated, before he shall have paid such Rates, then

and in every such Case it shall be lawful for any Person appointed to collect any such Rates, (Oath or Affirmation being made by him that he doth suspect such Person hath removed his Goods and Chattels,) by Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said County of *Middlesex*, to distrain and to appraise and sell the Goods and Chattels of the Person who shall have so quitted the said House or other Premises before he shall have paid such Rates, for the Sum of Money due from any such Person, by virtue of any such Rates or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress, Appraisement, and Sale, in any County, City, or Place to which such Person shall have removed, in such and the same Manner as if the same Person had continued within the Limits of this Act.

Persons removing from Premises, and others coming in, to pay Rates in proportion.

XLVII. And be it further enacted, That in case any Person shall remove from or quit the Possession of any Tenement or Hereditament, or Part of a Tenement, before any Rate to be charged thereon by virtue of this Act shall have been paid and discharged, and another Person shall enter into the Occupation of such Tenement or Hereditament, or Part of a Tenement, then and in every such Case the Person so removing from or quitting Possession of, and the Person entering into the Occupation of any such Tenement or Hereditament, or Part of a Tenement, shall be respectively subject and liable to the Payment of all such Rates, in proportion to the Time that such Person shall have possessed or occupied the same respectively, in the same Manner as if the Person so removing or quitting as aforesaid had remained in the Possession of such House, Tenement, or Hereditament, or Part of a Tenement, or the Person so entering into the Occupation thereof had been originally rated and assessed in such Rates; which Proportion shall, in case of Dispute, be settled by any Justice of the Peace for the said County of *Middlesex*, whose Determination shall be final.

Owners to be assessed in certain Cases.

XLVIII. Provided always, and be it further enacted, That every Person who shall let out his House, Tenement, or Hereditament in separate Apartments, or ready furnished, to a Lodger or Lodgers, or who shall be Owner or Landlord or Receiver of the Rent of a House or other Premises which shall be let for a less Term than One Year, or from Year to Year, or shall be let for a less yearly Rent than Twenty Pounds, shall and may be rated for the same, and shall be liable and subject to the Payment of the Rates directed to be raised and levied by virtue of this Act, in such and the same Manner as if he was really and truly the Occupier of the same House, Tenement, and Hereditament, or other Premises; and upon Nonpayment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner, Landlord, or Receiver, wheresoever they may be found, or of the Person inhabiting any such House or other Premises, in such Manner as by this Act is provided for the Recovery of the Rates in other Cases: Provided always, that nothing herein contained shall be constructed to subject any Person who shall or may be entitled to the Ground Rents of any of such Houses and other Premises, but who shall not be entitled to the Rack Rents thereof,

thereof, to be rated for the Purposes of this Act: Provided also, that the Goods and Chattels of every Person renting or inhabiting any such House or other Premises, or any Part thereof, the Rates whereof the Owner, Landlord, or Receiver is hereby made liable to as aforesaid, shall be liable at all Times to be distrained and sold for Payment only of such of the said Rates, and of all Arrears thereof, as became due upon the said House and other Premises during the Time of his Occupancy; but no such Occupier shall at any Time be liable to pay any greater Sum for or towards the Discharge of the said Rates or any of them, and Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier to the Owner or Landlord of such House and other Premises so occupied by him or her; and every such Occupier who shall pay any such Rates, or upon whom the same shall be levied, may deduct the same from the Rent due and payable or to become due and payable from him or her to the Landlord of such House or other Premises, unless there shall be any Agreement to the contrary between any such Landlord and Tenant.

Defining who are Owners for the Purpose of the Act.

XLIX. And in order to prevent Disputes touching the Definition of Owners or Landlords for the Purposes of this Act, be it enacted, That the Person legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any Messuages, Lands, Tenements, Hereditaments, or other Premises, from the Tenants or actual Occupiers thereof, or of any of them, shall be deemed and taken for the several Purposes of this Act to be the Owners or Landlords thereof; and in all Cases in which either Owners or Landlords are made liable by this Act, such Person so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect, the Rents of any such Messuages or other Premises from the Tenants or actual Occupiers thereof, shall be liable as Owners or Landlords thereof, unless the Owners or Landlords shall be distinctly and certainly known to be such to the Satisfaction of the said Commissioners; and the Receiver or Collector of such Rents is hereby authorized to pay the said Rates and Assessments charged and payable for and on account of the said respective Messuages and other Premises, and to deduct the same out of the Rents received or to be received by him.

Actions may be brought for Rates.

L. And be it further enacted, That where a sufficient Distress cannot be found it shall be lawful for the said Commissioners to bring or cause to be brought any Action of Debt, or any Special Action on the Case, in any of His Majesty's Courts of Record at *Westminster*, for all or any of the Rates to be made by virtue of this Act; in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in such Sum of Money as the Plaintiff shall suppose to be due; and if the Plaintiff shall recover the Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgments are by Law levied and recovered, in which Action no Essoign, Protection, or Wager of Law, and not more than One Imparlance, shall be allowed.

LI. And

Rate Books to be received as Evidence.

LI. And be it further enacted, That the Books of Rates to be delivered to the Collector or Collectors, or other Officers, by the said Commissioners, and all Entries afterwards made therein, in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Form of Warrant of Distress.

LII. And be it further enacted, That the Warrant of Distress for Nonpayment of any Rate to be made by virtue of this Act may include One or more Person or Persons, and be in the Words or to the Effect following:

'Middlesex } To the Collectors of Rates of the united Parishes of
'to wit. } *Saint Andrew Holborn* and *Saint George the Martyr*
'in the County of *Middlesex*, and to all Constables, Head-
'boroughs, and Peace Officers for the said Parishes.

'WHEREAS the under-mentioned Persons, now or late Inhabitants, Landlords, Tenants, or Occupiers of Lands, Houses, 'Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, or other 'Buildings, Tenements, or Hereditaments within the Parish of 'have been duly rated by virtue of an 'Act passed in the Second Year of the Reign of King *William* the 'Fourth, intituled [*here set forth the Title of this Act*]: And whereas 'the said Persons have refused or neglected to pay the several Sums 'of Money at and against their Names herein-after respectively set, 'for Money due from them for or towards the Purposes in the said 'Act mentioned, and the said several Sums are still remaining 'due, in arrear, and unpaid, as appeareth upon Oath to me, 'One of His Majesty's Justices of the Peace 'for the said County; and the said several Persons having been 'summoned to appear before me to answer the Premises, and no 'sufficient Cause having been shown by them why such Sum or 'Sums of Money should not be paid; these are therefore in His 'Majesty's Name to require you or either of you forthwith to levy 'the said several Sums herein-after mentioned, by Distress and Sale 'of the Goods and Chattels of the Persons aforesaid, rendering to 'them respectively the Overplus (if any), the reasonable Charges of 'such Summons and of this Warrant, and of the Distress and Sale, 'being first deducted; and if no sufficient Distress can be had or 'taken, that then you certify the same to me, to the end that such 'further Proceedings may be had therein as to the Law doth apper-'tain: And I do hereby strictly charge and command all and singular 'the Constables, Headboroughs, and others His Majesty's Peace 'Officers for the said County to aid and assist in all things relating 'to the Premises. Given under my Hand and Seal, this 'Day of in the Year of our Lord

'A. B. - - - - - - - -	
'C. D. - - - - - - - -	
'E. F. the Landlord for divided Premises -	
'G. H. - - - - - - - -	

Authorizing the Commissioners to ap-

LIII. And in order to provide for repairing and keeping in repair the Iron Railings and Fences round the Centres, Areas, or Middle Spaces

point Trustees for regulating the Squares.

Spaces of Squares within the Jurisdiction of this Act, and of ornamenting and improving the Gardens thereof, and for the other Purposes herein-after mentioned, be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint any Number of Persons not less than Five nor more than Nine, every such Person being an Inhabitant Householder within some Square within the Limits of this Act, to act as Trustees for repairing and keeping in repair the Centre and Area of the Square of which such Person shall be Inhabitant, and for ornamenting and improving the Garden thereof; and that such Trustees are hereby respectively empowered from Time to Time to amend and repair the Railings and Fences of such Centre, Area, or Middle Space of the Square wherein they shall respectively reside, and to cause such Improvement and Alteration to be made in the Garden thereof, and to repair the Pumps and Wells in such Square, as to them shall seem necessary, and to cleanse such Part of the Foot Pavements of such Square as they shall think proper; and it shall be lawful for the said Trustees to enter into such Contracts, and to make such Regulations and Orders, of and concerning the Square of which they shall be Inhabitants, for effecting the Purposes aforesaid, and to appoint a Treasurer and Clerk, and such Gardeners and Keepers to take care of the same Square, and to prevent Nuisances therein, as they the said Trustees shall think proper; and all Acts and Proceedings relating to the Execution of the Duties and Powers of such Trustees shall and may be executed by any Three or more of such Trustees.

Squares to be used by the Inhabitants as Trustees shall direct.

LIV. And be it further enacted, That the Centres, Areas, and Middle Spaces of the several Squares within the Limits of this Act shall be used and enjoyed by the Inhabitants thereof in such Manner and according to such Rules and Regulations as the Trustees of the said Squares shall respectively direct and establish, and not otherwise.

Declaring what shall be deemed a House in the Square.

LV. And be it further enacted, That every House any Part of which shall face or form a Part of the Line of any Square shall be taken to be wholly situated in such Square for all the Purposes of this Act, although the other Part of such House may front or face any other Street.

Commissioners to make Rates for defraying the Expences of the Squares.

LVI. And for raising Money for enabling the Trustees of the said Squares respectively to carry the Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time as they may think proper, to make a separate Rate (in addition to the Rates by this Act authorized to be raised for the several other Purposes of this Act) for the Purpose of defraying the Expences of repairing and keeping in repair the Railings and Fencings of the Centres, Areas, and Middle Spaces of the said Squares, and the Pumps and Wells thereof respectively, and of ornamenting and improving the Gardens thereof, upon the several Tenants or Occupiers of Houses and Tenements within the said Squares respectively, according to the annual Value thereof, but so nevertheless that such separate or additional Rate do not exceed in any One Year One Shilling in the Pound according to the yearly

Value of such Houses or Tenements; and such Rates shall and lawfully may be demanded, received, and collected by the Collector or Collectors appointed to collect the other Rates by this Act authorized to be raised.

Commissioners to pay over the Produce of the Rates to the Trustees of the Squares.

LVII. And be it further enacted, That upon receiving a Requisition signed by Three or more of such Trustees the said Commissioners shall forthwith pay over unto the said Trustees, or unto their Treasurer or Clerk, the Amount of the Sum collected by the said Commissioners in respect of the Square for which such separate Rate shall have been made, after deducting the Expences of Collection; and the Money so to be paid over shall be expended by such Trustees in or towards repairing and keeping in repair, ornamenting, maintaining, and improving the Centre, Area, and Middle Space of the Square in respect of which such Trustees shall be appointed, and removing and preventing Nuisances and Obstructions in such Square, and otherwise in relation thereto and to the Execution of their Trust as the said Trustees shall direct.

Penalty on Persons using improper Keys.

LVIII. And be it further enacted, That if any Person shall make or sell, or cause to be made and sold, or shall procure any Key to be made for the Purpose of opening any of the Gates of the said Squares, without the Permission in Writing of the Trustees thereof, or shall knowingly use any Key so unlawfully obtained in opening any such Gates as aforesaid, every Person so offending shall forfeit and pay to the Trustees of such Square any Sum not exceeding Five Pounds nor less than Forty Shillings, to be applied for the Purposes of their Trust; and the Gardeners and Keepers of such Square respectively are hereby empowered to seize any such Keys, and to cause the Person so offending to be summoned before some Justice of the Peace for the County of *Middlesex*, to be dealt with according to Law.

Penalty on Persons committing Nuisances in the Squares.

LIX. And be it further enacted, That if any Person shall wilfully commit any Damage, Annoyance, Disorder, or Nuisance in, to, or upon any of the Fences of the said Squares, or the Pumps therein, or any of the Paths, Walks, Grass Plots, Trees, or Shrubberies, or any of the Centres, Areas, or Middle Spaces of any of the said Squares respectively, or shall by riotous or disorderly Conduct molest or interrupt the free Passage of any Person using or passing along the same, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings to the Trustees of such Square, to be applied for the Purposes of their Trust; and such Offender shall and may be apprehended by any Gardener or Keeper of the same Square, who may convey such Offender before some Justice of the Peace for the said City and Liberty of *Westminster* or County of *Middlesex*, to be dealt with according to Law.

Money to be paid into Bank.

LX. And be it further enacted, That the Collectors of the several Rates to be made and levied under the Authority of this Act shall from Time to Time as they respectively shall receive any Money arising from such respective Rates, or any other Money arising under the

the Authority of this Act, forthwith pay the same into the Bank of *England*, or into such Banking House as the said Commissioners shall from Time to Time direct; and all such Money shall be placed to the Account of the said Commissioners, and shall be issued and applied by the said Commissioners, or by any Three or more of them, for the Purposes of this Act, in manner in this Act mentioned, and not otherwise; and upon Payment of any such Money into the said Bank of *England*, or into any Banking House as aforesaid, such Collector shall take a Receipt for the same, in which Receipt shall be expressed the Name of such Collector and the Sum of Money paid, and the Account to which the same shall be placed; and if any Collector shall at any Time retain in his Hands more than the Sum of Fifty Pounds for any longer Time than the Space of Twenty-one Days, he shall forfeit and pay to the said Commissioners the Sum of Five Pounds for every Day during which he shall retain such Money beyond the said Space of Twenty-one Days.

Commissioners may borrow Money upon Mortgage.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest any Sum or Sums of Money for the Purposes of this Act, upon the Credit of all or any of the Rates to be made by virtue of this Act, and by Writing under their Hands and Seals to mortgage or assign all or any Part of the said Rates to such Person or Persons as shall lend or advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with any legal Interest for the same; and every such Mortgage may be in the Words or to the Effect following; (that is to say,)

'WE, Commissioners for paving, cleansing, and lighting the united Parishes of *Saint Andrew Holborn* and *Saint George the Martyr* in the County of *Middlesex*, appointed by or in pursuance of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said *A. B.* [*or* to his Trustee or Trustees, *as the Case may require*], his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments [*here set forth the particular Rate upon which the same is charged*] made or to be made in pursuance of or by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due or owing or be charged upon the Credit of the said Act for those Purposes; to be holden from this Day of until the said Sum of with Interest for the same after the Rate of *per Centum per Annum*, shall be repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord .'

Notice to be given of borrowing Money.

LXII. Provided always, and be it further enacted, That the said Commissioners shall not take up or borrow any Money whatever, unless they shall have advertised their Intention so to do in the same Manner

Manner as is herein provided with respect to Contracts for Work under this Act.

Commissioners may borrow Money at a low Rate of Interest to pay off Debts at a higher Rate.

LXIII. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Money for the Purposes of this Act at a lower Rate of Interest than any Security which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or either of them, or other Funds or Property, or any Part thereof, in manner aforesaid, with the Payment of such Sums as they shall think proper, not exceeding the Amount of such Securities, and the Expences incident to paying off the same, at such lower Rate aforesaid, and to pay off and discharge any Security or Securities bearing a higher Rate of Interest

Power to transfer Securities.

LXIV. And be it further enacted, That it shall be lawful for the Person entitled to any of the said Securities at any Time to assign and transfer the same to any Person, in the Words or to the Effect following:

'I *A. B.* do transfer the within Security, and the Principal Money and Interest thereby secured, unto *C. D.*, his Executors, Administrators, and Assigns. Witness my Hand and Seal, the Day of in the Year of our Lord .'

And a Copy of every Mortgage or Assignment which shall have been made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested shall at all seasonable Times have Access, and have free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid, by the Person to whom such Transfer shall be made, the Sum of Five Shillings and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever.

Money raised to be applied to the particular Purposes for which it is raised.

LXV. And be it further enacted, That all and every Sum or Sums of Money lent or advanced upon the Credit of any of the said Rates or Assessments shall be applied in aid of the particular Rate or Assessment upon the Credit of which the same shall have been so lent and advanced, and for no other Purpose or Purposes whatsoever.

Powers of 57 G. 3. c. 29. to apply to the united Parishes.

LXVI. And be it further enacted, That all and every the Powers and Authorities, Penalties, Forfeitures, Payments, Rules, Remedies, and Directions contained in an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metro-*

polis, and removing and preventing Nuisances and Obstructions therein, shall (except so far as the same have heretofore been or by this Act are varied, altered, or repealed,) extend to and apply to this Act, and shall be valid and effectual for carrying this Act into execution, to all Intents and Purposes; and the several Streets, Squares, Lanes, Courts, Passages, and Places within the said united Parishes shall from Time to Time be paved, repaired, improved, and regulated by the said Commissioners, by and under the Powers of the said Act.

Rated Inhabitants deemed competent Witnesses.

LXVII. And be it further enacted, That in all Actions and Proceedings whatever relating to the Execution of this Act none of the said Commissioners, nor any of their Clerks, Officers, or Servants, nor any of the Inhabitants of the said united Parishes, or of either of them, shall be deemed incompetent to give Evidence by reason of such Person filling or holding any Office, or of being charged with or paying any Rate under or by virtue of this Act.

Application of Money received.

LXVIII. And be it further enacted, That the Costs, Charges, and Expences of preparing, applying for, and obtaining this Act, or otherwise incident thereto, shall be paid by the Committee-men acting under the Acts hereby repealed, or by the said Commissioners under this Act, and that the said Commissioners, out of the Money to be received by them (except the Money to be by them received and paid over to the Trustees for the Preservation and Improvement of the said Squares,) shall in the first place pay and discharge all such of the said Expences of obtaining this Act as shall not be paid by the said Committee-men, and in the next place in paying and discharging all Expences attending the paving, lighting, cleansing, watering, repairing, and improving the several Streets, Squares, Lanes, Courts, Passages, and Places within the Limits of this Act, and in otherwise carrying this Act into execution.

For securing Offenders whose Names and Residences are unknown.

LXIX. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Commissioners, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the County within which such Offence shall be committed, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction.

LXX. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say),

BE

Form of Information.

'Middlesex to wit.' BE it remembered, That on the Day of *A.B.* of informeth me, *C.D.*, 'One of His Majesty's Justices of the Peace for that *E.F.* of [*here specify the Offence, and the Time and Place when and where the same was committed*], contrary to an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], which hath imposed a Penalty of for the said Offence. Taken the Day of before me

'*C.D.*'

Form of Conviction.

'Middlesex to wit.' BE it remembered, That on the Day of at *A.B.* is convicted before me, *C.D.*, One of His Majesty's Justices of the Peace for for that the said *A.B.* did, on [*here specify the Offence, and the Time and Place when and where the same was committed*], contrary to an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*]; and I do hereby adjudge that the said *A.B.* hath forfeited for the said Offence the Sum of or shall be committed to [*Place of Imprisonment*] for the Space of Given under my Hand and Seal, the Day and Year first above written.

'*C.D.*'

Persons aggrieved may appeal to the Quarter Session.

LXXI. And be it further enacted, That all Persons and Bodies Corporate who may think themselves aggrieved by any Order, Judgment, or Determination made or given in pursuance of any Order, Rule, or Bye Law of the said Commissioners, and also the said Commissioners and all other Persons and Bodies Corporate who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace, relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County within which the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved, by the Party aggressing, as they shall think reasonable.

LXXII. And

Proceedings not to be quashed for Want of Form.

LXXII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

LXXIII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities, or of any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party or Parties intending to commence such Action, Suit, Information, or other Proceeding, to the intended Defendant or Defendants; nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased; nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County within which the Matter in dispute or Cause of Action shall have arisen; and the Defendant or Defendants in such Action, Suit, Information, or Proceeding 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 Acts were done, or were omitted to be done, (as the Case may be,) in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, Suit, Information, or Proceeding after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

LXXIV. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Adjudication

shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Recovery and Application of Penalties.

LXXV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance thereof, (the Manner of levying and recovering which is not herein particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace for the said County of *Middlesex*, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon and examine any Witnesses of or concerning such Offence, Matters, and Things, and to hear and determine the same, and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalties or Forfeitures, and the Costs and Expences as aforesaid, shall be returned to the respective Owners of the Goods and Chattels so seised and distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid to the said Commissioners, and shall be applied towards the general Purposes of this Act; unless such Penalties and Forfeitures shall be incurred by the said Commissioners, in which Case the same shall be paid, one Moiety to the Informer, and the other Moiety to some one of the Overseers of the Poor of the said Parishes of *Saint Andrew Holborn above the Bars*, or of *Saint George the Martyr*, (as the Case may require,) to be by such Overseer paid over to the use of the general Rate of the County of *Middlesex*; and the Evidence of any Inhabitant of such County shall be admitted in Proof of the Offence, notwithstanding such Application of the Penalty incurred thereby; and it shall be lawful for the said Justice to order any Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender can give sufficient Security, to the Satisfaction of such Justice, for his Appearance before the said Justice, or before some other Justice having Jurisdiction, on such Day as shall be appointed for the Return of such Warrant, such Day not being later than Eight Days from the Day of taking any such Security, and which Security any such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture, and Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalty or Forfeiture, Costs and Expences, could be levied, if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant, but in such Case such Justice is hereby required, by Warrant under his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender shall have paid such

Penalty or Forfeiture, and all Costs and Charges attending the Proceedings, (to be ascertained by such Justice,) or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no summary Proceeding shall be had or taken for the Recovery thereof before a less Number than Two Justices.

Damages and Charges in case of Distress to be settled by Justices.

LXXVI. And be it further enacted, That in all Cases where Damages or Charges are by this Act directed to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment or of any Dispute respecting the same, shall be ascertained and determined by the Justice by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages or Charges in any of the Cases aforesaid, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act, for the levying of Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

LXXVII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before him; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

General Power to Justices to administer Oaths.

LXXVIII. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he or she shall be examined by or before such Justice.

Declaring what shall be good Service of Notice on Commissioners.

LXXIX. And be it further enacted, That in all Cases where it may be necessary for any Person to serve any Notice or other Proceeding upon the said Commissioners, Service thereof respectively upon the Clerk of the said Commissioners, or left at the Office of such Clerk, or with some Inmate of his last or usual Place of Abode, or at the Office of the said Commissioners, or upon any Three of the said Commissioners acting in the Execution of this Act, or left with some Inmate of their respective last or usual Places of

Abode, shall be deemed sufficient Service thereof upon the said Commissioners.

Declaring what shall be good Service of Notice by Commissioners.

LXXX. And be it further enacted, That in all Cases where it may be necessary for the said Commissioners to give any Notice to any Person or Body whomsoever, under the Provisions of this Act, such Notice shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by any Three or more of the said Commissioners, or by their Clerk for the Time being, and shall be delivered to such Person, or left with some Inmate of his or her last or usual Place of Abode, or be delivered to some Member of such Body, or be left with some Inmate of his last or usual Place of Abode, or to some Clerk or other Officer of such Body, or be left at the Office of such Clerk or Officer, or with some Inmate of his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed; and in all Cases where any public Notice is by this Act directed to be given by the said Commissioners (except such public Notices as are by this Act expressly directed to be given in some other Manner) such Notice shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by any Three or more of the said Commissioners, or by their Clerk for the Time being, and be affixed to or upon the principal outer Door of the Church of each of the said respective Parishes, and also on the Door of *Saint John*'s Chapel in the said Parish of *Saint Andrew Holborn*; and all such Notices so published and given shall be good and available in Law for the Purposes of this Act.

Rules for Construction of certain Terms used in this Act.

LXXXI. And be it further enacted, That whenever in the said recited Act of the Fifty-seventh Year of the Reign of King *George* the Third, or in this Act, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, such Word or Words shall extend to and shall be construed to include several Persons as well as One Person, and Females as well as Males, and a Body or Bodies Politic, Corporate, Collegiate, Corporation or Corporations, Aggregate or Sole, as well as Individuals, unless it be otherwise specially directed or provided for.

Public Act.

LXXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others.

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