ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

****

CAP. CXXVIII.

An Act to amend Two Acts, made in the Fifty-third Year of the Reign of His preſent Majeſty, for opening a more convenient Communication from *Mary-le-bone Park* to *Charing Croſs*, and for paving the Streets to be made in *Mary-le-bone Park*; and to enable His Majeſty to grant ſmall Portions of Land as Scites for Public Buildings, or to be uſed as Cemeteries within the Bills of Mortality.

[1ſt *July* 1816.]

WHEREAS an Act paſſed in the Fifty-third Year of the Reign of His preſent Majeſty, intituled *An Act for making a more convenient Communication from* Mary-le-bone Park, *and the Northern Parts of the Metropolis in the Pariſh of* Saint Mary-le-bone, *to* Charing Croſs, *within the Liberty of* Weſtminſter, *and for making a more convenient Sewage for the ſame:* And whereas another Act paſſed in the ſame Seſſion of Parliament, intituled *An Act for paving and otherwiſe improving certain Streets, public Paſſages, and Places, which are or ſhall be made upon certain Pieces of Ground belonging to His Majeſty, in the ſeveral Pariſhes of* Saint Mary-le-bone *and* Saint Pancras, *in the County of* Middleſex, *called* Mary-le-bone Park: And whereas it is neceſſary and expedient that further Proviſion ſhould be made in relation to the Houſes and Buildings to be erected in the Streets, Squares, Circuſſes, Ways, Courts and Paſſages, to be erected and made under the Proviſions of the ſaid firſt recited Act, and the paving, lighting, and watching the ſame, 53 G. 3. c. 121. 53 G. 3. c. lxii.

and that certain Parts, therefore, of the ſaid firſt recited Act ſhould be repealed, and the Powers and Proviſions therein contained, amended, and enlarged: And whereas ſome of the Proviſions of the ſaid laſt recited Act require to be amended: May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid firſt recited Act as relates to the paving, lighting, and watching any of the Streets, Squares, Circuſſes, Ways, Courts, or Paſſages, compriſed within the Proviſions of the ſaid firſt recited Act, and to any Powers and Authorities given in the ſaid Act relating thereto, ſhall be and the ſame are hereby repealed.

Proviſions of the former Act, as to paving, &c. repealed.

Appointment of Commiſſioners.

II. And be it further enacted, That the Lord High Treaſurer, and the Commiſſioners of the Treaſury for the Time being, and the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, and ſuch other Perſon or Perſons as ſhall be elected and appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for paving, lighting, watching, and otherwiſe regulating and improving the ſeveral Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, or ſuch Parts thereof reſpectively as are or ſhall be made upon any Land within the Limits mentioned and deſcribed in the ſaid firſt recited Act, which now belongs, or ſhall at any Time hereafter belong to His Majeſty, His Heirs and Succeſſors.

Power to appoint additional Commiſſioners.

III. And be it further enacted, That it ſhall be lawful for the ſaid Lord High Treaſurer or the Commiſſioners of the Treaſury for the Time being, and the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, or any Three or more of them, at any Meeting to be held by virtue of this Act, by any Writing under their Hands and Seals, to elect and appoint any other Perſon or Perſons to be a Commiſſioner or Commiſſioners for carrying this Act into Execution; and every Perſon or Perſons who ſhall be ſo elected and appointed, is and are hereby veſted with the ſame Powers and Authorities as if he or they had been named in this preſent Act, and had been hereby appointed a Commiſſioner or Commiſſioners for carrying this Act into Execution.

Qualification of Commiſſioners.

IV. Provided always, and be it further enacted, That no Perſon who ſhall be ſo elected and appointed, ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Two thouſand Pounds.

Penalty on Commiſſioners acting without being qualified, or being concerned in any Contract under the Act.

V. Provided alſo, and be it further enacted, That if any Perſon hereafter to be elected a Commiſſioner for the Purpoſes of this Act, not being ſo qualified, ſhall preſume to act in the Execution of this Act, or being ſo qualified, ſhall during ſuch Time as he ſhall hold any Place or Office of Profit, or be any way intereſted or concerned in any Contract to be made by virtue of this Act, or any Work or Buſineſs to be done under the ſame, preſume to act as a Commiſſioner in the Execution of this Act, he

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, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case or otherwise; and the Person so sued shall prove that he is qualified as aforesaid, or that he did not hold any such Place or Office of Profit, or was not interested or concerned in any such Contract, Work, or Business as aforesaid, (as the Case may happen) or otherwise, shall pay the said Penalty without any other Proof or Evidence being given on the Part of the Plaintiff, than that such Person had acted as a Commissioner in the Execution of this Act, or whilst holding any such Place or Office, or being interested or concerned in any such Contract, Work, or Business as aforesaid.

Meeting of Commissioners.

VI. And be it further enacted, That the said Commissioners shall meet at such Time and Place, as any Three or more of them shall appoint, by Notice to be signed by them, and affixed on the Church Doors of the Parishes of *Saint James* in the Liberty of *Westminster*, *Saint Mary-le-bone*, *Saint Martin in the Fields*, and *Saint George Hanover Square*, at least Eight Days before such Meeting, in order to put this Act in Execution; and shall and may then, and from Time to Time afterwards, adjourn themselves to any Place within or near the Limits of this Act; and if at any Time there shall not appear at any such Meeting a sufficient Number of the said Commissioners, appointed or to be appointed by virtue of this Act, to act in the Execution of the same, any One of the said Commissioners present may adjourn the Meeting to another Day; and in case of any Neglect or Omission to adjourn, any Three of the said Commissioners, or their Clerk, shall and may call a Meeting at the Place where the last Meeting of the said Commissioners was appointed to be held or was held, by Notice or Summons to be delivered at the usual Place of Abode of all such Commissioners, at least Three Days before such Meeting; and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences (except for the Use of the Room or Apartment where such Meetings shall be held, which shall be paid out of the Rates or Assessments herein-after directed to be made and levied); and no Act of the said Commissioners shall be valid, unless made or done at some Meeting to be held by virtue of this Act (except the calling of Meetings as aforesaid); and that all the Powers and Authorities by this Act granted to or vested in the Commissioners appointed or to be appointed by or by virtue hereof, shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings to be holden as aforesaid, the Number of Commissioners present at such Meeting not being less than Three, for the Purpose of borrowing Money, granting Annuities, or making Contracts, and not being less than Two in any other Case, unless where herein otherwise particularly provided; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote; and at every Meeting to be held under or in pursuance of this Act, the first Business shall be the Election of a Chairman to preside at the same: Provided nevertheless, that it shall be lawful for the Commissioners appointed and to be appointed by or by virtue of this Act, and they are hereby authorized to hold any Special Meeting between their then last Meeting and the Day to which any subsequent Meeting shall have been adjourned, so that such Meeting shall be required by Two or

Special Meetings may be held.

 more

more of the ſaid Commiſſioners, and Notice thereof given as laſt aforeſaid, at leaſt Three Days before the Time to be appointed for the ſame, and ſo as that ſuch Notice ſhall be ſigned by the Clerk of the ſaid Commiſſioners, and ſpecify the Cauſe or Cauſes of ſuch Special Meeting.

Reſtriction as to revoking Orders.

VII. And be it further enacted, That no Order made by the ſaid Commiſſioners, appointed or to be appointed by virtue of this Act, ſhall be revoked or altered, unleſs at ſome Special Meeting to be required as aforeſaid, of which Three Days Notice ſhall be given as laſt aforeſaid, expreſſing the Occaſion of ſuch Meeting; and alſo, unleſs a greater Number of Commiſſioners ſhall attend ſuch Meeting, to revoke or alter the ſame, than were preſent when ſuch Order was made.

Proceedings of Commiſſioners to be entered.

VIII. And be it further enacted, That Entries ſhall be made in a Book or Books to be provided for that Purpoſe of all the Acts, Orders, and Proceedings of the ſaid Commiſſioners, and of the Names of the Commiſſioners who ſhall be preſent at the reſpective Meetings; and One or more of the ſaid Commiſſioners who ſhall be preſent, ſhall ſubſcribe his or their Name or Names at the End of the Proceedings of the reſpective Meetings; and all ſuch Entries being ſo ſigned ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Caſes, Suits, and Actions touching any Thing done in purſuance of this Act; and that ſuch Book ſhall at all ſeaſonable Times be open to the Inſpection of all Perſons rated or aſſeſſed for the Purpoſes of this Act.

Officers to be appointed, and to give Security.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall from Time to Time, by Writing under their Hands appoint a Treaſurer, Clerk, and Surveyor, and alſo a Collector of the Rates or Aſſeſſments to be made as herein-after mentioned, and ſuch other Officers and Perſons as they ſhall think neceſſary, and may remove any ſuch Officers or other Perſons as they ſhall think proper, and appoint others in their Stead, and pay ſuch Salaries and make ſuch Allowances to all ſuch Officers or Perſons, as they the ſaid Commiſſioners ſhall think reaſonable; and the ſaid Commiſſioners are hereby required to take Security from every ſuch Treaſurer or Collector, as they ſhall think proper.

Treaſurer and Collector to account.

X. And be it further enacted, That every ſuch Treaſurer and Collector ſhall, under their reſpective Hands (at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners ſhall direct) deliver to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, a true and perfect Account in Writing of all ſuch Matters and Things as may be committed to their Charge, and of all Monies which ſhall have been by them received, by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and all ſuch Collectors ſhall pay all ſuch Money as ſhall remain in their reſpective Hands; and if any ſuch Collector as aforeſaid ſhall at any Time or Times hold or keep in his own Hands for the Space of Three Days together, any larger Sum of Money to be received by him under this Act, than the Sum of Fifty Pounds, he ſhall for every ſuch Offence forfeit and pay to the ſaid Commiſſioners any Sum of Money not exceeding Five Pounds, within the Space of Ten Days next after he ſhall be called upon by them or their Treaſurer to pay ſuch Penalty; and every ſuch Collector ſhall,

Penalty.

when

when thereunto required by the ſaid Commiſſioners, aſſembled at any ſuch Meeting as aforeſaid, produce a Book containing an Account of the Rates and Aſſeſſments laid by virtue of this Act, which ſhall be in arrear and unpaid, and the Names of the Perſons by whom the ſame ought to be paid, with the Sums by them reſpectively owing, and the Time when the ſame became due; and every ſuch Treaſurer and Collector ſo accounting ſhall upon Oath, if thereunto required by the ſaid Commiſſioners (which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter) verify ſuch their reſpective Accounts; and if any ſuch Treaſurer or Collector ſhall refuſe or wilfully neglect to make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid; or in caſe the Clerk of the ſaid Commiſſioners, or any ſuch Treaſurer or Collector, ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, ſigned by the ſaid Commiſſioners, or any Two or more of them, and given to or left at the laſt or uſual Place of Abode of ſuch Treaſurer, Clerk, or Collector, all Books, Papers, and Writings in their reſpective Cuſtody or Power, relating to the Execution of this Act, or Duplicates thereof reſpectively, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſame, and Complaint ſhall be made thereof on the Behalf of the ſaid Commiſſioners, to any Juſtice of the Peace for the County of *Middleſex* or City of *Weſtminſter*, ſuch Juſtice is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Treaſurer, Clerk, or Collector to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected and raiſed by virtue of this Act, ſhall be in the Hands of any ſuch Treaſurer or Collector, ſuch Juſtice is hereby authorized and required upon Non-payment 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 Perſon; and if no ſuch Goods or Chattels can be found ſufficient to anſwer and ſatisfy the Money and the Charges of diſtraining and ſelling the Diſtreſs, or if it ſhall in Manner aforeſaid appear to ſuch Juſtice, that any ſuch Treaſurer, Clerk, or Collector, had refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Treaſurer, Clerk, or Collector, and he ſhall have refuſed or neglected to deliver up or give Satisfaction reſpecting the ſame as aforeſaid, then ſuch Juſtice ſhall commit him to the Common Gaol or Houſe of Correction, there to remain, without Bail or Mainprize, until ſuch Perſon, being Treaſurer or Collector, ſhall make and give a true and perfect Account and have paid ſuch Money as aforeſaid, or ſhall have compounded for ſuch Money with the ſaid Commiſſioners, and have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, which Compoſition the ſaid Commiſſioners are hereby empowered to make and receive, and until ſuch Perſon, being Treaſurer, Clerk, or Collector, ſhall deliver up all ſuch Books, Papers, and Writings, or Duplicates of the ſame as aforeſaid;

Refuſing to account.

but no Perſon who ſhall be committed on account of his not having ſufficient Goods or Chattels as aforeſaid, ſhall be detained in Priſon for any longer Term than Six Calendar Months.

Commiſſioners to pave and repair Streets, &c.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, from Time to Time to cauſe the ſeveral Streets, Squares, Circuſſes, Ways, Courts, and other Public Paſſages and Places, or ſuch Parts thereof as ſhall be made and ſet out within the Limits of their Juriſdiction, under the Proviſions of this Act, both in the Carriage and Footways to be paved, and ſuch Pavements to be from Time to Time amended and kept in good Repair, upon ſuch Levels, and in ſuch Manner, and with ſuch Sorts and Kinds of Materials as they ſhall judge neceſſary and proper; and alſo to cauſe the ſaid Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places, to be cleanſed, lighted, watched, and watered, and the Sides thereof or other Places, which ſhall be made or ſet out, to be fenced or incloſed with Iron or other Rails, in ſuch Parts and Places and in ſuch Manner as the ſaid Commiſſioners ſhall think proper; and all Encroachments, Obſtructions, Nuiſances, and Annoyances therein, to be removed, and Drains, Sinks, Gutters, or Watercourſes, to be made, for conveying the Water from the ſaid Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places, in ſuch Manner as they ſhall think proper; and that no Perſon ſhall, without the Conſent of the ſaid Commiſſioners, alter the Form, or break up the Ground or Pavement of the Carriage or Footways within any Part of ſuch Limits, or make the ſame otherwiſe than as ſhall be directed by the ſaid Commiſſioners, upon pain of forfeiting any Sum not exceeding Ten Pounds for every ſuch Offence, and ſuch Perſon ſo offending ſhall alſo pay all the Expences of reſtoring ſuch Ground or Pavement to its former State.

Commiſſioners to make Allowances to ſuch Perſons as may have paved at their own Expence.

XII. And whereas ſeveral Perſons have already paved, or may hereafter at their own Expence pave certain Squares, Paſſages, and Places, within the Limits of this Act, for which it is reaſonable ſome Allowance ſhould be made; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, from and out of the Monies to ariſe under and by virtue of this Act, to make and pay to ſuch Perſons as to the ſaid Commiſſioners ſhall appear to be entitled thereto, ſuch Payments or Allowances for or in reſpect of ſuch Pavement made and done, or which ſhall hereafter be made and done by them as aforeſaid, as to the ſaid Commiſſioners ſhall appear fair and reaſonable.

Commiſſioners may purchaſe Materials of old Streets, &c. or purchaſe or hire Ground for getting Materials, and for building Watch Houſes, &c.

XIII. And be it further enacted, That the ſaid Commiſſioners may and they are hereby authorized and empowered to purchaſe the Pavements and Footways, or the Materials of which the old Streets may have been paved or made, in all or any of the Streets, Squares, Ways, Courts, Paſſages, or other Places under the Juriſdiction of any Commiſſioners of Pavement, Veſtrymen, or Truſtees, before the paſſing of this Act, which ſhall be taken, blocked up, widened, or altered under the Proviſions of this Act, or ſuch Parts thereof as ſhall be within the Limits of the Juriſdiction of the Commiſſioners under this Act, and all Iron Rails, Gates, Lamp Poſts, and other Materials belonging to any ſuch Commiſſioners of Pavement, Veſtrymen, or Truſtees, within ſuch Limits, and alſo to make Compenſation to

any ſuch Commiſſioners of Pavement, Veſtrymen, or Truſtees, for any Loſs or Damage which they or their reſpective Pariſhes may ſuſtain by reaſon of any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, or Places, being put or placed under the Commiſſioners for carrying this Act into Execution; and alſo to purchaſe, take, or hire any Piece or Pieces of Ground, for the Purpoſes of digging Gravel for the better paving ſuch Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places as aforeſaid, and for the Purpoſes of depoſiting Materials thereon, for or on account of ſuch Paving, or for the Purpoſe of erecting a Watch Houſe or Watch Houſes thereon, or to rent any Building to be made uſe of as or for any other of the Purpoſes of this Act, as ſhall appear to them to be neceſſary, for ſuch Sum or Sums of Money, yearly Rent or Rents, and for ſuch Time, as to them ſhall appear reaſonable, which Sum or Sums of Money, yearly Rent or Rents, ſhall be reſpectively paid out of the Monies to ariſe by virtue of this Act; and alſo to erect any Watch Houſe or Watch Houſes, and any Number of Watch Boxes, for the Purpoſes of this Act, in ſuch Place or Places as they may think proper, and likewiſe to buy or hire ſuch Horſes, Carts, Teams, or Carriages, as may be neceſſary for the Purpoſe of carting ſuch Gravel, or for cleanſing or watering ſuch Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places as aforeſaid, or for any other Purpoſe directed by this Act; and alſo to hire ſuch Perſons, buy ſuch Materials, and make ſuch Regulations for the better Execution of any ſuch Purpoſes, as they the ſaid Commiſſioners for executing this Act ſhall in their Diſcretion think proper.

Damages to be aſſeſſed, in caſe of Diſagreements, by a Jury.

XIV. And be it further enacted, That if any Commiſſioners of Pavement, Veſtrymen, Truſtees, Owners, Proprietors, Occupiers, Bodies Politic, Corporate or Collegiate, Femes Covert, or any other Perſon or Perſons intereſted in any Pavement, Rails, Gates, Lamp Poſts, or other Materials, or in any Ground or Hereditaments which the ſaid Commiſſioners for executing this Act are hereby empowered to purchaſe, take, and uſe for the Purpoſes of this Act, ſhall neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence or Diſability ſhall be prevented from treating with the ſaid Commiſſioners for executing this Act, or their Agents, for the Sale and Diſpoſal thereof; or if ſuch Proprietor or Proprietors, or other Perſon or Perſons intereſted, cannot be found or known, or ſhall not produce and evince a clear Title to the Premiſes ſo to be purchaſed, or to the Intereſt, he, ſhe, or they ſhall reſpectively claim therein, to the Satisfaction of the ſaid Commiſſioners, or if the Perſons entitled to be compenſated for any ſuch Loſs or Damage as aforeſaid, ſhall not agree with the Commiſſioners for executing this Act in regard thereto, then and in every or any ſuch Caſe, the Sheriff of the ſaid County of *Middleſex*, or his Under Sheriff, or the High Bailiff of the City and Liberty of *Weſtminſter*, or his Deputy, as the Caſe may be; or in caſe ſuch Sheriff or Under Sheriff, High Bailiff or his Deputy, ſhall be anyways intereſted in the Matter in queſtion, then ſome of the Coroners of the ſaid County, not intereſted therein, ſhall, upon the Warrant of the ſaid Commiſſioners for executing this Act, to be iſſued in the Manner herein-after mentioned, and he and they is and are hereby required and authorized to cauſe it to be inquired into and aſcertained, upon the Oaths of a Jury of Twelve indifferent Men of the ſaid County of *Middleſex*, or City and Liberty of *Weſtminſter* (which Oaths the ſaid Sheriff, Under Sheriff, High Bailiff

Bailiff or Deputy, or Coroner, is and are hereby empowered and required to adminiſter) what Recompence and Satisfaction ought to be made to ſuch Commiſſioners of Pavement, Veſtrymen, Truſtees, Owners, Occupiers, or other Perſon or Perſons intereſted therein, for ſuch Loſs or Damage as aforeſaid, or for the Value of ſuch Pavement, Rails, Gates, Lamp Poſts, or other Materials, Piece or Pieces of Ground, or Hereditaments, and of the proportionable Value of the reſpective Eſtates and Intereſts of every Perſon or Perſons ſeiſed or poſſeſſed thereof, or intereſted therein, or of or in any Part or Parts thereof, and ſhall aſſeſs and award the Sum or Sums of Money to be paid to ſuch Commiſſioners of Pavement, Veſtrymen, Truſtees, or other Perſon or Perſons reſpectively for ſuch Loſs or Damage as aforeſaid, for the Purchaſe of their reſpective Rights, Eſtates, and Intereſts therein; and in order thereto, the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, is and are hereby empowered and required from Time to Time, as occaſion ſhall require, to ſummon and call before the ſaid Jury and examine upon Oath, all and every Perſon or Perſons whomſoever, who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſes (which Oath the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, is and are hereby empowered to adminiſter); and ſuch Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner reſpectively, ſhall order and cauſe the ſaid Jury to view the Materials or Places in queſtion, if there be occaſion, and uſe all other lawful Ways and Means, as well for his and their own as for the ſaid Jury's better Information in the Premiſes, as the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained and ſettled ſuch Recompence and Satisfaction, the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid by the ſaid Commiſſioners for executing this Act, to the ſaid Commiſſioners of Pavement, Veſtrymen, Truſtees, Owners, or Occupiers of, or other Perſons intereſted therein, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition and Order, ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes, upon and againſt all Parties and Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Commiſſioners for executing this Act are hereby empowered to iſſue their Warrant or Warrants to the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, to ſummon, impannel, and return, at ſome convenient Place in the ſaid County of *Middleſex*, or City of *Weſtminſter*, as the Caſe may be, a Jury of not leſs than Thirty-ſix nor more than Forty-eight honeſt and indifferent Men, qualified according to Law to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and Fourteen Days Notice at the leaſt in Writing, under the Hands of the ſaid Commiſſioners for executing this Act, or under the Hand of their Agent duly appointed, of the Time and Place at which ſuch Jury ſo required to be returned are to meet, ſhall be given to ſuch Commiſſioners of Pavement, Veſtrymen, or Truſtees, Owners, Proprietors, Occupiers, Corporations, or any other Perſon or Perſons intereſted in the Premiſes, before the Time of the Meeting of the ſaid Jury, by leaving ſuch Notice at the Dwelling Houſe of ſuch Perſon or Perſons, or at the Dwelling Houſe of the Clerk

or Clerks to the ſaid Commiſſioners of Pavement, Veſtrymen or Truſtees, or of the Head Officer of ſuch Body or Bodies Politic, Corporate, or Collegiate, or with ſome Tenant or Occupier of the Premiſes reſpectively intended to be valued; and the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, is and are hereby empowered to impannel, ſummon, and return ſuch Number of Perſons accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured, to attend that Service (being qualified as laſt aforeſaid) to the Number of Twelve; and it ſhall be lawful for all Perſons corcerned, by themſelves, their Counſel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence before the ſaid Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner reſpectively; and ſuch Perſons ſhall alſo have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array.

Penalties impoſed on Sheriff, Jury, and Wineſſes, for Neglect of Duty.

XV. And be it further enacted, That if the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, ſo directed to ſummon and return a Jury as aforeſaid, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury, ſhall not appear, or appearing ſhall refuſe to be ſworn, or to give his Verdict, or ſhall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Perſon ſo ſummoned as a Witneſs ſhall not appear, or appearing ſhall refuſe to be examined or to give Evidence, any Perſon ſo offending, having no reaſonable Exuſe to be allowed by the Juſtices herein-after mentioned, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, which ſeveral and reſpective Penalties ſhall and may be levied by virtue of any Warrant under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace for the County of *Middleſex* or City of *Weſtminſter*, by Diſtreſs and Sale of the Goods and Chattels of the Perſons ſo offending, rendering to him or her the Overplus, after ſuch Penalties and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Expences of Juries how to be paid.

XVI. And be it further enacted, That in caſe any Jury to be ſummoned and ſworn purſuant to the Authority of this Act ſhall give in a Verdict or Aſſeſſment for more Money as a Recompence, Compenſation, or Satisfaction, for the Right, Intereſt, or Property of any Perſon or Perſons, in any ſuch Pavements, Rails, Gates, Lamp Poſts, and other Materials, Ground and Hereditaments, or for ſuch Loſs or Damage as aforeſaid, than ſhall have been agreed to be given and offered for the ſame by the ſaid Commiſſioners for executing this Act, before the ſummoning and returning of ſuch Jury, then and in every ſuch Caſe, all the reaſonable Coſts, Charges, and Expences of cauſing and procuring ſuch Recompence, Compenſation, or Satisfaction, to be aſſeſſed by a Jury, ſhall be ſettled by the Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner, before whom ſuch Claim ſhall have been tried, and ſhall be paid by the ſaid Commiſſioners out of the Monies which ſhall ariſe by virtue of this Act; but if any Jury ſo ſummoned

moned and ſworn as aforeſaid ſhall give in a Verdict or Aſſeſſment for no more or for leſs Money, as ſuch Recompence, Compenſation, and Satisfaction as aforeſaid, than ſhall been agreed to and offered by the ſaid Commiſſioners for the ſame, before the ſummoning and returning of the ſaid Jury; or where the cauſing and procuring ſuch Jury to be ſummoned ſhall have ariſen from a Refuſal to treat or agree with the ſaid Commiſſioners for executing this Act, by ſuch Commiſſioners of Pavement, Veſtrymen, Truſtees, Body or Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are, by the Proviſions of this Act or otherwiſe, legally empowered to treat, then all ſuch Coſts, Charges, and Expences (to be ſettled by ſuch Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner in Manner aforeſaid), ſhall be paid to the Commiſſioners for executing this Act, by the ſaid Commiſſioners of Pavement, Veſtrymen, Truſtees, Body or Bodies Politic, Corporate, or Collegiate, or other Perſon or Perſons ſo claiming ſuch Compenſation, or refuſing to treat and agree, as before mentioned reſpectively, ſave only and except where, by reaſon of Abſence or other like Cauſe, any Perſon ſhall have been prevented from treating or agreeing as aforeſaid, in which Caſe no Coſts, Charges, or Expences, ſhall be allowed to either Party as againſt the other; and all Coſts, Charges, and Expences hereby directed to be paid to the ſaid Commiſſioners for executing this Act, ſhall and may be deducted and retained by them out of the Money ſo adjudged or aſſeſſed to be paid by them, as ſo much Money advanced to and for the Uſe of the Perſon and Perſons entitled to ſuch Money ſo adjudged, and Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to be a Payment or Tender of the whole Sum or Sums ſo adjudged or aſſeſſed; or in caſe no Money, or no ſufficient Sum of Money ſhall be awarded or aſſeſſed to be paid by the ſaid Commiſſioners, whereout ſuch Coſts, Charges, and Expences can be deducted, then the ſame ſhall and may be recovered by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines, by this Act impoſed or authorized to be impoſed.

Verdicts to be recorded.

XVII. And be it further enacted, That all the ſaid Judgments and Verdicts ſhall be recorded in the Office of the Auditor of His Majeſty's Land Revenue ariſing in the County of *Middleſex*; and a Minute or Docket thereof ſhall be entered and preſerved in the Office of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues; and all ſuch Judgments and Verdicts ſhall be afterwards depoſited with the Clerk of the Peace of the ſaid County of *Middleſex*, to be kept and preſerved by him amongſt the Records of the Quarter Seſſions of the ſaid County, and ſhall be deemed to be Records to all Intents and Purpoſes whatſoever, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and ſo in Proportion for any leſs Number of Words.

Power to enter and take Poſſeſſion of Pavement, &c, on Payment or

XVIII. And be it further enacted, That upon Payment or Tender of the Sum or Sums of Money, Recompence, and Satisfaction, which ſhall be agreed for, awarded, or aſſeſſed as aforeſaid, to the Parties or Perſons reſpectively entitled thereto, or to their Agents, Treaſurer or Treaſurers,

the said Commissioners of Pavement, Vestrymen, Trustees or other Person or Persons, Bodies Politic, Corporate, or Collegiate, interested in such Pavement, Rails, Gates, Lamp Posts and other Materials, Ground and Hereditaments, shall from thenceforth be divested of all Right, Title, Claim, Interest, and Property therein or thereunto, and the same shall thenceforth be vested in the said Commissioners for executing this Act, who shall be deemed in Law to be in the actual Seizin and Possession thereof, to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, Interests, Claims, and Demands, and the same shall and may be at any Time thereafter made use of and employed according the Directions of the said Commissioners for executing this Act, for any of the Purposes of this Act, and under the Regulations herein contained.

Tender of Purchase Money.

XIX. And be it further enacted, That the Property of and in all the Pavements of the Carriageways and Footways, and also the Ballast or Gravel to be brought or laid in the said several Streets, Squares, Circuses, Ways, Courts, and other public Passages and Places, already or hereafter to be set out or made within the Limits aforesaid, and of and in the Iron Rails, Gates, Lamp Irons, Posts, Rails, and other Materials and Things, which now are and which shall be made, set up, and be fixed thereon, and in the said Inclosures or the Fences round the same, and also of and in all Watch Houses, Watch Boxes, Pumps and Wells, which shall be erected, fixed, sunk, or made, and all Materials, Implements, and other Things which shall be purchased or gotten by virtue or for any of the Purposes of this Act, are hereby vested in the said Commissioners for executing this Act; which Commissioners are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or in the Name of their Treasurer or Clerk, or to prefer or order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall steal, take, or carry away, all or any Part of such Iron Rails, Gates, Lamp Irons, Lamp Posts, Rails or other Materials and Things as aforesaid; and in all such Actions and Bills of Indictment respectively, it shall be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or in respect of which the said Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for executing this Act, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and if any Person or Persons shall wilfully or maliciously break, pull down, destroy, or otherwise injure, damage, or spoil, any of the said Iron Rails, Gates, Lamp Irons, Lamp Posts, Rails, Plants, Materials and Things, or any of the Works which are or shall be carrying on, made, done, or executed within or about the said Inclosures in the said Squares, and the said several Streets, Circuses, Terraces, Roads, Highways, or other public Passages or Places, already or hereafter to be set out or made as aforesaid in pursuance of this Act, or any Part or Parts thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also make full Satisfaction to the said Commissioners for any Damage done by him, her, or them as aforesaid; and that if any Person shall cause any Nuisance or Annoyance within the said Inclosures, or any of them, either by beating or dusting of Carpets, or laying or casting any Filth, Ashes, Dung, Dust, or Rubbish therein, or in any other Manner whatsoever,

Property of Pavements, &c. to be vested in Commissioners.

Actions may be brought in the Name of the Treasurer or Clerk.

Penalty on Persons damaging any of the Works,

or occasioning Annoyances.

ſoever, he, ſhe, or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Lamps to be ſet up, and Streets, &c. to be named, and Houſes numbered.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for executing this Act, and they are hereby empowered from Time to Time to cauſe ſuch Lamp Irons or Lamp Poſts to be put or fixed upon or againſt the Walls or Palliſadoes of any of the Houſes, Tenements, or Buildings, and Incloſures, or in ſuch other Manner within the ſaid intended Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places, as they ſhall think proper; and alſo to cauſe ſuch Number of Lamps of ſuch Sizes and Sorts to be provided and affixed, or put upon ſuch Lamp Irons and Lamp Poſts, as they ſhall think neceſſary for lighting all or any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places; and alſo to cauſe the ſaid Lamps, and alſo the ſeveral Houſes within the ſaid ſeveral Streets, Squares, Circuſſes, Ways, and Courts, and other public Paſſages and Places, to be numbered; and alſo to cauſe to be painted, engraved, or deſcribed, in or upon Stone, Wood, or otherwiſe, and to be fixed in a conſpicuous Part of One or more Houſe or Houſes, Building or Buildings, at or near each End, Corner, or Entrance of ſuch Streets, Squares, Circuſſes, Ways, and Courts, and other public Paſſages and Places, the Name by which each reſpective Street, Square, Circus, Lane, Way, Court, Yard, Mews, Paſſage, and Place, is to be properly called or known, in ſuch Manner as they ſhall judge moſt proper for diſtinguiſhing the ſame; and if any Perſon ſhall wilfully break, throw down, take away, ſpoil, or damage any Watch Houſe or Watch Box, Lamps, or any of the Irons, Poſts, or other Furniture thereof, or wilfully extinguiſh the Light of any ſuch Lamp, or deface or obliterate any ſuch Name or Number, or any Part thereof, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety ſhall go to the Informer, and the other Moiety to the Commiſſioners acting under and by virtue of this Act, to be by them applied for the Purpoſes thereof; and ſuch Offender ſhall alſo pay to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint to receive the ſame, ſuch Sum of Money as ſhall be a full Satisfaction for the Damage ſo done; and in caſe any Perſon ſhall careleſsly, negligently, or accidentally break, throw down, or otherwiſe ſpoil or damage any of the ſaid Lamps, or the Irons, Poſts, or other Furniture thereof, and ſhall not, upon Demand, make Satisfaction for the Damage done thereto, it ſhall be lawful for any Juſtice of the Peace for the County of *Middleſex*, or the City of *Weſtminſter*, upon Proof thereof made by the Oath of any credible Witneſſes, or on the Confeſſion of the Party, to award ſuch Sum of Money by way of Satisfaction for ſuch Damage, as ſuch Juſtice ſhall think reaſonable, not exceeding Forty Shillings for every ſuch Lamp, Lamp Iron, or Lamp Poſt, or in default of Payment thereof, upon Demand, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon who ſhall have done ſuch Damage, rendering the Overplus (if any) after deducting the Charges of proſecuting ſuch Complaint, and of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels upon Demand.

Penalty on Perſons damaging Watch Houſe, Lamps, &c.

Perſons to ſweep the Footway oppoſite their

XXI. And be it further enacted, That the Occupier of every Houſe and Tenement now erected or to be erected within the Limits of this Act, ſhall once in every Day, before the Hour of Ten of the Clock in the Forenoon

Forenoon of each Day, ſcrape, ſweep, and cleanſe, or cauſe to be ſcraped, ſwept, and cleanſed, the Footway all along and oppoſite to the whole Front and Flank Wall, if any, of his, her, or their reſpective Houſes or Tenements, or in default thereof every ſuch Occupier ſhall forfeit and pay any Sum not exceeding Five Shillings; and if any ſuch Houſe or Building be let furniſhed or in ſeparate Apartments to Inmates, then and in every ſuch Caſe, the Perſon or Perſons ſo letting the ſame ſhall, for the Purpoſe aforeſaid, be deemed and taken to be the Occupier or Occupiers thereof. Houſes once a Day. Penalty.

XXII. And be it further enacted, That the ſaid Commiſſioners for executing this Act ſhall, and they are hereby authorized and empowered, to cauſe all or any of the Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and public Places, within the Limits of this Act, to be watered, when they or any of their Surveyors for the Time being ſhall think proper, and for that Purpoſe to cauſe ſuch Number of Wells and Pumps to be dug, ſunk, and made in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, as they ſhall think neceſſary, and from Time to Time to alter and repair the ſame, as there ſhall be Occaſion, and to defray the Expences thereof out of the Monies to be raiſed by virtue of this Act; provided that no ſuch Well or Pump ſhall be ſunk or made ſo as to injure any Houſe or other Building in, or any Vault or Cellar under any of the ſaid Streets, Squares, Circuſſes, Terraces, or other public Paſſages or Places. Commiſſioners may water Streets. Wells may be dug.

XXIII. And be it further enacted, That the ſaid Commiſſioners for executing this Act ſhall and may, and they are hereby authorized and empowered from Time to Time, at any of their ſaid Meetings, as Occaſion ſhall require, to contract and agree with any fit Perſon or Perſons for doing and performing all or any of the Works by this Act authorized or directed to be done and performed by them, or for ſupplying any of the Materials for the ſame, or for watering the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, or Places, or any of them, which Contract or Contracts ſhall ſpecify the ſeveral Works to be done, and the Prices to be paid for the ſame, and the Time or Times when the ſame Works ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof, and ſhall be ſigned by Two or more of the ſaid Commiſſioners for executing this Act, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively, which Contract or Contracts, or a Copy or Copies thereof, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners; but previous to the making of any ſuch Contract, Fourteen Days Notice at the leaſt ſhall be given in One or more of the public Newſpapers publiſhed in *London* or *Weſtminſter*, expreſſing the Intention of entering into ſuch Contract, in order that any Perſon or Perſons willing to undertake the ſame, may make Propoſals for that Purpoſe, to be offered and preſented to the ſaid Commiſſioners at a certain Time and Place in ſuch Notice to be mentioned. Commiſſioners may contract for performing Works.

XXIV. And be it further enacted, That the ſaid Commiſſioners for executing this Act ſhall cauſe all and every the Works to be done in purſuance of this Act to be inſpected by their Surveyor or Surveyors, or by ſuch other Perſon or Perſons as they ſhall for that Purpoſe appoint; and in Commiſſioners may employ Surveyors, and ſue and com-

pound for Breach of Contracts.

in caſe the ſame ſhall not be well and ſufficiently performed, according to the Terms, Intent, and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times ſpecified in ſuch Contract or Contracts, then the ſaid Commiſſioners for executing this Act may cauſe an Action to be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt any ſuch Contractor, for any Penalty contained in his Contract; and on Proof of the ſigning of the ſaid Contract or Contracts, and of the Non-performance thereof at the Time or Times for that Purpoſe to be therein mentioned, the ſaid Commiſſioners for executing this Act ſhall be entitled to and ſhall recover the full Penalty contained in any ſuch Contract, which, when recovered, ſhall be applied for the Purpoſes of this Act: Provided always, that it ſhall be lawful for ſuch Commiſſioners, if they ſhall think fit, to compound and agree with any Contractor, for any Penalty incurred by him for the Breach or Non-performance of any ſuch Contract, for ſuch Sum of Money as they the ſaid Commiſſioners ſhall think proper, not being leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract, and all Coſts, Charges, and Expences that ſhall be occaſioned thereby.

For preventing Aſhes being taken away by any Perſon but the Contractor for cleanſing.

XXV. And be it further enacted, That if any Perſon or Perſons (other than the Perſon or Perſons contracting with the ſaid Commiſſioners for executing this Act, for cleanſing the Streets, Squares, Ways, Courts, and other public Paſſages and Places under their Direction, or thoſe employed under ſuch Contractor or Contractors) ſhall on any Pretence whatſoever go about to collect or gather, or ſhall aſk for, receive or carry away any Duſt, Dirt, Cinders, or Aſhes, from any Houſe or other Premiſes in any Street, Square, Circus, Way, Court, or other public Paſſage or Place under the Management of ſuch Commiſſioners, it ſhall and may be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, together with the Horſes, Carts, Wheelbarrows, or other Carriages or Implements made uſe of for carrying away the ſame, and, by the Authority of this Act, and without any other Warrant to convey him, her, or them before ſome Juſtice of the Peace for the ſaid County of *Middleſex*, or City of *Weſtminſter*, and ſuch Juſtice ſhall and he is hereby authorized to examine upon Oath the Perſon or Perſons apprehending ſuch Offender or Offenders, and any Witneſs or Witneſſes who ſhall appear to give Information touching ſuch Offence; and if the Party or Parties ſhall be convicted of going about to collect or gather, aſking for, receiving, or carrying away any Duſt, Dirt, Cinders, or Aſhes, from any Houſe or other Premiſes in any Street, Square, Circus, Terrace, Road, Highway, or other public Paſſage or Place under the Management of the ſaid Commiſſioners for executing this Act, not being the Perſon or Perſons ſo contracting with ſuch Commiſſioners, or acting under his or their Authority, he, ſhe, or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings, and One Moiety of every ſuch Penalty ſhall be paid to the Perſon or Perſons who ſhall apprehend the Offender or Offenders, and the other Moiety to the ſaid laſt mentioned Commiſſioners; and if ſuch Offender or Offenders ſhall not immediately on Conviction pay the ſaid Penalty or Penalties, ſuch Juſtice is hereby required to direct ſuch Horſes, Carts, Wheelbarrows, or other Carriages or Implements, which ſhall have been ſo ſeized, to be appraiſed and ſold; and after deducting out of the Monies to ariſe by ſuch Sale, the Penalty or

Penalty.

Penalties incurred, together with the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, the Overplus thereof ſhall be returned to the Party or Parties whoſe Horſes or other Things ſhall be appraiſed and ſold; and in caſe there ſhall have been no ſuch Seizure as aforeſaid, or if the Horſes and other Things which ſhall be ſo appraiſed and ſold, ſhall not produce a ſufficient Sum of Money to pay the ſaid Penalty or Penalties, Charges and Expences, then if ſuch Offender or Offenders ſhall not immediately upon Conviction pay the Penalty or Penalties, or ſuch Part or Parts of the ſaid Penalty or Penalties, Charges and Expences, which ſhall remain over and above the Produce of the Horſes and other Things ſo ſeized and ſold, then ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for the ſaid County of *Middleſex*, or City of *Weſtminſter*, there to be kept to hard Labour for any Time not exceeding Forty Days, unleſs ſuch Penalty or Penalties be ſooner paid and ſatisfied: Provided nevertheleſs, that nothing in this Act contained ſhall extend to prevent or hinder the Owner or Owners of ſuch Duſt, Dirt, Cinders, or Aſhes, from carrying away the ſame for his, her, or their own uſe, to be applied to any Manufactory of any ſuch Owner or Owners, or to the manuring of any Ground occupied by him, her, or them.

Owners of Duſt may remove it.

XXVI. And be it further enacted, That if any Houſeholder within the Limits of this Act, ſhall by Writing under his or her Hand, to be left at the uſual Place of Abode of the Surveyor or Inſpector for the Time being to the ſaid Commiſſioners for executing this Act, make Complaint of any Defect of lighting or cleanſing, or Want of Repair in the Pavement, in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, or other public Paſſages or Places, the ſaid Surveyor or Inſpector in every ſuch Caſe ſhall inquire into and examine the Matter of Complaint, and report thereupon to ſuch Commiſſioners at their next Meeting; and if by ſuch Report it ſhall appear that the Pavement complained of is bad and defective, unleſs it ſhall ariſe from a Defect relating to the Water Pipes lying under ſuch Pavement, the ſaid laſt mentioned Commiſſioners ſhall give Notice to their Contractor or Pavior to repair the ſame, within ſuch Time as the ſame Commiſſioners ſhall judge neceſſary, which Time ſhall be ſpecified in ſuch Order; and if the Contractor or Pavior to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavement within the Time directed by ſuch Order, he ſhall in every ſuch Caſe forfeit and pay any Sum not exceeding Forty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired after the Time limited by ſuch Order, and One Moiety of every ſuch Penalty ſhall be paid to the Inhabitant ſo making Complaint, and the other Moiety ſhall be paid to the ſaid Commiſſioners for executing this Act, to be applied by them for the Purpoſes of this Act; and if it ſhall appear by ſuch Report, that the Contract for cleanſing or lighting ſhall not be duly performed, the ſaid Commiſſioners for executing this Act ſhall forthwith give Directions for recovering the Penalty under ſuch Contract.

Houſeholders making Complaint of defective Pavement or Lighting, Surveyor to view it, and if defective, to give Notice to Contractor.

Penalty on Pavior neglecting to repair the Pavement.

XXVII. And be it further enacted, That all Signs, Sign Poſts, Gutters, and Screens, which now are, or at any Time hereafter ſhall be placed againſt any of the Houſes or other Buildings now erected or erecting, or hereafter to be erected or built within the ſeveral Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places aforeſaid, ſhall be fixed cloſe to the Fronts of the Houſes, Shops, Warehouſes, and Buildings,

For preventing Encroachments by Signs, Gutters, &c.

Buildings, to which they ſhall reſpectively belong, and not otherwiſe, and that the reſpective Occupiers of any ſuch Houſes or other Buildings as aforeſaid, ſhall at their own Charges, within ſuch Time and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time, by Notice in Writing under the Hands of any Three or more of them (to be delivered to ſuch reſpective Occupiers, or left at their reſpective Dwelling Houſes) order and direct, cauſe all Signs which may belong to and ſhall not be fixed or placed upon ſuch reſpective Houſes or other Buildings in Manner aforeſaid, to be taken down and fixed or placed flat on the Fronts thereof, and all Signs, Irons, Sign Poſts, and other Poſts, Pent Houſes, Screens, Spouts, Steps, Shop Windows, and Cellar Windows, and other Incroachments, Obſtructions, Projections, and Annoyances, which may hereafter be made by any ſuch Occupiers or other Perſons, in, upon, or near, or attached to any ſuch reſpective Houſes or other Buildings, contrary to the Meaning of this Act, to be removed, altered, or reformed, and alſo to cauſe the Water to be conveyed from the Roofs, Cornices, and Pent Houſes, which belong to ſuch reſpective Houſes or other Buildings, by proper and ſufficient Pipes or Trunks, to be affixed to the Sides of ſuch Houſes and other Buildings reſpectively, and from thence by proper Drains into the Common Drains or Sewers; and in caſe any ſuch Occupier ſhall neglect or refuſe ſo to do, it ſhall be lawful for the ſaid Commiſſioners for executing this Act, to cauſe the ſame to be done; and if ſuch Occupier ſhall refuſe to pay the Coſts and Charges attending the ſame, the ſaid laſt mentioned Commiſſioners ſhall cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Occupier, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *Middleſex* (which Warrant ſuch Juſtice is hereby required and authorized to grant) rendering the Overplus (if any) when demanded, to the Perſon whoſe Goods and Chattels ſhall be ſo diſtrained and ſold; and if the Tenant in Poſſeſſion of any ſuch Houſe or other Building, ſhall remove, alter, or reform any ſuch Encroachments, Obſtructions, Projections, or Annoyances as aforeſaid, according to the Directions of the ſame Commiſſioners (except ſuch as ſhall be put up or occaſioned by ſuch Tenant) it ſhall be lawful for every ſuch Tenant to deduct and retain the Charges and Expences thereof out of his or her Rent, and the Landlord of every ſuch Houſe or other Building is hereby required to allow the ſame accordingly: Provided always, that nothing herein contained ſhall extend to authorize the ſaid Commiſſioners to ſtop up any Cellar Window where there ſhall be no other Way from the Street or other public Paſſage or Place into ſuch Cellar, unleſs the ſaid Commiſſioners ſhall make or provide ſome other commodious Way into ſuch Cellar; and in caſe the Palliſado, Fence, or Railing for ſeparating the Area of any Houſe or other Building from the Way or Paſſage ſhall be broken down or out of Repair, and the Owner or Occupier of ſuch Houſe or other Building ſhall not forthwith (being thereunto required by Writing, ſigned by the Surveyor or Clerk of the ſaid Commiſſioners for executing this Act for the Time being) ſet up, amend, or repair ſuch Palliſado, Fence, or Railing, it ſhall be lawful for the ſaid laſt mentioned Commiſſioners from Time to Time to cauſe the ſame to be ſet up, amended, and repaired, or altered, in ſuch Manner as they ſhall judge neceſſary, and levy the Charges and Expences attending the ſame upon or from the Owner or Occupier of every ſuch Houſe or other Building by Diſtreſs and Sale, in like Manner as any Penalty or Forfeiture is by this Act authorized to be levied.

Cellar Windows.

XXVIII. And whereas it may be expedient that Porticos, Arcades, Colonades, or other covered Ways, ſhould be allowed to extend over the Footways of ſome of the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, and that Bow Windows, Shop Windows, Alcoves, Balconies, and other ornamental Projections, ſhould be allowed to be advanced to the Fronts of the Areas, provided ſuch Porticos, Colonades, Arcades, or other covered Ways, Bow Windows, Alcoves, Balconies, or other Ornamental Projections, be made of Brick, Stone, Metal, or other incombuſtible Materials; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners for executing this Act to authorize and permit the building or erecting and making of any Porticos, Arcades, and other covered Ways, projecting from any Buildings or Houſes, which ſhall or may be built on the Sides of the ſaid New Streets, Squares, Circuſſes, Ways, Courts, Paſſages, or Places, extending over any Footways of the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, provided the ſame do not obſtruct or incommode the Foot Paſſengers, and that the Footways under the ſame be at leaſt Nine Feet broad in the Clear between the Columns, Piers, or other Supports of ſuch Porticos, Colonades, Arcades, or other covered Ways, in the new Street leading from *Pall Mall* to the New Road, and Six Feet broad at the leaſt in the other Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, and the railing of the Areas of the Houſes or other Buildings before which the ſame are placed; and provided ſuch Colonades, Arcades, Porticos, and covered Ways, be built of Stone, Brick, or Metal, or Stucco or Cement laid on Brick or Stone, except the Joiſts and Bearers which form the Covering over the ſaid Footpath, which may be of Wood, covered with Plaſter or Stucco, or other uninflammable Compoſition, and ſo as that all ſuch Porticos, Colonades, Arcades, and other covered Ways, ſhall be made in ſuch Manner, and upon ſuch Plans, and of ſuch Dimenſions, as ſhall be ordered and directed or authorized and allowed by the ſaid Commiſſioners in that Behalf; any Thing in any Act or Acts of Parliament relating to Houſes or Buildings in the Cities of *London* or *Weſtminſter*, to the contrary notwithſtanding.

Commiſſioners may allow Porticos, Colonades, &c. to project over Footways under certain Regulations.

XXIX. Provided alſo, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for executing this Act to authorize and permit the erecting or making, or continuing or ſuffering to remain, the Fronts of any Houſes or Buildings in the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, in ſuch Manner as that ſome Fronts may recede behind or advance before others, and with Bow Windows or other Projections, and with Virandas, Alcoves, Balconies, Pilaſters, Columns, and Shop Windows, or other Projections; provided that no Front of any ſuch Houſe or Building, or any ſuch Viranda, Alcove, Balcony, Pilaſter, Column, or Shop Window, or other Projections, advance beyond the Area of the Houſe or Building to which it ſhall belong, and that the ſame be built of Stone, Brick, Metal, or Stucco, or other Cement laid on Brick or Stone, except Shop Windows, with their Shutters and Decorations, which may be of Wood; any Thing in any Act or Acts of Parliament relating to Buildings or Houſes, or Bow Windows, or other Projections, to the contrary notwithſtanding.

Commiſſioners may authorize Projections, Virandas, &c.

XXX. And whereas the Avenues to and from the Opera Houſe, and the Accommodation of the Public reſorting thereto, will be greatly improved,

Market Street may be made only a Footway.

improved, if the whole of the ſaid Building is ſurrounded with a Stone or Iron Colonade, extending over the Footpaths in *Pall Mall*, *Charles Street*, the *Hay Market*, and *Market Lane*; to effect which it will be neceſſary to ſtop up ſo much of *Market Lane* as extends from *Pall Mall* to *Charles Street*, as a Street or Way for Carriages, and to convert it into an open Arcade or covered Way: And whereas the whole of the Houſes on the Weſt Side of that Part of *Market Lane* required to be ſtopped up being already taken down, and the Eaſt Side thereof being appropriated to the Opera Houſe, no Carriage Road is required in that Part of *Market Lane*; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners for executing this Act, to ſtop up ſo much of *Market Lane* as lies between *Pall Mall* and *Charles Street*, and abutting Eaſt on the Opera Houſe, as a Carriage Way, and to make and pave the ſame as a Way for Foot Paſſengers only; and it ſhall alſo be lawful for ſuch Commiſſioners to incloſe the ſame at each End with Iron Gates, to be open at all Times to the Occupiers of the Houſes on each Side of the Footway, but ſhut to the Reſt of the Public at ſuch Hours or Times as the ſaid laſt-mentioned Commiſſioners ſhall order and direct in that Behalf; and alſo wholly to ſtop up, ſhut and cloſe the ſmall Court called *Union Court*, leading out of the *Hay Market* into the Opera Houſe, at or near the South End of the Opera Houſe.

Union Court may be ſhut up.

Penalties on occaſioning Nuiſances.

XXXI. And be it further enacted, That if any Perſon ſhall run, drive, or place, or cauſe to be run, driven, or placed, any Coach, Carriage, or Waggon, Dray, Truck, Sledge, Wheelbarrow, or any Carriage whatſoever, upon or over any of the Foot Pavements within the Limits of this Act, or ſhall wilfully ride, drive, or lead any Horſe, or other Beaſt or Cattle, along or upon any of the ſaid Foot Pavements, or ſhall, within any Street, Square, Circus, Terrace, Road, or Highway, or other public Paſſage or Place within the Limits of this Act, ſlaughter, dreſs, or cut up any Swine or other Beaſt, or hoop, cleanſe, or ſcald any Caſk, or hew or ſaw any Stone, Wood, or Timber, or bind or make the Wheel of any Carriage, or ſhoe or bleed, dreſs or farry (except in Caſes of Accident) any Horſe or other Beaſt, or drive any Carriage or Carriages for the Purpoſe of breaking any Horſe, Mare, or Gelding, or ride any Horſe, Mare, or Gelding for the Purpoſe of airing or exerciſing the ſame, or for trying or ſhewing the ſame for Sale in any ſuch Street, Square, Circus, Terrace, Road, Highway, or public Paſſage (otherwiſe than by paſſing through the ſame) or ſet, place, or expoſe to ſale, any Goods, Wares, or Merchandize, either in the Footway or Carriageways belonging or to belong to any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, or Highways, or other public Paſſages or Places, every Perſon ſo offending in any ſuch Caſe ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings; and alſo that if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack any Lime (except within ſuch Hoard or Incloſure as herein-after is mentioned) in any ſuch Street, Square, Circus, Terrace, Road, or Highway, Paſſage or Place, or cauſe the ſame to be ſo done, he and they ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Hoards may be erected.

XXXII. Provided always, and be it further enacted, That nothing herein contained ſhall hinder or prevent any Perſon from erecting or building any Hoard or other Thing by way of Incloſure, for the Purpoſe

poſe of making Mortar, or depoſiting Bricks or Stone, or making or working up any Lime, Sand, or other Materials for making, building, altering, or repairing any Houſe, Wall, or other Building, within the Limits of this Act, or ſubject him to any Penalty on account thereof; but ſo nevertheleſs, as that every ſuch Perſon ſhall previouſly have and obtain a Licence for that Purpoſe, under the Hand of the Surveyor to the ſaid Commiſſioners; which Licence ſuch Surveyor is hereby required forthwith to grant to any Perſon applying for the ſame, and for which he ſhall receive the Sum of One Shilling, and no more; which Licence ſhall ſpecify the Length and Breadth of every ſuch Hoard, and the Time it is to continue for ſuch Purpoſes as aforeſaid; and if any Perſon ſhall erect any Hoard or Incloſure of greater Dimenſions than ſhall be ſpecified in, or ſhall ſuffer ſuch Hoard or Incloſure to remain for any longer Time than ſhall be allowed by ſuch Licence, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Ten Shillings for every Day of Twenty-four Hours that ſuch Hoard or Incloſure, or any Part thereof, ſhall be continued, after Notice ſhall have been given by the Surveyor to take down and remove the ſame.

Penalty on leaving Carriages, &c. in the Streets.

XXXIII. And be it further enacted, That if any Waggon, Cart, or other Carriage ſhall be left to ſtand or remain in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, or other public Paſſages or Places, with or without Horſes, for any longer Time than ſhall be neceſſary for the loading and unloading thereof; or if any Stage Coach, Poſt Chaiſe, or other Carriages let to hire ſhall be left to ſtand or remain in any ſuch Street, Square, Circus, Way, Court, Paſſage, or Place, with or without Horſes, for any longer Time than ſhall be reaſonable and neceſſary for taking up or ſetting down Paſſengers, for loading or unloading their Baggage or other Loading (except for Repair in caſe of Accident); or if any Hackney Coach or Hackney Chariot ſhall ſtand therein in order to procure Fares or obtain Hire, or longer than ſhall be reaſonable and neceſſary for taking up or ſetting down Paſſengers; or if any Horſe or other Cattle ſhall be ſuffered to ſtand at the Door or Houſe of any Perſon, ſo as to obſtruct or incommode the Paſſage of any of the ſaid Footways; or if any Timber, Bricks, Stones, Wood, Goods, or other Thing, ſhall be laid or placed and left to remain in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, or other public Paſſages or Places, for any longer Time than ſhall be neceſſary for removing or houſing the ſame; or if any Dung or Aſhes (except in Time of Froſt) or any Duſt, Dirt, or other Nuiſance or Annoyance, ſhall be thereon caſt or laid in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, or other public Paſſages or Places, and ſuffered to remain for any longer Time than ſhall be neceſſary for removing the ſame, then and in every ſuch Caſe the Owner or Driver of every ſuch Carriage, and the Owner of ſuch Timber or other Things as aforeſaid, and the Perſon who ſhall throw, caſt, or lay any Dung, Aſhes, Duſt, Dirt, or other Nuiſance or Annoyance as aforeſaid, or otherwiſe offend in the Premiſes, ſhall for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings; and if any ſuch Timber or other Things, or ſuch Dung, Aſhes, Duſt, Dirt, or other Nuiſance or Annoyance, ſhall be ſuffered to remain in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, or other public Paſſages or Places, longer than ſhall be neceſſary as aforeſaid, the Surveyor to be employed by the ſaid Commiſſioners is hereby authorized and empowered to

to cause the same to be removed to such Place as he shall think proper, and the Expence thereof shall be paid by the Person liable to the Payment of the said Penalty, and shall and may, in case of Non-payment on Demand, be recovered in a like Manner as any Penalty is hereby authorized and directed to be recovered.

Dirt not to be swept into any Common Sewer, or within a certain Distance of any Gutter or Channel.

XXXIV. And be it further enacted, That no Scavenger or other Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Ashes, Filth, or Soil, to be found in any of the said Streets, Squares, Circusses, or other public Passages or Places, or brought therein into any Common Sewer, Drain, or Tunnel thereunto belonging; but every such Person shall place, sweep, or rake the same together, so as to lie at the Distance of Ten Feet at the least from each of the Grates belonging or to be placed over such Common Sewers, Drains, or Tunnels, and at the Distance of Three Feet at the least from the Channel, where the Width of the Street, Lane, or Place will admit thereof; and that no Person shall use or employ any Cart or other Carriages, in or about the cleansing or watering any of the said Streets, Squares, Circusses, Ways, Courts, or other Passages or Places, or in carrying any Dirt, Dust, Cinders, or Ashes out of the same, unless the Fellies of the Wheels of such Cart or other Carriage shall be of the Breadth or Gauge of Six Inches at the least; and if any Person shall offend in any of the Cases aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety thereof to go and be paid to the Informer, and the other Moiety to the said Commissioners.

Penalty.

Regulation as to Night Soil.

XXXV. And be it further enacted, That no Person shall begin to empty any Privy, or to take or carry away any Night Soil, or bring or place any Carts for removing the same, from any House, Place, or Building, already erected, now erecting, or hereafter to be erected, built, or made within the Limits of this Act, before the Hour of Twelve in the Night, or shall continue to take away the same after the Hour of Five in the Morning, between *Michaelmas* and *Lady Day*, or after the Hour of Four in the Morning, between *Lady Day* and *Michaelmas*, and that no Person shall put or cast, or cause to be put or cast, any such Night Soil out of any Cart, Tub, or otherwise, within the Limits of this Act; and if any Person shall offend herein, he shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof to go and be paid to the Informer.

Penalty.

Scavengers Duty.

XXXVI. And be it further enacted, That all Persons contracting with the said Commissioners for executing this Act, for cleansing the said Streets, Squares, Circusses, Ways, Courts, and other public Passages or Places as aforesaid, shall once in every Fourteen Days, or oftener, if such Commissioners shall so direct, between the Hours of Three in the Morning and Eight in the Evening, attend in all and every the Streets, Squares, Circusses, Ways, Courts, and other public Passages and Places within the Limits of this Act, and shall give One Day's Notice at least in Writing to the Surveyor to such Commissioners, specifying the particular Day in every Week when they are to attend in each of the said respective Streets, Squares, Circusses, Ways, Courts, public Passages, or Places, for the Purposes aforesaid, of which the said Surveyor shall make an Entry in a Book, and such Surveyor shall on that Day inspect the said Streets and

other Places, to see if the Work is properly performed, and shall make an Entry thereof in the same Book; and the Persons so contracting shall also, upon the Request of any of the Inhabitants, or their Servants or Lodgers, go into all and every the Houses and other Places where any Dirt, Dust, Cinders, or Ashes shall be deposited, and take and carry away the same; and if any Person so contracting, or any of the Persons to be employed by him, shall neglect or refuse so to do, he shall forfeit and pay for every Neglect or Refusal, any Sum not exceeding Twenty Shillings, One Moiety whereof shall be paid to the Person complaining, and the other Moiety be applied for the Purposes of this Act. Penalty.

XXXVII. And be it further enacted, That when and as often as any Pipe belonging or to belong to any of the Water Companies who now furnish or shall hereafter furnish any of the Inhabitants within the Limits of this Act with Water, shall happen to burst or be out of Repair, in any of the Streets, Squares, Circuses, Ways, Courts, Passages, or Places within the Limits of this Act, the Surveyor to the said Commissioners for executing this Act, or any other Person or Persons to be by them appointed for that Purpose, shall forthwith cause the Pavement to be taken up, and open the Ground at or near the Place where the Water shall or may issue by reason of the bursting or breaking of any such Pipe; and when, upon taking up the Pavement and opening the Ground, it shall appear to what Water Company such Pipe shall belong, then the Surveyor of the said Commissioners for executing this Act, or such other Person or Persons appointed as aforesaid, shall give Notice to the Pavior of such last mentioned Company, or leave the same at his last or usual Place of Abode; and the Pavior of the Company to whom such Pipe shall belong is hereby required to repair or cause to be repaired such Water Pipe, and to fill in the Ground over the same, in such Manner as the Surveyor to the said Commissioners for executing this Act for the Time being shall direct, within Two Days next after such Notice shall be so given or left as aforesaid; and in case the Pavior to the Company to whom such defective Pipe shall belong, shall refuse or neglect to amend or repair such Pipe, and fill in the Ground, in such Manner as the said Surveyor shall direct as aforesaid, for the Space of Two Days next after such Notice shall be given or left as aforesaid, then and in every such Case, the Person guilty of such Neglect shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and if any Pipe (other than such as shall belong to any such Water Company) shall happen to break or burst in any of the said Streets, Squares, Circuses, Ways, Courts, Passages, or Places, the Owner or Owners thereof shall cause the Ground to be opened, and such Pipe to be repaired, within the Time herein-before respectively limited for such Purposes, and also shall forthwith give Notice to the Surveyor of the said Commissioners for executing this Act, or such other Person or Persons so appointed by them as aforesaid, to relay the Pavement so broken or taken up, on Pain of forfeiting for every such Neglect or Refusal any Sum not exceeding Forty Shillings; or if any Pavement shall be broken or taken up by the Commissioners of Sewers, or any other Person or Persons, for the Purpose of making, repairing, or altering any Sewer or Drain, or for any other Purpose whatsoever, the Surveyor for the Time being to such Commissioners of Sewers, or any other Person or Persons so breaking or taking up the said Pavement, shall forthwith give Notice thereof to the Surveyor or Paving Contractor or Contractors, appointed or employed by the

Regulations for repairing Water Pipes.

Penalties for Neglect in repairing Pipes and Pavement.

the ſaid Commiſſioners for executing this Act, to relay or repair the Pavement ſo broken or taken up as aforeſaid, upon Pain of forfeiting for every ſuch Neglect or Refuſal any Sum not exceeding Forty Shillings; and if the ſaid Surveyor to or for whom ſuch Notice ſhall be given or left as aforeſaid, ſhall neglect or refuſe to acquaint the Paving Contractor or Contractors appointed by the ſaid Commiſſioners for executing this Act, with ſuch Notice, or if ſuch Contractor or Contractors ſhall not within Two Days next after ſuch Notice from ſuch Surveyor or other Perſon or Perſons reſpectively, relay or repair the ſame, then and in every ſuch Caſe, the Perſon or Perſons ſo reſpectively offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings, and the further Sum of Twenty Shillings for every Day ſuch Pavement ſhall continue without being relaid or repaired, after the Expiration of the ſaid Two Days.

Pavement taken up for repairing Water Pipes, to be re-laid.

XXXVIII. And be it further enacted, That whenever the Pavement of any of the ſaid Streets, Squares, Circuſſes, Paſſages, Ways, Courts, or Places ſhall be taken up for the Purpoſe of laying, altering, or repairing any Water Pipe or Plug, the ſaid Pavement ſhall with all convenient Speed be relaid and repaired by the Pavior or Paviors contracting with or employed by the ſaid Commiſſioners for executing this Act; and the Expence of taking up, relaying, and repairing ſuch Pavement, ſhall be borne and paid by the Company or Companies, Perſon or Perſons to whom ſuch Pipe or Plug ſhall belong; but if for the Purpoſes of this Act it ſhall at any Time be found neceſſary to riſe, ſink, or otherwiſe alter the Poſition of any of the Pipes or Plugs laid down or placed by any of the ſaid Companies, or to alter any Sewers, Drains, Gully Holes, or Grates, within the Limits of this Act, the ſame ſhall be done with as little Detriment or Inconvenience to the Company or Companies, Perſon or Perſons to whom the ſame ſhall belong, as the Circumſtances of the Caſe will admit of; and the Expence thereof ſhall be defrayed by the ſaid laſt-mentioned Commiſſioners, out of the Monies ariſing by virtue of this Act.

Paviors and Turncocks to give Notice of their Abodes to the Surveyors.

XXXIX. And be it further enacted, That the Perſon or Perſons who now is or are, or ſhall hereafter be appointed Pavior or Paviors, Turncock or Turncocks to the ſaid reſpective Water Companies within the Limits of this Act, ſhall and they are hereby required, within the Space of Forty Days after the paſſing of this Act, or within the Space of Seven Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks to ſuch Company or Companies, to give Notice in Writing to the Surveyor or Surveyors of the ſaid Commiſſioners for executing this Act for the Time being, or to ſuch other Perſon or Perſons as ſhall be by them appointed for that Purpoſe, which Notice ſhall contain the Name and Place of Abode of every ſuch Pavior or Turncock, as alſo to what Company he is a Pavior or Turncock; and in what Diſtrict he has the Care of the Pipes belonging to ſuch Company or Companies; and in like Manner the Surveyor or Surveyors for the Time being to the ſaid Commiſſioners for executing this Act ſhall, within the reſpective Times aforeſaid, give Notice to the reſpective Paviors or Turncocks of the ſaid ſeveral Water Companies, and alſo to the Surveyor or Surveyors to the Commiſſioners of Sewers, of his or their own Place or Places of Abode, and likewiſe of the Names and Places of Abode of ſuch Paving Contractor or Contractors,

or Perſon or Perſons employed as Pavior or Paviors by the ſaid Commiſſioners for executing this Act; and every Perſon neglecting or refuſing to give ſuch Notice as aforeſaid, within the Times before reſpectively ſpecified, ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence. Penalty.

XL. And be it further enacted, That when and ſo often as any Sewer, Gully Hole or Drain, which ſhall or may be under the Direction of the ſaid Commiſſioners of Sewers, in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, or Places within the Limits of this Act, ſhall require to be repaired, altered, cleanſed, or emptied, or any new or additional Sewer, Gully Hole or Drain, ſhall be neceſſary to be made, or any new or additional Grate to be put and placed over any Sewer, Gully Hole or Drain, in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, or Places, or any old Grates over the ſame, ſhall require to be repaired, removed, or altered, then and in every ſuch Caſe the ſaid Commiſſioners of Sewers ſhall within Three Days next after Notice given or left for their Surveyor for the Time being, at his laſt or uſual Place of Abode, ſigned by the Surveyor to the Commiſſioners for putting this Act into Execution, cauſe ſuch Sewer, Gully Hole or Drain to be repaired, altered, cleanſed, or emptied, and ſuch new and additional Grates to be made and put down, and ſuch old Grates to be repaired, removed, or altered; and in default thereof it ſhall be lawful for the ſaid Commiſſioners for putting this Act into Execution, or their Surveyor, to cauſe ſuch Sewer, Gully Hole, or Drain, to be repaired, altered, cleanſed, or emptied, or ſuch new and additional Grates to be made and put down, or ſuch old Grates to be repaired, removed, or altered, as the Caſe may require, or ſo much of the ſaid Works to be completed as ſhall remain unfiniſhed: Provided always, that the Charges and Expences of relaying or repairing the Pavements which ſhall be broken or taken up for the Purpoſe of repairing or amending any Pipe, ſhall be paid to the ſaid Commiſſioners for executing this Act, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and that the Charges and Expences of making, repairing, altering, cleanſing, or emptying any ſuch Sewer or Drain, and of making or putting down any ſuch new or additional Grates, and altering or repairing ſuch old Grates, and of relaying and repairing the Pavement ſo broken or taken up for any of the Purpoſes aforeſaid, ſhall be paid to the ſaid Commiſſioners for executing this Act, or to ſuch Perſon or Perſons as they ſhall, at any ſuch Meeting as aforeſaid, appoint to receive the ſame, by the Treaſurer or Clerk to the ſaid Commiſſioners of Sewers, or by the Perſon or Perſons who ſhall take or cauſe the ſaid Pavement to be taken up for the Purpoſes aforeſaid; and in caſe the Owner or Owners of ſuch Pipe as aforeſaid, or the Treaſurer or Clerk of the ſaid Commiſſioners of Sewers, or other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe to pay what ſhall have been ſo laid out or diſburſed for the Purpoſes aforeſaid, within Ten Days next after Notice thereof in Writing, ſigned by the Clerk to the ſaid Commiſſioners for putting this Act in Execution, and left at their reſpective Dwelling Houſes, or laſt or uſual Place of Abode, together with a Bill annexed thereto (which Bill ſhall contain an Account of ſuch Charges and Expences) then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, and they are hereby authorized and empowered, to bring or cauſe to be brought an Action againſt any or either of the reſpective Perſons aforeſaid, for Commiſſioners of Sewers to repair Drains under their Direction, and Owners of Pipes to pay the Expences of repairing them.

for the Recovery of such Sum or Sums of Money as the said Commissioners for executing this Act shall have so laid out and expended for the Purposes aforesaid,

Watchmen to be appointed.

XLI. And be it further enacted, That the said Commissioners for putting this Act in Execution may, and are hereby authorized and empowered, from Time to Time to appoint such Number of Watchmen and Patroles, to be employed within the Limits of this Act for so long Time in the Night under such Regulations and for such Wages, as they shall think proper, and to provide them with proper Arms, Ammunition, Weapons, and Clothing, for the Discharge of their Duty; and if any Watchman or Patrole appointed as aforesaid shall refuse or neglect to perform his Duty, or shall in anywise misbehave himself in the Execution of his Office, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty.

Duty of Watchmen.

XLII. And be it further enacted, That the Watchmen to be appointed as aforesaid shall, during the Time of their being upon Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also any Burglaries, Robberies, Affrays, or other Outrages and Disorders, within the Limits of this Act; and that it shall be lawful for the said Watchmen, or any of them, and they are hereby respectively authorized and required, while on Duty, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons, within the Limits of this Act, who shall disturb the public Peace, or whom they shall have Cause to suspect of any evil Designs, and to secure and keep in safe Custody every such Person, in order that he or she may be conveyed as soon as conveniently may be, before some Justice of the Peace for the County of *Middlesex* or City of *Westminster* to be examined and dealt with according to Law; and

Penalty on Victuallers harbouring Watchmen.

if any Victualler or Keeper of any Public House shall knowingly harbour or entertain any Watchman, to be employed within the Limits of this Act, or permit or suffer any Watchman to be and remain in his House during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper of every such Public House, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Rates to be laid on Houses, &c.

XLIII. And for raising Money to enable the said Commissioners appointed and to be appointed by virtue of this Act, to carry the several Purposes of this Act into Execution; be it further enacted, That one or more Rate or Rates, Assessment or Assessments, shall for the Purpose of paving, cleansing, lighting, watering, and watching the said Streets, Squares, Circusses, Ways, Courts, and other public Passages and Places, which shall be within the Limits of the Jurisdiction of the Commissioners under this Act, and for carrying the several Purposes of this Act in relation thereto into Execution, shall be laid, rated, and assessed by the said last-mentioned Commissioners once in every Year if they shall judge it needful, upon all and every Persons and Person who do or shall inhabit, hold, or occupy any Land, House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Building, or Tenement, in any of the said Streets, Squares, Circusses, Ways, Courts, and other public Passages and Places, in such Sum or Sums of Money, as such Commissioners shall order and direct, and that one or more Rate or Rates, Assessment or Assessments, shall for the Purpose of forming, making, enclosing, planting, ornamenting, and embellishing the Centres or Areas of the said Squares and Circusses, be in like

Manner laid, rated, and aſſeſſed, upon all and every Perſons and Perſon who ſhall inhabit, hold or occupy any Houſe and Building erected and built, or to be erected and built, and encompaſſing the ſaid Squares and Circuſſes, in ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall order or direct, but ſo nevertheleſs as that ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not exceed in the Whole in any one Year the ſeveral Sums of Money next herein-after mentioned (that is to ſay;) for paving, repairing, cleanſing, watching, and lighting the ſaid ſeveral Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places, the Sum of Two Shillings in the Pound, according to the yearly Rent or Value of ſuch Houſes, Shops, Warehouſes, Coach Houſes, Stables, Cellars, Vaults, Buildings, and Tenements, which are or ſhall be ſituate within the Limits of this Act; and for watering ſuch Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, the Sum of Sixpence in the Pound, according to the yearly Rent or Value of ſuch Houſes and Buildings as are or ſhall be erected and built in or about ſuch Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, which ſhall from Time to Time be watered in purſuance of the Directions of this Act, and for forming, making, encloſing, ornamenting, and embelliſhing the Centres, Areas, or Middle Spaces of the ſaid Squares and Circuſſes which ſhall be laid out and made within the Limits of this Act, and for ſupporting and maintaining the ſame, after the Rate of Two Shillings in the Pound, according to the yearly Rent or Value of ſuch Houſes and Buildings as are or ſhall be erected in ſuch reſpective Squares, Circuſſes, or Places; in the making of which ſaid ſeveral Rates or Aſſeſſments, the Stables, Coach Houſes, Erections, and other Buildings, which ſhall belong to or be reſpectively held and occupied with any of the Houſes erected or to be erected or ſituate in any of the ſaid Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places, ſhall be reſpectively rated together and along with ſuch Houſes, and not as ſeparate Buildings; and that the ſaid Commiſſioners ſhall cauſe ſeparate and diſtinct Accounts to be kept of the Produce of the ſaid reſpective Rates and Aſſeſſments, and the Application of the ſame reſpectively. Rates.

How the yearly Value of Houſes, &c. is to be aſcertained; Commencement of Rates.

XLIV. And be it further enacted, That the Annual Value of all ſuch Houſes, Stables, Cellars, Vaults, Buildings, and Tenements, ſo to be reſpectively rated and aſſeſſed as aforeſaid, ſhall be ſettled and aſcertained according to the real Rack Rent or full yearly Value thereof; and the firſt Year, for which ſuch Rates or Aſſeſſments as aforeſaid ſhall be made, ſhall commence for or in reſpect of ſuch Houſes or other Buildings as now are, or ſhall be then erected, built, and tiled, ſlated or covered in, within the Limits of this Act, and paved in Front thereof, from the Twenty-fourth Day of *June* One thouſand eight hundred and ſixteen; and for and in reſpect of all ſuch Houſes or Buildings hereafter to be erected or built within the Limits of this Act, which ſhall not be tiled, ſlated, or covered in, and paved in Front thereof as aforeſaid on the ſaid Twenty-fourth Day of *June*, ſhall commence from the next Quarter Day after the ſame ſhall be ſo tiled, ſlated, or covered in, and the Pavements made in Front thereof as aforeſaid; and the Money ſo rated and aſſeſſed, under or in purſuance of this Act, ſhall from Time to Time be paid to the Collectors to be appointed as aforeſaid, at ſuch Time and Times in every Year, and in ſuch Manner as the ſaid Commiſſioners for executing this Act ſhall order and direct, and ſhall be paid over by ſuch Collectors into the Hands of the Treaſurer to the ſaid Commiſſioners.

Empty Houſes to be charged with Half Rates.

XLV. Provided always, and be it further enacted, That when any of the ſaid Houſes or other Buildings ſhall, at the Time of making any of the ſaid Rates or Aſſeſſments, be empty or unoccupied, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners for executing this Act, to rate and aſſeſs ſuch Premiſes reſpectively at One Half of ſuch Rates and Aſſeſſments, and no more, during the Time only ſuch Premiſes ſhall be empty or unoccupied; and alſo in caſe ſuch Premiſes, after the making of any ſuch Rate or Aſſeſſment, ſhall become empty or unoccupied, One Half only of ſuch Rates or Aſſeſſments ſhall be charged on ſuch Premiſes reſpectively, for and during ſo long Time as the ſame ſhall continue empty and unoccupied; and then and in every ſuch Caſe the ſaid Rates or Aſſeſſments, and all Arrears due thereon, ſhall be paid by the Perſon or Perſons for the Time being entitled to ſuch Premiſes, or by the Firſt or any other Tenant or Occupier thereof, but ſuch Tenant or Occupier ſhall not be liable or compellable to pay more than One Year's Rates or Aſſeſſments due at the Time of his entering thereon in reſpect of ſuch Premiſes; and every ſuch Tenant or Occupier ſhall and may and is hereby authorized to deduct and retain the ſame out of his or her Rent, and the Perſon or Perſons for the Time being entitled to ſuch Premiſes is and are hereby required to allow ſuch Deductions; and that where any Houſe, Building, or Tenement, in reſpect whereof any Rate or Aſſeſſment ſhall be made as aforeſaid, ſhall be let to more than One Tenant, any One or more of ſuch Tenants ſhall be deemed the Occupier or Occupiers thereof for the Purpoſes of this Act: Provided alſo, that in all Caſes where any Perſon ſhall remove from or quit any Houſe, Building, or Tenement, which ſhall be rated or aſſeſſed by virtue of this Act, ſuch Perſon ſhall be liable to pay ſuch Rate or Aſſeſſment in Proportion to the Time that he or ſhe occupied the ſame; and in all Caſes where any Perſon ſhall come into or occupy any Houſe, Building, or Tenement, rated or aſſeſſed as aforeſaid, out of or from which any other Perſon who ſhall have been rated or aſſeſſed for the ſame ſhall be removed, or which at the Time of making any Rate or Aſſeſſment was empty or unoccupied, the Perſon coming into or occupying the ſame ſhall be liable to pay ſuch Rate or Aſſeſſment in reſpect thereof, in Proportion to the Time that he or ſhe occupied the ſame, which ſaid reſpective Proportions, in caſe of Diſpute, ſhall be ſettled or aſcertained by the ſaid Commiſſioners for executing this Act.

Proportions of Rates to be paid by Perſons removing.

Public Buildings to be rated according to the Number of Square Yards of Paving belonging thereto.

XLVI. Provided always, and be it further enacted, That the Rates or Aſſeſſments to be made and laid by virtue of this Act upon or in reſpect of any Chapel, Meeting-houſe, Hoſpital, School, or other public Building, or any Wall or void Space of Ground, ſhall be aſcertained according to the Number of Square Yards of Pavement paved or repaired, cleanſed, lighted, watched, or watered, under or by virtue of this Act, belonging to ſuch Chapel, Meeting-houſe, Hoſpital, School, or other public Building, Wall, or void Space of Ground, meaſuring the ſame from ſuch Chapel, Meeting-houſe, Hoſpital, School, Building, Wall, or void Space of Ground, to the Middle of the Street, Square, or Place, on which the ſame ſhall reſpectively abut, and the ſame ſhall never exceed in any One Year the Sum of Nine-pence for every ſuch Square Yard; and ſuch Rates or Aſſeſſments to be made and laid upon ſuch Chapel, Meeting-houſe, Hoſpital, School or other public Building, Wall, or void Space of Ground, ſhall be paid by the Chapelwardens, Truſtees, or Owners or Proprietors thereof reſpectively; but ſo, nevertheleſs, as that no Rate or

Aſſeſſment ſhall by virtue of this Act, be laid upon, or collected or received for or in reſpect of any Wall or void Space of Ground, unleſs the ſame ſhall abut upon or front ſome Street, Lane, or Place, to be paved, cleanſed, or lighted as aforeſaid.

Rates of Houſes let to Ambaſſadors, &c. to be paid by Landlord.

XLVII. And be it further enacted, That every Rate or Aſſeſſment which ſhall be laid or aſſeſſed by virtue of this Act, for or in reſpect of any Houſe, Building, Coach Houſe, Stable, or Tenement, which any Ambaſſadors, Reſident Agent, or other public Miniſter, of any Foreign Prince or State, or the Servant of any ſuch Ambaſſador, Reſident Agent, or other public Miniſter, or any other Perſon not liable by Law to pay ſuch Rate or Aſſeſſment, ſhall hereafter inhabit, ſhall be paid by and recoverable from the Landlord or Proprietor of every ſuch Houſe, Building, Coach Houſe, Stable, or Tenement, who ſhall for that Purpoſe be deemed the Occupier thereof.

Leſſee ſubject to Rates of Houſes let to Lodgers.

XLVIII. And be it further enacted, That the Leſſee, Landlord, or Owner of every Houſe, within the Limits of this Act, which is or ſhall or may be let out ready furniſhed to a Lodger or Lodgers, ſhall be deemed and taken to be the Occupier thereof, and ſhall be liable and ſubject to the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied, according to the yearly Value of the Premiſes, and that every Perſon renting or occupying any ſuch ready furniſhed Houſe as aforeſaid ſhall be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments, to be recovered in Manner herein directed; but ſuch Perſon ſo renting or occupying any ſuch ready furniſhed Houſe as aforeſaid ſhall not be liable and compellable to the Payment of the ſaid Rates or Aſſeſſments beyond the Rent actually due by him or her in reſpect of the ſaid Premiſes, and that every ſuch reſpective Occupier or Occupiers who ſhall pay any ſuch Rate or Aſſeſſment, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent due and payable from him, her, or them, to ſuch reſpective Leſſee or Landlord, or Owner, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their reſpective Landlord, for ſo much Money as he, ſhe, or they ſhall pay, or ſhall be levied on him, her, or them by virtue of this Act.

Houſes partly within and partly without the Limits of this Act.

XLIX. Provided always, and be it further enacted, That if any Houſe or Premiſes ſhall be ſituate partly within the Limits of the Juriſdiction of the Commiſſioners under this Act, and partly in any Street or Place not within ſuch Limits, ſuch Houſe or Premiſes ſhall be aſſeſſed to the Rates to be raiſed by virtue of this Act, for a proportionable Part only of the Rent thereof; and it ſhall be lawful for the ſaid Commiſſioners for executing this Act, or any Perſon appointed by them at ſome Meeting to be holden for that Purpoſe, and they or he are or is hereby reſpectively authorized and required to apportion and ſettle, at how much and what Part of the Rent of ſuch Houſe and Premiſes the ſame ſhall be aſſeſſed.

Houſes rated under this Act, not liable to like Rates under other Acts.

L. And be it further enacted, That no Land, Houſe, Shop, Warehouſe, Coach Houſe, Stable, Cellar, Vault, Building, Tenement, or Premiſes, of any Sort, Kind or Deſcription whatever, within the Limits of the Juriſdiction of the Commiſſioners under this Act, and the Occupier or Owner whereof ſhall be rated and aſſeſſed in reſpect thereof by the ſaid Commiſſioners

Commiſſioners under the Proviſions of this Act, ſhall after the making of ſuch Rate be liable to any Rate or Aſſeſſment for the like Purpoſe, under any other Act or Acts of Parliament; any Thing in any Act or Acts of Parliament to the contrary notwithſtanding.

Arrears of Rates, how to be recovered.

LI. And for the better enforcing the Payment of the Rates or Aſſeſſments to be made by virtue of this Act, be it further enacted, That if any Perſon or Perſons liable to pay any of the ſaid Rates or Aſſeſſments ſhall refuſe or neglect to pay the Money rated or aſſeſſed upon him, her, or them, and all Arrears due thereon; or if any Perſon or Perſons liable to pay any of the ſaid Rates or Aſſeſſments ſhall at any Time begin to remove his, her, or their Goods or Furniture from the Houſe or Premiſes in his, her, or their Occupation within the Limits of this Act, or to ſell or diſpoſe of ſuch Goods or Furniture therein by Public Auction, or ſell, diſpoſe of, or carry away, his, her, or their Goods or Furniture as aforeſaid, without paying all Arrears then due or rated in reſpect of ſuch Houſe (in which the current Quarter ſhall be conſidered as due), that then and in every of the ſaid Caſes, it ſhall be lawful for the Collector for the Time being to the ſaid Commiſſioners for executing this Act, to collect and levy ſuch Rates or Aſſeſſments, and all Arrears due thereon, and the Rate or Aſſeſſment for ſuch Quarter wherein ſuch Removal or Sale ſhall begin to be made as aforeſaid, although previous to the Time for Payment of the Rate or Aſſeſſment for ſuch Quarter, by Warrant under the Hand and Seal or Hands and Seals of any One or more Juſtice or Juſtices of the Peace for the County of *Middleſex* or City of *Weſtminſter*, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing, or beginning to remove, take away, or ſell any ſuch Goods or Furniture as aforeſaid; and if within Five Days next after ſuch Diſtreſs ſhall be made, the ſaid Rates or Aſſeſſments, 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 or Aſſeſſments, 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 or Owners of ſuch Goods and Chattels reſpectively.

Commiſſioners may bring Actions for Rates.

LII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for executing this Act, if they ſhall think it more expedient, to bring or cauſe to be brought, in the Name of their Treaſurer, or Clerk, or of any One of them the ſaid laſt-mentioned Commiſſioners, any Action or Actions of Debt, or Special Action on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, for all or any of the Rates or Aſſeſſments ſo to be made by virtue of this Act as aforeſaid, in which Action or Actions it ſhall be ſufficient for the Plaintiff to declare, that the Defendant is indebted to the Plaintiff in ſuch Sum of Money as the Plaintiff ſhall ſuppoſe to be due; and if the Plaintiff ſhall recover ſuch Sum ſo declared for, or any Part thereof, he ſhall have full Coſts, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered; in which Action or Actions, no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Rate Books to be admitted Evidence.

LIII. And be it further enacted, That the Books of Rates to be delivered by the Collector or other Officers to the ſaid Commiſſioners for executing

ing this Act, and all Entries afterwards made therein, or examined Copies thereof respectively, shall be received in Evidence of the Rates imposed by virtue of this Act, and the Payment of such Rates, or such of them, or such Part thereof, as shall by such Entries appear to have been paid to such Collectors.

Commissioners may borrow Money

LIV. And for the more speedily raising Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners for executing this Act, and they are hereby empowered from Time to Time, to borrow and take up at Interest, any Sum or Sums of Money, upon the Credit of the Rates or Assessments herein-before granted; and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Monies, or his or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (*videlicet*,)

'BY virtue of an Act made in the Fifty-sixth Year of the Reign of King *George* the Third, intituled [*set forth the Title of this Act*] We being of the Commissioners appointed by virtue of the said Act, for paving, cleansing, lighting, watering, and watching the Streets, Squares, Circuses, Ways, Courts, and other public Passages and Places, within the Limits mentioned in the said Act, in Consideration of the Sum of advanced and lent by *A. B.* to *C. D.* (the Treasurer appointed in pursuance of the said Act) upon the Credit of the Rates and Assessments to be made by virtue of the said Act for the Purposes aforesaid, do grant and assign unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the said Rates or Assessments, as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments to be had and holden from this Day, until the said Sum of with Interest of *per Centum per Annum* for the same, to be paid Half-yearly, shall be repaid and satisfied. In Witness whereof, We have hereunto set our Hands and Seals, this Day of .'

And every such Assignment shall be good, valid, and effectual in the Law.

Money may be raised by Annuities.

LV. Provided always, and be it further enacted, That in case the said Commissioners for executing this Act shall think it advisable to raise all or any Part of the Money necessary for the Purposes aforesaid, by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for such Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners for executing this Act any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person or Persons who shall be nominated by or on the Behalf of such Contributor, at the Time of the Payment of his or her Contribution or Purchase Money; so that no such separate Annuity do exceed the Rate of Ten Pounds for every One hundred Pounds for a Year.

Commiſſioners may cauſe Bonds or other Securities to be given for Payment of Annuities.

LVI. And be it further enacted, That the ſaid Commiſſioners for executing this Act ſhall cauſe a Bond or Note, or other Security, under the Hands and Seals of Three or more of them, to be delivered to every Perſon advancing any Part of the ſaid Monies for Payment of ſuch Annuities, in reſpect thereof; which Bonds, Notes, or other Securities, ſhall be aſſignable by Indorſement; and which ſaid ſeveral Annuities ſo to be purchaſed ſhall be and are hereby charged upon, and ſhall be paid out of the Rates or Aſſeſſments herein-before mentioned, and ſhall be made payable and paid Quarterly during the natural Lives of ſuch Contributors reſpectively, or the natural Life or Lives of ſuch other Perſon or Perſons as ſhall be nominated by ſuch reſpective Contributors, and a proportional Part of ſuch Annuity ſhall be paid from the laſt Quarter Day of Payment preceding the Death of the Annuitant, or his *ceſtui que vie*, up to the Day of his Deceaſe.

Commiſſioners may grant Bonds to their Clerk or Secretary.

LVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners for executing this Act, and they are hereby authorized and empowered from Time to Time to grant unto their Chief Clerk or Secretary for the Time being, any Bond or Bonds, under the Hands and Seals of any Three or more of them, each Bond to be conditioned for the Payment of the Sum of Two hundred Pounds, and which Bonds ſhall be likewiſe charged upon and paid out of the Rates and Aſſeſſments to be made by virtue of this Act for the Purpoſes aforeſaid, and the Monies to be raiſed by Means thereof, with Intereſt for the ſame, after the Rate of Five Pounds *per Centum per Annum*.

Power to ſell ſuch Bonds.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for ſuch Chief Clerk or Secretary for the Time being, by and with the Direction of the ſaid Commiſſioners for executing this Act, or any Three or more of them, from Time to Time to make ſale and diſpoſe of all and every or any ſuch Bond or Bonds ſo to be granted to ſuch Chief Clerk or Secretary as aforeſaid, either by Public Sale or Private Contract, unto any Perſon or Perſons, for the beſt Price or Prices in Money that can be reaſonably had or obtained for the ſame, and to apply the Money thence ariſing for or towards the carrying this Act into Execution: Provided always, that nothing herein contained ſhall be deemed, conſtrued, taken, or extend to make the ſaid Commiſſioners who ſhall ſign, execute, or give any of the Bonds, Aſſignments, or other Securities, ſo hereby authorized or directed to be given, perſonally, or their reſpective Eſtates, Lands, or Tenements, Goods and Chattels, liable to the Payment of any of the Monies ſo to be borrowed, or Annuities ſo to granted, in purſuance of this Act, by reaſon of their giving or executing any ſuch Bonds, Aſſignments, or other Securities as aforeſaid: Provided nevertheleſs, that no greater Sum in the Whole than Sixty thouſand Pounds ſhall be raiſed by Loan or Mortgage, or by the Sale, or granting of any ſuch Bonds or Annuities as aforeſaid, for any of the Purpoſes aforeſaid; and that before any ſuch Money ſhall be borrowed, or any ſuch Bond ſold, or Annuity granted, Fourteen Days Notice at the leaſt ſhall be given in ſome Newſpapers publiſhed in *London* or *Weſtminſter*, ſignifying the Intention of borrowing ſuch Money, or granting ſuch Annuities.

Commiſſioners not perſonally liable.

Money borrowed not to exceed 60,000l.

Mode of transferring Securities.

LIX. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities or Orders for the Monies borrowed, or for the Annuities granted and ordered to be paid as aforeſaid, by Writing under

under their Hands indorſed thereon, to transfer the ſame reſpectively to any Perſon or Perſons, according to the Form following;

'I *A. B.* do hereby aſſign the within Mortgage '[*or*, Bond for the Payment of the within-mentioned Annuity] and 'all my Right and Title in and to the Principal Money and Intereſt [*or*, 'Annuity, and all Arrears now due thereon by virtue of the within-written 'Bond] thereby ſecured unto *C. D.* his Executors, Adminiſtrators, and 'Aſſigns. Dated the Day of '

Entries or Memorials of all Mortgages, &c. to be entered in a Book.

And Entries or Memorials of all Mortgages or Aſſignments, and Bonds for the Payment of Annuities, which ſhall be made in Manner aforeſaid, and of all Transfers thereof, expreſſing in Words at length the Names, Additions, Places of Abode, and other proper Deſcriptions of all ſuch Perſons as ſhall from Time to Time be entitled to the Principal Money and Intereſt, or the Annuities thereby reſpectively ſecured, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Commiſſioners for executing this Act; to which Book any Perſon intereſted ſhall at all ſeaſonable Times have Acceſs, and ſhall have free Liberty to inſpect the ſame, without Fee or Reward; and for the Entry of every ſuch Transfer or Aſſignment the ſaid Clerk ſhall be paid Five Shillings and no more; and every ſuch Transfer or Aſſignment, after ſuch Entry thereof as aforeſaid, ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred; and all Perſons to whom ſuch Mortgages or Aſſignments, or Bonds for any Annuities, ſhall be made, or who ſhall be entitled to the Money or Annuities thereby ſecured, ſhall be, in proportion to the Sums therein reſpectively mentioned, Creditors on the ſaid Rates or Aſſeſſments equally One with another, without any Preference in reſpect to the Priority of advancing ſuch Money, or the Dates of any ſuch Mortgages, Aſſignments, or Bonds reſpectively.

Application of the Money.

LX. And be it further enacted, That all the Money to ariſe by or from the ſaid Rates or Aſſeſſments, and which may be borrowed or advanced upon or received for the Purchaſe of any Annuities on the Credit or Security thereof, ſhall be applied in paying and diſcharging the Expences attending the obtaining and paſſing this Act, and afterwards from Time to Time in paying the Intereſt of the Principal Money to be borrowed, and the Annuities to be granted as aforeſaid, and in paying and diſcharging the ſeveral Purchaſe Monies, and in making the ſeveral Compenſations and Satisfactions herein-before directed, and in making ſuch Allowances to the ſeveral Perſons who ſhall have paved any of the ſaid Streets, Squares, or other public Paſſages or Places, and in defraying the Expences of forming, incloſing, making, railing in, ornamenting, and embelliſhing the ſaid Centres or Areas of the ſaid Squares and Circuſſes, and of paving, repairing, cleanſing, lighting, watching, and watering the ſaid Streets, Squares, Circuſſes, Ways, Courts, and other public Paſſages and Places, and of carrying this Act into Execution in relation thereto, and in paying off the ſaid Principal Money, in ſuch Manner as the ſaid Commiſſioners ſhall think proper.

Creditors to be paid by Ballot.

LXI. And in order that no undue Preference may be given to any of the Perſons entitled to the Principal Monies which ſhall be borrowed and ſecured on the Credit of the ſaid Rates or Aſſeſſments, in diſcharging ſuch Principal Money, in purſuance of this Act; be it further enacted, That when and ſo often as the Money to be raiſed by the ſaid Rates or Aſſeſſments

Aſſeſſments ſhall amount to a Sum ſufficient to diſcharge One-fortieth Part of the Principal Money ſo to be borrowed or advanced as aforeſaid (over and above what ſhall be neceſſary to pay the growing Intereſt upon the ſaid Principal Money, and the Annuities which may be ſecured or granted upon the aforeſaid Rates or Aſſeſſments in purſuance of this Act, and the Expences herein-before provided for), the ſaid Commiſſioners for executing this Act ſhall cauſe the Number of all the Mortgages, Aſſignments, or Securities to be granted or made, and then in force for ſecuring the Principal Monies borrowed, of which Part ſhall be then intended to be paid off, to be written upon diſtinct Pieces of Paper of an equal Size, and all ſuch Papers to be rolled up in the ſame Manner as near as may be, and put into a Box or Glaſs, and One Number of the ſaid Mortgages, Aſſignments, or Securities ſhall be drawn out of the ſaid Box or Glaſs by the Clerk to the ſaid Commiſſioners, in the Preſence of Three or more of ſuch Commiſſioners: Provided always, that if it ſhall happen that any Mortgage, Aſſignment, or Security, the Number whereof ſhall be drawn out as aforeſaid ſhall be for a greater Sum than One hundred Pounds, no more than One hundred Pounds ſhall be diſcharged in conſequence of ſuch Number being ſo drawn.

Notice ſhall be given to the Perſons whoſe Money is to be paid off.

LXII. And be it further enacted, That the ſaid Commiſſioners for executing this Act ſhall cauſe a Notice, ſigned by their Clerk, to be given to or left at the uſual Place of Abode of the Perſon or Perſons whoſe Principal Money ſhall be intended to be paid off, which Notice ſhall expreſs the Sum to be paid off, together with the Intereſt due thereon, and that the ſame will be paid at the Place to be mentioned in ſuch Notice at the Expiration of Six Calendar Months from the Day of giving or leaving ſuch Notice as aforeſaid, and the Intereſt of the Principal Money ſo to be paid off ſhall, from and after the End of the ſaid Six Calendar Months, ceaſe, and be no longer paid or payable, unleſs ſuch Principal Money ſhall be demanded, purſuant to ſuch Notice, and not paid, but the Principal Money in reſpect whereof ſuch Notice ſhall be given, and alſo the Intereſt thereof, to the End of the ſaid Six Calendar Months, ſhall nevertheleſs be payable on Demand.

Power to borrow Money at lower Intereſt to diſcharge Securities at higher.

LXIII. And be it further enacted, That in caſe the ſaid Commiſſioners for executing this Act can at any Time borrow or take up any Sum or Sums of Money, at a lower Rate of Intereſt than the Mortgages, Aſſignments, or Securities which ſhall be then in force ſhall bear, it ſhall be lawful for the ſaid laſt-mentioned Commiſſioners, from Time to Time, to charge the ſaid Rates or Aſſeſſments, in Manner aforeſaid, with ſuch Sum or Sums of Money as they ſhall think proper, and the Intereſt thereof, at ſuch lower Rate as aforeſaid, and to pay off and diſcharge the Mortgages, Aſſignments, or Securities bearing a higher Rate of Intereſt.

Commiſſioners annually to make out Account of Receipts and Diſburſements.

LXIV. And be it further enacted, That the ſaid Commiſſioners for executing this Act ſhall, at their Second Meeting in every Year, cauſe an Account of the Monies received and diſburſed in the preceding Year, and the Amount of the Arrears of Rates then due, and of the Balance of Caſh in Hand, to be made out, which Account it ſhall be lawful for all Perſons rated or aſſeſſed under and by virtue of this Act to the Rates or Aſſeſſments aforeſaid, and all Perſons intereſted therein, at all ſeaſonable Times to inſpect.

Recovery of Penalties.

LXV. And be it further enacted, That all Penalties and Forfeitures herein-before impoſed (the Manner of recovering which is not hereby otherwiſe directed) ſhall be levied and recovered by Diſtreſs and Sale of

the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of any Juſtice or Juſtices of the Peace for the County or Place wherein the Offender or Offenders ſhall be or reſide, which Warrant ſuch Juſtice or Juſtices is and are hereby empowered to grant, upon Confeſſion of the Party, or upon the Information of any credible Witneſs upon Oath; and ſuch Penalties and Forfeitures (or ſuch of them, or ſuch Part thereof, as are or is not directed to be otherwiſe applied by this Act) ſhall be paid to the Treaſurer to the ſaid Commiſſioners for executing this Act, and applied for ſuch of the Purpoſes aforeſaid, as ſuch Commiſſioners ſhall think proper; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, ſuch Juſtice or Juſtices is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction within ſuch County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Commiſſioners in Commiſſion of the Peace may act as Juſtices.

LXVI. And be it further enacted, That all ſuch Commiſſioners as are or ſhall be Juſtices of the Peace may act as Juſtices in all Matters under the Authority of this Act, notwithſtanding their being Commiſſioners; and that in all Caſes where any Juſtice or Juſtices of the Peace is or are authorized by this Act to examine any Perſon or Perſons on Oath or Affirmation, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby required to adminiſter ſuch Oath, or to take any Affirmation.

Inhabitants may give Evidence.

LXVII. And be it further enacted, That in all Actions, Proſecutions, Informations, Cauſes, and Proceedings whatſoever, relating to or concerning the Execution of this Act, no Perſon reſiding within the Limits of this Act ſhall be deemed incompetent to give Evidence, by reaſon of ſuch Perſon being charged with and liable to pay any Rate or Aſſeſſment by virtue of this Act; and that the ſaid Commiſſioners for executing this Act may ſue or be ſued in the Name of their Treaſurer or Clerk; and that no Action to be brought by or againſt the ſaid Commiſſioners for executing this Act, or any of them, by virtue of this Act, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk; but that the Treaſurer or Clerk for the Time being to ſuch Commiſſioners, ſhall always be deemed the Plaintiff or Defendant in ſuch Action, as the Caſe ſhall be.

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

Conviction.

LXVIII. And for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace, before whom any Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up according to the following Form, or in any other Form to the ſame Effect, as the Caſe ſhall happen; (that is to ſay),

Form of Conviction.

to wit. } ‘BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of Offender*] was duly convicted before me [*or, us*] [*Name and Style of convicting Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here ſtate the Offence againſt the Act according to the Fact*] contrary to the Form of the Statute made in the Fifty-ſixth

'Year of the Reign of His Majeſty King *George* the Third, intituled, '[*here ſet forth the Title of this Act*] and I, or We, do therefore declare 'and adjudge, that the ſaid *A. B.* [*Name of Offender*] has forfeited for 'the ſame Offence, the Sum of [*Fine*] or, ſhall be committed to [*Place 'of Impriſonment*] for the Space of [*Time of Impriſonment.*] Given under 'my Hand and Seal, [*or*, our Hands and Seals] the Day and Year firſt 'above written.'

Appeal to Commiſſioners, and to Quarter Seſſions.

LXIX. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any ſuch Rate or Aſſeſſment as aforeſaid, which ſhall be made in purſuance of this Act, he or ſhe having firſt paid the ſaid Rate or Aſſeſſment, may appeal to the ſaid Commiſſioners for executing this Act, at their next Meeting to be holden after the Payment of ſuch Rate or Aſſeſſment; and ſuch Commiſſioners are hereby authorized and empowered, if they ſhall think ſuch Perſons aggrieved, to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable; and if any ſuch Perſon ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners therein, or if any Perſon ſhall think himſelf or herſelf aggrieved by any other Matter or Thing to be done in purſuance of this Act as aforeſaid, every ſuch Perſon may appeal to the Juſtices at any General or Quarter Seſſions of the Peace, to be holden for the County, City, or Liberty, where the Cauſe of Complaint ſhall have ariſen, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant firſt giving Fourteen Days Notice at the leaſt in Writing of his or her Intention to make ſuch Appeal, and of the Matter thereof, to the Clerk to the ſaid Commiſſioners, and within Five Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, City, or Liberty, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order of and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions; and the Juſtices at ſuch Seſſions ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt, as they ſhall think proper, and their Determination thereon ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes.

Rates or Proceedings not to be quaſhed for want of Form, or removed by Certiorari.

LXX. And be it further enacted, That no Rate or Aſſeſſment, or any Proceeding to be had touching any Order made, or other Matter or Thing to be done or tranſacted, in or relating to any Complaint or Appeal, or any Order or Determination thereon as aforeſaid, ſhall be quaſhed or vacated for Want of Form only, or be removed or removable into any of His Majeſty's Courts of Record by Certiorari, or any other Writ or Proceſs whatſoever; any Law, Statute, or Uſage to the contrary notwithſtanding.

Plaintiff ſhall not recover after Tender of ſufficient Amends.

LXXI. Provided always, and be it further enacted, That no Plaintiff ſhall recover in any Action for any Irregularity, Treſpaſs, or wrongful Proceeding, made or committed in Execution of this Act, if ſufficient Tender of Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed or cauſed to be commited any ſuch Irregularity, Treſpaſs, or wrongful Proceeding before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Actions, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall ſee fit, whereupon

such Proceedings or Order and Judgment shall be had, made, or given by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Distress not unlawful for want of Form.

LXXII. And be it further enacted, That where any Distress shall be made for Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Limitation of Actions.

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

Rates under the last recited Act to be made upon and received of the Occupiers.

LXXIV. And be it further enacted, That the Rates and Assessments authorized and allowed to be made, laid, and assessed by the Commissioners under the last recited Act passed in the Fifty-third Year aforesaid, shall be laid and assessed upon all and every the Persons and Person who shall inhabit, hold, and occupy the Houses, Buildings, Premises, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, or Tenements, rated and assessed under the Provisions of the said last recited Act (except where any other or special Provision is made in the said Act in relation to the Payment of Rates) and shall and may be demanded and taken, allowed and recovered, from and upon such Tenants and Occupiers as aforesaid; any Thing in the said Act contained to the contrary notwithstanding.

Where Contracts have been made with Commissioners of Pavement, &c. for Works which

LXXV. And whereas it may happen that some of the Commissioners of Pavement, Committeemen, Vestrymen, or Trustees, herein-before mentioned, may have entered into and be under some Contract or Agreement which may be subsisting, and may not have expired at the Time of passing this Act, with certain Scavengers, Paviors, or other Persons, for the doing and performing some of the Works within their respective Districts which are by this Act authorized or directed to be hereafter done and performed

will hereafter be done by the Commiſſioners under this Act, the Contractors ſhall make an Abatement in reſpect of the Works left unfiniſhed or not performed by them.

performed by the Commiſſioners for executing this Act, or the Perſons employed by them, or for the ſupplying ſome of the Materials for the ſame, or for watering the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, or Places, or ſome of them, and as ſuch Works and Services will hereafter be performed, and ſuch Materials provided by the Commiſſioners for executing this Act, ſo far as the ſame relate to the ſaid Streets, Squares, Circuſſes, Ways, Courts, Paſſages, and Places, which ſhall be within the Limits of their Juriſdiction under the Proviſions of this Act, or by Perſons by them employed, it is juſt and reaſonable that a Proportionate Deduction or Abatement ſhould be made to ſuch Commiſſioners of Pavement, Committeemen, Veſtrymen, or Truſtees, by the Perſon or Perſons who have ſo contracted with them reſpectively, to perform ſuch Works or Services, or to ſupply ſuch Materials in reſpect of ſuch Parts of the ſaid Contracts as will ceaſe to be performed by them from and after the paſſing of this Act; be it therefore enacted, That in every ſuch Caſe the Perſon or Perſons who ſhall have ſo contracted to perform ſuch Works or Services, or to ſupply ſuch Materials, ſhall abate and allow unto the ſaid Commiſſioners of Pavement, Committeemen, Veſtrymen, or Truſtees with whom every ſuch Contract ſhall be made, out of the Monies thereby contracted to be paid to him or them, a fair and reaſonable Sum or Sums in reſpect of ſuch of the ſaid Works and Services which are hereafter to be done and performed, and of ſuch Materials which are hereafter to be provided by the Commiſſioners for executing this Act, or the Perſons to be employed by them as aforeſaid, as ſuch Contractor or Contractors would otherwiſe have been found to have done, performed, or provided, under or by virtue of ſuch Contract or Contracts if this Act had not been paſſed; which Sum or Sums ſo to be abated or allowed ſhall bear the ſame Proportion to the whole Sum or Sums which would otherwiſe have become due or payable under the ſaid Contract or Contracts to any ſuch Contractor or Contractors for the whole of the Works or Services which would have been done and performed, and for all the Materials which would have been provided by him or them in reſpect of the whole Diſtrict or Limit compriſed in ſuch Contract or Contracts, as the Surface or ſuperficial Quantity of ſuch Part of the Land or Ground compriſed within the Limits of ſuch Contract or Contracts as is hereby put under the Juriſdiction of the Commiſſioners, appointed or to be appointed by virtue of this Act, ſhall bear to the whole Surface or ſuperficial Quantity of the Land or Ground comprized in, or over, or to which ſuch Contract or Contracts ſhall extend; and all ſuch Commiſſioners, Committeemen, Veſtrymen, and Truſtees, are hereby authorized and empowered to retain and make ſuch Deduction or Abatement accordingly, from and out of the Sum or Sums of Money which they would otherwiſe have had to pay or allow to any ſuch Contractor or Contractors under or by virtue of any ſuch Contract or Contracts as aforeſaid.

Paving the Streets, &c. in Saint Mary-le-bone ſtill ſubject to the Veſtrymen of that Pariſh.

LXXVI. And be it further enacted, That ſuch of the Streets, Circuſſes, Ways, Places, Courts, or Paſſages comprized within the Proviſions of the ſaid firſt recited Act as are ſituate or lie within the ſaid Pariſh of *Saint Mary-le-bone* ſhall, notwithſtanding any of the Proviſions of this preſent Act, remain and be ſubject to the Order, Controul, and Juriſdiction of the Veſtrymen of the ſaid Pariſh of *Saint Mary-le-bone*; and that the Duty, Power, and Authority of paving, repairing, cleanſing, lighting, and watching the ſame Streets, Circuſſes, Ways, Courts, or Paſſages ſhall be and remain veſted in the Veſtrymen of the ſaid Pariſh for the Time being,

who ſhall cauſe the ſame Streets, Circuſſes, Ways, and Places to be well and effectually paved over, both in the Carriage and Footways, with the Materials of the preſent Pavement, ſo far as the ſame will extend, and with ſuch Quantity of new Materials as ſhall be requiſite for that Purpoſe, and ſhall and will relay, repair, and make good every Part of ſuch laſt-mentioned Streets, Circuſſes, Ways, Courts, and Paſſages which ſhall be diſturbed or altered in carrying the ſaid firſt recited Act into Execution, to the good Liking and Satisfaction of the Commiſſioners for the Time being, for carrying the ſaid firſt recited Act and this Act into Execution.

Watch Boxes and Lamps to be provided by the Commiſſioners, and afterwards kept in Repair by the Veſtrymen of St. Mary-le-bone.

LXXVII. And be it further enacted, That the Commiſſioners to be appointed under and by virtue of this Act ſhall erect, provide, place, and affix ſuch and ſo many good and ſubſtantial Watch Boxes for the Watchmen, and ſuch and ſo many proper and ſubſtantial Lamp Poſts, Lamp Irons, with Lamps and Burners for lighting the ſame Circuſſes, Streets, and Places, of ſuch Dimenſions and Quality, and at ſuch Diſtances from each other, and to be painted and finiſhed in ſuch Manner as ſhall accord and correſpond with the Pavements, Lamp Poſts, Lamp Irons, and Watch Boxes which ſhall be made or ſet up in the other Parts of ſuch intended New Street, or as near and ſimilar thereunto as Circumſtances will permit; and that the ſeveral Watch Boxes, Lamp Poſts, Lamp Irons, with Lamp Burners, ſhall for ever after the Erection thereof, by the ſaid Commiſſioners ſo to be appointed under or by virtue of this Act, be kept in repair by ſuch Veſtrymen, or by and at the Expence of the Pariſh of *Saint Mary-le-bone*; and that the ſole Right and Property of all Pavements, Stones, Lamp Poſts, Lamp Irons, and Watch Boxes now or at any Time hereafter to be laid, erected, ſet up, and fixed in ſuch of the ſaid Streets, Circuſſes, Ways, Courts, or Paſſages compriſed within the Proviſions of the ſaid firſt recited Act, as are or ſhall be ſituate within the ſaid Pariſh of *Saint Mary-le-bone*, ſhall belong to and be and continue to be veſted in the ſaid Veſtrymen of the ſaid Pariſh of *Saint Mary-le-bone* for the Time being, any Thing in the ſaid firſt recited Act or in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Veſtrymen authorized to levy a Rate on the Occupiers of Houſes, &c. to defray the Expence of paving, &c.

LXXVIII. And be it further enacted, That towards reimburſing the ſaid Pariſh of *Saint Mary-le-bone* the Expence to be incurred in new paving, or in relaying and paving the ſaid Streets, Circuſſes, Ways, Courts, or Paſſages ſo to be paved by the ſaid Veſtrymen of the ſaid Pariſh of *Saint Mary-le-bone*, it ſhall and may be lawful to and for the Veſtrymen for the Time being of the ſaid Pariſh to charge and aſſeſs all and every Perſon or Perſons who do or ſhall inhabit, hold, uſe, occupy, or enjoy any Dwelling Houſe, Shop, Warehouſe, Coach Houſe, Stables, Cellar, Vault, Building, Tenement, or other Hereditament, the Street or Ground in front of which ſhall be ſo new paved, with ſuch Part of the Coſts, Charges, and Expences of providing and laying down or relaying ſuch Pavement, by way of Compoſition for the ſame, as is uſual and cuſtomary to be charged upon or taken by Compoſition from any other Inhabitants of the ſaid Pariſh, for or in reſpect of any newly erected Houſes or other Buildings in the ſaid Pariſh of *Saint Mary-le-bone*, for or towards the Expences of paving the Street oppoſite ſuch Houſes or other Buildings, but not to or with any greater or other Part, Share, or Proportion of ſuch Coſts, Charges, or Expences, and to levy and raiſe the ſame by every ſuch Ways and Means as any other Rates or Aſſeſſments or Compoſition can or may be levied or raiſed by ſuch Veſtrymen, by any Power or Authority in them veſted under any Act or Acts of Parliament or otherwiſe.

The Houſes, &c. in the Pariſh of St. Mary-le-bone intended to be placed under the Proviſions of the firſt recited Act being now rated in the Pariſh Books at 6,084l. per Annum, ſhall continue to be ſo rated for the Paving, &c. under this Act,

LXXIX. And whereas ſuch of the Houſes, Buildings, Lands, and Hereditaments which are intended to be taken and uſed under the Proviſions and for the Purpoſes of the ſaid firſt recited Act as are ſituate in the Pariſh of *Saint Mary-le-bone*, or are rated to that Pariſh, do now ſtand aſſeſſed and rated in the Books of the ſaid Pariſh of *Saint Mary-le-bone*, for or towards the paving, lighting, and watching the Streets and other Places in the ſaid Pariſh, as being altogether of the Yearly Rent or Value of Six thouſand and eighty-four Pounds; and in order to prevent any Loſs or Diminution to the ſaid Pariſh in ſuch Rental, by reaſon of the carrying the ſaid firſt recited Act into Execution, or any additional Burthen being impoſed by the ſaid Pariſh, in reſpect of any Increaſe in the Rental by the Buildings and Improvements which may be made in the Execution of the ſaid Act, it hath been agreed, that for all the Purpoſes of rating and aſſeſſing the ſame to the ſeveral Rates and Aſſeſſments for paving, lighting, watching, cleanſing, and repairing the ſeveral Streets and Squares within the ſaid Pariſh, or rated thereto, the ſaid Houſes, Buildings, Lands, and Hereditaments ſo to be taken and uſed as aforeſaid, and the Buildings hereafter to be erected, ſhall be permanently conſidered, deemed, and taken to be of the ſaid Yearly Value of Six thouſand and eighty-four Pounds, whether the actual Rental thereof ſhall be more or leſs: Now therefore be it further enacted, That all the Houſes, Buildings, Lands, and Hereditaments ſo to be taken and uſed as aforeſaid, and alſo the Houſes and Buildings to be erected on the ſaid Lands, ſhall for ever hereafter, in making any Rates or Aſſeſſments for the paving, repairing, watching, lighting, and cleanſing the ſeveral Streets and other Places in the ſaid Pariſh of *Saint Mary-le-bone*, be charged and aſſeſſed, or rated thereto, as being altogether and in the Whole of the Yearly Rent or Value of Six thouſand and eighty-four Pounds, and no more; and the ſame ſhall, from and after the paſſing of this Act and for ever thereafter, be charged and aſſeſſed at the ſaid yearly Rent of Six thouſand and eighty-four Pounds, whether the Rents or Values of the ſame ſhall be more or leſs, and that ſuch yearly Rent or Value ſhall be aſſeſſed and divided rateably and proportionably upon all the Houſes, Buildings, Lands, and Hereditaments ſo to be taken and uſed for the Purpoſes aforeſaid, ſituate within the ſaid Pariſh of *Saint Mary-le-bone*, or rated thereto, or upon the Owners or Occupiers thereof; and that no greater Rate or Sum ſhall be at any Time hereafter charged upon any ſuch Houſes, Buildings, Lands, or Hereditaments, or upon any new erected Buildings or Improvements to be made thereon, or upon any Perſons for or in reſpect thereof, who do or ſhall inhabit, hold, occupy, or enjoy the ſame, for or towards the paving, repairing, cleanſing, lighting, and watching the ſeveral Streets and other Places in the ſaid Pariſh of *Saint Mary-le-bone*, or rated thereto, than a Pound Rate, bearing the ſame Proportion to the ſaid Annual Sum of Six thouſand and eighty-four Pounds as ſhall be charged upon the other Inhabitants of the ſaid Pariſh, in reference to or in reſpect of the yearly Rent or Value at which their reſpective Houſes ſhall be rated and aſſeſſed in the Books of the ſaid Pariſh, to the ſeveral and reſpective Rates aforeſaid, but that the ſaid Veſtrymen of the ſaid Pariſh of *Saint Mary-le-bone* ſhall and may and they are hereby authorized and empowered from Time to Time from the paſſing of this Act, to rate and aſſeſs all ſuch Houſes, Buildings, and Hereditaments ſo to be taken or uſed by the ſaid Commiſſioners; and all Houſes and Buildings hereafter to be erected and built as aforeſaid, or the Owners or Occupiers thereof, for the paving, repairing, cleanſing, lighting, and watching the ſame, at the annual Rent or Sum of

Six thouſand and eighty-four Pounds, whether the ſame ſhall be of that actual Rent or Value or not; and that the ſaid Veſtrymen ſhall have the ſame Powers and Authorities for raiſing, receiving, and levying the ſame as they now have for levying and raiſing the ſeveral Rates within the ſaid Pariſh, under and by virtue of the ſeveral Acts of Parliament for the Management and Regulation of the ſaid Pariſh.

Not to affect the Acts relating to St. Mary-le-bone, except where hereby altered.

LXXX. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend to alter, leſſen, or weaken any of the Powers, Clauſes, Proviſoes, Enactments, or Authorities contained in the ſeveral Acts of Parliament for regulating the Affairs of the Pariſh of *Saint Mary-le-bone*, in the County of *Middleſex*, except ſo far as the ſame are by this Act altered or varied, but that the ſame ſeveral Powers and Authorities ſhall remain and be in full Force and Effect as if this Act had not paſſed, any Thing herein-before contained to the contrary notwithſtanding.

Langham Place Pavement to be veſted in the Veſtrymen of St. Mary-le-bone.

LXXXI. And whereas ſeveral Perſons in that Part of the New Street called *Langham Place* have already paved ſo much of the ſaid new Streets as lies in front of their reſpective Houſes and Grounds thereto belonging; be it enacted, That all the Pavement ſo laid down ſhall be and become the Property and veſted in the Veſtrymen of the ſaid Pariſh of *Saint Mary-le-bone* for the Time being, upon their paying to the ſaid reſpective Perſons the Difference between the Compoſition uſually taken by the ſaid Veſtrymen for paving the Streets within the ſaid Pariſh, and the Sum already expended on the ſame.

Reſerving the Rights of the Commiſſioners of Sewers.

LXXXII. Provided always, and be it further enacted, That nothing herein contained ſhall operate, extend, or be conſtrued to abridge, take away, prejudice, or affect any Juriſdiction, Power, or Authority, which is by Law now veſted in the Commiſſioners of Sewers of the Diſtricts in which the ſaid Premiſes are ſituate; but that all ſuch Juriſdiction, Power, and Authority, ſhall and may be exerciſed by ſuch laſt-mentioned Commiſſioners, in ſuch and the like Manner as if this Act had not been paſſed.

His Majeſty empowered to grant to Bodies Politic, &c. and Societies, Land for erecting Buildings thereon for the uſeful Purpoſes in which they are engaged.

LXXXIII. And whereas many Bodies Corporate and other public Bodies and many Perſons formed into Societies for the Promotion and Advancement of the Arts, or of Literature and Knowledge, or for Charitable or other uſeful Purpoſes, are frequently deſirous of erecting Buildings for the tranſacting and carrying on the ſeveral uſeful Purpoſes in which they are engaged, and are unable to obtain convenient Spots of Ground or Scites for ſuch Buildings, or for Eaſements and Accommodations thereto; and it would be very beneficial to the Public if His Majeſty, His Heirs and Succeſſors, was and were enabled to grant and veſt in any ſuch Bodies Corporate or other public Bodies, Societies, or Perſons, and their Succeſſors, Heirs, Executors, or Adminiſtrators reſpectively, ſufficient Spots and Parcels of Land for the erecting ſuch Buildings thereon, or for Curtilages, Acceſſes, or other Conveniencies, Eaſements, or Accommodations to any Buildings erected or to be erected for the Purpoſes aforeſaid, and alſo for Cemeteries or Burial Grounds; be it therefore enacted, That the King's moſt Excellent Majeſty, His Heirs and Succeſſors, ſhall have full Power and Authority to give and grant to and veſt in any Body or Bodies Politic or Corporate, or other public Bodies, Societies, or Perſons, all or any Part of the Eſtate, Intereſt, or Property of His Majeſty, His Heirs or Succeſſors, in any Lands, Tenements, or Hereditaments within the Survey of the Court of Exchequer in *England*, ſituate within the Bills of Mortality, in

in order to be appropriated as a Scite or Scites for erecting thereon any Building or Buildings for any of the Purpoſes aforeſaid, or to be uſed as or for a Curtilage or Curtilages, or for an Acceſs or Acceſſes to any Building or Buildings erected or to be erected for any of the Purpoſes aforeſaid, or to be uſed for any Convenience, Eaſement, or Accommodation thereto, or connected therewith, or for Cemeteries or Burial Grounds, and ſuch Body or Bodies Corporate, or other public Bodies, Societies, or Perſons, and their Heirs, Succeſſors, Executors, or Adminiſtrators, ſhall have full Capacity and Ability to receive, take, hold, and enjoy the ſame; and whenever it ſhall be the Pleaſure of His Majeſty, His Heirs or Succeſſors, to make a Grant for any ſuch Purpoſe as aforeſaid, it ſhall and may be lawful for the Lord High Treaſurer, or the Commiſſioners of the Treaſury for the Time being, or any Three of them, to iſſue a Warrant under his or their Hand or Hands to any ſuch Body or Bodies Corporate or other public Bodies, Societies, or Perſons as aforeſaid, which Warrant ſhall be exempt from any Stamp Duty whatever, and ſhall be enrolled in the Office of the Auditor of the Land Revenue for the Diviſion or County within which the Premiſes therein ſpecified ſhall be ſituate, and alſo in the Office of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues; and ſuch Auditor and ſuch Commiſſioners having enrolled the ſaid Warrant ſhall certify ſuch Enrolment at the Foot or on the Back thereof, under his or their Hand or Hands, and return the ſaid Warrant to the Grantee or Grantees of ſuch Lands and Premiſes, and from and immediately after ſuch Enrolment thereof the reſpective Grantees named in ſuch Warrant, and their Heirs, Succeſſors, Executors, or Adminiſtrators, ſhall by force of this Act be adjudged, deemed, and taken to be in the actual Seizin and Poſſeſſion of the Premiſes in the ſaid Warrant ſpecified, and ſhall hold and enjoy the ſame either abſolutely and in Perpetuity, or for ſuch limited Eſtate, Term, or Intereſt, and under and ſubject to ſuch Reſervations of Rent or other Acknowledgements or Reſtrictions in relation to the Buildings to be erected thereon, and the Form, Elevation, or Deſign thereof, the Line on which the ſame ſhall range, or the Uſes or Purpoſes to which the ſame ſhall be applied, or any other Regulations, Reſtrictions, or Proviſions in regard thereto, as to the King's moſt Excellent Majeſty ſhall ſeem meet, and in ſuch Warrant ſhall be ſpecified, inſerted, directed, or contained; any Law, Statute, or Uſage, to the contrary thereof in anywiſe notwithſtanding.

Commiſſioners of Land Revenue in their Report to certify all ſuch Grants.

LXXXIV. Provided always, and be it further enacted, That the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, ſhall, in every Report which ſhall be made by them to the King's moſt Excellent Majeſty, and to both Houſes of Parliament, touching or concerning the Land Revenue of the Crown, from and after the paſſing of this Act, certify and report every Grant which ſhall have been made under and by virtue of the Proviſions of this Act, ſince the Time of the making their laſt preceding Report, and to whom and for what Purpoſe the ſame ſhall have been made, and what Land or Ground ſhall be comprized therein, and all other Particulars relating thereto.

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