

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

CAP. LIV.

An Act to enable the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues to make and maintain a Road from *Milbank Row*, *Weſtminſter*, to the Penitentiary. [27th *June* 1817.]

WHEREAS in purſuance and under the Authority of an Act of Parliament paſſed in the Fifty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for the Erection of a Penitentiary Houſe for the Confinement of Offenders convicted within the City of* London *and County of* Middleſex; *and for making Compenſation to* Jeremy Bentham *Eſquire for the Non-performance of an Agreement between the ſaid* Jeremy Bentham *and the Lords Commiſſioners of His Majeſty's Treaſury, reſpecting the Cuſtody and Maintenance of Convicts*, a Penitentiary for the Confinement and Employment of Male and Female Convicts has been erected at *Millbank*, in the County of *Middleſex*, on Lands now veſted in His Majeſty, His Heirs and Succeſſors, by virtue of the ſaid Act, for the Uſe of the Public and the Purpoſes of the ſaid Act; and the ſame is now completed and fit for the Reception of Part of the Perſons intended to be confined therein; but no Carriage-way has yet been ſet out for paſſing and repaſſing between the ſaid Penitentiary and the City of *Weſtminſter*: And whereas it is neceſſary and expedient, for opening a Communication with the ſaid Penitentiary, that a free and public Carriage-way ſhould be made and maintained from the South End of *Millbank Row*, in the Liberty of *Weſtminſter*, over a Piece or Parcel of Land belonging to the Earl *Groſvenor*, and now in the Poſſeſſion of *Thomas Sargent* as Occupier thereof, and by him uſed as a Wharf, and to be continued along the Bank of 52 G. 3. c. 44.

of the River *Thames* in the Line of the old Foot-path, to the Lodge or Gate of the ſaid Penitentiary: And whereas the whole of the Land required for the Purpoſe of making the ſaid intended Road, except the Piece or Parcel of Land which ſo belongs to the Earl *Groſvenor* as aforeſaid, being the Property of His Majeſty in Right of His Crown, it is expedient that the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues ſhould be authorized and empowered to appropriate ſo much of the Land ſo belonging to His Majeſty in Right of His Crown as aforeſaid, as ſhall be requiſite for that Purpoſe, to be uſed for the ſaid intended Road, and to make and maintain ſuch intended Road, and to make Compenſation to the ſaid Earl *Groſvenor*, and all Perſons lawfully claiming under him, for ſuch Part of the ſaid Parcel of Land belonging to him as ſhall be taken and required by virtue of this Act by and out of the Land Revenue of the Crown: 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 the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues ſhall be and they are hereby appointed Commiſſioners for carrying this Act into Execution; and that it ſhall and may be lawful for ſuch Commiſſioners, by and with the Conſent and Approbation of any Three or more of the Commiſſioners of His Majeſty's Treaſury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to be ſignified by any Minute in Writing, or by Letter from any one of their Secretaries, in purſuance of ſuch Minute, to ſet out and make, and hereafter to maintain and keep in Repair an open, free, and public Carriage Road, commencing from the South End of *Millbank Row*, in the Liberty of *Weſtminſter*, through and over a Piece or Parcel of Ground belonging to the Earl *Groſvenor*, and now in the Poſſeſſion of *Thomas Sargent* as Occupier, and from thence to be continued over the Crown Lands along the Bank of the River to the Lodge or Gate of the Penitentiary lately erected under the ſaid recited Act; ſuch Road to be a free and public Road, to be uſed by all His Majeſty's Subjects on Foot or on Horſeback, and for the Paſſage of Carriages, Carts, Waggons, and other Vehicles.

Commiſſioners.

Public Carriage Road to be made from the South End of Millbank Row.

Road through the Land of Earl Groſvenor not to exceed 30 Feet wide.

II. And be it further enacted, That that Part of the ſaid intended Road which ſhall be made through and over the ſaid Piece or Parcel of Land belonging to the ſaid Earl *Groſvenor*, ſhall not exceed in Width Thirty Feet to be meaſured from a Line ranging with the Face of the Front Area of the laſt or Southernmoſt Houſe in *Milbank Row*, and including in the ſaid Width of Thirty Feet the preſent Footway.

Road may be extended from the Lodge of the Penitentiary to the Branch of Road leading from Vauxhall Bridge to Pimlico.

III. Provided, and it is hereby further enacted, That it ſhall and may be lawful for the Commiſſioners for carrying this Act into Execution, and they are hereby authorized and empowered, if they ſhall think it expedient ſo to do, by and with the Conſent of the ſaid Commiſſioners of the Treaſury for the Time being, or any Three or more of them, to be ſignified in Manner aforeſaid, to extend and continue the ſaid intended Road from the ſaid Lodge or Gate of the Penitentiary over the Crown Lands in a Southern Direction, until it ſhall meet the Branch or Road now forming leading towards the Penitentiary from and out of the High Road from *Vauxhall Bridge* to *Pimlico*, and ſhall form a Junction therewith.

IV. And

IV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners for the Time being for carrying this Act into Execution, and they are hereby authorized and empowered, by and with the Conſent and Approbation of any Three or more of the ſaid Commiſſioners of His Majeſty's Treaſury for the Time being, to be ſignified as aforeſaid, from Time to Time to appropriate, lay out, and expend ſo much of the Money ariſing from the Land Revenues of the Crown under their Management as may be neceſſary for making and afterwards maintaining and keeping in Repair the ſaid intended Road, and for paying ſuch Sums of Money as Compenſations to the ſaid Earl *Groſvenor* and *Thomas Sargent*, or any other Perſons having any Eſtate, Right, or Intereſt therein, for the Value of ſuch Ground, and of their reſpective Eſtates or Intereſts therein, and for any Injury or Damage they may reſpectively ſuſtain by the making of ſuch Road, as may be agreed upon and ſettled between the ſaid Commiſſioners and the ſaid Earl *Groſvenor* and other Perſons, or which may be awarded and aſcertained by the Verdict of a Jury in Manner herein-after directed.

Money neceſſary for making and keeping the Road in Repair may be applied from the Land Revenue, with Conſent of the Treaſury.

V. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners for the Time being for carrying this Act into Execution, and they are hereby authorized, by and with ſuch Conſent and Approbation as aforeſaid, to treat and agree with the ſaid Earl *Groſvenor* and *Thomas Sargent*, or any ſuch other Perſon or Perſons as aforeſaid, for the abſolute Purchaſe of the ſaid Piece or Parcel of Ground, of or belonging to him or them, hereby authorized to be taken for the Purpoſes of this Act, and of all their reſpective Eſtates and Intereſts therein, and for the ſettling what Compenſations ſhall be paid or given to the ſaid Earl and *Thomas Sargent*, or ſuch other Perſon or Perſons as aforeſaid, either in Money or other Equivalent, for any Injury which may be ſuſtained by or occaſioned to them by the making and maintaining of ſuch intended Road; and if the ſaid Earl *Groſvenor* and *Thomas Sargent*, or any ſuch other Perſon or Perſons having and proving an Intereſt in the ſaid Ground and Premiſes, ſhall neglect or refuſe to treat, or ſhall not agree in the Premiſes, or from any Cauſe ſhall be prevented from treating with the ſaid Commiſſioners for the Time being, or with the Perſon or Perſons authorized by them to treat and agree on their Behalf, then and in ſuch Caſe the High Bailiff of the City and Liberty of *Weſtminſter*, or his Deputy, ſhall, upon the Warrant of the ſaid Commiſſioners for the Time being for carrying this Act into Execution in manner herein-after mentioned, and he is hereby authorized and required to cauſe it to be enquired into and aſcertained, upon the Oaths of a Jury of Twelve indifferent Men of the ſaid City or Liberty of *Weſtminſter*, which Oaths the ſaid High Bailiff or his Deputy is hereby empowered to adminiſter, what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to the ſaid Earl *Groſvenor* as Owner, and the ſaid *Thomas Sargent* as Occupier, or to any other Perſon or Perſons claiming or proving any Intereſt therein as aforeſaid, for the Value of ſuch Piece or Parcel of Land to be taken and occupied for the Purpoſes of this Act, and of the proportionable Value of their reſpective Intereſts therein, and ſhall aſſeſs and award the Sum or Sums of Money to be paid to them reſpectively for the ſame; and in order thereto the ſaid High Bailiff or his Deputy is hereby empowered and required from Time to Time, as Occaſion ſhall require, to ſummon and call before the ſaid Jury

Commiſſioners to treat with Earl Groſvenor and T. Sargent for the Purchaſe of the Ground to be taken from them for the New Road.

In caſe of Diſpute Jury to aſcertain the Purchaſe Money, and Compenſation to be made.

Jury and examine upon Oath all and every Perſon and 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 High Bailiff or his Deputy is hereby empowered to adminiſter; and the ſaid High Bailiff or his Deputy ſhall order and cauſe the ſaid Jury to view the Place in queſtion if there be Occaſion, and to uſe all other Ways and Means, as well for their own as for the Jury's better Information in the Premiſes, as ſuch High Bailiff or his Deputy ſhall think fit; and after the ſaid Jury ſhall have inquired of and aſcertained ſuch Value, Damages, and Compenſation, the ſaid High Bailiff or his Deputy ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid by the Commiſſioners for the Time being for carrying this Act into Execution to the ſaid Earl *Groſvenor* and *Thomas Sargent*, and to any other Perſon or Perſons to whom any ſuch Compenſation ſhall or may be awarded to be paid, according to ſuch Verdict or Inquiſition of the ſaid Jury: Provided always, that the Court of King's Bench ſhall have full Power and Authority, if it ſhall ſee Cauſe, on Motion made to ſuch Court for that Purpoſe by the Party who ſhall be diſſatisfied with the ſame, to ſet aſide ſuch Verdict or Inquiſition, and to direct the ſaid High Bailiff or Deputy to ſummon a new Jury; but all ſuch Verdicts and Inquiſitions ſhall be binding on all Perſons and Parties whatſoever, unleſs ſuch Motion ſhall be made to the Court, for ſetting aſide the ſame, within the firſt Term after the taking thereof.

Regulations for ſummoning and impannelling a Jury.

VI. And be it further enacted, That for the ſummoning and returning of ſuch Jury or Juries the ſaid Commiſſioners for the Time being for carrying this Act into Execution are hereby authorized and empowered to iſſue their Warrant or Warrants to the ſaid High Bailiff or his Deputy to ſummon, impannel, and return, at ſome convenient Place in the ſaid City of *Weſtminſter*, a Jury of not leſs than Thirty-five 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 High Bailiff or his Deputy at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and Fourteen Days Notice in Writing at the leaſt, under the Hands of the ſaid Commiſſioners for the Time being for executing this Act, or under the Hand of their Solicitor, of the Time and Place at which ſuch Jury are ſo required to be returned, ſhall be given to the ſaid Earl *Groſvenor* and the ſaid *Thomas Sargent*, and to all other Perſons intereſted in the Premiſes, before the Time of the Meeting of ſuch Jury, by leaving ſuch Notice or Notices at the Dwelling-houſes of the ſaid Earl *Groſvenor*, *Thomas Sargent*, and ſuch other Perſon or Perſons as aforeſaid; and the ſaid High Bailiff and his Deputy are hereby required and empowered to impannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear on ſuch Summons, the ſaid High Bailiff or his Deputy 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, ſhall return other honeſt and ſufficient Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being qualified as laſt aforeſaid, to the Number of Twelve; and it ſhall be lawful for all Perſons concerned to attend by themſelves, their Counſel, and Solicitors, and to be heard and to adduce Evidence before the ſaid High Bailiff, or

his Deputy, 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.

Notice to be given to Commiſſioners, ſtating Particulars of Claims, before any Award is made.

VII. And be it further enacted, That no Jury to be ſummoned by virtue of this Act ſhall be allowed to aſſeſs or award any Sum or Sums of Money to any Perſon or Perſons by way of Compenſation for any Injury or Damage alledged to have been ſuſtained by him or them by reaſon or Means of this Act, or any Thing which may or ſhall be done in the Execution hereof, unleſs Notice in Writing, ſtating the Particulars of every ſuch Claim, and how and in what Manner the Amount thereof is made out and computed, ſhall have been given by or on behalf of ſuch Perſon or Perſons to the ſaid Commiſſioners for the Time being for executing this Act, or to their Solicitor, Ten Days at leaſt before the Time of the Meeting of ſuch Jury.

Penalty on Default of High Bailiff in returning a Jury, and on Jurymen and Witneſſes neglecting their Duty.

VIII. And be it further enacted, That if the ſaid High Bailiff or his Deputy, 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 ſummoned as a Witneſs ſhall not appear, or appearing ſhall refuſe to be examined or give Evidence, any Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid High Bailiff or his Deputy, 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 ſaid City of *Weſtminſter*, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering to him, her, or them the Overplus, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

If Verdict be given for a larger Sum than offered, Expence of Jury to be paid by the Commiſſioners; but if given for a leſs Sum, the other Party ſhall pay the Expence.

IX. 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 the ſaid Earl *Groſvenor*, *Thomas Sargent*, or any other Perſon or Perſons, in ſuch Piece or Parcel of Land to be taken for the Purpoſes of this Act, than ſhall have been agreed to have been given and offered for the ſame by the ſaid Commiſſioners for the Time being for executing this Act, before the ſummoning and returning of ſuch Jury; then and in every ſuch Caſe, all the reaſonable Coſts, Charges, and Expenſes of cauſing and procuring ſuch Recompence, Compenſation, or Satisfaction to be aſſeſſed by a Jury, ſhall be ſettled by the ſaid High Bailiff or his Deputy before whom ſuch Claim ſhall have been tried, and ſhall be paid by the ſaid Commiſſioners for the Time being for executing this Act; but if any Jury ſo ſummoned and ſworn as aforeſaid, ſhall give any Verdict or Aſſeſſment for no more or for leſs Money as ſuch Recompence, Compenſation, and Satisfaction as aforeſaid, than ſhall have been agreed to and offered by the ſaid Commiſſioners for the ſame before the ſummoning and returning of the ſaid Jury, or in caſe no Damage ſhall be given by the Verdict where the Diſpute is for Damages only, or if the cauſing

and procuring of ſuch Jury to be ſummoned ſhall have ariſen from a Refuſal to treat or agree with the ſaid Commiſſioners for the Time being 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 Expenſes, to be ſettled by ſuch High Bailiff or his Deputy in Manner aforeſaid, ſhall be paid to the Commiſſioners for the Time being for executing this Act, by the ſaid Earl *Groſvenor*, *Thomas Sargent*, or ſuch 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 like Cauſe any Perſon ſhall have been prevented from treating and agreeing as aforeſaid, in which Caſe no Coſts, Charges, or Expenſes ſhall be allowed to either Party as againſt the other; and all Coſts, Charges, and Expenſes hereby directed to be paid to the ſaid Commiſſioners for the Time being 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 ſufficient Sum of Money ſhall be awarded or aſſeſſed to be paid by the ſaid Commiſſioners, whereout ſuch Coſts, Charges, and Expenſes can be deducted, then the ſame ſhall and may be recovered by ſuch Ways and Means as herein-after provided for the Recovery of Penalties, Forfeitures, and Fines by this Act impoſed or authorized to be impoſed.

Judgements and Verdicts to be recorded in the Office of the Auditor of the Land Revenue, and afterwards depoſited with the Clerk of the Peace for Weſtminſter, &c.

X. 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, 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 City of *Weſtminſter*, or with the Keeper of the Records of the Quarter Seſſions, to be kept and preſerved by him amongſt the Records of the Quarter Seſſions of the ſaid City and Liberty, 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.

Perſons giving falſe Evidence to be proſecuted for Perjury.

XI. And be it further enacted, That all and every Perſon and Perſons who, in any Examination to be taken on Oath by virtue of this Act, ſhall wilfully give falſe Evidence or forſwear themſelves before any ſuch Jury, or before any Juſtice of Peace, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject and liable to ſuch and the ſame Pains and Penalties as Perſons guilty of wilful and corrupt Perjury are by the Laws in being ſubject and liable to.

Lamps to be affixed on the Sides of the Road.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for the Time being for executing this Act, and they are hereby empowered, from Time to Time to cauſe ſuch and ſo many Lamp Poſts

and Lamp Irons to be put up or fixed in, upon, or along the Sides of the ſaid Road as they ſhall think proper, and alſo to cauſe ſuch Number of Lamps of ſuch Sizes and Sorts to be provided and affixed upon ſuch Lamp Poſts and Lamp Irons as they ſhall think neceſſary for lighting the ſaid Road and every or any Part thereof.

Penalty on Perſons breaking Lamps, &c. damaging the Road, or occaſioning Annoyances, &c.

XIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly break, cut down, damage, or injure any of the Lamp Poſts or Lamp Irons ſet up by the ſaid Commiſſioners, or ſhall break or extinguiſh any of the Lamps affixed thereto for lighting the ſaid Road; or if the Driver of any Waggon, Cart, or other Carriage, or any other Perſon, ſhall wilfully and maliciouſly or careleſsly break or damage any of the Poſts, Rails, or Stones, or any Bank or Mound which may be erected for the Security of the ſaid Road; or if any Perſon or Perſons ſhall plough over or drag any Plough upon any Part of the ſaid Road; or if any Perſon or Perſons ſhall ſcrape off any Mud, Soil, or other Matter or Thing which ſhall be or lie upon any Part of the ſaid Road, with any Inſtrument, ſo as to damage the ſaid Road or any Part thereof; or if any Perſon ſhall hale or draw, or cauſe to be haled or drawn, upon any Part of the ſaid Road which ſhall not have been previouſly paved, and ſhall be then paved, any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber or Stone which ſhall be carried upon a wheeled Carriage, to drag upon any Part of the ſaid Road to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſame Road ſhall ſuffer the ſame to root up or damage the ſaid Road or any Part thereof; or if any Perſon ſhall in any Manner wilfully prevent any other Perſon or Perſons from paſſing him, her, or them upon the ſaid Road, or the Coach, Chaiſe, Waggon, Cart or other Carriage under his, her, or their Care; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage longer than ſhall be neceſſary for loading and unloading, and ſtanding as near to the Side of the ſaid Road as conveniently may be, in, upon, or on the Side of the ſaid Road, either with or without any Horſe or Beaſt of Draught harneſſed or yoked thereto; or if any Perſon ſhall lay any Piece of Timber, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Soil, Rubbiſh, or other Matter or Thing whatſoever in or upon any Part of the ſaid Road, or to the Prejudice thereof, or to the Annoyance or Prejudice of any Perſon or Perſons paſſing or repaſſing thereon; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obſtructing Perſons employed in carrying this Act into Execution.

XIV. And be it further enacted, That if any Perſon ſhall aſſault, interrupt, or hinder, or cauſe to be aſſaulted, interrupted, or hindered, any Perſon or Perſons by the ſaid Commiſſioners for the Time being for carrying this Act into Execution, or by any Contractor, employed in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Contracts may be entered into for making the Road and keeping it in Repair, and ſetting

XV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners for the Time being for carrying this Act into Execution, or for ſuch Perſon or Perſons as they for that Purpoſe ſhall appoint, to contract with any Perſon or Perſons for ſetting out, making, raiſing, repairing, and keeping in Repair the ſaid Road, and alſo for

for lighting it, &c.

ſetting up and affixing the Lamp Poſts and Lamp Irons on and for lighting the ſaid Road, or any Part or Parts thereof reſpectively, and for doing any other Work by this Act authorized to be done, in ſuch Manner and for ſuch Sums of Money, or other Compenſation or Conſideration, as the ſaid Commiſſioners for the Time being for executing this Act ſhall think proper; and all Contracts in Writing for any of the Purpoſes aforeſaid, which ſhall be entered into, ſhall be binding to all Parties who ſhall ſign the ſame, his, her, and their Executors and Adminiſtrators; and Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the Parties failing therein.

Two Commiſſioners may act.

XVI. And be it further enacted, That all Matters, Acts, and Things authorized or neceſſary to be done by the ſaid Commiſſioners in purſuance of this Act, may be done and executed by any Two of them; and the ſame ſhall be as valid and effectual, and ſhall have the ſame Force and Effect, as if ſuch Matters, Acts, and Things had been done and executed by all the ſaid Commiſſioners.

Penalties how to be recovered.

XVII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be impoſed, the Manner of levying which is not herein otherwiſe directed, ſhall, upon Proof of the Offences reſpectively before any One of His Majeſty's Juſtices of Peace for the City and Liberty of *Weſtminſter*, or for the County of *Middleſex*, either by the Confeſſion of the Party or Parties themſelves, or upon the Oath of One or more Witneſs or Witneſſes, which ſuch Juſtice is hereby empowered to adminiſter, be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal of ſuch Juſtice; which Warrant the ſaid Juſtice is hereby empowered to grant for that Purpoſe; and the Overplus, if any, after ſuch Penalties, Forfeitures, and Fines, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand to the Owner or Owners of ſuch Goods and Chattels; and the Penalties, Forfeitures, and Fines, when recovered and paid, ſhall be applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties ſhall not be forthwith paid, it ſhall and may be lawful for any ſuch Juſtice of Peace as aforeſaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to Gaol, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Appeal to the Quarter Seſſions.

XVIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at the Firſt General or Quarter Seſſions of the Peace to be holden for the City and Liberty of *Weſtminſter* next after the Expiration of Three Months from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons appealing having firſt given Ten Days Notice at the leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Solicitor of the ſaid Commiſſioners, and within Three Days Notice entering into a Recognizance before ſome Juſtice of the Peace for ſuch City and Liberty, with ſufficient Sureties, to try ſuch

Appeal, and abide the Order thereof, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices in ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties, or otherwiſe, as they ſhall judge proper; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Fine, Penalty, or Forfeiture, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and all ſuch Determinations of the ſaid Juſtices ſhall be final, binding, and concluſive upon all Parties to all Intents and Purpoſes whatſoever; and the ſaid Juſtices at ſuch Seſſions may alſo by their Order or Warrant levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for want of ſufficient Diſtreſs commit ſuch Perſon or Perſons to the Priſon of or for the ſaid City and Liberty for any Time not exceeding Six Calendar Months or until Payment of ſuch Coſts.

Notice to be given before any Action is brought; and Tender of Amends may be offered.

XIX. And be it further enacted, That no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants, Twenty-eight Days at leaſt before ſuch Action ſhall be commenced, of ſuch intended Action, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, 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 Action, by Leave of the Court, after ſuch Action ſhall have been brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall think fit, whereupon ſuch Proceedings, Order, and Judgment ſhall be made and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

General Iſſue.

XX. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act after Three Calendar Months next after the Fact committed, and every ſuch Action or Suit ſhall be brought and tried in the County of *Middleſex*, and the Defendant or Defendants in every ſuch Action or Suit ſhall or may plead, at his or their Election, ſpecially or the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought before Twenty-eight Days Notice thereof ſhall have been given, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing ſuch Action or Suit, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find a Verdict for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or

Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Treble Coſts.

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