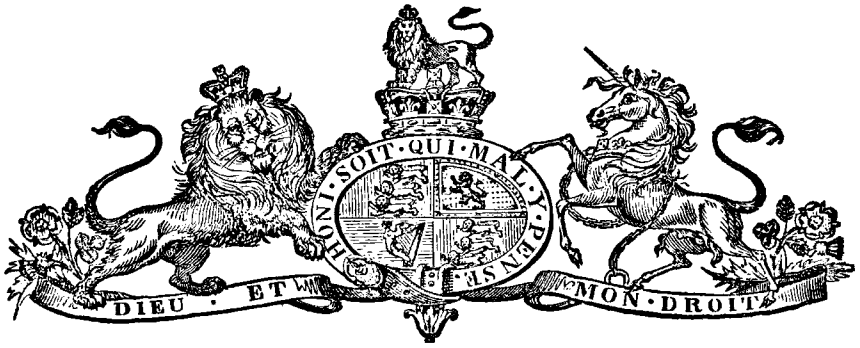


ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. L.

An Act to empower the Commissioners of Her Majesty's Woods to remove the Colonnade in the *Regent's Quadrant*. [14th *August* 1848.]

WHEREAS the Colonnade in front of the Houses in the Place commonly called the *Quadrant*, or the *Regent's Quadrant*, in *Regent Street*, in the Parish of *St. James*, *Westminster*, in the County of *Middlesex*, is inconvenient and injurious to the Trade of the Inhabitants and Occupiers of the Houses and Shops therein, and it is therefore expedient that the Commissioners of Her Majesty's Woods should be empowered to take down and remove the same, and also to make such architectural Alterations and Additions in and to the front Elevations of the Houses in the *Regent's Quadrant* aforesaid as shall become necessary or desirable in consequence of such Removal: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being to take down and entirely remove the whole of the Columns, with the Entablatures and Balustrades above the same, and the Beams, Roof, Ceiling, and Skylights over the Foot Pavements, and all other the Constructions and Materials forming

Power to Commissioners of Woods, &c. to take down the Colonnade in Regent's Quadrant,

and to dispose of the Materials.

forming and commonly called the Colonnade, situate in front of the Houses on both Sides of the *Regent's Quadrant* aforesaid, and to sell and dispose of the said Columns, Entablatures, Balustrades, Beams, Roofs, Ceilings, Skylights, and other Constructions and Materials, either by public Auction or private Contract, as they shall think fit; for which Purpose the Property in the same Columns, Entablatures, Balustrades, Beams, Roof, Ceiling, Skylights, and other Constructions and Materials shall be and the same are hereby absolutely vested in the said Commissioners for the Time being; and all Monies to arise from any such Sale shall be applied by the said Commissioners for the Purposes of this Act.

Commissioners of Woods, &c. to cause Pavements, &c. to be made good.

II. And be it enacted, That the said Commissioners for the Time being shall, after taking down the said Colonnade, make good the Foot Pavements in the *Regent's Quadrant* aforesaid, and shall erect a sufficient Number of suitable Lamp Posts and Lamps thereon, with all necessary Pipes and other Communications, for the proper Supply of Gas, to the Satisfaction of the Commissioners for paving and lighting the said *Regent's Quadrant;* and all such Pavement, Lamp Posts, Lamps, and Pipes so to be laid down, erected, and placed as aforesaid, shall, so soon as the same shall have been so laid down, erected, and placed, become and remain vested in the said last-mentioned Commissioners for paving and lighting, in all respects as if the same had been laid down, erected, or placed by them.

Commissioners of Woods, &c. may cause Balconies to be erected in front of the Houses.

III. And be it enacted, That it shall be lawful for the said Commissioners for the Time being to construct such Balconies and make such other architectural Alterations in and Additions to the Fronts of the said several Houses in the *Regent's Quadrant* aforesaid as they shall think fit, according to such Plans and Elevations as they shall approve of; and for any of the Purposes of this Act, at all reasonable Times, by themselves, their Surveyors, Architects, and Workmen, to enter upon all or any of the said Houses, and to do therein all such Works as may be necessary for the proper Construction of such Balconies and other Works as aforesaid, and also to fix any Poles or Scaffoldings to the Outside thereof.

Expense of executing the Works not to exceed 9,500*l.*

IV. Provided always, and be it enacted, That the total Sum expended by the said Commissioners in executing and completing the Works hereby authorized and directed as aforesaid shall not exceed in the whole (including the Monies to be received on the Sale of the Materials of the said Colonnade as aforesaid) the Sum of Nine thousand five hundred Pounds.

A Rate to be assessed upon the Houses in Regent's Quadrant for defraying Expense of Works.

V. And be it enacted, That, for the Purpose of defraying the Expenses of executing and completing the Works hereby authorized and directed as aforesaid, it shall be lawful for the said Commissioners for the Time being to charge and assess upon the said Houses in the *Regent's Quadrant* aforesaid a yearly Rate, not exceeding in the whole in every Year Eight *per Centum* on the total Amount of the Cost of executing and completing the Works aforesaid, after deducting the Monies received on the Sale of the Materials of the said Colonnade, such Rate to be payable half-yearly, and to be apportioned

and assessed upon and among the several Houses, in such Proportions and Manner as the said Commissioners for the Time being shall in their sole Discretion think proper and reasonable, according to the Amount expended on the said Houses respectively; and the said Rate shall continue payable until the whole of such Costs as aforesaid, and all Monies to be levied or borrowed on the Security of the said Rate hereby authorized to be charged, and all Interest for the same, shall be fully paid off and discharged.

Power to Commissioners to borrow Money on the Security of the Rates.

VI. And in order to enable the said Commissioners to raise Money the more speedily for the Purposes of this Act, be it enacted, That it shall be lawful for the said Commissioners for the Time being to borrow at Interest at any One Time, or from Time to Time, any Sum or Sums of Money, not exceeding in the whole the Sum of Nine thousand five hundred Pounds, upon the Credit of the Rate so to be charged and levied as aforesaid; and that every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be executed by the said Commissioners for the Time being, or any Two of them, and may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rate aforesaid, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of advancing such Monies, or of the Dates of any such Mortgages respectively.

Register of Mortgages to be kept.

VII. And be it enacted, That a Register of Mortgages shall be kept by the said Commissioners, and within Fourteen Days after the Date of any Mortgage an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, shall be made in such Register; and such Register may be inspected at all reasonable Times by any Person interested in any such Mortgage or Assignment, without Fee or Reward.

Mortgages may be transferred.

VIII. And be it enacted, That any Person entitled to any such Mortgage may transfer his Right and Interest therein to any other Person; and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be in the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Memorials of Transfers to be registered.

IX. And be it enacted, That within Thirty Days after the Date of every such Transfer, if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, it shall be produced to the said Commissioners for the Time being, or their Clerk or Secretary, and thereupon an Entry or Memorial thereof shall be made in like Manner as in the Case of the original Mortgage; and for every such Entry shall be paid a Fee of Five Shillings; and after such Entry, every such Transfer shall entitle the Transferee, his Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage, and the Principal and Interest

Interest thereby secured; and such Transferee may in like Manner assign or transfer the same again, *toties quoties;* and it shall not be in the Power of any Person, except the Person to whom the same shall have been last transferred, his Executors, Administrators, or Assigns, to make void, release, or discharge the Mortgage so transferred, or any Money thereby secured.

Commissioners may borrow Money at a lower Rate of Interest to pay off existing Mortgages.

X. And be it enacted, That if the said Commissioners for the Time being can at any Time borrow any Sum of Money at a lower Rate of Interest than any Securities given by them and then being in force shall bear, it shall be lawful for the said Commissioners to borrow such Sum at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the said Rate herein-before authorized to be levied, or any Part thereof, with the Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Commissioners may fix a Time for Payment of Money borrowed.

XI. And be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they think proper, to fix a Period for the Payment of all Principal Monies borrowed under the Provisions of this Act, with the Interest thereof; and in such Case the said Commissioners shall cause such Period to be inserted in the Mortgage Deed; and upon the Expiration of such Period the Principal Sum, together with the Arrears of Interest thereon, shall, on Demand, be paid to the Party entitled to receive such Principal Money and Interest at the Office of the said Commissioners.

If no Time fixed, Securities may be called in and paid, after Expiration of Twelve Months, on giving Six Months Notice.

XII. And be it enacted, That if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Calendar Months previous Notice for that Purpose; and in the like Case the said Commissioners for the Time being may at any Time pay off the Money borrowed on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be left at the Office of the said Commissioners, and if given by the said Commissioners shall be given either personally to such Mortgagee, or left at his or her usual or last known Place of Abode; or if such Mortgagee be unknown to the said Commissioners, or cannot in the Opinion of the Commissioners be found, such Notice shall be given by Advertisement in the *London Gazette.*

If Commissioners give Notice to pay off, the Interest to cease on Expiration of the same.

XIII. And be it enacted, That if the said Commissioners for the Time being shall have given Notice of their Intention to pay off any such Mortgage at a Time when the same may be lawfully paid off by them, then, at the Expiration of such Notice, all further Interest shall cease to be payable thereon, unless on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the

the said Commissioners fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage.

Interest to be kept down, and Residue applied as a Sinking Fund to pay off the Principal.

XIV. And be it enacted, That in order to discharge the Principal Money borrowed as aforesaid on Security of the said Rate the said Commissioners for the Time being shall, out of such Rate as shall be raised as aforesaid, pay the Interest of all Monies borrowed, and appropriate the Remainder (after deducting all the Expenses relating to the levying and raising the same) as a Sinking Fund, to be applied in paying off the respective Principal Monies so borrowed, and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest or otherwise, until the same respectively shall be of sufficient Amount to pay off any Principal Sum which may have been so borrowed, or some Part thereof which the said Commissioners shall think ought then to be paid off, at which Time the same shall be so applied in paying off the same in manner herein-after mentioned.

Securities to be paid off by Lot.

XV. And be it enacted, That whenever the said Commissioners for the Time being shall be enabled to pay off One or more of the Mortgages which shall be then payable, and shall not be able to pay off the whole of the same, they shall decide on the Order in which they shall be paid off by Lot among the Class to which such One or more of the Mortgages belong, and shall cause Notice, in manner herein-before mentioned, to be given to the Persons entitled to the Money to be paid off pursuant to such Lot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at the Office of the said Commissioners, at the Expiration of Six Calendar Months from the Date of such Notice.

Houses may be exonerated from the Rate by Payment of a Sum in gross.

XVI. Provided always, and be it enacted, That it shall be lawful for any Person or Persons, at any Time before any Payment of the Rate aforesaid shall become payable, to exonerate any House or Houses in the *Regent's Quadrant* aforesaid and the Occupiers thereof from the Payment of such Rate as aforesaid, by Payment to the said Commissioners for the Time being of a gross Sum of Money, bearing the like Proportion to the total Cost of the aforesaid Works authorized and directed by this Act (after deducting the Value of the Materials of the said Colonnade as aforesaid) as the Rate or Rates to be charged on such House or Houses shall bear to the total Rate charged by the said Commissioners under the Provisions herein-before contained.

Power to Commissioners to undertake the cleansing, &c. of the Outsides of the Houses.

XVII. And whereas in the Leases granted by or on behalf of Her Majesty the Lessees of the Houses in the said *Regent's Quadrant* are bound, by Covenants in the same Leases contained, to cleanse and colour the outside Stucco and Stone Work of the Houses, Buildings, and Walls comprised in such Leases respectively in the Month of *August* in certain Years: And whereas if the whole of the said *Regent's Quadrant* were placed under the Care of the said Commissioners for the Time being, as to the cleansing and colouring

or painting of the outside Stucco and Stone Work of the Fronts of the said Houses, and the said Lessees were released from the said Covenants for cleansing and colouring the same outside Stucco and Stone Work, such an Arrangement would secure the cleansing and colouring or painting being done in a uniform Manner, and greatly contribute to the Beauty of the said *Quadrant*, and would also tend to the Ease and Convenience of the Inhabitants; be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they shall think fit, from Time to Time as they shall see Occasion, to undertake and cause to be executed the cleansing and colouring or painting, in a regular and uniform Manner, of all the outside Stucco and Stone Work of the Fronts of the Houses situate in the *Regent's Quadrant* aforesaid, and employ Workmen, and take all Steps necessary or proper for the due Performance of the Work.

An additional Rate to be levied to defray Expense of future cleansing, &c. of Outsides of Houses.

XVIII. And be it enacted, That for the Purpose of answering the Expense of the cleansing and colouring or painting the Stucco Work hereby authorized to be cleansed and coloured or painted by the said Commissioners a Rate, in addition to the Rate herein-before authorized, shall be laid and assessed by the said Commissioners for the Time being upon all the Houses in the said *Regent's Quadrant* the outside Stucco and Stone Work whereof shall for the Time being be proposed to be, or shall have been, cleansed or coloured or painted as aforesaid; and a separate Account shall be kept of such last-mentioned Rate; and the Monies to arise thereby shall be applied in cleansing and colouring or painting the outside Stucco and Stone Work of the Fronts of the Houses in which such Rate shall have been raised, and in paying all the Expenses incurred in or about the Performance of such Work.

Parties paying such additional Rate not to be liable on their Covenants for Expense of cleansing, &c.

XIX. Provided always, and be it enacted, That no Lessee or other Person who shall pay the Rate assessed by the said Commissioners for the Expense of cleansing and colouring or painting such outside Stucco and Stone Work as aforesaid shall be liable to be sued in respect of the cleansing and re-colouring of the same outside Stucco and Stone Work, upon any Covenant in the Lease of the Property in respect of which such Rate shall be laid and assessed, before the Expiration of Four Years after the assessing of the last Rate which shall have been paid in respect of the cleansing and colouring or painting such outside Stucco and Stone Work as aforesaid.

After cleansing, &c. by Commissioners, Occupiers restrained from varying the same.

XX. Provided always, and be it enacted, That from and after the cleansing and colouring or painting of the outside Stucco and Stone Work of any House as aforesaid by the said Commissioners, it shall not be lawful for the Lessee, Owner, or Occupier of such House, or for any other Person or Persons, (except the said Commissioners, or any Person by them in that Behalf authorized,) to cleanse or colour, or in any Manner to paint or vary the Colour or Appearance of such outside Stucco or Stone Work; and if any such Lessee, Owner, or Occupier, or other Person or Persons, shall so cleanse or colour, or in any Manner paint or vary the Colour or Appearance of such outside Stucco or Stone Work, he, she, or they shall for every such Offence forfeit and pay a Sum of Ten Pounds,

XXI. Pro-

Cost of first cleansing, &c. to restore Fronts of the Houses to be deemed Part of the Cost of taking down the Colonnade.

XXI. Provided always, and be it enacted, That the Cost of cleansing and colouring or painting which shall be necessary in order to restore the Fronts of the Houses in the *Quadrant* aforesaid, after taking down the said Colonnade, and constructing such Balconies, Alterations, and Additions as herein-before mentioned, to a uniform Colour and Appearance, shall be considered as Part of the Cost of taking down the said Colonnade, and shall not be liable to be raised by any such Rate as last herein-before mentioned.

Persons liable to Poor Rate to pay the Rates levied under this Act.

XXII. And be it enacted, That the Person or Persons for the Time being liable to pay the Poor Rate in respect of each of the said Houses in the *Regent's Quadrant* aforesaid shall be the Person or Persons liable to pay the several Rates to be levied under this Act.

Recovery of Rates.

XXIII. And be it enacted, That if any Person rated under the Authority of this Act shall fail to pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the said Commissioners or their Collector, it shall be lawful for any Justice of the Peace acting in or for the City and Liberty of *Westminster*, on the Application of the said Commissioners or their Collector, to summon such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rate or Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of any such Rate should be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly, or the said Commissioners may recover the same by Action of Debt; provided that if no sufficient Distress whereon to levy the Amount due in respect of such Rate be found within the Jurisdiction of the said Justice, then, upon Oath made before any Justice of the Peace of any other County or Jurisdiction in which any Goods or Chattels of the Person not paying the said Rate or Rates may be found, such Justice shall certify the said Oath by endorsing the said Warrant; and thereupon the Amount due in respect of the said Rate or Rates, and unpaid by the said Person, may be levied by Distress of the Goods and Chattels of such Person as assessed in the last-mentioned County or Jurisdiction.

Form of Warrant.

XXIV. And be it enacted, That the Warrant of Distress for the Recovery of any Rate hereby made payable may be in the Form or to the Effect mentioned in the Schedule (C.) to this Act annexed; and in all Cases where a Distress is hereby authorized to be made every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by the said Commissioners or their Collector, aid in making a Distress or Sale pursuant to such Warrant; and every Constable refusing to do so shall be liable to a Penalty not exceeding Five Pounds.

Rate Books, on Proof of the Commissioners Signatures, to be Evidence of Rate.

XXV. And be it enacted, That in any Proceeding to levy and recover, or consequent on the levying or recovering of any Rate under the Provisions of this Act, the Books of Rates of the said Commissioners, and all Entries made therein, by the Production thereof alone, shall, on Proof of the Signatures of the said Commissioners for the Time being, or any Two of them, whose Names appear therein or

subscribed therein, be received as Evidence of such Rate, and of the Contents thereof.

For Recovery of Rates in Cases of Removal or anticipated Removal of the Occupier.

XXVI. And be it enacted, That if any Person quit or be about to quit any of the said Houses in the *Regent's Quadrant* aforesaid before he or she has paid the Rate or Rates payable in respect thereof, and do not pay the same to the said Commissioners or their Collector, on Demand, any Justice of the Peace having Jurisdiction where such Person resides or his or her Goods are found may summon such Person to appear before him at a Time specified in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rate or Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Leases not to be affected.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall in anywise alter or defeat any Covenant, Provision, or Right, or Interest in or reserved by any Lease, Underlease, or Agreement for a Lease already granted or entered into, of or respecting any of the Houses or Buildings in the said *Quadrant;* but that all and every such Leases and Agreements, and the Covenants, Rights, and Provisions therein contained or reserved, and also all Policies of Insurance against Fire effected in respect of any of the said Houses and Buildings, shall continue in force in all respects as if this Act had not been made, and the said Colonnade had not been pulled down, and as if such Alterations hereby authorized as aforesaid had not been made; and all the Covenants and Provisions in any such Lease or Under-lease or Agreement shall be construed and take effect with reference to the Balconies and other Alterations in or Additions to the Fronts of the said Houses hereby authorized to be made, and as if the same had been made and done before the making of any such Instrument, and as if the same had reference to the State in which the said Houses and Buildings shall be after such Alterations as aforesaid; any thing in such Instrument as aforesaid or in this Act contained to the contrary notwithstanding.

Act may be amended, &c.

XXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage.

By virtue of [*here insert the Title of this Act*], we, *A.B.* and *C.D.*, being Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in consideration of the Sum of Pounds paid to us by of for the Purposes of the said Act, do grant and assign unto the said his Executors, Administrators, and Assigns, such Proportion of the Rate charged or accruing by virtue of the said Act for defraying the Expenses of removing the Colonnade in the Regent's Quadrant, and restoring the Front of the Houses, as the said Sum of Pounds doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rate; to hold to the said his Executors, Administrators, and Assigns, from this Day until the said Sum of Pounds, with Interest at Pounds per Centum per Annum for the same, shall be fully paid and satisfied, such Interest to be payable half-yearly on the Day of and the Day of the Principal Sum to be repaid at the End of Years from the Date hereof [*in case any Period be agreed upon for that Purpose*]. In witness whereof we have hereunto set our Hands and Seals this Day of One thousand eight hundred and .

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to bearing Date the Day of for securing the Sum of Pounds, and Interest [*or, if* such

such Transfer be by Endorsement, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rate or other Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and .

SCHEDULE (C.)

Form of Warrant of Distress for the Recovery of a Rate.

County of [*or* City *or* Borough, *&c.*] to wit. } Whereas Complaint hath been duly made by One of the Collectors of Rates, to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, that of hath not paid, and has refused to pay, the Sum of Pounds duly assessed upon him in and by a certain Rate for the Regent's Quadrant in Regent Street, in the Parish of Saint James Westminster, in the County of Middlesex, called the [*here name the Rate*], bearing Date on or about the Day of in the Year of our Lord One thousand eight hundred and duly made according to the Directions and for the Purposes of [*here insert the Title of this Act*], although the same hath been duly demanded of him: And whereas it appears to me One of Her Majesty's Justices of the Peace in and for the said County [*or* City *or* Borough, *&c.*], as well upon the Oath of One of the said Collectors of Rates, as otherwise, that the said Sum of hath been duly demanded in Writing by him from the said and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said having appeared before me in pursuance of my Summons for that Purpose, hath not shown to me any sufficient Cause why the same should not be paid: [*or* And whereas it hath been duly proved to me upon Oath that the said hath been duly summoned to appear before me to show Cause why he refuseth to pay the said Rate or Assessment, but he the said hath neglected to appear according to the said Summons, and hath not shown to me any sufficient Cause why the same should not be paid:] These are, therefore, in Her Majesty's Name, to command you to levy the said Sum of by Distress of the Goods and Chattels of the said and if the same shall not be paid within the Space of Days next after such Distress by you taken, together with the reasonable Charges of taking and keeping the same, that then you do sell the said Goods and Chattels by you distrained, and out of the Money arising by such Sale that you do detain the Sum of and also your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the said the Overplus, on Demand; and if sufficient Distress cannot be found of the Goods and

Chattels of the said whereon to levy the said Sum of that then you certify the same to me, together with this Warrant, to the end that such further Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal the Day of in the Year of our Lord One thousand eight hundred and

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