ANNO SEXTO

VICTORIÆ REGINÆ.

****

Cap. xxxiv.

An Act for making further Provision for paving, lighting, cleansing, regulating, repairing, and improving the Streets, Highways, and other public Places in the Parish of *Saint Matthew Bethnal Green*, and for paving such Parts of *Old Cock Lane* and *York Street* as are in the Parish of *Saint Leonard Shoreditch* in the County of *Middlesex*. [31st *May* 1843.]

WHEREAS an Act was passed in the Twenty-fourth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for cleansing and enlightening the open* 24 G. 2. c. 26.
Places, Streets, and other Passages, and regulating the nightly Watch and Bedels, in the Parish of St. Matthew Bethnal Green *in the County of* Middlesex: And whereas another Act was passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for paving and repairing certain Streets,* 33 G. 3. c. 88.
Lanes, and other public Passages and Places in the Parish of St. Matthew Bethnal Green *in the County of* Middlesex, *and for paving and regulating such Parts of* Old Cock Lane *and* York Street *as are in the Parish of* St. Leonard Shoreditch, *and for removing Obstruc-*

tions and Annoyances therein: And whereas another Act was passed in the Fifty-third Year of the Reign of His said Majesty King
53 G. 3. c. 113. *George* the Third, intituled *An Act for the better Relief and Maintenance of the Poor, and for making more adequate Provision for the Rector of the Parish of* St. Matthew Bethnal Green *in the County of* Middlesex, *and for more effectually lighting, watching, cleansing, and improving the Streets and other public Places of and within the said Parish:* And whereas many of the Provisions of the said several recited Acts are found to be inadequate to the several Purposes for which they were intended; and it is expedient that the first-recited Act should be wholly repealed, that some of the Powers and Provisions of the second-recited Act should be altered, and that such of the Powers and Provisions of the last-recited Act as relate to lighting, watching, cleansing, and improving the said Parish should be repealed, and that further and more effectual Powers should be granted instead thereof: And whereas it would be beneficial if the Execution of the Powers of paving, lighting, cleansing, improving, and repairing the Highways of and within the said Parish were intrusted to Commissioners for carrying into execution all the said Powers, instead of being intrusted to Commissioners for managing the paving, and Trustees for managing the lighting and cleansing of the said Parish, and to a Board for the Repair of Highways: And whereas it is expedient to authorize the laying of different graduated Rates on various Descriptions of Property in the said Parish of *St. Matthew Bethnal Green*, and in such Parts of *Old Cock Lane* and *York Street* as are in the Parish of *St. Leonard Shoreditch*, and for such Purpose to alter the present Assessments of such Rates, and to levy other Rates in lieu thereof; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: 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 this Act shall commence on the first *Monday* in the first Month after the passing thereof; and from and after the Commencement of this Act the said recited Act passed in the Twenty-fourth Year of the Reign of His Majesty *George* the Second, and so much of the said Act of the Fifty-third Year of the Reign of His Majesty *George* the Third as relates to the lighting, watching, cleansing, and improving the said Parish, shall be repealed.

Commencement of this Act. 24 G. 2. c. 26. and so much of 53 G. 3. c. 113. as relates to lighting, &c., repealed.

33 G. 3. c. 88. (except as altered or repealed) extended to this Act.

II. And be it enacted, That the Powers and Provisions of the recited Act of the Thirty-third Year of the Reign of His said Majesty King *George* the Third, except such of them as are hereby or by any other Act repealed, altered, or otherwise provided for, shall extend to this Act, and shall be in force with respect to the Objects and Purposes of this Act as fully and effectually as if the same Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes thereof.

Assignments, &c. made in pursuance of

III. And be it enacted, That all Assignments, Grants, and other Conveyances made or granted to or by any Person whomsoever acting

acting by virtue of or on the Credit or under the Authority of the said recited Acts shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the said recited Acts, or the Powers and Provisions thereof, had not been repealed.

recited Acts to be valid.

IV. And be it enacted, That all Bonds, Mortgages, Assignments, and Annuities given or granted as a Security for any Monies lent or advanced, in pursuance of the Powers in the said secondly-recited Act contained, upon the Credit of any of the Rates and Assessments made by virtue thereof for paving the said Parish, shall be charged upon the Rate hereby granted and directed to be made for the Purposes of this Act; and the Parties from Time to Time entitled to the said Bonds, Mortgages, Assignments, and Annuities respectively shall have, receive, and enjoy, and by virtue of this Act be entitled to have, receive, and enjoy, all Interest due and to grow due on such Bonds, Mortgages, and Assignments respectively (until the same shall be paid off and discharged), and all Annuities during the Term of the natural Lives of the Persons for whose Lives such Annuities were respectively granted.

Bonds and Mortgages and Annuities granted in pursuance of secondly-recited Act to be paid out of Rates levied by this Act.

V. And be it enacted, That all Rates due or in arrear from any Person, and all Monies due to and all Property and all Choses in Action vested in the Commissioners and Trustees respectively under the said recited Acts, or the Powers thereof hereby repealed, or in the Board for the Repair of Highways, and all Contracts, Bonds, and Engagements entered into with or to the said Commissioners and Trustees respectively under the said recited Acts, and the said Board for the Repair of Highways, relating to the paving, lighting, cleansing, improving, and repairing the Highways of and within the said Parish, shall, immediately after the passing of this Act, be vested in the Commissioners acting by virtue of this Act, who may sue for, recover, and enforce the same, and act in respect thereof, as effectually as if the same had been vested in or entered into with them respectively; and the Commissioners acting in the Execution of this Act shall be liable to all the Debts and Engagements to which the Commissioners or Trustees under the said recited Acts, or the Powers thereof hereby repealed, and the Board for the Repair of Highways, are liable.

Rates confirmed.

VI. And be it enacted, That all Lands, Buildings, and Property, Lamps, Lamp Irons, Lamp Posts, Goods, Chattels, Effects, Materials, Implements, Matters, and Things, for or concerning the lighting and cleansing the said Parish, provided by or vested in the said Commissioners or Trustees, shall be the Property of and they are hereby vested in the Commissioners for executing this Act.

Property under repealed Act vested in the Commissioners.

VII. And be it enacted, That the Trustees and Commissioners appointed by virtue of or acting under the said recited Acts, or any of them, and the Board for the Repair of Highways, shall, within Two Months next after the Commencement of this Act, render to the Commissioners for executing this Act a full and true Account of all Monies remaining in their Hands at that Time, and also at the Time of the passing of this Act, in respect of the Rates and Assessments made

Trustees and Commissioners under recited Acts to account with Commissioners under this Act.

made by them respectively; and the said Trustees and Commissioners acting under the said recited Acts, and the said Board of Surveyors of Highways, shall, within Three Months next after the Commencement of this Act, transfer or pay to the Commissioners for executing this Act the Money which upon the Balance of such Accounts shall appear to be in their Custody or Power.

Present Clerks and Officers to be continued in their Offices.

VIII. And be it enacted, That the Clerks and all other Officers and Persons appointed under the said recited Acts, and in the Employment of the Trustees and Commissioners acting thereunder, and the Clerk, Surveyor, and Officers appointed and employed by the Board for the Repair of Highways, shall hold and enjoy their respective Offices and Employments until removed therefrom by the Commissioners for executing this Act; and all such Clerks, Officers, and Persons shall have the same Powers, Privileges, and Advantages, and they and their Sureties shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, as if this Act had not passed.

Appointment of Commissioners.

IX. And be it enacted, That the Trustees at the Time of the Commencement of this Act acting under the said firstly-recited Act, the Commissioners at the Time of the Commencement of this Act acting under the secondly-recited Act, and the Members of the Board of Highways for the said Parish of *Saint Matthew Bethnal Green* elected at *Easter* in the Year One thousand eight hundred and forty-two, shall be a Board of Commissioners for executing this Act, by the Name of "The Commissioners for paving, lighting, cleansing, and improving the Parish of *Saint Matthew Bethnal Green*," and such Commissioners, and their Successors, to be appointed in manner herein-after mentioned, shall be the Commissioners for carrying the secondly-recited Act and this Act into execution.

As to Vacancies occuring among first Commissioners.

X. And be it enacted, That when any Commissioner appointed by this Act as One of the first Commissioners shall die, give or send his Resignation in Writing, or become disqualified or neglect to act, the remaining Commissioners shall not appoint any other Person in his Stead, but his Place shall remain vacant until the Days or Times herein-after mentioned.

Commissioners to ascertain Vacancies every Year.

XI. And be it enacted, That previous to the First Day of *June* in the Year One thousand eight hundred and forty-four, and previous to the First Day of *June* in every subsequent Year, the Commissioners shall meet and ascertain the Number of Commissioners then remaining in Office, and if such Number be less than Sixty the Commissioners shall certify under the Hands of Three or more of them the Number required to make up the Number of Commissioners to Sixty, and the Number so certified shall be elected as hereafter mentioned;

Election of the requisite Number to fill the Vacancies.

and if the Number required to make up the Commissioners to Sixty be not an even Number, the Commissioners shall deduct One, so as to certify an even Number, and One Half thereof shall be elected by the Rate-payers of the said Parish, and One Half by the Owners and Lessees of Property therein, as herein-after mentioned: Provided always, that the Number of Commissioners to be elected in any One

Year

Year shall not exceed Ten, and if there be a greater Number of Vacancies than Ten the Excess shall be added to the Number to be elected in any succeeding Year when the Number of Vacancies is less than Ten.

Period of Service and Time of going out of Commissioners.

XII. And be it enacted, That the Commissioners appointed by the said Rate-payers or by the said Owners and Lessees shall continue in Office for the Space of Six Years from the Time of their Appointment, and in each Instance the Places of the retiring Commissioners shall be supplied by the said Owners and Lessees, and by the said Rate-payers, by the Election of a similar Number of Commissioners as herein-after provided in the Proportion herein mentioned.

Commissioners re-eligible.

XIII. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Commissioner.

Qualification of Electors being Owners or Lessees.

XIV. And be it enacted, That every Person who shall be in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the Limits of this Act for an Estate not less than a Life in being, for his own Use, or held upon a Lease with an original Term of not less than Sixty Years, of the net annual Value of Eighty Pounds and upwards respectively, shall be entitled to vote in the Election of the one Half of the Commissioners required to be elected at the annual Elections, but no such Person shall be qualified to vote unless he shall be registered as herein-after mentioned.

Declaration to be made by Owners and Lessees.

XV. And be it enacted, That every such Owner or Lessee shall make a Declaration to the Effect following before the Commissioners assembled at a Meeting:

'I *A.B.* do solemnly declare, That I am seised or possessed of the 'Rents and Profits of Lands, Tenements, or Hereditaments within 'the Parish of *St. Matthew Bethnal Green* upon an Estate not less 'than a Life in being, for my own Use, *or* upon a Lease with an 'original Term of not less than Sixty Years, of the net annual Value 'of Eighty Pounds and upwards, and that such Rents and Profits 'arise from and are issuing out of the Lands, Tenements, and Here-'ditaments herein-after mentioned; that is to say [*here describe the 'Premises, and the Interest of the Owner or Lessee, and the Rent, and 'the Names of the Occupiers*].'

And such Declaration shall be registered by the Clerk of the Commissioners without any Fee, and such Owner or Lessee shall not be entitled to vote until Twenty-eight Days after such Declaration shall have been made.

Qualification of Electors being Rate-payers.

XVI. And be it enacted, That every Person who shall be rated to the Rates authorized to be made by virtue of this Act shall be entitled to vote in the Election of the other Half of the Commissioners required to supply the Places of those of the first Commissioners who shall die, resign, become disqualified or neglect to act, or shall retire by Rotation as before mentioned.

Manner of Election for supplying periodical Vacancies.

XVII. And be it enacted, That for the Purpose of such Election by the said Rate-payers a Meeting of the Persons entitled to vote thereat shall be held at some Time and Place appointed by the Commissioners within Twenty-one Days after the First Day of *June* in the Year One thousand eight hundred and forty-four, and in every subsequent Year, between the Hours of Twelve of the Clock at Noon and Six of the Clock in the Afternoon; and for the Purpose of such Election by the said Owners and Lessees a Meeting of the Persons qualified to vote thereat shall be held at some Time and Place appointed by the Commissioners within One Month after the said First Day of *June* in the Year One thousand eight hundred and forty-four, and in every subsequent Year, between the Hours aforesaid; and if at such Meetings respectively a greater Number of Persons be nominated than is required to supply the Vacancies the Meeting shall be adjourned to the following Day, and on such last-mentioned Day, between such Hours, the Persons by whom such respective Elections are to be made shall respectively deliver to some Person appointed to preside at such respective Meetings by the Commissioners a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Commissioners, and the Persons, not exceeding the Number of Commissioners proper to be elected at such respective Meetings, having the Majority of Votes at such Election, shall be Commissioners for the Purpose of carrying this Act and the secondly-recited Act into execution; and if at any such Election respectively there be an Equality for Two or more Persons such Person appointed to preside as aforesaid shall, if necessary, to prevent an Excess in the Number of Commissioners, decide by Lot upon the Person to be elected.

Statement of Qualification at Meeting.

XVIII. And be it enacted, That at such Election by the said Owners and Lessees the Person appointed to preside as aforesaid shall require every Elector, previous to his voting, to state that he is in Possession of the Qualification in respect of which he was registered; and if any such Person shall make a false Statement he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Mode of supplying occasional Vacancies.

XIX. And be it enacted, That if any of such Commissioners appointed by the said Rate-payers and Owners and Lessees die, or resign, or be disqualified, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, the remaining Commissioners shall continue to act, and the Place of the Commissioner shall be supplied at the next annual Election by the said Owners and Lessees, or by the said Rate-payers, by whom he shall have been elected, as the Case may be; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

Qualification of Commissioners.

XX. And be it enacted, That no Person shall be eligible to be appointed a Commissioner by the said Rate-payers in the Room of any of the Commissioners hereby appointed, or in the Room of any succeeding Commissioner, unless such Person shall have been for Three Years a resident Inhabitant of the said Parish of *Saint Matthew*

Bethnal Green, and be rated in respect of a Dwelling House in his Occupation in the said Parish to the Rate made for the Relief of the Poor of the said Parish, and to the Rate made by virtue of this Act, in the annual Sum of Twenty Pounds or upwards; and no Person shall be eligible to be appointed a Commissioner on behalf of the said Owners and Lessees unless such Person be seised or possessed of the Rents and Profits of Lands and Hereditaments within the said Parish, of the net annual Value of Eighty Pounds at the least, for an Estate not less than a Life in being, for his own Use, or held upon a Lease with an original Term of not less than Sixty Years.

Same Property not to give Two Qualifications.

XXI. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof.

No Bankrupt or Insolvent to be a Commissioner.

XXII. And be it enacted, That no Bankrupt or Insolvent, or Person who has been bankrupt or insolvent, or Person who has compounded with his Creditors, unless he shall have paid his Creditors in full, or Person who shall be a Retailer of Beer, Wine, or Spirituous Liquors, or Person convicted of Fraud, or not qualified as hereinbefore mentioned, shall be capable of being or continuing a Commissioner.

No Person holding Office or concerned in a Contract to be a Commissioner.

XXIII. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or any public Office or Place of Trust in the said Parish, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Shareholders in Companies established under Act of Parliament not disqualified by reason of Contracts.

XXIV. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any Joint Stock Company established by Act of Parliament, Charter, Deed, or otherwise, shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners; but no such Commissioner, being a Member of such Company, shall vote on any Question relating to the Execution of this Act or the secondly-recited Act in which such Company may be interested.

Commissioner not incapable of acting as Justice.

XXV. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act or the secondly-recited Act by reason of his being a Commissioner.

Commissioners to make a Declaration.

XXVI. And be it enacted, That no Person to be hereafter appointed a Commissioner shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and signed, before One of the Commis-

Commissioners at a Meeting, a Declaration to the Effect following:

'I *A.B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament intituled [*here insert the Title of this Act*], and [*if such Commissioner be elected by the Rate-payers*] also that I have been a resident Inhabitant of the said Parish for the Space of Three Years, and am rated in respect of a Dwelling House in my own Occupation in the said Parish to the Rates made for the Relief of the Poor of the said Parish, and by virtue of the said Act, in the annual Sum of
[*or, if such Commissioner be elected by the Owners and Lessees,*] that I am seised or possessed of the Rents and Profits of Lands and Hereditaments within the said Parish of the net annual Value of for an Estate not less than a Life in being, for my own Use, *or* held upon a Lease with an original Term of not less than Sixty Years.'

False Declaration a Misdemeanor.

XXVII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Declaration to be taken at the First Meeting.

XXVIII. And be it enacted, That at the Meeting of Commissioners at which any such Person as hereafter appointed shall first attend as one of such Commissioners such Person shall take and subscribe the Declaration herein required; and it shall be lawful for any Person attending as one of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty on Commissioner acting not being qualified.

XXIX. And be it enacted, That if any such Person hereafter appointed shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified or having ceased to be a Commissioner, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, or not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Commissioner neglecting to act

XXX. And be it enacted, That if any Commissioner fail to act in the Execution of this Act for One Year such Commissioner shall be

be deemed to have refused to act, and therefore shall cease to be a Commissioner until he shall be re-elected as herein-before mentioned.

First and other Meetings.

XXXI. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting in the Vestry Room of the Church of the said Parish of *Saint Matthew Bethnal Green*, or at some other convenient Place within the said Parish, on the first *Monday* in the first Month next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act and the secondly-recited Act into execution; and a monthly General Meeting of the Commissioners shall be held on such Day in each Month, at such Place and between such Hours, as from Time to Time shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Parish; and if at any such Meeting there shall not be Nine Commissioners present within One Hour after the Time appointed for such Meeting then it shall be lawful for such Commissioners present, or the major Part of them, or any One Commissioner, if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned then it shall be lawful for any Two of the Commissioners, or the Clerk, to appoint a Meeting to be held at any convenient Place within the said Parish, and not less than Three Days Notice shall be given of such intended Meeting.

Building for Offices may be provided.

XXXII. And be it enacted, That it shall be lawful for the Commissioners to purchase, take on Lease, or build a convenient Building within the said Parish for a Place of meeting, and for Offices for carrying on the Business of the Commissioners; and any Land or Building purchased for such Purpose shall vest in the Commissioners, and such Building may be used for holding any Meetings to be held for the Purposes of this Act, and for any Vestry Meeting, but such last-mentioned Meetings shall not be held at such Times as to interfere with the Meetings of the Commissioners.

Special Meetings.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Five or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Three Days Notice thereof shall be given.

Quorum of Commissioners.

XXXIV. And be it enacted, That all the Powers of this Act may be exercised by any Nine or more of the Commissioners present at any Meeting held in pursuance of this Act, and no Business shall be transacted at any Meeting of the Commissioners unless Nine or more Commissioners shall be present at such Meeting.

How Notices of Meetings are to be given.

XXXV. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing or in Print, or partly in Writing and partly in Print, and shall be delivered or sent by the Post to the usual Place of Abode of each of the

Commissioners Three Days at least previous to such Meeting; and every Notice shall specify the Time and Place of meeting, and in case of a Special Meeting shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

Expences at Meetings.

XXXVI. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences.

General Meeting may appoint Committees.

Duration of Committees.

XXXVII. And be it enacted, That it shall be lawful for the Commissioners at any Meeting to appoint a Committee consisting of not less than Five of the Commissioners for carrying into effect any of the Provisions of this Act or the secondly-recited Act, and at any Meeting to continue, alter, or discontinue such Committee, but no such Committee shall be appointed to act for a longer Term than One Year.

Quorum of Committees.

XXXVIII. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Five Members of the Committee be present.

Order of Business at Meetings of Commissioners and Committees.

XXXIX. And be it enacted, That at every Meeting of the Commissioners or Committee One of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that One of the Commissioners having equal Number of Votes, whose Name would stand first if the Names of the Commissioners present were alphabetically arranged, shall be Chairman of such Meeting.

No Resolution of Commissioners to be revoked at a subsequent Meeting unless under certain Circumstances.

XL. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Seven Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of the Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority: Provided always, that the Proceedings and Resolutions passed at any Meeting (except such as shall relate to the Payment of Bills reported upon by a Committee, or of which due Notice shall have been given at a previous Meeting,) shall be read at the next subsequent Meeting before the Commencement of other Business, and may be confirmed or rejected wholly or in part by the Commissioners then present, by a simple Majority.

XLI. And

For what Contracts may be made.

XLI. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act or the secondly-recited Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners, and every such Contract shall be in Writing, and shall specify the Works to be done, and the Materials to be furnished, and a Copy thereof shall be entered in a Book to be kept by the Clerk of the Commissioners for that Purpose.

How to be signed.

XLII. And be it enacted, That every such Contract shall be signed by any Five of the Commissioners and the other Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered, by or against the Commissioners, or the other Parties failing in the Execution thereof.

Materials for Works contracted for to be considered the Property of the Commissioners.

XLIII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Indictment, as herein-after mentioned, be held to be the Property of such Commissioners.

Indictments, how to be preferred.

XLIV. And be it enacted, That it shall be lawful for the Commissioners, by their Clerk, to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, deface or injure, any Property, Article, or Thing belonging to the Commissioners, and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Commissioners.

Commissioners not to be personally liable.

Liability of their Funds.

XLV. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on behalf of the Commissioners for any of the Purposes of this Act or the secondly-recited Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument, but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Actions or Suits to be brought in

XLVI. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act or the

the Name of any Two Commissioners or the Clerk.

the secondly recited Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit, and no such Action or Suit shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions against Goods of Commissioners.

XLVII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity to Commissioners and Clerk.

XLVIII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put or with which he may become chargeable by reason of his being so made Plaintiff or Defendant, and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit shall have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action shall have been brought by the Clerk or Two Commissioners or more, as aforesaid, it shall have been so brought without the Order or Direction of the Commissioners.

Proceedings to be entered in a Book, and be open for Inspection.

XLIX. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of the Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committees respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners.

Commissioners may appoint Surveyor of Highways and Inspectors of Pavements.

L. And be it enacted, That the Commissioners shall appoint, and from Time to Time remove at their Pleasure, some One Person or such Number of Persons to be Surveyor or Surveyors of the Highways of and within the said Parish, and also the same or any other Persons to be Inspector or Inspectors of the Pavements within the Limits of this Act, and shall allow to such Persons such Salary and Remuneration as the Commissioners shall think fit.

LI. And be it enacted, That the Commissioners may from Time to Time appoint a Treasurer and Clerk, and a Collector or Collectors, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, and Officers, and appoint others in their Stead. Commissioners to appoint Treasurer and other Officers.

LII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,) Offices of Clerk and Treasurer to be separate. Penalty.

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty, either by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

LIII. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners exact, take, or accept, on account of any thing done or to be done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid. Officer taking Fees to lose his Office. Penalty.

LIV. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purpose of this Act, and when, of whom, and for what the same were so received or collected. Commissioners to take Security from all Officers intrusted with Money.

Officers to account.

LV. And be it enacted, That every Officer appointed or employed by the Commissioners or Trustees under the said recited Acts, or the Powers thereof hereby repealed, or by the Board for the Repair of Highways, or by the Commissioners by virtue of this Act, shall from Time to Time, when required by the Commissioners for executing the Powers of this Act, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Monies have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy against Officers failing to account.

LVI. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same, in his Possession or Power, or to pay the Balance thereof, when thereunto required, or shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall summon such Officer to appear before any Two or more Justices, at a Time and Place to be set forth in such Summons, to answer to such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justices may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases, (that is to say,)

If such Officer do not appear before such Justices at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justices the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Commissioners, in his Possession or Power;

Such

Such Justices may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody, without Bail, until he shall have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and shall have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

LVII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Books of Account to be kept, and to be open to Inspection.

LVIII. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Rates and Assessments by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded for any such Inspection; and it shall be lawful for any of the Commissioners, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book, without paying any thing for the same, and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to inspect such Books, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to be settled and examined at the annual Meeting.

LIX. And be it enacted, That the Accounts of Monies received and expended by the Commissioners shall be produced at the first ordinary Meeting of the Commissioners which shall take place in the Month of *July* in every Year, or at some Adjournment thereof, and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the County of *Middlesex*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Twenty-one Days at least before the hearing of any such Appeal.

To be final, unless appealed from.

Statement of Accounts to be prepared, and to be open for Inspection.

LX. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended, by virtue of

of this Act during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Commissioners; and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Rate-payer, may at all seasonable Times inspect such Statement and Account; and the Clerk shall, on Demand, furnish a Copy of such Statement and Account, or any Part thereof, to any such Creditor or Rate-payer, upon being paid at the Rate of Sixpence for every One hundred Words, and so in Proportion for a less Number of Words; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Commissioners, ready for the Inspection of the Creditors or Rate-payers or other Parties interested.

An Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

LXI. And be it enacted, That the Commissioners shall every Year cause an annual Account in abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act, for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Middlesex*, on or before the Thirty-first Day of *January* then next; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Power to borrow on Mortgage.

LXII. And be it enacted, That in addition to the Sum of Money already borrowed in pursuance of the said secondly-recited Act it shall be lawful for the Commissioners from Time to Time to borrow at Interest on the Credit of the Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Thirty-five thousand Pounds, and, in the event of any Part of such Sum of Money being repaid by the Commissioners, to reborrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Thirty-five thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Nine of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Repayment of the Money so to be borrowed, together with Interest for the same,

LXIII. And

Form of Mortgage.

LXIII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated, and every such Deed shall be under the Hands and Seals of Nine of the Commissioners, and may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

LXIV. And be it enacted, That all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively: Provided always, that the Creditors under the recited Acts shall have Priority over the Persons advancing the Money authorized to be raised by this Act.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

LXV. And be it enacted, That a Register of such Mortgages or Assignments shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Assignment an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein, without Fee or Reward.

Assignment of Mortgages and Annuities.

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

Register of Transfers to be kept.

LXVII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Assignment so transferred, or any Money thereby secured.

Interest on Mortgages to be paid half yearly.

LXVIII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half yearly to the several Parties entitled thereto.

Power to take up Money at a

LXIX. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes

less Rate of Interest.

of this Act at a lower Rate of Interest than any existing Securities, or any Securities given by them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper, 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 Rates and Duties, or other Funds or Property payable under this Act, or any Part thereof, with 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.

Fund to be provided for Repayment of Principal.

LXX. And be it enacted, That the Commissioners shall yearly and every Year out of the Rates set apart a Sum of Money of not less Amount than Four Pounds for every One hundred Pounds of Principal Money then due and owing upon Mortgage of the said Rates, and the Commissioners shall apply the same in discharge of the said Principal Monies, as herein-after directed.

Mode of paying of Mortgages.

LXXI. And in order that no undue Preference may be given in paying off any Mortgages or Assignments, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages granted in pursuance of this Act, upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form, and put into a Box, and the Clerk to the Commissioners shall, in the Presence of Five or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot, 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 a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice, but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Application of Monies to be borrowed.

LXXII. And be it enacted, That all the Money which shall be raised on the Credit of the Rates hereby authorized to be made shall be applied in paving the said Parish, and in making such other permanent Improvements within the Limits of this Act as the Commissioners shall direct.

LXXIII. And

Commissioners may make Bye Laws to govern themselves and their Servants.

LXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business, and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws in *England*, or the Provisions of this Act or the secondly-recited Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners, and countersigned by their Clerk.

Fines for Breach of such Bye Laws.

LXXIV. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Forty Shillings for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Service of Notice on Commissioners.

LXXV. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate, at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices.

LXXVI. And be it enacted, That every Summons, Demand, or Notice, or other such Document, under this Act or the secondly-recited Act, may be in Writing or Print, or partly in Writing or Print, and if the same require Authentication by the Commissioners the Signature thereof by One Commissioner, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

Releases to Witnesses.

LXXVII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Tender of Amends.

LXXVIII. And with respect to Actions brought in respect of any Proceedings under the Provisions of this Act, be it enacted, That if, before an Action be brought, any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act or the secondly-recited Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such

Tender

Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Limits of this Act.

LXXIX. And be it enacted, That the Limits of the secondly-recited Act and this Act shall comprehend the whole of the said Parish of *Saint Matthew Bethnal Green*, and such Parts of *Old Cock Lane* and *York Street* as are in the Parish of *Saint Leonard Shoreditch*, and this Act shall be put in force within the Limits aforesaid.

Streets, &c. vested in the Commissioners.

LXXX. And be it enacted, That the Management of all the present Streets within the Limits of this Act, and all future Streets becoming public Highways, shall be placed under the Jurisdiction of the Commissioners; and the Soil, Pavement, and other Materials of such Streets, and all Lamps, Lamp Irons, Lamp Posts, Cesspools, Grates, Drains, Tunnels, Gutters, Erections or Buildings, Materials, Implements, and other Things, provided by the Commissioners for the Purposes of the secondly-recited Act and this Act, and also the Dust, Ashes, and Filth to be collected from the said Streets, shall be the Property of and are hereby vested in the Commissioners, and the Commissioners shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper.

Commissioners may cause Footways to be paved.

LXXXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Footways of all or any Streets or Turnpike Roads now made or formed or hereafter to be made or formed within the Limits of this Act to be properly formed, paved, or gravelled, and to cause such new Footways, and also such Footways within the said Limits as are already formed, and paved and gravelled, to be kept in good Repair; and all such Streets the Footpaths whereof have been or shall be paved by the Commissioners under the secondly-recited Act or this Act with flat Paving shall be considered as being paved, and the Inhabitants shall be rated accordingly.

Power to Commissioners to allow Part of Expences to Owners.

LXXXII. And be it enacted, That where in any Streets any Buildings shall have been erected, and the Owners or Lessees thereof shall have laid down a proper Pavement in or upon the same, and the Commissioners shall be satisfied therewith, it shall be lawful for the Commissioners from Time to Time to pay to such Owners or Lessees respectively as last mentioned, out of the Monies to be raised by virtue of this Act, such Sum of Money as the Surveyor of the Pavements shall estimate or determine to be the Value thereof, or as to the Commissioners shall seem reasonable: Provided always, that nothing herein contained as to the Paving or Compositions of Paving shall annul or make void or in anywise alter any Agreement heretofore made or hereafter to be made between any Owner and his Tenant or Lessee.

LXXXIII. And

Commissioners to cause Streets to be paved.

LXXXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered, in such Manner and with such Materials as they shall think proper.

Penalty on Persons altering Pavements.

LXXXIV. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Carriageway or Footway in any Street within the Limits of this Act, without the Consent in Writing of the Commissioners, except when it may be necessary for repairing any Vault or Drain under such Street, or other Purpose, or shall encroach upon or inclose any Piece of Ground forming Part of any Footpath or Carriageway, by putting up any Erection or Building thereon, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Carriageway or Footway shall not, within Ten Days after Notice in Writing by the Surveyor to the Commissioners, cause the same to be reinstated as nearly as may be, or cause such Erection to be removed, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Carriageway or Footway.

Road Trustees not to collect Toll within the Limits of the Act.

LXXXV. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll or repair or expend any Money upon any Road within the Limits of this Act: Provided always, that the Restriction aforesaid shall not extend to the Commissioners of the Metropolis Turnpike Roads North of the *Thames*, nor to the Roads under their Jurisdiction.

Commissioners liable to Indictment for Want of Repairs.

LXXXVI. And be it enacted, That the Commissioners shall be liable to be indicted at Common Law for the Want of the sufficient Repair of any public Highway within the Limits of this Act, in the same Manner as the Inhabitants of *Saint Matthew Bethnal Green* were before the passing of this Act.

Houses to be numbered, and Streets named.

LXXXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and to cause to be affixed or painted, in a conspicuous Part of some House, Building, or Place, at or near each End, Corner, or Entrance of every such Street, the Name by which such Street is to be known, and from Time to Time to cause any Alteration to be made in such Numbers or Names as Occasion may require; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Streets to be cleansed and watered.

LXXXVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act to be cleansed and watered, and the Dirt,

Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Occupiers allowed to use their own Ashes, &c.

LXXXIX. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep and remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, and shall be reserved for his own Use, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

Duties of the Street Scavengers to be performed under Penalties.

XC. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the Scavengers, and such Scavengers, or their Servants, shall, on such Days and at such Hours, and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises which they shall contract or be employed to collect Dirt, Ashes, and Rubbish from within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use, under the Provisions herein contained, and shall carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner to be appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Occupiers obstructing Scavengers.

XCI. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger or his Servants from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from his House or Premises.

Penalty on other Persons than Scavengers removing Dirt.

XCII. And be it enacted, That if any Person other than the Scavenger for the Time being, or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filth from any Street within the Limits of this Act, or from any House or Building therein, except as aforesaid, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

XCIII. And

Occupiers to cause Footways to be swept.

XCIII. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall, Once in every Day (*Sundays* excepted), before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Occupier of the Ground Floor of any House let out into divided Apartments shall be deemed the Occupier of such House.

Commissioners may compound for sweeping Footways;

XCIV. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any Person liable to sweep or clean any Footway under the Provisions of this Act, for sweeping and cleaning the same, in the Manner by this Act directed.

or may cause them to be swept.

XCV. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

Commissioners may erect Hoards for inclosing vacant Ground.

XCVI. And be it enacted, That when any Land or Ground in any of the Streets shall be vacant, unoccupied, and uninclosed, so as to be dangerous for Passengers, Horses, or Carriages, or likely, in the Opinion of the Commissioners, to become a Nuisance, the Commissioners may, after having given Twenty-one Days Notice to the Owner thereof, if he can be found, or if such Owner cannot be conveniently found then after such Notice shall have been posted on some conspicuous Place contiguous to the Premises, erect any Hoards, or place any Posts, Bars, Rails, or Boards, for the Purpose of inclosing the said Land or Ground, and the Expence of such Erection shall be paid by the Owner of such Land or Ground to the Commissioners, and in case of Nonpayment thereof the Commissioners may sue for and recover the same, with Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, and until such Expences and all Costs of Suit shall be paid the Commissioners may enter upon and retain the Possession of such vacant Ground.

Commissioners empowered to light Streets.

XCVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Streets within the said Parish, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, and Lamp Irons as may be necessary for that Purpose, and to fix in any such Street such Pillars and Pilasters and Lamp Posts as they may think proper, and also to lay and place against any Houses, Buildings, and Inclosures such Lamp Posts, Lamp Irons, and Lamps as may be necessary for the Purposes aforesaid: Provided always, that the Commissioners shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof.

XCVIII. And

Penalty for wilfully damaging Lamps, &c.

XCVIII. And be it enacted, That if any Person shall wilfully remove, destroy, or damage any Pedestal, Post, Plug, Lamp, or other Apparatus or Thing belonging to the Commissioners, or shall wilfully extinguish any of the public Lamps and Lights, he shall for each such Offence forfeit to the Commissioners any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done, as the same shall be ascertained by any Two Justices, such Penalty and Damage, together with reasonable Costs, to be levied by Distress.

Satisfaction for accidental Damage to Lamps, &c.

XCIX. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Pipe, Pedestal, or Lamp hung out, set up, or belonging to the Commissioners, and shall not, on Demand, make satisfaction to the Commissioners for the Damage done, then it shall be lawful for any Two Justices to summon the Person against whom such Complaint shall be preferred; and any Two Justices, upon hearing the Allegations and Proofs on both Sides, or on Nonappearance of the Person so complained against, may award such Sum of Money by way of Satisfaction to the Commissioners for such Damages or Excess as such Justices shall think reasonable; and in case of Neglect to pay any Sum so awarded, within Three Days after Demand, it shall be lawful for such Justices, or any other Justice, to cause the same to be raised and levied by Distress.

Penalty on Gas Makers for corrupting Water within the Limits of this Act.

C. And be it enacted, That if any Company or Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water whereby the Water therein shall be fouled or corrupted, then the Company or Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Courts within Twelve Months.

CI. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during the Continuance of the Offence.

CII. And be it enacted, That, in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Company or Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue,

continue, after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on the Company or such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby, and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during Escape of Gas after Notice.

CIII. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Company or Person making or supplying any Gas within the Limits of this Act, the Company or such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case the Company or such Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then the Company or Person shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

For Protection of Water Pipes.

CIV. And be it enacted, That before any Company or Person shall for any of the Purposes of this Act open any Ground in and upon or near to which any Water Pipe shall have been laid for conveying Water for the Supply of any Building within the Limits of this Act, the Company or Person shall give Three Days Notice thereof in Writing to the Proprietor or Person having the Control of such Water Pipe (except in Cases of Emergency arising from Defects in any of the Pipes or other Apparatus, and then so soon after as may be practicable), and shall, under the Inspection of such Proprietor or Person, protect such Water Pipe from any Injury or Damage, and shall repair and make good any Injury or Damage that may be done to any such Pipe on any such Occasion.

Penalty for Failure in protecting Water Pipes, &c.

CV. And be it enacted, That if any Company or Person shall fail to give such Notice, or to protect any such Water Pipe, or to repair or make good any Damage to the same, in manner hereinbefore mentioned, they shall forfeit to the Proprietor or Person in respect of whom such Failure shall occur any Sum not exceeding Five Pounds nor less than Two Pounds, together with the Costs and Expences which shall have been incurred by such Proprietor or Person in protecting, or in repairing or making good any Damage that may be done to any Pipe belonging to such Proprietor or Person.

Penalty on Gas Makers if Water contaminated.

CVI. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Company or of any Person making or supplying Gas within the Limits of this Act, the Company or Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penalty during the Continuance

CVII. And be it enacted, That if the Company or the Person so making or supplying Gas shall not, within Twenty-four Hours next after

of the Contamination after Notice.

after Notice in Writing of any Water being contaminated or affected, served on them or him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, the Company or Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CVIII. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of any Company or Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Company or Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of the Company or such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Company or Person making or supplying such Gas of the Time at which such Digging and Examination are intended to take place.

The Expences to abide the Result of the Examination.

CIX. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to the Company or such Person, the Expences of the Digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Company or Person making or supplying Gas; but if upon Examination it shall appear that the Water has not been contaminated or affected by the Gas of the Company or such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the Company or the said Person any Injury which may be occasioned to the Works of the Company or such Person by such Examination.

The Amount of the Expences to be ascertained and recovered as other Damages.

CX. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Company or Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Provision is made by this or the secondly-recited Act are hereby directed to be ascertained and recovered.

Imperial Gas Light and Coke Company not subject to the Penalties imposed by this Act.

CXI. Provided always, and be it enacted, That, notwithstanding any thing in this Act contained, the Imperial Gas Light and Coke Company shall not be subject or liable to any of the Penalties or Forfeitures by this Act created or imposed, but shall be and continue to be subject and liable to such and the same Penalties and Forfeitures

feitures as they were subject and liable to before the passing of this Act, in like Manner as if this Act had not been passed.

Commissioners annually to ascertain the respective Sums to be received for paving, lighting, cleansing, &c.

CXII. And whereas it is expedient to grant other Powers of levying Rates, in lieu of the Rates authorized to be levied by the secondly-recited Act, and for the Repairs of the Highways of the said Parish; be it enacted, That the Commissioners shall, within Twenty-one Days after the Twenty-fourth Day of *June* or some other convenient Day in every Year, ascertain the respective Sums of Money necessary to be raised for the Payment of all the Expences of paving and repairing the Pavements of any Streets, and the Repairs of the Highways of and within the Limits of this Act, and of lighting and cleansing the said Parish, and for the Payment of any Interest or Annuities chargeable on the Rates and Assessments made by virtue of the secondly-recited Act or this Act, or for the Repayment of any Principal Monies which may be due on any Mortgages or other Securities chargeable as aforesaid, as to the Commissioners shall seem proper.

Rates not to exceed a certain Amount.

CXIII. And be it enacted, That it shall be lawful for the Commissioners, once in every Year or oftener, to make One or more equal Rates or Rates, Assessment or Assessments, to be signed by Nine of the Commissioners, upon all Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Workshops, Manufactories, Gardens, Grounds, Lands, Roads, Tenements, and Hereditaments, or Parts thereof, within the Limits of this Act, according to the annual Value thereof, but such Rate or Rates shall not exceed in any One Year the Sum of Three Shillings in the Pound for all the Purposes of this and the secondly-recited Act.

In Cases of Houses, &c. adjoining Streets, the Footpath of which is not paved.

CXIV. And be it enacted, That all Houses, Buildings, and Lands which shall abut upon any Street or Highway the Footpath whereof is not paved with flat Paving shall be rated and assessed at Two Thirds only of the said Rates; and in case the Frontage of any such Property shall only partly abut upon a Footpath with flat Paving it shall be lawful for the Commissioners to apportion the same.

In Cases in which Commissioners pave or light only.

CXV. And whereas such Parts of *Old Cock Lane* and *York Street* as are in the Parish of *Saint Leonard Shoreditch* are within the Jurisdiction of the Commissioners for the Purposes of paving only; be it enacted, That the Houses and Premises in such Parts of *Old Cock Lane* and *York Street* shall be rated and assessed at Two Thirds only of the said Rates; and if any Street shall be lighted and cleansed by the Commissioners, but shall not be paved or the Road repaired by them, the Houses and Premises abutting upon such Street shall be rated and assessed at One Third only of such Rates.

Limiting Expences of permanent Improvements.

CXVI. And be it enacted, That the Commissioners shall not expend in any One Year a greater Sum of Money than the Sum of One Penny in the Pound upon the gross Assessment in the said Parish, for the Purpose of making, opening, altering, or permanently improving the Streets within the Limits of this Act, unless a Sum equal

equal to that Amount shall not have been expended in a previous Year, and in such Case the Surplus thereof may be carried in aid of any succeeding Year.

Recovery of Rates.

CXVII. And be it enacted, That, except as herein otherwise provided, all such Rates may be assessed, collected, and recovered in manner provided by the secondly-recited Act.

Rates may be recovered by Action or by Distress.

CXVIII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*; or any Justice shall, on the Application of the Commissioners or their Collectors, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate shall be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of Warrant of Distress.

CXIX. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include one Person or several Persons, and may be to the Effect mentioned in Schedule (D.) to this Act annexed.

Constables to assist in making Distress.

CXX. And be it enacted, That 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 a Collector of the Rates, aid in making a Distress or Sale, pursuant to such Warrant; and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Power to Commissioners or Justices to remit Rate.

CXXI. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Owners to pay the Rate in certain Cases.

CXXII. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall not exceed Fourteen Pounds, or which shall be let to weekly or monthly Tenants, or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Not necessary to name the Owner where unknown.

CXXIII. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners, or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated by the Designation of the "Owner," without stating his Name.

CXXIV. And

Receiver of Rents to be deemed the Owner.

CXXIV. And in order to prevent any Dispute touching the Word "Owner" for the Purposes of Rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof on his own account, or as Agent of any other Person, shall be deemed the "Owner" of the same for the Purposes of such Rating.

Tenants under existing Leases to repay the Owner.

CXXV. Provided always, and be it enacted, That where any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

In default of Owner for Six MonthsOccupier to pay.

CXXVI. And be it enacted, That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of the Rent due from him on Application being made to him for that Purpose.

Owner to repay the Occupier.

CXXVII. And be it enacted, That if the Amount of any Rate which, under the Provisions herein-before contained, ought to be borne by the Owner of any rateable Property, shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier, and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress, if any, paid by him, from the Rent due or to become due from him to such Owner.

For Recovery of Arrears of Composition.

CXXVIII. And be it enacted, That where the Owner or Lessee of any House, Tenement, or Hereditament in the said Parish shall compound for the Payment of the Rates or Assessments to be made by virtue of this Act or the said recited Act of the Thirty-third Year of the Reign of His said Majesty King *George* the Third, or any of them, then, upon Nonpayment by such Owner or Lessee of the Amount of such Composition, the same and all Arrears thereof may be levied by Distress and Sale of the Goods and Chattels of the Person renting and occupying the respective Houses, Tenements, or Hereditaments in respect of which such Composition shall be payable; and every Person who shall pay such Composition as ought to have been paid by his Landlord, upon whose Goods or Chattels the same shall be levied in pursuance of this or the secondly-recited Act, may deduct the same from and out of the Rent due and payable or to become

become payable to his Landlord so letting out the same, unless there be some Agreement to the contrary between the Landlord and Tenant; and the Receipt for such Payment shall be a sufficient Discharge to every such Person for so much Money as he shall have paid, or which shall have been so levied on his Goods and Chattels in pursuance of this Act, and shall be allowed by such Landlord of such House or Buildings in part or full Payment, as the Case may be, for the Rent due to him from such Person as aforesaid.

Damages to be ascertained with the Penalty.

CXXIX. And be it enacted, That where any Damages or Charges are directed by this Act to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Nonpayment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and any Justice shall issue his Warrant accordingly.

Provision for Damages not otherwise provided for.

CXXX. And for the Purpose of providing for the Recovery of any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by Two or more Justices, and the same shall be levied by Distress, and any Justice shall issue his Warrant accordingly.

For ascertaining Compensation.

CXXXI. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him or any Two Justices of the Peace at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and determine the same.

Recovery of Money from the Commissioners.

CXXXII. And with respect to any Money under the Provisions of this Act or the secondly-recited Act adjudged to be paid by the Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of such Commissioners, and if no sufficient Goods of such Commissioners can be found by Distress of the Goods of the Treasurer of the Commissioners, but no such Distress shall issue against the Goods of such Treasurer unless Fourteen Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer or left at his usual Place of Abode.

Reimbursement of the Treasurer.

CXXXIII. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him

him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or he may sue the Commissioners for the same in the same Manner as other Parties are by this Act enabled to sue the Commissioners.

Penalties to be summarily recovered before Two Justices.

CXXXIV. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act or the secondly-recited Act, or by any Bye Law made in pursuance of this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before Two or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear, of the Party offending, it shall be lawful for any Two or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any Two or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

CXXXV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

Imprisonment in default of Distress.

CXXXVI. And be it enacted, That it shall be lawful for the Justices to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if, before issuing such Warrant of Distress, it shall appear to the Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to any Justice, then such Justice shall, by Warrant, cause such

such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CXXXVII. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Penalties to be sued for within Six Months.

CXXXVIII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justices within Six Months next after the Commission of such Offence.

Penalty on Witnesses making Default.

CXXXIX. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act or the secondly-recited Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act or the secondly-recited Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Form of Conviction.

CXL. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act or the secondly-recited Act may cause the Conviction to be drawn up according to the Form in the Schedule (C.) to this Act annexed.

Informalities.

CXLI. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed, by Certiorari or otherwise, into any of the Superior Courts.

Distress, how to be levied.

CXLII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

CXLIII. And

Distress not unlawful for Want of Form.

CXLIII. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall any Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions on giving Security.

CXLIV. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, he may appeal to the General Quarter Sessions for the County of *Middlesex*, but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order or Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given within Ten Days next after the making of such Order, Determination, or Adjudication to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXLV. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal, the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

Saving the Rights of the Independent Gas Light and Coke Company.

CXLVI. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities of the Independent Gas Light and Coke Company, save and except as is herein-before expressly provided.

Saving the Rights of the East London Waterworks Company.

CXLVII. Provided always, and be it enacted, That nothing in this Act contained shall extend to alter, diminish, or take away, or in any Manner to prejudice the Rights, Privileges, Powers, and Authorities, or any of them, vested in the Company of Proprietors of the *East London* Waterworks by virtue of all or any of the Acts relating to the said last-mentioned Company, so far as the same could or might have been exercised previous to the passing of this Act.

Expences of Act.

CXLVIII. And be it enacted, That all Costs, Charges, and Expences of preparing, applying for, and obtaining this Act, and all

other Charges incident to or attending the obtaining thereof, shall be paid by the Commissioners out of the first Monies to be collected and received by virtue of this Act, or out of any Monies at the Time of passing this Act in the Hands of any Treasurer, Collector, or other Persons collected or received by virtue of the said recited Acts, or either of them.

Interpretation Clause.

CXLIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

The Word "Justice" shall mean any Justice of the Peace or Magistrate of a Police Court acting within the Limits of this Act, or within whose Jurisdiction the Limits of this Act or any Part thereof shall be:

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of this Act:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

Public Act.

CL. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, of the Commissioners appointed by [*or* by virtue of] the said Act, in consideration of the Sum of paid to us by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act 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 hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of , with Interest at per Centum per Annum for the same, shall be fully paid and satisfied. 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 paid to me be *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number made by the Commissioners for executing the [*Title of the Act*], to bearing Date the Day of for securing the Sum of and Interest, [*or, if 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 Money and Property 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 Conviction.

to wit. } Be it remembered, That on the Day of in the Year of our Lord *A.B.* is convicted before us *C.D.* and *E.F.*, Two of Her Majesty's Justices of the Peace, *&c.*, [*here describe the Offence, and the Time and*

and Place when and where committed], contrary to the Bethnal Green Improvement Act, One thousand eight hundred and forty-three. Given under our Hands and Seals the Day and Year first above written.

C.D.
E.F.

SCHEDULE (D.)

Form of Warrant of Distress.

} To One of the Collectors of the
to wit. } Rates under Two Acts passed, *&c.*, intituled, *&c.*, and to all Constables.

Whereas the under-mentioned Persons, now or late Owners or Occupiers of Premises within the , have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Acts, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me One of Her Majesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid, these are therefore, in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct. And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all Things relating to the Premises. Given under my Hand and Seal this Day of in the Year of our Lord One thousand eight hundred and .

	Sums due.
	£ s. d.
A.B. - - -	
C.D. - - -	

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