ANNO QUINTO

GEORGII IV. REGIS.

Cap. cviii.

An Act to provide for the paving, gravelling, lighting, and watching certain Footways and Carriageways in and near *Brompton Square* in the Parish of *Saint Mary Abbotts Kensington* in the County of *Middlesex*; and to provide for the Maintenance of a Garden and Shrubbery in the said Square.

[4th *June* 1824.]

WHEREAS *William Farlar* of *Brompton* in the County of *Middlesex*, Esquire, claims to be seised of a Piece of Freehold Land at *Brompton* in the Parish of *Saint Mary Abbotts Kensington* in the County of *Middlesex*, which abuts South on the Turnpike Road from *Knightsbridge* to *Fulham*, West on Land belonging to the Trustees of *Saint George*'s Hospital, North on Land now or lately belonging to the Heirs of the late Duke of *Kingston*, and East on Ground now or lately belonging to *Elisha Biscoe*, and a Road leading to *Brompton* Chapel: And whereas a Square called *Brompton Square*, and also divers Streets and public Places, have in part been laid out and formed, and are intended to be speedily completed on the said Piece of Land; and it would be beneficial to the Owners and Occupiers of Houses in the said Square, Streets, and public Places, and also be of public Advantage to provide by Law for the paving, gravelling, watering, lighting, and watching of the said Square, Streets, and public Places, and for the Main-

Maintenance of a Pleasure Garden in the said Square: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Limits of this Act shall for all the Purposes thereof be deemed and taken to comprize all the Land of which the said *William Farlar* claims to be seised as aforesaid, and all Messuages, Erections, and Buildings thereon.

Limits of this Act defined.

Trustees to execute this Act.

II. And be it further enacted, That every Person who now is or for the Time being shall be in his own Right or in the Right of his Wife in the actual Possession, or in the Receipt of the Rents and Profits of a Dwelling House or other Tenement within the Limits of this Act, of the clear yearly Value of Forty Pounds above Reprisals, and also every Person who now is or for the Time being shall be actually and *bonâ fide* an Occupier of a Dwelling House rated or liable to be rated by virtue or for the Purposes of this Act, shall be and they respectively are hereby constituted Trustees for putting this Act into Execution, and the said Trustees shall be called and known as "The Trustees for regulating and improving *Brompton Square*, and certain adjacent Places."

Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, except in administering the Oath herein-after mentioned (which Oath any One of the said Trustees is hereby authorized to administer at any Meeting which shall be held pursuant to this Act), until such Person shall have taken and subscribed an Oath to the Effect following; that is to say,

Oath.

'I do swear, That I truly and *bonâ fide* am in my 'own Right [*or* in the Right of my Wife] in the actual Possession '[*or* in the Receipt of the Rents and Profits] of a Dwelling House or 'other Tenement of the clear yearly Value of Forty Pounds above Re-'prises [*or* that I am an Occupier of a Dwelling House rated or liable 'to be rated by virtue and for the Purposes and] within the Limits of an 'Act of the Fifth Year of the Reign of King *George* the Fourth, intituled '[*set forth the Title of this Act.*] So help me GOD.'

And if any Person not being qualified as aforesaid, or not having taken and subscribed the Oath herein-before mentioned, shall presume to act as a Trustee in the Execution of this Act, every such Person for every such Offence shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, and not more than One Imparlance shall be allowed; and every Person against whom any such Action shall be brought shall prove that he was at the Time of acting qualified as aforesaid, or shall pay the said Penalty, without any other Proof on the Part of the Plaintiff than that such Person acted as a Trustee in the Execution of this Act: Provided always nevertheless, that all Acts and Proceedings of any Person acting as a Trustee in the Execution of this Act, though not qualified as aforesaid, previous to his being convicted, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person had been duly qualified.

IV. And

First and other Meetings and Adjournments of Trustees.

IV. And be it further enacted, That the said Trustees shall hold their First Meeting for executing this Act on the Fourth *Monday* next after the passing of this Act, at the *Grapes Tavern* at *Brompton* aforesaid, if then open, and if not, then at some other House or Place in the said Parish of *Saint Mary Abbotts Kensington*, between the Hours of Nine and Eleven in the Forenoon, and may then and from Time to Time afterwards adjourn to such Time or Times, and to such Place or Places within the said Parish, as the Majority of the Trustees present at any Meeting shall from Time to Time appoint; and that Notice of every such adjourned Meeting shall be delivered or left at each Dwelling House within the Limits of this Act, Two Days at the least previously to every such Meeting; and if at any Time appointed for a Meeting Five or more Trustees shall not appear within One Hour after the Time appointed for first assembling, any One or more of the said Trustees then present may adjourn the Meeting to another Day; and in every Case of Neglect or Omission to adjourn (either by reason of the Non-attendance of any Trustee or otherwise), and also whenever any Three or more Trustees shall deem it necessary to have a special Meeting before the Day of Adjournment, any Three or more of the said Trustees, or their Clerk, may call a Meeting at the Place where the last Meeting was held, by a Notice similar to the Notice directed to be given of adjourned Meetings; and that the said Trustees shall at all their Meetings defray their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet; and at every Meeting of the said Trustees the Majority present at the Hour appointed for first assembling shall appoint One of the Trustees to act as a Chairman; and all Orders and Determinations of the Trustees shall be made at Meetings to be held pursuant to this Act and not otherwise; and no Order or Determination shall be made at any such Meeting, unless a Majority of the Trustees present shall concur therein, except in Cases where there shall be an Equality of Votes, when the Chairman (in addition to his own Vote as a Trustee) shall have a casting Vote; and all Acts, Orders, and Proceedings relating to this Act, which are hereby authorized or directed to be made, done, or executed by or before the said Trustees, and all the Powers and Authorities vested in them generally, may be made, done, and executed by the Majority of the Trustees present at the respective Meetings to be held pursuant to this Act (the whole Number present not being less than Five), and all such Acts, Orders, and Proceedings shall have the same Force and Effect as if the same were made, done, or executed by or before all the Trustees; and no Order or Determination made, agreed upon, or entered into at any Meeting of the said Trustees shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose such Revocation or Alteration shall have been given by Three or more Trustees, by Writing under their Hands, to the Trustees at a previous Meeting, nor unless such Revocation or Alteration shall be agreed to by a greater Number of Trustees than concurred in the making of the Order or Determination which it shall be proposed to revoke or alter.

Restrictions as to the Revocation of Orders.

Treasurer, Clerk, and other Officers to be appointed.

V. And be it further enacted, That the said Trustees shall from Time to Time, by Writing under their Hands, appoint a Treasurer and Clerk, and also a Collector of the Rates to be made as herein-after mentioned, and may also from Time to Time appoint or employ such other Officers and

and Persons as they shall think necessary in the Execution of this Act; and the said Trustees may from Time to Time remove such Officers and Persons respectively, or any of them, and upon the Death, Resignation, or Removal of such Officers and Persons respectively, or any of them, may appoint others in their Stead, and may out of any Money to be raised or collected by virtue of this Act make such Allowances as they shall think proper unto such Officers and Persons respectively; and all such Officers and Persons respectively shall, at such Times and in such Manner as shall be directed by the said Trustees, deliver to the said Trustees, or to such Person or Persons as they shall nominate, true and perfect Accounts in Writing of all their Receipts and Payments by virtue of this Act, with proper Vouchers for the Payments, and shall pay all such Monies as shall appear to be in their Hands or owing by them respectively unto the said Trustees, or to such Person or Persons as they shall nominate, within such Time as the said Trustees shall appoint; and if any such Officer or Person shall refuse or neglect to deliver to the said Trustees, or to such Person or Persons as they shall nominate, such an Account as aforesaid, or to deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or if any such Officer or Person shall not deliver up to the said Trustees, or to such Person or Persons as they shall nominate, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, within Seven Days after being thereto required by a Notice in Writing signed by Three or more of the said Trustees, and left at his last or usual Place of Abode, then and in every such Case, upon Complaint being made thereof by or on behalf of the said Trustees to any Justice of the Peace, such Justice is hereby required to issue a Summons or Warrant for bringing such Officer or Person before him, and upon his appearing or not being to be found to hear and determine the Matter of such Complaint in a summary Way, and to examine and adjust the said Account or Accounts if produced; and if upon the Confession of the Officer or Person against whom the Complaint shall be made, or by the Oath of any credible Witness or Witnesses, or upon Inspection of the said Accounts if produced, it shall appear to such Justice that any Money which shall have been collected or received by virtue of this Act, shall be in the Hands of or be owing from such Officer or Person, such Justice is hereby authorized and empowered forthwith, on Nonpayment thereof, by a Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods and Chattels shall be found sufficient to answer and satisfy the said Money, and the Charges of making and selling such Distress, or if it shall appear to such Justice that any Officer or Person shall have refused or neglected to render such Account as aforesaid, or to deliver up the Vouchers relating thereto, or that any Books, Papers, and Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer or Person, then such Justice shall forthwith commit such Officer or Person to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, in case he shall be committed for Nonpayment of any Money, until he shall have accounted for and paid the full Amount thereof, or compounded with the said Trustees in respect thereof, or in case he shall be committed for not delivering any Books, Papers, Writings, or Vouchers as aforesaid, until he shall have delivered up such Books, Papers, Writings, and Vouchers respectively, or made Satisfaction in

How Officers not accounting are to be proceeded against.

respect thereof to the said Trustees; but no Person who shall be committed for want of sufficient Distress, shall be detained in Prison by virtue of this Act for any longer Term than Six Calendar Months.

Treasurer and Clerk not to be the same Person.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the same Person who may be appointed their Clerk in the Execution of this Act, or the Partner or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner or any Person in the Service or Employ of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner or in the Service or Employ of any such Clerk, shall accept the Office of Treasurer, or being the Partner or in the Service or Employ of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, and not more than One Imparlance shall be allowed.

Penalty.

Accounts to be kept, which are to be open to the Inspection of the Trustees, and Persons rated.

VII. And be it further enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any Person or Persons rated or assessed for the Purposes of this Act, without Fee or Reward; and the said Trustees, or Persons assessed as aforesaid, or any of them, may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees or either of them, or any Person rated or assessed as aforesaid, to inspect such Book or Books, or to take such Copies of or Extracts from the same as aforesaid, when required, such Clerk shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Jurisdiction and Power of the Trustees.

VIII. And be it further enacted, That all the Footways and Carriageways now formed and which hereafter shall be formed in the said Square, and all other Footways and Carriageways which now are or hereafter may be laid out and formed in or upon the said Piece of Land belonging to the said *William Farlar*, and also the Footway next the Turnpike Road, such Footway extending from the Entrance of the Mews behind *Brompton Row*, and behind the East Side of the said Square, Westward along the South End of the said Square and in front of *Brunswick Place*, to the Entrance of *Cottage Place*, and the Mews behind the West Side of

the said Square, and also all the Houses and Buildings now erected and which hereafter shall be erected upon the said Piece of Land belonging to the said *William Farlar*, shall be deemed to be within the Jurisdiction of this Act; and that it shall be lawful for the said Trustees to cause all the said Footways and Carriageways to be properly formed, paved, or gravelled, amended and kept in repair, upon such Levels and in such Manner and with such Materials as they shall judge necessary, and to cause the said Carriageways to be cleansed and watered, and Drains, Sinks, and Watercourses to be made for conveying the Water off and from the said Footways and Carriageways, and Posts and Rails or Chains to be set up for the Protection and Preservation of the Foot Pavements or any Part thereof, and to cause to be done or made all such Works, Alterations, and Improvements in and about the said Footways and Carriageways as the said Trustees shall from Time to Time deem necessary and proper for the making, maintaining, and supporting the same; and if any Person or Persons shall dig, break, or take up the said Footways or Carriageways, or any Part thereof, without the Consent of the said Trustees, or of some Person empowered by them to give such Consent, every such Person shall for every such Offence forfeit and pay a Sum not exeeeding Ten Pounds.

Penalty for taking up Footways or Carriageways without the Consent of the Trustees.

Pavements, &c. taken up for Gas or other Pipes, to be relaid.

IX. And be it further enacted, That if and as often as any of the Footways or Carriageways within the Jurisdiction of this Act, or any Part or Parts thereof, shall be dug up, opened, or disturbed for the Purpose of laying down, altering, repairing, renewing, or removing any Pipe or Pipes, or for any other Purpose whatsoever, then and in every such Case all and every the Works, Business, and Matters for or in respect whereof such Footways or Carriageways respectively, or any Part or Parts thereof, shall be so dug up, opened, or disturbed, shall be executed and completed with all possible Expedition, and in every such Case (whether such Footways or Carriageways shall be so dug up, opened, or disturbed with or without the Consent of the said Trustees) the Company or Companies, Person or Persons respectively, who from Time to Time shall cause or direct the said Footways or Carriageways, or any Part or Parts thereof respectively, to be so dug up, opened, or disturbed, shall at their own Costs and Charges cause the same to be forthwith well and substantially filled up, rammed down, repaired, and gravelled, and put into as good, sound, and perfect a State and Condition in all respects as the said Footways and Carriageways respectively were in immediately before the same being so dug up, opened, or disturbed; and in case any such Company or Companies, Person or Persons, shall neglect or refuse so to do for the Space of Twenty-four Hours next after the Completion of the Works, Business, or Matters in respect whereof the same shall be so dug up, opened, or disturbed, it shall be lawful for the said Trustees to cause such Footways and Carriageways respectively to be forthwith well and substantially filled up, rammed down, repaved, gravelled, and put into such good, sound, and perfect Condition as aforesaid; and all the Costs, Charges, and Expences thereof shall be repaid to the said Trustees by the Company or Companies, Person or Persons respectively, who shall have caused or directed the same Footways or Carriageways respectively to be so dug up, opened, or disturbed, and unless all such Costs, Charges, and Expences shall be so repaid to the said Trustees (on Demand made thereof by the Clerk or Collector for the Time being appointed or employed

ployed by the said Trustees), then all such Costs, Charges, and Expences may be recovered from the Company or Companies, Person or Persons, hereby made liable to repay the same as aforesaid, in the same Manner as any Penalty or Forfeiture incurred under the Provisions contained in this Act may be levied or recovered before any Justice of the Peace.

Lamps to be set up.

X. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to cause such Lamp Posts, Lamp Irons, and Lamps to be set up in or about the Footways and Carriageways within the Jurisdiction of this Act, or upon or against the Walls or Palisadoes of or belonging to any adjoining or contiguous House or Building, as they shall deem necessary for lighting the said Footways and Carriageways, and to cause such Lamps to be lighted with Oil or Gas during such Hours and Seasons as they shall from Time to Time deem necessary or proper; and if any Person or Persons shall extinguish the Light in any such Lamp whilst the same ought to be kept burning, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds: Provided always, that if any Damage shall be occasioned to any Building or Wall, or to any Rails or Palisadoes, by the affixing, setting up, taking down, altering, or repairing any such Lamp or Lamp Iron, or the Fastenings thereof, the said Trustees shall immediately cause such Injury or Damage to be well and sufficiently repaired, and the Expence thereof shall be paid out of any Money which shall be raised under the Authority of this Act: Provided also, that nothing herein contained shall authorize the said Trustees to cause any Pipe or Pipes for the Conveyance of Gas to be affixed or continued upon or against any House or Building, except it be with the Consent of the Occupier of such House or Building.

Penalty for unlawfully extinguishing Lamps.

Regulations for the laying down of Gas Pipes.

XI. And be it further enacted, That all Pipes and other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round the said Square called *Brompton Square*, or any other Place within the Jurisdiction of this Act, shall be laid at the greatest practicable Distance from any Water Pipe now or for the Time being laid down for the Conveyance of Water under, through, along, across, or round the said Square, or any such other Place as aforesaid, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the Water Pipes, in which Case the Gas Pipes shall be laid over and above the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a right Angle, and in that Case the Gas Pipes so crossing the Water Pipes shall be at the least Six Feet in Length, so that no Joint of any such Gas Pipe shall be nearer to any Part of any such Water Pipes than Three Feet at the least; and in laying down the Gas Pipes, the said Trustees, or the Company, Contractor, or other Person or Persons supplying Gas or laying down Pipes for the Conveyance thereof, shall in no Case join Two or more Pipes together previously to their being laid in the Trench, but shall lay each Pipe as nearly as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, and Apertures therein respectively, air-tight, and in every respect

respect prevent the Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

Gas Pipes to be removed from Dwelling Houses, on Notice.

XII. And be it further enacted, That in case any Pipe, Cock, or Branch shall in pursuance of the Powers herein contained be carried or laid from any Main or Pipe belonging to the said Trustees, or to any Gas Light Company, or other Person or Persons contracting to light or lighting with Gas the said Square or any other Place within the Limits or Jurisdiction of this Act, into, through, or against any private Dwelling House, Building, Yard, or Ground, for any Purpose whatsoever, and the Owner or Occupier of any such private Dwelling House, Building, Yard, or Ground shall be desirous that the same Pipe, Cock or Branch, shall be altered or removed and taken away, and of such Desire shall give Notice in Writing to the said Trustees, or to such Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas as aforesaid, then and in every such Case the said Trustees, or such Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas as aforesaid, shall within Seven Days next after the Service of such Notice at the usual Office or Place of transacting Business of the said Trustees, Gas Light Company, or other such Person or Persons as aforesaid respectively, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches respectively, and in default thereof it shall be lawful for such Owner or Occupier, or any Person or Persons acting under the Authority of such Owner or Occupier, to cause such Pipes and Branches respectively to be altered or removed and taken away, as the Case may require; and all the Costs and Expences of and incident to every such Alteration or Removal shall be paid by the said Trustees, or by such Gas Light Company, or other Person or Persons contracting to light or lighting with Gas as aforesaid, and may be recovered in the same Manner as any Penalty or Forfeiture which shall be incurred under the Provisions contained in this Act may be levied or recovered, before a Justice of the Peace.

To prevent the Contamination of Water by Gas.

XIII. And be it further enacted, That whenever the Water which shall be supplied by any Water Works Company, or Company established for the Supply of Water, shall be contaminated or affected in any way whatsoever by the Gas of the said Trustees, or of any Gas Light Company, or other Person or Persons contracting to light or lighting with Gas the said Square called *Brompton Square*, or any other Place or Places within the Jurisdiction of this Act, then and in every such Case the said Trustees, Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any One of the Directors, or by the Secretary or Chief Clerk for the Time being of any such Water Works Company, and left at the usual Office or Place of transacting Business of the said Trustees, Gas Light Company, or other Person or Persons contracting to light or lighting with Gas as aforesaid, cause Measures to be taken effectually to stop and prevent such Gas from contaminating or affecting the Water of any such Water Works Company; and in case the said Trustees, Gas Light Company, or other Person or Persons contracting to light or lighting with Gas as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left

as aforesaid, effectually remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Trustees, or such Gas Light Company, or other Person or Persons contracting to light or lighting with Gas as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid forfeit and pay to the Secretary or Chief Clerk of such Water Works Company, for the Use and Benefit of such Company, the Sum of Ten Pounds for each and every Day during which the Water supplied by any such Water Works Company shall be and remain contaminated or affected by the Gas of the said Trustees, Gas Light Company, or other Person or Persons contracting to light or lighting with Gas as aforesaid; and every such Penalty or Forfeiture shall and may be levied and recovered for the Use of such Water Works Company, in the same Manner as any other Penalty or Forfeiture which shall be incurred under the Provisions contained in this Act may be levied and recovered before a Justice of the Peace, with Costs, to be assessed by such Justice.

For ascertaining if the Water is contaminated.

XIV. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of the Trustees, Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas the said Square, or such other Place or Places as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for any such Water Works Company as aforesaid to dig to and about, and to search and examine all or any of the Mains, Pipes, Conduits, and Apparatus of the said Trustees, Gas Light Company, or other Person or Persons contracting to light or lighting with Gas as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Trustees, or of such Gas Light Company, or other Person or Persons; and if it shall appear that the said Water has been contaminated or affected by any Escape of Gas, then and in every such Case the Costs and Expences of the said Digging, Search, and Examination, and of the Repair of the Pavement of the Street or Place which shall be taken up or disturbed, shall be borne and paid by the said Trustees, Gas Light Company, or other Person or Persons by whose Gas the said Water shall be so contaminated as aforesaid, which Costs and Expences shall be ascertained and determined (if necessary) by any Justice of the Peace, and may be levied and recovered in the same Manner as any Penalty or Forfeiture which shall be incurred under the Provisions contained in this Act may be recovered before a Justice of the Peace: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Trustees, Gas Light Company, or other Person or Persons contracting to light or lighting with Gas as aforesaid, then and in every such Case the Water Works Company by whom or on whose Behalf such Examination and Search shall be made shall bear and pay all the Costs, Charges, and Expences of and incident to such Examination and Search, and shall also make good to the said Trustees, Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of the said Trustees, Gas Light Company, or other Person or Persons as aforesaid, in and by such Search and Examination,

mination, and also any Injury or Damage which may be done in or about any of the Footways or Carriageways which shall be broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by any such Justice of the Peace as aforesaid.

For preventing the Escape of Gas.

XV. And be it further enacted, That whenever any Gas shall be found to escape from any Pipe or Pipes which shall be laid down, set up, or used in or about the lighting *Brompton Square*, or any other Place or Places within the Jurisdiction of this Act, the said Trustees, or the Gas Light Company, or other Person or Persons contracting to light or lighting with Gas the said Square, or such other Place or Places as aforesaid, shall, immediately after Notice given to them or him respectively, by Parol or in Writing, of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Trustees, Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas the said Square or other Place or Places respectively, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape of Gas, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Trustees, or the Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, in the same Manner as any other Penalty or Forfeiture which shall be incurred under the Provisions contained in this Act may be recovered.

Penalty for conveying Gas Washings, &c. into any River, Stream, Sewer, &c.

XVI. And be it further enacted, That if the said Trustees, or any Gas Light Company, or other Person or Persons whomsoever contracting to light or lighting with Gas the said Square called *Brompton Square*, or any other Place or Places within the Jurisdiction of this Act, shall at any Time drain, carry, or convey, or cause or suffer to be drained, carried, or conveyed, or to run or flow, any Washings or other Liquid, or any other Matter or Thing whatsoever which shall arise or be made in or about the Prosecution of their Gas Works or the Manufacture of Gas, into the River *Thames*, or any other River, or into any Brook, Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head, or into any Drain, Sewer, or Ditch communicating with any of them, or shall do any Annoyance, Act, or Thing to the Water contained in any of them, whereby such Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Trustees or such Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas the said Square, or such other Place or Places as aforesaid, shall for every such Offence forfeit and pay the Sum of Two hundred Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, and not more than One Imparlance shall be allowed: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued

sued for within Twelve Calendar Months next after such Annoyance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be sued for or recovered), in case any Washings or other Liquid, or any other Matter or Thing whatsoever which shall arise or be made in or about the Prosecution of such Gas Works, or the Manufacture of Gas as aforesaid, shall be drained, conducted, or conveyed, or caused or suffered to run or flow into the said River *Thames*, or any other River, or into any Brook, Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head, or into any Drain, Sewer, or Ditch communicating with any of them, or if any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall be given by any Person or Persons whomsoever to the said Trustees, or to the Gas Light Company, or other Person or Persons so contracting to light or lighting with Gas the said Square, or such other Place or Places as aforesaid, and if the said Trustees, or such Gas Light Company, or other Person or Persons as last aforesaid, shall not, within Twenty-four Hours next after every such Notice as aforesaid, stop and prevent all such Washings or other Liquids, and all such other Substances and Things as aforesaid from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and also cause any such other Annoyance, Act, or Thing as aforesaid to be discontinued, then and in every such Case the said Trustees, Gas Light Company, or other Person or Persons so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings or other Liquids, or other Matters or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be levied and recovered in the same Manner as any other Penalty or Forfeiture which shall be incurred under the Provisions contained in this Act may be levied or recovered, and shall be paid to the Informer or Informers, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by the Act, Matter, or Thing in respect whereof such Penalty or Forfeiture shall be inflicted.

Watchmen to be appointed.

XVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to appoint so many able-bodied Men to act as Watchmen, and to patrol, watch, and guard the said Square, and all other Places within the Jurisdiction of this Act, during such Hours and at such Wages as the said Trustees shall think proper, and to provide suitable Arms and Clothing for such Watchmen, and also to provide and set up Watchboxes for their Reception at such Places as the said Trustees shall think necessary; and also to provide a proper Watchhouse or Place for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty; and that such Watchmen shall act as Constables during the Hours appointed for their watching, and shall have, exercise, and enjoy all such and the like Powers and Authorities, Privileges and Immunities, as any Constable may have and enjoy by Law; and every Person who shall assault or resist, or promote or encourage the assaulting or resisting, any such Watchman in the Execution of his Duty, and also every Victualler who shall harbour or entertain any Watchman

Penalty for assaulting Watchman, &c.

Watchman during any Part of the Time appointed for his being on Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and in case and as often as any such Watchman shall misbehave himself or neglect his Duty, he shall forfeit and pay a Sum not exceeding Two Pounds.

Penalty on Watchman for Misconduct.

Names of Streets, &c. to be set up.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to cause the Name of the said Square, and of any other Street or Place within the Jurisdiction of this Act, to be painted or otherwise described in a conspicuous Part of any House or Building within such Square, Street, or Place respectively; and also from Time to Time to cause all the Houses, Buildings, and Tenements within the Jurisdiction of this Act to be distinguished by Numbers, to be painted or affixed upon the Entrance Doors thereof respectively; and if any Person or Persons shall alter or wilfully deface or remove any such Name or Number, or any Part thereof, or if any Person or Persons for the Time being chargeable with the Rates which shall be made in pursuance of this Act in respect of any House, Building, or Tenement of which the Number shall be so altered, defaced, or removed, shall not perfectly reinstate such Number within Seven Days next after such Person or Persons respectively shall be required so to do by a Notice from the said Trustees or their Clerk, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Houses to be numbered.

Penalty for defacing Names of Streets or Numbers of Houses.

Gates to be erected at the Entrance of Brompton Square.

XIX. And be it further enacted, That proper Gates shall be erected and at all Times kept up and preserved by the said Trustees, across the Footways and Carriageways at the Entrance to *Brompton Square* next the Turnpike Road, so as to inclose and keep the same Footways and Carriageways (such Footways and Carriageways not being now public Highways) private, as far as may be consistent with the general Convenience of the Occupiers of Houses in the said Square; and which said Gates shall be kept closed during such Hours between Ten of the Clock at Night and Seven of the Clock in the Morning, as the said Trustees shall direct, and during those Hours a Key or Keys thereof shall be left in the Charge of the Watchman or Watchmen on Duty in the said Square.

Streets to be cleansed, &c.

Penalty for unlawfully removing Dust, &c.

XX. And be it further enacted, That the said Trustees shall contract with or employ some Person or Persons to cleanse the Carriageways, and take away the Dust, Cinders, Ashes, and Rubbish (not being Rubbish arising from Building or Repairs) from the Houses of the Inhabitants within the Jurisdiction of this Act; and if any Person or Persons (not being duly authorized by the said Trustees, and not acting under or on behalf of a Person so authorized) shall go about to collect or gather, or shall ask for, receive, or carry away any Dust, Cinders, or Ashes from any House, Building, or Place within the Jurisdiction of this Act, every Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Provision for forming a Pleasure Garden in Brompton Square.

XXI. And, to the Intent that a Pleasure Garden or Shrubbery may be maintained and preserved within the inclosed Area of the said Square, for the Embellishment thereof, and for the Use of the Inhabitants of the Houses in the said Square; be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract for, and

in the Names of any Five or more of the said Trustees, to take and accept from the said *William Farlar*, his Heirs or Assigns, a Lease or Leases of all Ground now laid out and which hereafter shall be laid out as or for an inclosed Area in the said Square, at such Rent or Rents, and subject to such Stipulations and Conditions as shall from Time to Time be settled and agreed upon between the said Trustees and the said *William Farlar*, his Heirs or Assigns, so that such Rent or Rents shall not in the whole at any one Time exceed the yearly Sum of Thirty Pounds, and the Estate and Interest of the Lessees in every such Lease shall by virtue of this Act absolutely vest in the Trustees for the Time being; and such Rent or Rents, and the Costs and Charges of and incident to the Performance of such Stipulations and Conditions, and also the Costs and Charges of every such Lease, shall be paid out of the Rates to be made by virtue of this Act; and during the Continuance of every such Lease the said inclosed Area (subject to the Stipulations and Conditions which shall be contained in every such Lease respectively) shall be kept and maintained as and for a private Pleasure Garden and Shrubbery, for the exclusive Use and Enjoyment of the Persons for the Time being occupying Houses in the said Square (subject to the Regulations and Provisions contained in this Act), and shall be kept securely fenced in and inclosed with good and substantial Iron Railing, and proper Entrance Gates, and with good and secure Locks on all such Gates; and no Person or Persons whomsoever other than the Occupiers of Houses in the said Square (not being menial Servants) shall be entitled to have or use any Key or Keys of the said inclosed Area, except it be with the Consent in Writing of the Majority of the said Trustees, who for the Time being shall be Occupiers of Houses in the said Square: Provided always, that the Owners and Occupiers of Houses in the said Square called *Brompton Square* built previously to the passing of this Act, shall, notwithstanding any thing hereinbefore contained, have and enjoy all Right and Interest, if any, which such Owners or Occupiers respectively may have or be entitled to in the inclosed Area of the said Square under or by virtue of any Covenant or Agreement now in existence.

Saving of Rights to Occupiers of Houses.

XXII. And be it further enacted, That it shall be lawful for the said Trustees to contract, by the Year or otherwise, with any Person or Persons for the doing of any Works or Business whatsoever relating to or connected with the Execution of this Act, so that no such Contract shall continue in force for more than Three Years from the Time of contracting, and the Clerk to the said Trustees shall enter all such Contracts in a Book or Books to be provided and kept for that Purpose.

Trustees may contract for Works.

XXIII. And be it further enacted, That all the Paving Stones, Gravel, and other Materials of which the Footways and Carriageways within the Jurisdiction of this Act shall for the Time being consist, and the Posts and Rails which shall be set up for the Protection of the said Footways, and also all the Lamp Posts, Lamp Irons, Lamps, and other Utensils which the said Trustees shall from Time to Time cause to be set up or used for lighting the said Footways and Carriageways, and the Watchboxes, Arms, and Clothing which shall be provided by the said Trustees for the Use of the Watchmen who shall be employed in pursuance of this Act, and also (during the Continuance of any Lease of the inclosed Area of the said Square which shall be granted to the said Trustees as aforesaid) the Iron

Materials, &c. vested in the Trustees.

Iron Railing, Fences, Gates, and Locks of and belonging to the said inclosed Area, and the Fences, Plants, Shrubs, and Herbage in the said inclosed Area for the Time being, and also the Materials of which the Gravel Walks therein for the Time being shall be formed and consist, shall for all Purposes be deemed and considered as vested in the said Trustees, and shall in all Actions, Suits, Indictments, Complaints, Convictions, and other Proceedings whatsoever relating thereto, be described generally as the Property of the Trustees for regulating and improving *Brompton Square* and certain adjacent Places, without naming the said Trustees or any of them.

How Trustees may be described in Actions, &c.

Penalty for wilfully damaging the Pavements, Lamps, &c.

XXIV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously destroy or damage any of the Footways or Carriageways within the Jurisdiction of this Act, or any Part thereof, or any Post, Rail, Lamp Post, Lamp Iron, Lamp, Watchbox, Arms, Clothing, or other Utensil or Thing which shall be provided by or in pursuance of the Directions of the said Trustees, or any of the Iron Railing, Fences, Gates, Locks, Trees, Plants, Shrubs, Herbage, or Gravel Walks of or belonging to the inclosed Area of the said Square, or any of them or any Part thereof respectively, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds; and every such Person, and also every Person by whom any of the said Footways and Carriageways, Lamp Posts, Lamp Irons, Lamps, Watchboxes, Arms, Clothing, Iron Railing, Fences, Gates, Locks, Trees, Plants, Shrubs, Herbage, Gravel Walks, Utensils, and Things, or any of them or any Part thereof respectively, shall be carelessly or accidentally destroyed or damaged, shall make full Satisfaction for the Damage or Injury done or committed by him, her, or them respectively; and unless such full Satisfaction shall be forthwith made, any Justice of the Peace, upon Application to him for the Purpose by or on behalf of the said Trustees, may award such Sum of Money to be paid to the said Trustees by way of Satisfaction for such Damage as such Justice shall think reasonable, and the same shall be recovered in the Manner herein-after provided for the Recovery of any Fine, Penalty, or Forfeiture to be inflicted or imposed under the Provisions of this Act.

Persons damaging Pavements, Lamps, &c. to make Satisfaction.

Penalty for making false Keys, &c. to the inclosed Area of Brompton Square.

XXV. And be it further enacted, That if at any Time or Times during the Continuance of any Lease or Leases of the inclosed Area of the said Square, any Person or Persons shall, without the Consent in Writing of the said Trustees, make or cause to be made, or shall sell or cause to be sold, or shall offer for Sale any Key or Keys for unlocking or opening the Gates of the inclosed Area of the said Square, or any of them, or if any Person or Persons shall knowingly purchase or use any Key or Keys so unlawfully made or sold, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, and it shall be lawful for the said Trustees or any of them, or any Person or Persons in their Service or Employ, or acting under their Authority, to seize and to detain and keep or to destroy every such Key.

Rates to be made.

XXVI. And be it further enacted, That to enable the said Trustees to carry this Act into Execution it shall be lawful for them from Time to Time to make such Rates as they shall deem needful upon the Tenants and Occupiers of all Lands, Houses, Shops, Coach-houses, Stables, Erections,

tions, Buildings, and other Tenements whatsoever within the Jurisdiction of this Act, in such Sums of Money as the said Trustees shall think proper, so that such Rates shall be just and equal Pound Rates, according to the annual Rent or Value of the Premises thereby assessed, and so that the Costs and Expences of and incident to the enclosed Area of the said Square shall be wholly borne by the Tenants and Occupiers of Houses in the said Square, and so that in every such Rate it shall distinctly appear what Part thereof shall be raised in respect of the said last-mentioned Costs and Expences, and so that the said Rates shall not in any One Year exceed the Sum of Two Shillings in the Pound of the annual Rent or Value of the Property rated, except as to Houses in the said Square, after such Lease of the enclosed Area of the said Square shall be obtained as aforesaid, and during the Continuance of every such Lease, and so that in the last-mentioned Cases the Rates in respect of the Houses in the said Square shall not in any One Year exceed the Sum of Two Shillings and Sixpence in the Pound of the Rent or annual Value thereof; and in making the said Rates, all Stables, Coach-houses, and other Buildings which shall belong to or be held and occupied with any of the Houses in the said Square, and within the Jurisdiction of this Act, shall be respectively rated with such Houses, and not as separate Buildings; and to facilitate the making of the said Rates, it shall be lawful for the said Trustees, or any Person or Persons appointed by them, at all seasonable Times to examine the Books of Assessment to any Public, Parliamentary, Parochial, or Local Tax charged upon or affecting the Houses, Buildings, or Tenements within the Jurisdiction of this Act, or any of them.

Limitation of Rates.

XXVII. And be it further enacted, That in every Rate to be made as aforesaid, the Landlord or Proprietor of every House or Tenement within the Jurisdiction of this Act, which shall be occupied by any Ambassador, Foreign Minister, or other Person not compellable by Law to pay such Rate, shall be deemed to be and shall be rated as the Occupier thereof respectively.

How Rates for Houses occupied by Ambassadors, &c. are to be charged.

XXVIII. And be it further enacted, That whenever any House within the Jurisdiction of this Act shall be let out ready furnished, or shall be let out, furnished or unfurnished, in separate Tenements, or wholly or in part to a Lodger or Lodgers, the Landlord or Owner, being the Person or Persons claiming or receiving the Rent payable by the Occupier or Occupiers of every such furnished House, Tenement, or furnished Lodging respectively, shall be deemed to be and shall be rated as the Occupier thereof: Provided always, that the Goods and Chattels of every Occupier of any such ready-furnished House or separate Tenement or Lodging, shall (without Prejudice to the Liability of the Person or Persons so rated) be liable to be distrained for raising such Rates, and all Arrears thereof, so that in no Case any greater Sum shall be levied by Distress of the Goods and Chattels of any such Occupier than shall at the Time of making such Distress be actually due from such Occupier for the Rent of the Premises in which such Distress shall be made: Provided also, that every such Occupier who shall pay any such Rate or Rates, or upon whose Goods and Chattels the same shall be levied, shall and may deduct the Amount of the Sum or Sums which shall be so paid or levied out of any Rent payable by such Occupier to the Person or Persons rated; and such

How Rates for Houses let out furnished or in Lodgings are to be charged.

such Payment shall be a sufficient Discharge to every such Occupier for so much of such Rent accordingly.

Rates may be amended.

XXIX. And be it further enacted, That every Rate which shall be made for the Purposes of this Act may from Time to Time be altered and amended by the said Trustees at any Meeting pursuant to this Act, either by inserting the Name or Names of any Person or Persons who ought to have been rated or who shall have come into the Possession of any rated or rateable House, Building, or Tenement during the Time for which any Rate may be payable, or by striking out the Name or Names of any Person or Persons who ought not to have been rated, or by raising or lowering the Sum or Sums charged upon any Person or Persons, or by apportioning between any outgoing and incoming Tenant any Sum or Sums which shall be charged upon either in such Rate or otherwise, as the said Trustees shall think necessary for making such Rate a just and equal Rate; and the Monies charged to any Person or Persons in consequence of any such Alteration or Amendment may be recovered and levied in the same Manner as if such Alteration or Amendment had been an original Insertion.

Rates vested in the Trustees.

XXX. And be it further enacted, That the first Rate which shall be made by virtue of this Act shall be for Two Quarters ending at *Christmas Day* next after the passing of this Act, and that every subsequent Rate shall be for One whole Year, commencing from the Expiration of the Term for which the preceding Rate shall have been made; and that all the said Rates shall become due and be payable immediately upon the making thereof, but may be collected in one or several Payments, or yearly, half-yearly, or quarterly, as the said Trustees shall from Time to Time direct; and that such Rates and all other Monies which shall become due or be payable to the said Trustees in pursuance of the Provisions in this Act contained shall be and are hereby vested in the said Trustees, and shall be paid to such Person or Persons as the said Trustees shall from Time to Time appoint to collect and receive the same, and shall be applied and disposed of by the said Trustees in defraying the Expences of and incident to the Execution of this Act, and otherwise as in or by this Act is directed or authorized.

Rates to be levied.

XXXI. And be it further enacted, That if any Person or Persons liable to pay any Rate or Rates which shall be made in pursuance of this Act, or any Part or Parts of any such Rate or Rates, shall refuse or neglect to pay the same, it shall be lawful for any Justice of the Peace for the County of *Middlesex*, and every such Justice is hereby authorized and empowered (such Defaulter having been first duly summoned to appear before such Justice or Justices to shew Cause for such Refusal or Neglect, and not having appeared upon such Summons, or having appeared and not shewn good and sufficient Cause to such Justice that he, she, or they is or are not chargeable with such Rate or Rates) to grant a Warrant under his Hand and Seal, authorizing the Person appointed to collect the same Rates as aforesaid, or any other Person or Persons, to levy such Rate or Rates, and all Arrears thereof, together with all incidental Costs and Expences, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing; and if the said Rate or Rates, and all Arrears thereof, together with all such Costs as aforesaid, and also all Costs of

of and incident to the taking and detaining the Distress, shall not be paid within Five Days next after the Distress shall be taken, the Person appointed to collect the said Rates, or other Person authorized by the said Warrant, shall cause the Goods and Chattels distrained to be appraised and sold, or such Part thereof as shall be sufficient to pay the said Rate or Rates, and all Arrears thereof, and all such Costs and Expences as aforesaid, and the Costs and Expences of keeping, appraising, and selling the Distress, and after full Payment of the same, shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, on Demand made thereof by such Owner or Owners; and in default of such Distress it shall be lawful for any such Justice to commit the Person or Persons so neglecting or refusing to pay such Rate or Rates, and all Arrears thereof, and all attendant and incidental Costs and Expences as aforesaid, to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Rate or Rates, and all Arrears thereof as aforesaid, together with all Costs and Expences attendant upon and incident to the Recovery thereof (such Costs and Expences to be ascertained and determined by such Justice); and subject and without Prejudice to the Powers and Remedies hereinbefore provided for the Recovery of the said Rates, the said Trustees may sue for and recover the same, with full Costs of Suit, in any Court of Requests, or by Action of Debt in any of His Majesty's Courts of Record; and in every such Action it shall be sufficient to declare that the Defendant is indebted to the Plaintiff in the Sum sought to be recovered by virtue of a Rate (or of several Rates, as the Case may require) made in pursuance of this Act.

Money may be raised on the Credit of the Rates by way of Loan or Annuity.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees to borrow at Interest, or to raise by the Sale of One or more Annuity or Annuities for a Life or Lives (subject to the Restrictions herein-after contained), any Sum or Sums of Money which the said Trustees shall from Time to Time require, in or about the Execution of this Act; and the said Trustees shall make and deliver to the Person or Persons from whom any Money shall be so borrowed One or more Promissory Note or Notes in the Form or to the Effect following, to the Amount of the Money so borrowed; namely,

Form of Security for Money borrowed.

'THE Trustees for regulating and improving *Brompton Square* and certain adjacent Places, acting in the Execution of an Act of the Fifth Year of King *George* the Fourth, intituled [*here insert the Title of this Act*], hereby promise to pay to , h Executors or Administrators, or h or their Order, by Indorsement hereon, out of the Rates to be made in pursuance of the said Act, the Sum of Pounds on the Day of [*here name a Day for the Payment of the Money, not being less than Five Years nor more than Fifteen Years from the Date of the Note*], and also Interest for the same from the Date hereof, at the Rate of *per Centum per Annum*, by half-yearly Payments, on every Day of and Day in the meantime. In witness whereof Three of the said Trustees have hereunto subscribed their Names, the Day of .'

And the said Trustees shall also make and deliver to the Purchaser or Purchasers of every such Annuity, a Grant thereof in the Form or to the Effect following:

Form of Grant of Annuity.

'THE Trustees for regulating and improving *Brompton Squure* and certain adjacent Places, acting in the Execution of an Act of the Fifth Year of King *George* the Fourth, intituled [*here insert the Title of this Act*], in consideration of the Sum of paid to them by of do hereby grant to an Annuity of a Year during , and to be paid half-yearly on the Day of and the Day of out of the Rates to be made in pursuance of the said Act. In witness whereof Three of the said Trustees have hereunto set and affixed their Hands and Seals, the Day of .'

And the Money expressed to be made payable in every such Promissory Note as aforesaid, and the Interest thereof, and also every Annuity which shall be granted as aforesaid, shall be and are hereby respectively charged upon and made payable out of the Rates to be made by virtue of this Act, and shall be paid accordingly; and every such Promissory Note shall be transferrable by Indorsement and Delivery, in the same Manner as any other Promissory Note is by Law transferrable; and every such Annuity shall be and be deemed Personal Estate; but no such Annuity shall be granted for the Lives of more than Two Persons, or be made to depend on the Life or Lives of any Person or Persons who at the Time of granting such Annuity shall be under the Age of Thirty-five Years, nor shall any such Annuity be granted so as to produce to the Purchaser an Income exceeding by more than One-fifth the Income which a Sum equal in Amount to the Purchase Money for the same would produce if then invested in the Purchase of a similar Annuity, according to the Rate prescribed by Two several Acts, one made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other made in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and none of the said Trustees shall be personally liable for the Payment of any Promissory Note or Annuity to be issued or granted in pursuance of this Act.

Restrictions upon the granting of Annuities.

48G.3.c.142.

52G.3.c.129.

Names and Proceedings of the Trustees at Meetings to be entered in a Book.

XXXIII. And be it further enacted, That the Names of the Trustees present at each Meeting in pursuance of this Act, and also all their Orders and Proceedings at each such Meeting, shall be entered in a Book or Books to be kept for that Purpose; and the Entry of the Proceedings at each Meeting shall be signed by the Chairman at the next Meeting, and such Entries being so signed shall be deemed Originals, and may be read in evidence in all Courts whatsoever.

Penalty for certain Nuisances and Annoyances.

XXXIV. And be it further enacted, That if any Person or Persons shall beat or dust, or cause to be beat or dusted, any Carpet or Carpets, or shall slack, sift, or screen, or cause to be slacked, sifted, or screened, any Lime

or Rubbish, or shall mix any Mortar, or shall make or assist in making any Bonfire, or shall discharge any Fireworks, or play at Football, or any other Game in the said Square, or any Part thereof; or if any Person or Persons shall set or place or cause to be set or placed any Timber, Bricks, Stone, Lime, Mortar, or other Building Materials, or any Stall, Stallboard, or Basket, or any Goods, Wares, or Merchandize whatsoever, or any Mud, Dirt, Sand, Rubbish, Filth, Dung, Ashes, or Dust, upon any Footway or Carriageway within the Jurisdiction of this Act; or if any Person or Persons shall run, drive, or place, or cause to be run, driven, or placed, any Coach, Chaise, Waggon, Cart, Truck, Wheelbarrow, or other Carriage whatsoever, upon any Footway within the Jurisdiction of this Act; or if any Person or Persons shall cause or wilfully permit or suffer any Horse or other Beast or Cattle, which such Person or Persons may be riding, driving, or leading, to go upon any such Footway, or shall tie or fasten any Horse or other Beast or Cattle to any House, Wall, Fence, Post, Rail, or other Thing whatsoever, across any Footway or Carriageway within the Jurisdiction of this Act; or if any Person or Persons shall place or put out, or cause or permit to be placed or put out upon or before any House or Building next or towards any Footway within the Jurisdiction of this Act, any Garden or other Pot or Tub (except such Pot or Tub shall by Iron Rails or Bars be perfectly secured from falling); or if any Person or Persons shall lead or drive any Horse or other Beast in any Part of the said Square, either with or without any Carriage, for the Purpose of breaking, exercising, trying, or offering for Sale any such Horse or other Beast; or if any Person or Persons shall empty or begin to empty any Boghouse, or to take away any Night Soil from any House or Place within the Jurisdiction of this Act, or shall come with Carts or Carriages for that Purpose (except between the Hours of Twelve of the Clock at Night and Five of the Clock in the Morning); or if any Person or Persons shall occasion any other Kind of Obstruction or Annoyance whatsoever, in or upon any of the Footways or Carriageways within the Jurisdiction of this Act, or shall obstruct or incommode, hinder or prevent the free Passage of any such Footway or Carriageway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon; or if any Person or Persons shall breed, feed, or keep any Kind or Species of Swine in any House or Building within the Jurisdiction of this Act, or within any Yard, Garden, or other Tenement held with any such House or Building; every such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Persons not to be subject to any Penalty for Rubbish before Houses, when repairing.

XXXV. Provided always, and be it further enacted, That no Person shall be subject to any Penalty on account of any Rubbish, Building Materials, or Scaffolding, being necessarily deposited or fixed in or upon any Footway or Carriageway, before any House or Building which shall be pulling down, rebuilding, or under Repair, so that the same be properly enclosed, and convenient Space left for Carriages to pass and repass with Ease and Safety, and so that a sufficient Light be kept up and maintained there from Sun-set to Sun-rise, to prevent Accidents, and so that all such Rubbish, Building Materials, Enclosures, and Scaffolding respectively, be removed within a reasonable Time after such pulling down, rebuilding, or repairing shall be finished, or upon Notice signed by the Clerk to the said Trustees, and given to the Owner or Occupier of the House or Building

Building which shall be so pulling down, rebuilding, or under Repair, or affixed upon some conspicuous Part of such House, Building, Enclosure, or Scaffolding: Provided also, that in case any Person or Persons so depositing or affixing or causing to be deposited or affixed any such Rubbish, Building Materials, or Scaffolding as aforesaid, in or upon any of the said Footways or Carriageways as aforesaid, shall not properly enclose the same, and leave convenient Space for Carriages to pass and repass with Ease and Safety as aforesaid, and also keep up a good and sufficient Light there from Sun-set to Sun-rise, so as to prevent Accidents, or shall not remove any such Rubbish, Building Materials, or Scaffolding upon such Notice as aforesaid, every Person making Default in any of the Cases aforesaid shall forfeit and pay a Sum not exceeding Ten Pounds.

Transient Offenders may be apprehended.

XXXVI. And be it further enacted, That it shall be lawful for any Officer or Person employed in the Execution of this Act, without any other Warrant or Authority than this Act, to seize and detain, and for any other Person or Persons to assist in seizing and detaining any unknown Person or Persons who shall commit any Offence punishable under this Act, and to take such Offender or Offenders before a Justice of the Peace, in order to his or her Conviction for such Offence.

Penalty for obstructing Officers, &c.

XXXVII. And be it further enacted, That if any Person or Persons shall obstruct, hinder, or molest the said Trustees or any of them, or any Officer or other Person whomsoever, who shall be employed or acting in the Execution of this Act, in the Performance of any Act, Matter, or Thing to be done by virtue of or under the Authority of this Act, or if any Person or Persons who shall be summoned to give Evidence before any Justice of the Peace touching or concerning any Offence or Matter punishable under this Act, shall not attend pursuant to such Summons, nor produce a sufficient Excuse to the Satisfaction of such Justice for his Non-attendance, every Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

How Penalties and Forfeitures are to be recovered.

XXXVIII. And be it further enacted, That all Penalties and Forfeitures which shall be incurred under the Provisions herein-before contained, the Manner of levying or recovering whereof is not herein-before particularly directed, shall be recoverable before any Justice of the Peace for the County of *Middlesex*, upon Complaint made to any such Justice within Six Calendar Months next after the Offences respectively shall be committed; and it shall be lawful for every such Justice to whom such Complaint shall be made, to summon the Party or Parties complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence or Offences respectively, either by the Confession of the Offender or Offenders, or by the Oath of any credible Witness or Witnesses, to convict such Offender or Offenders, and to adjudge him or them to pay the Penalty or Forfeiture incurred, although no Information in Writing shall be exhibited before such Justice; and in every Case where any such Penalty or Forfeiture, together with all Costs of and incident to the Complaint, Summons, Hearing, and Conviction, shall not be forthwith paid by the Offender or Offenders at the Time of Conviction, such Penalty and also such Costs as aforesaid shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice, (and which

which Warrant such Justice is hereby empowered and required to grant); and in every such Case it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress (not being more than Seven Days from the Time of taking such Security), and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; and if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or Offenders or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties or Forfeitures with all Costs as aforesaid can be levied, if a Warrant of Distress were issued (in which Case it shall not be necessary to issue any Warrant of Distress), then and in every such Case it shall be lawful for such Justice to cause such Offender or Offenders to be committed to the common Gaol or House of Correction, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all attendant and incidental Costs, shall be sooner paid; and the Monies arising by such Penalties and Forfeitures respectively shall from Time to Time, in every Case where the Appropriation thereof is not herein-before otherwise directed, be paid to the Treasurer to the said Trustees, and (subject to the Power hereby given to the said Trustees to dispose of any Part or Parts thereof, not exceeding One Half, in rewarding the Informer or Informers, or any other Person or Persons who shall have aided in detecting or convicting the Offender or Offenders respectively) shall be applied and disposed of for the Purposes of this Act.

Form of Conviction.

XXXIX. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form to the like Effect:

'Middlesex, to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before One of His Majesty's Justices of the Peace for the County of *Middlesex*, of [*here shortly state the Offence, and when and where committed*] contrary to the Form of a Statute made in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], and I do adjudge that the said *A. B.* hath therefore forfeited the Sum of .
'Given under my Hand and Seal, the Day and Year first above written.'

Distress not to be unlawful for want of Form.

XL. And be it further enacted, That where any Distress shall be made for any Rate or Penalty to be levied in pursuance of the Provisions contained in this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on account of any Defect or want of Form in any Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity, but the Person or Persons aggrieved by any such Irregularity may recover full Compen-

sation for any special Damage by an Action on the Case, subject to the Limitations herein-after made.

Persons aggrieved may appeal.

XLI. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate to be made in pursuance of this Act, he or she, having first paid such Rate or Assessment, may appeal to the said Trustees at their next Meeting after the Payment thereof, and the said Trustees if they shall think such Person aggrieved shall give such Relief in the Premises as they shall deem reasonable; and if any such Person shall be dissatisfied with the Determination of the said Trustees, or if any Person shall think himself or herself aggrieved by any thing which shall be done by any Justice of the Peace in the Execution of this Act, such Person may appeal to the Justices of the Peace for the County wherein the Cause of Complaint shall arise, at their General Quarter Sessions to be held next after the Expiration of One Calendar Month from the Time when the Cause of Complaint shall arise, but not afterwards, such Appellant first giving Fourteen Days Notice at the least in Writing of his or her Intention to make such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Five Days next after such Notice entering into a Recoghizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal at and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions, and also (when the Appeal shall be against a Conviction) to pay the Penalty or Forfeiture, if the Conviction shall be affirmed; and the said Justices at such Sessions, upon Proof of such Notice having been given as aforesaid, and of such Recognizance as aforesaid having been entered into, shall hear and finally determine the Matter of such Appeal in a summary Way, and award such Costs to the Appellant or Respondent as the said Justices shall think proper, and may by their Order or Warrant levy such Costs by Distress and Sale of the Goods and Chattels of the Person or Persons ordered to pay the same, and for want of sufficient Distress may commit such Person or Persons to the common Gaol or House of Correction for any Term not exceeding Six Calendar Months, or until Payment of such Costs, and the Determination of the said General Quarter Sessions shall be final and conclusive to all Intents and Purposes;

Proceedings not to be quashed in formal Objections.

and no such Rate or Assessment as aforesaid, nor any Proceeding touching the Conviction of any Offender or Offenders, or any other Matter or Thing done or transacted in or about the Execution of this Act, shall be quashed or vacated for want of Form, or removed by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; but any such Rate or Assessment, or any Matter of Form in any Conviction or Proceeding as aforesaid, may be amended as the Justices at any General Quarter Sessions shall direct.

Justices, being also Trustees, may act.

XLII. And be it further enacted, That any Justice of the Peace for the County of *Middlesex* may act as such in the Execution of this Act, notwithstanding he may at the same Time be a Trustee under this Act;

Inhabitants may be Witnesses.

and none of the said Trustees, nor any rated Inhabitant or Occupier of any House, Building, or Tenement within the Jurisdiction of this Act, shall by reason thereof be deemed an incompetent Witness in any Action, Prosecution, Information, Complaint, Appeal, or Proceeding whatsoever relating to the Execution of this Act, or to any Rate made in pursuance thereof;

Directions as to the Service of Notices.

and all Notices and Summonses which are required to be given by this Act, or which may be necessary for carrying this Act into Execution, may be either written or printed, or partly written and partly printed,

and may (in all Cases in which the Manner of serving the same is not particularly directed by this Act) be served either by delivering the same to the Person or Persons to whom such Notices or Summonses respectively are directed, or by leaving the same at the usual or last known Place of Abode of such Person or Persons, or at or upon any House, Building, or Tenement whereunto such Notices or Summonses respectively shall relate.

Trustees to sue and be sued in the Name of their Clerk.

XLIII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Treasurer for the Time being, and not otherwise; and no such Action or Suit shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, but the Clerk or Treasurer for the Time being to the said Trustees shall always be deemed Plaintiff or Defendant, as the Case may be, but such Clerk or Treasurer shall not be personally answerable for any Damages or Costs which may be recovered against him by reason of his being so made Plaintiff or Defendant, but such Damages and Costs respectively shall be paid by the said Trustees out of the Money to be raised under this Act; and such Clerk or Treasurer shall be a competent Witness in such Action, notwithstanding he may be the nominal Plaintiff or Defendant.

Trustees may hire an Office or Place to transact the Business relative to the Execution of this Act.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to hire any Room or Building, as they shall think fit, in any convenient Place within the Limits of this Act, to be used as and for an Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, or for other the Purposes of this Act, and to accept and take a Lease of such Room or Building to themselves, or any of them, or to any Person or Persons in Trust for them, for any Term or Number of Years, at and under such Rent or Rents as they shall from Time to Time think fit, and to pay such Rent or Rents out of the Money to arise by virtue of this Act.

Limitation of Actions.

XLV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done by such Person or Persons in or about the Execution of this Act, until the Expiration of One Calendar Month next after a Notice in Writing, fully and explicitly stating the Cause or Causes of Action, and the Name or Names, and Place or Places of Abode of the intended Plaintiff or Plaintiffs, and of his or their Attorney or Agent, shall have been delivered to or left at the usual Place of Abode of the intended Defendant or Defendants; and no such Action or Suit shall be commenced after a Tender of sufficient Amends shall have been made, either to the Party aggrieved or (on his or their Behalf) to the Attorney or Agent named in such Notice, nor after the Expiration of Six Calendar Months next after the Fact committed, and the Venue in every such Action or Suit shall be laid in the County where the Cause of Action shall have arisen and not elsewhere; and the Defendant or Defendants may at his or their Election plead specially or the General Issue, and at the Trial thereof give this Act and the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority of this Act, or if any such Action or Suit shall be brought contrary to the foregoing Restrictions and Limitations, or any of them, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if upon Demurrer

General Issue.

Judgment

Treble Costs.

Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall have Treble Costs, and have such Remedy for the Recovery thereof as any Defendant may have for the Recovery of Costs in any Case by Law.

Persons rated under this Act exempted from other Rates for the same Purposes.

XLVI. And be it further enacted, That no Person who shall be an Occupier of any House, Building, or Tenement within the Jurisdiction of this Act, and shall be charged in respect thereof towards any of the Rates to be made by virtue of this Act, shall be liable or charged in respect of the same Premises to or with any general Rate or Rates for paving, lighting, or watching the Town or Parish of *Kensington* or any Part thereof, or to or with any Rate for or towards paving, lighting, or watching any particular Street, Road, or Place; any Law or Usage to the contrary notwithstanding.

Trustees not to expend any Money in first paving the Square.

XLVII. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize the said Trustees to expend any Money which shall be raised under the Authority of this Act in or about the first laying out, forming, paving, or gravelling any of the Footways or Carriageways on the East, West, or North Sides of *Brompton Square*, or in or about the first enclosing, forming, or planting any Part of the Area of the said Square.

Saving of Rights of Commissioners of Sewers.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, dimish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*; but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

Powers of the Chelsea, West Middlesex, and Grand Junction Water Company not to be affected.

XLIX. Provided also, and be it further enacted, That nothing in this Act contained shall operate or be construed to take away any Right, Power, Interest, Privilege, Advantage, or Authority, which is by Law now vested in the Governor and Company of *Chelsea* Water Works, or in the Company of Proprietors of the West *Middlesex* Water Works, or in the Grand Junction Water Works Company respectively; but that all and every the said Rights, Powers, Interests, Privileges, Advantages, and Authorities respectively, may be exercised and enjoyed in as full and ample a Manner to all Intents and Purposes as the same were exercised and enjoyed immediately before the passing of this Act.

Expences of this Act how to be paid.

L. And be it further enacted, That all Costs and Expences of and incident to the obtaining and passing this Act shall be paid out of the first Monies which shall be raised by virtue of this Act.

Public Act.

LI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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