ANNO SEPTIMO & OCTAVO

# GEORGII IV. REGIS.

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## *Cap.* xliv.

## An Act for more effectually improving *Golden Square* in the Parish of *Saint James Westminster* in the County of *Middlesex*. [28th *May* 1827.]

WHEREAS an Act was passed in the Twenty-fourth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to enable the present and future Proprie-* 24 G. 2. c. 27. *tors and Inhabitants of the Houses in* Golden Square, *in the Parish of* Saint James Westminster *in the County of* Middlesex, *to make and levy a Rate on themselves for raising Money sufficient for the better inclosing, paving, enlightening, and adorning of the said Square, and supporting and keeping of the same in repair for the future:* And whereas the present Pavements in the said Square are greatly in decay and out of repair, and it will require a considerable Sum of Money to be raised to repair or replace or otherwise improve the same: And whereas the Proprietors and Occupiers of Houses in the said Square are willing and desirous, by an adequate Contribution amongst themselves, to raise Money sufficient for that Purpose, and also for the better cleansing, lighting, and watering, and otherwise improving the said Square, and for supporting and keeping the same in good Order and Repair for the future, which will be of great Advantage and Convenience to the said Occupiers and all other Persons resorting to and passing through the said Square; but the Provisions

of the said recited Act, and the Rates authorized to be made and levied by virtue thereof, are insufficient for the Purposes aforesaid, and the said Purposes cannot be effectually attained without the Authority of Parliament: And whereas the said recited Act hath been found in other respects defective and insufficient, and it is expedient that the same should be repealed, and further Powers and Provisions granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most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Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed.

Former Act repealed.

Trustees.

II. And be it further enacted, That *Henry Berry*, *George Gisborne Babington*, *William à Beckett*, *John Carbonell*, *Thomas Copeland*, *David Caldwell*, *Edward Cary Grojan*, *Rowland Jones*, *Archibald Patterson*, *Joseph Righy*, *David Robertson*, *Charles Richardson*, and *William Stodart*, being Proprietors or Occupiers of Houses in the said Square, and their Successors, to be elected as herein-after mentioned, shall be and are hereby appointed Trustees for putting this Act into execution.

For appointing new Trustees.

III. And for the continuing a sufficient Number of fit and able Persons to be Trustees for putting this Act into execution, be it further enacted, That in case any Person herein-before appointed or to be hereafter appointed a Trustee as aforesaid shall refuse to act, or shall neglect to attend at Three successive Meetings of the said Trustees, or shall cease to reside in the said Square, or shall die, it shall be lawful for the remaining Trustees for the Time being, and they are hereby authorized and required, to elect and appoint, by any Writing under their Hands, some one other Person, being an Occupier of any House in the said Square, to be a Trustee in the Room and Stead of the Trustee so refusing to act, neglecting to attend, ceasing to reside, or dying as aforesaid, and so to do from Time to Time as often as the like Occasion shall occur; and all and every Person and Persons so to be elected as aforesaid shall have the same Rights and Privileges, Powers and Authorities, and shall and may and are and is hereby empowered to act, to all Intents and Purposes, in as full, large, and ample a Manner as the said Trustees which are named in this Act.

Quorum of Trustees.

IV. And be it further enacted, That all Acts, Orders, and Proceedings of the Trustees acting in execution of this Act shall be done, made, and had by the major Part of the Trustees present at their several Meetings, the whole Number present not being less than Three; and all Acts, Orders, and Proceedings so done, made, or had by or before such Three Trustees, shall have the same Force and Effect, and shall be binding and conclusive on all Persons, and to all Intents and Purposes whatever, as fully and effectually as if the same were done, made, or had by or before all the said Trustees; and at every Meeting of the said Trustees to be held by virtue of this Act a Chairman shall and may in the first Instance be appointed, who, in case

case of an equal Number of Votes upon any Occasion (including such Chairman's Vote), shall have the casting or decisive Vote.

Meetings of Trustees.

V. And be it further enacted, That the said Trustees shall, within Thirty Days after the passing of this Act, meet together at the House known by the Sign of *The King's Arms Tavern*, *Mary-le-bone Street*, or some other convenient Place in the said Parish of *Saint James Westminster*, at such Time as they shall think proper, and proceed in the Execution of this Act, and shall from that Meeting adjourn themselves to such Time and Place as they shall think fit; and the said Trustees may meet at any other Time or Place as often as it shall be necessary for putting this Act into execution, Three Days Notice being given by the Clerk of the said Trustees to such of the said Trustees as shall be resident in the said Square of the Time and Place of such Meeting.

Proceedings to be entered in a Book to be kept for that Purpose.

VI. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose of all the Orders, Directions, and other Proceedings of the said Trustees relating to the Execution of this Act, and of the Names of the Trustees who shall be present at the several Meetings to be holden under this Act, and the Orders, Directions, and other Proceedings of every such Meeting; and the said Entries of the Orders, Directions, and Proceedings of every such Meeting shall be signed by the Chairman thereof; and all such Entries, being so signed, shall be deemed and taken to be Originals, and shall be allowed to be read in Evidence in all Courts whatsoever in all Cases, Suits, and Actions touching any thing done in pursuance of this Act.

Appointment of Officers.

VII. And be it further enacted, That the said Trustees may and they are hereby required and empowered to appoint a Treasurer and Clerk, and Collector or Collectors of the Rates by this Act granted and made payable, and all such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper, and from Time to Time to make such Rules, Orders, and Regulations for the good Conduct and well governing of every such Treasurer, Clerk, Collector, and all such other Officers and Persons, and from Time to Time to remove such Officers and Persons respectively as the said Trustees shall see Occasion, and appoint others in the Room of such of them as shall be removed, or shall die or resign, or refuse or neglect to perform or become incapable of performing their Duty; and the said Trustees shall and may, out of the Monies to be received by virtue of this Act, allow and pay such Salaries and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable.

Treasurer and Clerk not to be the same Person.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes

poses of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks 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 or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit 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, nor more than One Imparlance, shall be allowed.

Officers to account.

IX. And be it further enacted, That every Officer and Person who shall be so appointed as aforesaid shall from Time to Time, when thereunto required by the said Trustees by Writing under their Hands, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof have or hath been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees, or by any Person on behalf of the said Trustees, of any such Neglect or Refusal, to any Justice of the Peace for the City and Liberty of *Westminster* or County of *Middlesex*, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him; and upon his appearing, or not being to be found, to hear and

determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby authorized and empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make,) and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Trustees to take Security from their Officers.

X. And be it further enacted, That the said Trustees may and they are hereby empowered to take such Security from every Treasurer and Collector or other Officer to be by them appointed, and who shall have the Receipt of any Money to arise under this Act, for the due Execution of his Office, as the said Trustees shall think proper.

Trustees to have the sole Power of repairing and embellishing the Garden within the Square.

XI. And be it further enacted, That the sole Power of enlarging, maintaining, repairing, and embellishing the Garden or Inclosure within the said Square, and gravelling the Walks in the same, and keeping the same and the Railing inclosing the same in proper Order and Repair, shall be and the same is hereby vested in the said Trustees; and it shall be lawful to and for the said Trustees, at any of their Meetings, from Time to Time to order and direct the enlarging

and embellishing of the said Inclosure, and the grvelling the Walks therein, and the painting and repairing the Railing or Fence thereof, and to cause Wells and Pumps to be sunk and made within the said Inclosure.

Trustees to superintend the Repairs of Pavements, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, from Time to Time and at all Times (when and so often as they shall think proper), to order and direct the Pavements in the said Square (as well that used for Carriages as those used by Foot Passengers) to be taken up, and to be relaid, repaired, raised, lowered, or altered, and to make, sink, and build proper Drains, Gutters, and Sewers for the conveying of Water under Ground, and to place and put in the said Square proper Iron Gratings for that Purpose, when and in such Manner as the said Trustees shall think proper, and generally to do and make or cause to be done and made all such Works, Alterations, and Improvements in, upon, and about the Carriageways and Footways in the said Square, as Occasion shall from Time to Time require, and to order and direct the digging, removing, and carrying away the Soil and Earth of the said Square, when and as often as they shall judge to be necessary or proper for the Purposes of this Act.

Trustees empowered to Macadamize the Carriage Road.

XIII. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the said Trustees, if they shall think fit, to convert the Carriage Pavement of the said Square into a broken Stone Road, commonly called or known as Macadamized Road, and for that Purpose to take up the existing Pavement, and replace the same with broken Stone, Granite, Flint, Gravel, or other firm and sufficient Materials, and from Time to Time to amend and keep in repair the same with the like Materials; and in case it shall at any Time hereafter be deemed expedient to repave the said Square, it shall and may be lawful for the said Trustees for the Time being to repave the same.

For erecting Lamp Posts, &c.

XIV. And be it further enacted, That the said Trustees may remove such of the Lamps, Lamp Posts, or Lamp Irons now being in the said Square, as they shall think proper, and may cause to be fixed to or erected in front of the Houses or other Buildings, or otherwise within the said Square, such Lamp Posts, Lamp Irons, and Lamps, and may remove the same, as they shall from Time to Time think proper, and may contract and agree with any Person or Persons for lighting, cleansing, supplying, maintaining, and repairing such Lamps: Provided always, that no Lamps lighted with Gas shall be fixed to or erected in front of any House in the said Square, or continued there, without the Consent in Writing of the Occupier or Proprietor thereof; and the said Trustees shall and may cause the Carriageway of the said Square to be watered in such Manner as they shall think fit and proper.

Contracts to be entered into.

XV. And be it further enacted, That the said Trustees may from Time to Time, if they shall think proper, contract and agree with any Person or Persons for the doing and performing of all or any of

the Works by this Act authorized or directed to be done; and in case any of the Works contracted and agreed to be done and performed shall not be well and sufficiently done and performed according to such Contract, the said Trustees shall and may cause an Action to be brought in any of His Majesty's Courts at *Westminster* against any such Contractor for Damages for the Non-performance thereof, and on Proof of the signing such Contract, and Non-performance thereof, the said Trustees shall be entitled to and shall recover Damages for the Non-performance of such Contract: Provided always, that it shall be lawful for the said Trustees (if they shall see fit) to compound and agree with such Contractor, for any Damage incurred by the Breach or Non-performance of any such Contract, for such Sum of Money as the said Trustees shall think proper.

For removing Dust, &c.

XVI. And be it further enacted, That the said Trustees may from Time to Time contract with some proper and responsible Person or Persons to take and carry away all the Dust, Cinders, Ashes, and Rubbish from the Houses in the said Square, (all which Dust, Cinders, Ashes, and Rubbish the Occupiers of Houses in the said Square shall and they are hereby required from Time to Time to keep for and deliver to such Contractor or Contractors,) and also with some proper and responsible Person or Persons for scavenging and cleansing the Carriageway of the said Square.

Property vested in Trustees.

XVII. And be it further enacted, That the Property in the Iron Gates, Iron Rails, Locks, Lamps, Lamp Posts, Lamp Irons, Iron, Timber, Stone, Bricks, Furniture, Pumps, and other Materials and Things now being in or upon or about the said Square, or in or about the said Inclosure in the Centre thereof (but subject and without Prejudice to such Covenants, Stipulations, and Agreements as have been heretofore entered into and are now in force concerning the same), and all Trees, Shrubs, and other Things within the said Inclosure, and also all Materials and Things whatsoever which shall or may hereafter be purchased or made use of for the several Purposes of this Act, shall be and the same are hereby vested in the said Trustees for the Time being, and may be sold and disposed of from Time to Time as they shall think proper; and the Money arising by such Sale or Sales shall be applied towards the Purposes of this Act; and the said Trustees are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of their Clerk for the Time being, or to prefer or order and direct the preferring of any Bill or Bills of Indictment against any Person or Persons who shall steal, take, or carry away (as the Case may be) all or any Part of such Iron Gates, Iron Rails, Locks, Lamps, Lamp Posts, Lamp Irons, Timber, Stone, Bricks, Furniture, Pumps, Trees, Shrubs, and other Materials and Things as aforesaid, now being in or upon or about the said Square, or in or about the said Inclosure, or which shall or may be hereafter purchased and made use of for any of the Purposes of this Act; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of the Trustees of *Golden*

*Golden Square* in the Parish of *Saint James Westminster* in the County of *Middlesex*, without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Penalty for wilfully breaking Lamps, &c.

XVIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, pull down, destroy, or otherwise injure, damage, or spoil any of the Iron Gates, Iron Rails, Locks, Lamp Posts, Lamp Irons, Iron, Timber, or Stone, Bricks, Furniture, Pumps, Materials, or Things which are or shall be in or upon or about the said Square, or shall wilfully destroy, injure, damage, or spoil any of the Shrubs, Trees, or Plants in the said Square, or shall break through or get over the Fence of the said Garden or Inclosure, or extinguish the Light of or break any Lamp in the said Square, it shall be lawful for any Person or Persons who shall see the Offence committed to apprehend and secure, and also for any other Person or Persons to assist in apprehending the Offender or Offenders, and to deliver him, her, or them into the Custody of a Constable or other Peace Officer, in order to be detained in Custody, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before any Justice of Peace for the City and Liberty of *Westminster* or County of *Middlesex*; and such Justice shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information or Evidence touching such Offence; and if the Party accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit and pay any Sum not exceeding Forty Shillings for every Lamp, Lamp Iron, or Lamp Post so broken, thrown down, or damaged, and not exceeding Five Pounds for any other such Offence as aforesaid, and shall also make full Satisfaction for the Damage which shall have been done thereby; and one Moiety of such Forfeiture shall be paid to the Person or Persons apprehending such Offender, and one Moiety shall be applied for the Purposes of this Act; and in case any such Offender shall not on Conviction pay the said Forfeiture and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Forfeiture and Satisfaction shall be sooner paid and made; and if any Person shall carelessly or accidentally break or injure any of the said Lamps, Lamp Posts, or Lamp Irons, or do any such other Damage or Injury as herein-before mentioned, and shall not, upon Demand, make Satisfaction to the said Trustees for the Damage or Injury so done, it shall be lawful for any Justice of the Peace for the said City or County, upon Complaint thereof made to him on Oath, to summon the Parties complained of, and upon hearing the Parties on both Sides, or Non-appearance of the Party complained of, to examine the Matter of Complaint, and award such Sum of Money by way of Satisfaction to the said Trustees for such Damage as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, then the same and all Expences attending the Recovery thereof may be levied and recovered as any Penalty or Forfeiture is by this Act directed to be levied and recovered in other Cases.

XIX. And

The Garden and Inclosure to be kept for the private Use of Inhabitants of the Square.

XIX. And be it further enacted, That the aforesaid Inclosure in the said Square shall be kept private for the Use and Enjoyment of Persons occupying Houses in the said Square, and proper and sufficient Locks shall always be kept on the said Gates of the said Inclosure, and no Person or Persons (other than a Person or Persons occupying some House or Houses within the said Square, or a Servant or Servants of some such Occupier,) shall be entitled to have or use any Key or Keys of the Locks of the said Inclosure, unless with the Consent in Writing of the said Trustees; and if any Person or Persons shall make, or cause or procure to be made, any Key or Keys for the Purpose of opening any Lock or Locks affixed on or to any of the Gates of the said Inclosure, without such Consent in Writing as aforesaid, or shall sell or cause or procure to be sold, without such Consent as aforesaid, any such Key or Keys to any Person or Persons whomsoever, he, she, or they shall for every such Offence forfeit to the said Trustees any Sum not exceeding Five Pounds; and the said Trustees or any One of them, or any Person to be appointed by them as aforesaid, are and is hereby authorized and empowered to seize and keep any such Key or Keys as aforesaid.

For preventing Annoyances.

XX. And be it further enacted, That no Person or Persons shall cause any Annoyance or Nuisance within the said Square by beating or dusting of Carpets, or laying or casting any Stones, Timber, Filth, Dung, Ashes, Dust, or Rubbish therein, on the Foot or Carriage Way thereof, or in any other Manner whatsoever; and no Hackney Coachman shall stand with his Coach and ply for a Fare within the said Square; and no Person shall run or drive any Wheelbarrow, or any Wheel, whether affixed to any Carriage or not, or shall wilfully ride, drive, or lead any Horse, or other Beast or Cattle, along any Part of the Footways of the said Square, or suffer any Horse or Cattle to stand upon any Part of the said Footways, or otherwise in any way wilfully obstruct the same, or suffer any Swine to wander upon the said Footway or Carriageway, or shall make or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire-arms, or let off or set fire to or throw any Crackers, Squibs, Rockets, or other Firework, or shall fly any Kite, drive any Hoop, or play at Football, or any other Game or Games, within the said Square, to the Annoyance of any Passenger or Traveller; and if any Person shall offend in any of the Cases aforesaid it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender, and by Authority of this Act, without any other Warrant, to convey him or her before any Justice of the Peace for the City and Liberty of *Westminster* or County of *Middlesex*, and such Justice shall examine upon Oath the Person or Persons apprehending the Offender, or any other Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party accused shall be convicted of such Offence, either by his or her own Confession or by Information as aforesaid, he or she so convicted shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds; and in case any such Offender shall not upon Conviction pay the said Penalties, such Justice is hereby required to commit him or her to the House

of Correction for any Time not exceeding Three Calendar Months nor less than Twenty-one Days, unless such Penalty shall be sooner paid.

Encroachments.

XXI. And be it further enacted, That if any Person or Persons shall make or continue any Encroachment or Encroachments in or upon the said Square or any Part thereof, every such Person or Persons so offending, being convicted of such Offence upon Oath before any Justice of the Peace for the City and Liberty of *Westminster* or County of *Middlesex* (which Oath such Justice is hereby empowered to administer), shall for every such Offence forfeit and pay to the said Trustees the Sum of Five Pounds; and the said Person or Persons shall, at his, her, or their own Costs and Charges, within such Time and in such Manner as the said Trustees shall by Notice in Writing under their Hands, to be delivered to such Person or Persons or left at their Dwelling House, require and cause all and every such Encroachment and Encroachments to be removed; and in case he, she, or they shall neglect or refuse so to do it shall be lawful for the said Trustees to cause the same to be done, and to cause all the Costs and Charges attending the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons by Warrant under the Hand and Seal of any Justice of the Peace for the said City or County, rendering the Overplus (if any), when demanded, to the Person whose Goods and Chattels shall be distrained and sold.

For preventing Nuisances in Carriageway, &c.

XXII. And be it further enacted, That if any Person shall, without Authority from the said Trustees, take up or alter the Pavement of the Carriageway or Footways of the said Square, or erect or set up upon the said Carriageway or Footways any Inclosure, Scaffold, Post, Bar, Rail, or other Thing for the Purpose of making Mortar, and depositing Bricks, Lime, or other Materials for building or repairing any Houses, Buildings, or other Works, or for any other Purpose whatsoever, every such Person shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds, and also the Expences of relaying the said Pavements, or repairing the said Carriageway or Footway, according to the Directions of the said Trustees.

Trustees authorized to license the Erection of Inclosures before Houses.

XXIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees by Writing under their Hands to give such reasonable Liberty and Licence to the Proprietors and Occupiers of Houses within the said Square, or their Builders or Workmen, to make such Inclosure before their respective Houses, in order to the pulling down, rebuilding, or repairing the same, or any Vault, Drain, or Building belonging thereto, and for laying the necessary Materials for the same and the Rubbish arising therefrom, as the said Trustees in their Discretion shall think necessary or proper in that Behalf; and no Person or Persons acting under such Licence and in pursuance thereof shall, during the Time thereby to be limited, be subject or liable to any of the Forfeitures in that Behalf aforesaid.

XXIV. And

Rates to be levied, not exceeding 3s. in the Pound.

XXIV. And in order that the said Trustees may be enabled to repair and improve the said Square, and to continue the same in repair for the future, and to defray the necessary Charges thereof, and of them the said Trustees in the Execution of the Powers and Trusts hereby in them reposed, as also the Expences and Charges of passing this Act, be it further enacted, That from and after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-seven there shall at all Times thereafter be raised, levied, collected by and paid unto the said Trustees for the Time being, or to such Person or Persons as shall be by them the said Trustees thereunto appointed, proportional yearly Rates and Duties, to be assessed on the Proprietors and Occupiers of Houses in the said Square, according to their respective Estates and Interests therein, at the Discretion of the said Trustees; provided always, that the said Rates shall not in any One Year exceed the Amount of Three Shillings in the Pound upon the yearly Value of such Houses; which Rates shall be paid in manner aforesaid, by the respective Proprietors and Occupiers of the Houses in the said Square for the Time being, in the following Manner and Proportions; that is to say, the Tenants or Occupiers of such Houses shall bear and pay one Moiety or Half Part thereof, and the Proprietor or Owner of such Houses for the Time being shall bear and pay the other Moiety or Half Part thereof; and the said Trustees shall cause such several Assessments to be collected quarterly or half-yearly or otherwise, as they shall think fit; which Rates, when so collected and received, shall be applied and applicable to the lighting, paving, cleansing, repairing, or otherwise enlarging, adorning, watering, and improving the said Square, and the said Inclosure therein, and to the continuing the same for the future in good Order and Repair, and to the defraying the necessary Charges and Expences of the said Trustees in the Execution of this Act; and the said Rates shall be subject to and chargeable with such Sum or Sums of Money as shall be borrowed, and such Annuity or Annuities as shall be granted in manner herein-after authorized and appointed, and with the Interest on the Sum or Sums so borrowed.

How Rates shall be collected.

XXV. And to the end that the said Rates may be more effectually collected and received, be it further enacted, That all and every the Occupiers of Houses in the said Square for the Time being shall and are hereby required and made liable to pay the whole of such Rate to the said Trustees, or to such Person or Persons as they shall appoint for the Purpose of collecting and receiving the same; and in case of such Payment, such Occupier or Occupiers shall be at liberty and are hereby empowered to deduct and retain, out of his, her, or their Rent, such Proportion of such Rates as they shall respectively pay on account of the several Proprietors of the said Houses, and the said several Proprietors are hereby required to allow such Deductions and Payments upon Receipt of the Residue of their Rents: Provided always, that nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any Agreement made between any Landlord and Tenant in any Lease now granted or hereafter to be granted pursuant to any Contract or Agreement now existing; any thing herein contained to the contrary thereof notwithstanding.

XXVI. And

Monies vested in Trustees.

XXVI. And be it further enacted, That all Monies arising by virtue of this Act, applicable to the Purposes thereof, shall be and the same are hereby vested in the said Trustees for the Purposes of this Act.

How Disputes shall be settled.

XXVII. And be it further enacted, That in case any Difference or Dispute shall arise concerning all or any the Rates or Assessments to be had or made for or in respect of any Houses in the said Square, or touching or concerning any other Matter or Thing to be done or executed by virtue or in pursuance of this Act, the said Trustees shall have full Power and Authority, at any Time within Three Calendar Months after Complaint made thereof, to hear and determine the Matter of such Complaint, so as such Complaint be made, and Notice thereof in Writing given to the Clerk of the said Trustees, within One Calendar Month after Notice of such Assessment made, or other Matter or Cause of Complaint accrued; and in case the Parties so complaining shall be dissatisfied with the Determination of the said Trustees, such Parties so dissatisfied may appeal against such Determination to the General Quarter Sessions of the Peace in manner directed by this Act.

Recovery of Rates.

XXVIII. And be it further enacted, That if any Person or Persons herein made liable to pay any Rate or Assessment to be made or assessed by virtue of this Act shall refuse or neglect to pay the Money rated or assessed upon him, her, or them respectively, and all Arrears due thereon, it shall and may be lawful to and for any Justice of the Peace for the City and Liberty of *Westminster* or County of *Middlesex*, on Complaint being made before him by the Collector for the Time being appointed by the said Trustees, or any other Person or Persons on their Behalf, to summon the Person or Persons so refusing or neglecting before him; and if such Person or Persons shall not appear pursuant to such Summons, or appearing shall not shew a reasonable Cause for his, her, or their Neglect or Refusal, then and in such Case it shall be lawful for such Justice of the Peace, on the Confession of such Person or Persons, or on Proof being made before him by the Oath of One or more Witness or Witnesses of such Neglect or Refusal, to issue One or more Warrant or Warrants under his Hand and Seal, authorizing the said Collector, or some other Person or Persons, to collect and levy such Rates or Assessments, and all Arrears due in respect of such Rates or Assessments, by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, which shall be found in the said County of *Middlesex*, or in any other County, City, or Liberty, such Warrant being first backed or countersigned by some Magistrate for the County, City, or Liberty where the same Distress is to be made, and which Warrant such Magistrate is hereby required to back or countersign.

Actions to be brought against Persons forcibly detaining Goods distrained.

XXIX. And be it further enacted, That upon any Rescous or tortious Taking away or forcible Detention of the Goods and Chattels so distrained as aforesaid, the said Trustees shall and may, in a Special Action on the Case, recover Treble Damages and Costs of Suit against the Offender or Offenders in any such Rescous or tortious Taking away or forcible Detention.

XXX. And

When sufficient Distress cannot be had, Action may be brought.

XXX. And be it further enacted, That if no sufficient Distress as aforesaid can be had, or in case no such Distress shall be thought proper to be made, then it shall and may be lawful to and for the said Trustees to commence one or more Action or Actions of Debt or upon the Case against any Person or Persons so refusing or neglecting to pay the Money rated or assessed upon him, her, or them by virtue of this Act, and shall and may in such Action or Actions recover the Money due and payable from such Person or Persons, with full Costs of Suit.

Rates to be entered in a separate Book, describing the Property rated.

XXXI. And be it further enacted, That every Rate to be made in pursuance of this Act shall be entered in a separate Book, which shall contain a Description of the Properties rated, and of the respective Occupiers thereof, and the Amount of the yearly Values thereof, and also the Amount of the Rate to be paid in respect of each Property rated; and every such Book of Rates shall be signed by the Trustees present at some Meeting, or a Majority at least of them, and when so signed shall be deemed to be full and complete Evidence of the Rate therein contained, and all Matters relating thereto, and shall be received as such in all Courts of Law or Equity.

Persons becoming Occupiers to pay all Rates due, &c.

XXXII. And be it further enacted, That where any Person shall become Tenant or Occupier of any House in the said Square out of or from which any other Person rated and assessed by virtue of this Act shall have removed, or which at the Time of making any Rates or Assessments in pursuance of this Act was empty or unoccupied, every such Person so becoming Tenant or Occupier of such House shall be liable to pay all such Rates or Assessments as shall be due in respect thereof, in the same Manner and under the like Penalty of Distress as if such Person so becoming Tenant or Occupier of such House as aforesaid had been originally rated and assessed in respect thereof; and that if any House in the said Square shall at any Time be occupied by any Ambassador or other Person not liable to pay the Rates or Assessments hereby authorized, then and in every such Case all Assessments in respect of such House shall, during such Occupation thereof as aforesaid, be paid by the Landlord or Proprietor thereof.

Periods for Payment of Rates.

XXXIII. And be it further enacted, That the first of each of the several Rates or Assessments to be made as aforesaid shall be for One Year, and shall commence from the Twenty-fourth Day of *June* One thousand eight hundred and twenty-seven; and the first Payment thereof shall become due and payable on the Twenty-ninth Day of *September* next following; and every other Rate or Assessment to be made as aforesaid shall always commence from the Time at which the last or preceding Rate or Assessment shall have ended, and not otherwise; and no Rate shall ever be made to endure for a longer Period than One Year.

Land Tax and Poor's Rates Books of the Parish to be in-

XXXIV. And be it further enacted, That it shall and may be lawful for the Clerk of the said Trustees, or such other Person or Persons as the said Trustees shall for that Purpose appoint, at all convenient Times to inspect the Books of Assessment to the Land

spected for Purpose of Rates under this Act.

Tax and Poor's Rates of the said Parish of *Saint James Westminster* in the County of *Middlesex*, in order to determine the Amount of the Rates to be made by virtue of this Act, or for any other Purpose connected with the Execution of this Act, and to take Copies of such Assessments, without paying any thing for the same; and also that if any House in the said Square shall be rented with any House or other Premises not within the said Square, it shall be lawful to and for the said Trustees to apportion the Rent and ascertain the Proportion thereof at which such House in the said Square shall be deemed to be let or held, for the Purpose of rating the same under this Act; and that in all similar Cases, or any other special Cases, it shall be lawful for the said Trustees to ascertain and determine the yearly Value of the Premises to be rated under this Act, in such Manner and by such Evidence as they shall think fit and reasonable.

For borrowing Money and assigning Rates.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding the Amount herein-after mentioned, as they shall judge necessary for the several Purposes of this Act, upon the Credit of the Rates to be made and collected by virtue of this Act, and by Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to assign all or any Part of the said Rates to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money so to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignments (to be made in Manner and Form herein-after mentioned) shall be from Time to Time defrayed by the said Trustees out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say,)

Form of Mortgage.

'WE, Trustees of *Golden Square* in the Parish of *Saint James Westminster* in the County of *Middlesex*, acting in pursuance of an Act made in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*] in consideration of the Sum of advanced and lent by of in the County of upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said [*or* to his or her Trustee or Trustees, *as the Case may be*,] his [*or* her *or* their] Executors, Administrators, or Assigns, such Proportion of the Rates made and to be made and collected by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or be charged upon the Credit of the same Rates; to be had and holden from this Day of until the said Sum of , with Interest after the Rate of *per Centum per Annum* for the same, shall be fully paid and satisfied. In witness whereof we the said Trustees have hereunto set our Hands and Seals the Day of in the Year of our Lord

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment of the Money thereby secured, and to all the Profits and Advantages thereof, according to the true Intent and Meaning of this Act.

For raising Money by way of Annuity.

XXXVI. And be it further enacted, That in case the said Trustees shall think it advisable to raise all or any Part of the Monies necessary to be raised for the Purposes of this Act, by granting an Annuity or Annuities for a Life or Lives or for a Term of Years, instead of by Assignment as aforesaid, then it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered so to do, and by any Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer of the said Trustees any Sum or Sums of Money for the Purchase of any such Annuity or Annuities, or to any Person or Persons in Trust for him, her, or them; which Annuity or Annuities shall be granted and made payable during any Term of Years, or during the natural Life of any such Contributor, or during the natural Lives of any Two of such Contributors, and the Life of the Survivor of them, or during the natural Life of such Person, or the natural Lives of such Two Persons, and the Life of the Survivor of them, as shall be nominated by or on the Behalf of such Contributor or Contributors at the Time of the Payment of his, her, or their Contribution or Purchase Money; and the Expence of every such Grant shall be paid by the said Trustees out of the Money so contributed; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of Grant of Annuity.

‘ WE, Trustees of
‘ *Golden Square* in the Parish of *Saint James Westminster* in
‘ the County of *Middlesex*, acting in pursuance of an Act made in
‘ the Seventh and Eighth Years of the Reign of King *George* the
‘ Fourth, intituled [*here set forth the Title of this Act*]
‘ in consideration of the Sum of paid by
‘ [*or* by and
‘ *as the Case may be*], to the Treasurer appointed
‘ in pursuance of the said Act, do hereby grant unto the said
‘ [*or* to the said and ,
‘ *or* to in Trust for ], an Annuity
‘ or yearly Sum of to be paid out of the Rates made
‘ and to be made and collected by virtue of the same Act; to hold
‘ such Annuity or yearly Sum of to the said ,
‘ his Executors, Administrators, and Assigns [*or* the said
‘ and , their Executors, Administrators, and Assigns,]
‘ during the Term of Years [*as the Case may be*], *or* to
‘ the said and his or her Assigns during the Term
‘ of his or her natural Life, *or* to the said and
‘ and their Assigns, during their joint Lives
‘ and the Life of the Survivor of them, *or* to the said
‘ his, her, or their Executors, Administrators, and Assigns, during
‘ the

'the natural Life of , *or* during the natural Lives
'of and the Life of the Survivor
'of them; and, if necessary, in Trust for the said
'his, her, or their Executors, Administrators, or Assigns [*as the Case*
'*may be*]; such Annuity to be paid by Two [*or* Four] equal Half-
'yearly [*or* Quarterly] Payments, in every Year during the Continu-
'ance thereof, *videlicet*, on the Day of
'and Day of [*or* on the
'Day of and the Day of and
'the Day of and the Day of
' ] in every Year, the first Half-yearly [*or* Quarterly]
'Payment thereof to be made upon the Day of
'next ensuing the Date hereof, and to be clear of all Deductions or
'Abatements whatsoever. In witness whereof we the said Trustees
'have hereunto set our Hands and Seals the Day of
' in the Year of our Lord .'

And every such Grant shall be good, valid, and effectual in the Law without any Inrolment or Registry of any Memorial thereof in the High Court of Chancery or elsewhere (save and except as herein-after is mentioned), any Law or Statute to the contrary thereof in anywise notwithstanding; and every such Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer for the Time being to the said Trustees, out of the Rates charged therewith, according to the Grant of such Annuity.

For preventing improvident Grants of Annuities.

XXXVII. And, for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Three 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*; one other in the Forty-ninth Year of His said late Majesty, intituled *An Act to amend an Act passed in the last Session of Parliament, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other made in the Fifty-second Year of His said 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.*

Limiting the Sum to be borrowed.

XXXVIII. Provided always, and be it further enacted, That the Sums to be borrowed or raised under the Powers of this Act by such Assignments or Grants of Annuities as aforesaid shall not altogether exceed the Sum of Three thousand Pounds; but if it shall happen that any Sum or Sums of Money so borrowed, or any Part thereof, shall be afterwards paid off, it shall be lawful for the said Trustees again to borrow to the Extent of the Sum or Sums so paid off, if Occasion shall so require.

XXXIX. And

Mode of transferring Securities.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed at Interest as aforesaid, or to be raised by granting Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, [as the Case may be,] at any Time, by Writing under their Hands and Seals, to transfer, at their own Expence, such Securities or Annuities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following:

'I [*or* We] being entitled to the Sum of [*or* to the Annuity of secured to and his or her Assigns, *or* his or her Executors, Administrators, and Assigns, *as the Case may be*,] by virtue of an Assignment or Grant of an Annuity bearing Date the Day of in the Year under the Hands and Seals of of the Trustees of an Act made in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*] upon the Credit of the Rates payable by the said Act for [*here set forth the Title of the Rate or Rates in question*], do hereby transfer all my [*or* our] Right and Interest in and to the said Sum of and all Interest now due or arising thereon [*or* in and to the Annuity of and all Arrears and future Payments thereof] unto his, her, or their Executors, Administrators, and Assigns. Dated the Day of in the Year .'

And a Copy of every such Assignment, and of every such Grant of Annuity as herein-before mentioned, and an Extract or Memorial of every Transfer of any such Assignment or Annuity respectively, containing the Date, Names of the Parties, and Sums of Money or Annuities thereby transferred, shall be respectively entered into a Book or Books to be kept for that Purpose by the Clerk to the said Trustees for the Time being, to which any Person interested shall at all Times in the Day have free Access and Liberty to inspect the same without Fee or Reward; but for entering of every such Transfer as aforesaid the said Clerk for the Time being shall be paid by the Person to whom such Transfer shall be made the Sum of Five Shillings and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person or Persons to whom the Transfer shall be made, and his or their Executors, Administrators, and Assigns, to the Benefit of the Assignment, or of the Grant of the Annuity thereby transferred, without any other Inrolment or Registry thereof.

Money may be raised to form a Sinking Fund for paying off Debts.

XL. And be it further enacted, That it shall be lawful for the said Trustees, at any Time or Times whilst any Principal Sum or Sums of Money shall be remaining due and charged on the said Rates, to levy and raise, by means of the said Rates, any Sum or Sums of Money, (over and above the Amount which shall be actually necessary to be raised by means of the same Rates for the current annual Purposes of this Act, but not exceeding in any One Year One Sixth Part of the whole Amount of annual Rate authorized by this Act,) to accumulate in the Nature of a Sinking Fund, for the future Relief of such Rates from any such Debt or Debts to which the same may so

so happen to be liable, and to invest the same, for the Purpose of such Accumulation, in such Manner as they the said Trustees shall think proper.

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

XLI. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any thing relating to the Execution of this Act, in the Name of their Clerk for the Time being; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk, or by the Act of any such Clerk without the Consent of the said Trustees, but the Clerk in whose Name such Action or Suit shall have been brought shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant, or Respondent in any such Action or Suit, as the Case may be: Provided always, that every such Clerk in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceeding shall be brought, had, taken, prosecuted, continued, or defended, in pursuance of this Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of this Act, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action, Suit, Prosecution, Information, or Appeal, or other Proceeding, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of so being made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent as aforesaid: Provided also, that such Clerk shall be and be deemed to be a competent Witness to speak to any Facts, Matter, or Thing concerning such Action, Suit, or Proceeding, notwithstanding his being the nominal Plaintiff or Defendant therein, and shall or may be examined accordingly, subject nevertheless and without Prejudice to any Objection which may be made to the Competency or Credibility of such Clerk on any other Ground.

Inhabitants competent Witnesses.

XLII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Proprietor or Occupier of a House in the said Square shall be or be deemed to be incompetent to give Evidence by reason of his or her being rated or assessed by virtue of this Act (any Law, Custom, or Usage to the contrary notwithstanding).

Penalty on Non-attendance of Witnesses.

XLIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace touching any Matter concerning any Offence against this Act, whether on the Part of the Prosecutors or of the Person or Persons complained of, (and which Summons such Justice or Justices is or are hereby authorized to issue where and in such Cases only as such Justice or Justices is or are by this Act made competent to hear and determine the same,) or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the City and Liberty of *Westminster*, or Adjournment thereof, or for the County of *Middlesex*, or Adjournment thereof, upon any Appeal by virtue of this Act, whether upon the Part of the Appellant or of the Respondent, and if any such Person or Persons so summoned as

aforesaid shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such Refusal or Neglect, to be approved of by such Justice or Justices, or appearing shall refuse to be examined on Oath, (or being One of the Persons called *Quakers*, on Affirmation,) and to give Evidence before such Justice or Justices, or at such Sessions or Adjournment thereof, then and in either of the said Cases every such Person shall forfeit for every such Offence, to the Party or Parties aggrieved thereby, any Sum not exceeding Twenty Pounds.

Recovery of Penalties.

XLIV. And be it further enacted, That all the Penalties and Forfeitures imposed by this Act (except where it is in this Act otherwise provided) shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace in and for the said City and Liberty of *Westminster* or County of *Middlesex*, either by the Confession of the Party or Parties offending or by the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby empowered and required to administer), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby empowered to grant for these Purposes); and if within Fourteen Days next after such Distress shall be made the said Penalties and Forfeitures shall not be paid, together with the reasonable Charges and Expences of making, removing, and keeping such Distress, the Goods and Chattels so distrained shall be appraised and sold, or such Part thereof as shall be sufficient to pay and satisfy such Penalties and Forfeitures, together with all reasonable Charges and Expences of making such Distress, and removing, keeping, and selling the same; and the Overplus (if any) shall, upon Demand, be returned to the Party or Parties whose Goods and Chattels shall be so sold and distrained; and the Penalties and Forfeitures so recovered shall be paid to the Treasurer for the Time being to the said Trustees, and applied to the Purposes of this Act (except where it is herein otherwise provided); and in every Case where sufficient Distress shall not be found within the said City and Liberty of *Westminster* or County of *Middlesex*, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful to and for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the House of Correction of the said County of *Middlesex*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Penalties and Forfeitures, and all reasonable Costs, Charges, and Expences attending the Recovery thereof, shall be sooner paid and satisfied.

Form of Conviction.

XLV. And be it further enacted, That all and every Justice or Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction

Conviction to be drawn up in the following Words, or any other Form of Words to the same Effect; (that is to say,)

'
' to wit. } BE it remembered, That on the Day of
' in the Year of the Reign of His
' Majesty King *A.B.* is convicted before
' of His Majesty's Justices of the Peace for the City
' and Liberty of *Westminster* [*or* County of *Middlesex*], of having
' [*as the Offence shall be*]; and I [*or* we] the said
' do adjudge him [her *or* them] to forfeit and pay for the same the
' Sum of . Given under my Hand and Seal
' [*or* our Hands and Seals] the Day and Year aforesaid.'

**Justices may proceed by Summons in the Recovery of Penalties.**

XLVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

**Proceedings not to be quashed for Want of Form, or removed by Certiorari.**

XLVII. And be it further enacted, That no Rate or Assessment, nor any Proceeding to be had touching the Conviction of any Offender or Offenders under this Act, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only; and no Order made touching or concerning any of the Matters aforesaid, or any of the Proceedings to be had touching the Conviction of any Offender against this Act, shall be removed or removable by Certiorari, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or any other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the Proceedings of the Person or Persons making such Distress; but the Person or Persons aggrieved by such Irregularities shall and may recover full Satisfaction for the said special Damage in an Action upon the Case.

**Persons aggrieved may appeal to Quarter Sessions.**

XLVIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate, Order, Determination, Proceeding, Matter, or Thing made or done in pursuance of this Act, and for which no particular Relief hath been herein-before provided, such Person or Persons may, within

within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said City and Liberty of *Westminster* or County of *Middlesex*, such Appellant first giving or causing to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Trustees, or other the Respondent or Respondents, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such City or County, with sufficient Sureties, conditioned to try such Appeal at and abide by the Order of and pay such Costs as shall be awarded against him, her, or them by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon Proof of Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Rates may be amended without quashing.

XLIX. And be it further enacted, That on Appeal from the said Rates or Assessments, or any of them, for the Purposes of this Act, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned in the same; but if upon Appeal from the Whole of any Rate it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Limitation of Actions.

L. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done under this Act, until Twenty-one Days Notice shall be thereof given in Writing to the Clerk for the Time being to the said Trustees, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Meeting at which the Cause of Complaint arose, or after the Fact was committed for which such Action or Suit shall be so brought; and all such Actions or Suits shall be laid, brought, and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time for that Purpose herein-before limited, or shall be brought or laid in any other County or Place than as aforesaid, then and in any or either of the said Cases the Jury shall find for the Defendant or Defendants; and upon such or any other Verdict to be found for the Defendant or Defendants in any such Action or Suit, or if the Plaintiff or Plaintiffs

in any such Action or Suit shall become nonsuited, or shall suffer a Discontinuance of any such Action or Suit, or if upon Demurrer Judgment shall be given for the Defendant or Defendants, then and in any or either of the Cases aforesaid such Defendant or Defendants shall have full Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

This Act not to affect Suits or Actions under former Act.

LI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to affect any Suit, Action, or other Proceeding now commenced or hereafter to be commenced touching the Right of any Person or Persons having any Claim or Demand under the said recited Act.

Expences of the Act.

LII. And be it further enacted, That all the Charges and Expences incident to and attending upon the obtaining and passing of this Act shall be borne, paid, and defrayed out of the first Money to arise or to be raised by virtue of this Act.

Rights of Commissioners of Sewers.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, 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.

Public Act.

LIV. 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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