ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. CXX.

An Act for paving, cleansing, lighting, watching, watering, planting, and otherwise improving *Edwardes Square*, *Earl's Terrace*, *Leonard Place*, *Edwardes Place*, *Kensington Place East*, and *Kensington Place West*, in the Parish of *Saint Mary Abbotts*, *Kensington*, in the County of *Middlesex*.
[2d *July* 1819.]

WHEREAS a certain Square called *Edwardes Square*, and certain Streets or Rows of Houses called *Earl's Terrace*, *Leonard Place*, *Edwardes Place*, *Kensington Place East*, and *Kensington Place West*, have lately been erected and built, in the Parish of *Saint Mary Abbotts*, *Kensington*, in the County of *Middlesex*; and Part of the Ground within the said Square, and also Part of the Ground in front of the Terrace called *Earl's Terrace*, have been inclosed and fenced with Iron Rails, and laid out as Gardens, Lawns, or Pleasure Grounds; and Parts of the Ground in front of the Places called *Earl's Terrace* and *Edwardes Place* have been paved, but the rest of the Ground in the said Square, and in front of the said Streets, or Rows of Houses, remains unpaved, and it is not intended at present to pave the same: And whereas a yearly Rent is payable to the Right Honourable *William* Lord *Kensington* (the Ground Landlord of the said Premises) for and in respect of the Ground forming the said Square called *Edwardes Square*: And whereas it would be of great Convenience and Advantage to the Inhabitants of the

said Square and Streets, or Rows of Houses, as well as of public Utility, if the same were to be properly cleansed, lighted, watched, watered, planted, and otherwise improved and kept in repair, and all Encroachments, Nuisances, and Annoyances therein prevented and removed; and it is also desirable that Powers should be given for paving such Parts of the said Streets, or Rows of Houses, as are not now paved, if Occasion should hereafter appear to require it; but the said Objects cannot be effectually attained without the Authority of Parliament: 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 *Daniel Sutton* the elder, *Daniel Sutton* the younger, *John Crickett*, *Richard Brown*, *Fleetwood Williams*, *George Sidney*, *Samuel Bowring*, *Benjamin Chandler*, *John Ilderton Burn*, *William à Beckett*, *William Hall*, *James Champain*, *Joseph Cocksedge*, *John Robins*, *James Hutchinson*, *James Turner*, *Edward Patten*, *Augustine Aglio*, *John Hanson*, *William Snow*, *Henry Evelyn Pitfield Sturt*, and *James Austin*, (being Inhabitants or Occupiers of Houses within the said Square, Terrace, Streets, Rows of Houses, and Places respectively), and their Successors, to be elected as herein-after mentioned, shall be and are hereby appointed Trustees for putting this Act into Execution.

Trustees.

Power to appoint new Trustees in case of Death, Refusal to act, &c.

II. And 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 die, or shall cease to reside in the aforesaid Square, Terrace, Streets, Rows of Houses, or Places, or one of them, or shall neglect to attend at Six successive Meetings of the said Trustees, it shall be lawful for the remaining Trustees, or any Three or more of them, and they are hereby authorized and required, to elect and appoint some one other Person, inhabiting within the said Square, Terrace, Streets, Rows of Houses, and Places, or one of them, to be a Trustee in the Room and Stead of the Trustee so refusing to act, dying, ceasing to reside, or neglecting to attend as aforesaid, and so to do from Time to Time as often as the like Occasion shall occur: Provided always, that in every Case of a Vacancy happening as aforesaid, Notice thereof shall be specially given (in the Notice or Summons herein-after provided to be given of or for the Meetings of the said Trustees), Fourteen Days or more previous to the Meeting at which such Vacancy shall be filled up; and that every Election and Appointment of a new Trustee to fill up any such Vacancy shall take place at some Meeting of the Trustees to be held as herein-after directed, and shall be regularly entered as one of the Proceedings and Transactions of such Meeting in the Book herein-after directed to be kept: Provided also, that no Person shall be capable of acting as a Trustee in the Execution of this Act in any Case wherein he shall be personally interested (otherwise than and besides his Interest as being an Owner or Occupier of some House or Houses, Tenement or Tenements, in some or one of the aforesaid Terrace, Streets, Rows of Houses, or Places, and as such interested in the Objects of this Act), and that no Person (other than the Persons herein-before named) shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be resident and a Householder in the said Terrace, Street, Rows of Houses, or Places, or one of them, and shall be assessed in the Rates to be made by virtue of this Act, in respect of a Messuage or Dwelling House, at or

Qualification of Trustees.

after the Rate of Thirty Pounds *per Annum* at the least; and if any Person not being qualified, or being disqualified as aforesaid, shall act as a Trustee in the Execution of this Act, he shall for every such Offence forfeit and pay to the said Trustees the Sum of Twenty Pounds, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act; and every such Penalty when recovered shall be applied to the Purposes of this Act: Provided always, that the said *Daniel Sutton*, and *Daniel Sutton* the younger, shall severally continue Trustees for the Purposes aforesaid during their natural Lives, notwithstanding they may respectively cease to reside within the Limits of this Act, or may become disqualified in any other of the Ways herein-before mentioned.

Acts done before Conviction to be valid.

III. Provided always, and be it further enacted, That all Acts and Proceedings which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided also, that the Number of the Trustees acting in the Execution of this Act shall never be less than Eighteen, and that not more than Ten shall be resident in the said Terrace called *Earl's Terrace*, One shall be resident in the said Place called *Leonard Place*, and One in the said Place called *Edwardes Place*, and not more than Ten shall be resident in *Edwardes Square*.

First and other Meetings of Trustees.

IV. And be it further enacted, That the said Trustees or any Five or more of them shall, within Twenty-one Days after the passing of this Act, meet together at the Tavern or Coffee House called *The Adam and Eve*, in *Kensington*, at such Time as they shall think proper, and proceed in the Execution of this Act, and shall then and from Time to Time, and at all Times afterwards, meet at the Place herein-before mentioned, or at any other Place or Places within the said Parish of *Saint Mary Abbotts*, *Kensington*, at such Times and as often (with Power to adjourn such Meetings from Time to Time) as the said Trustees or any Five or more of them shall think proper and necessary for carrying this Act into Execution; and if at any such Meeting or adjourned Meeting there shall not appear a sufficient Number of Trustees as are herein enabled to act at such Meeting, for the Space of One Hour or more after the Hour appointed for holding such Meeting, or if at any such Meeting the Trustees present thereat shall neglect or omit duly to adjourn such Meeting, then and in every such Case the Clerk to the said Trustees shall of his own Authority adjourn such Meeting, and summon the said Trustees to meet at the same Place within Seven Days then next following, and so from Time to Time as often as the like Occasion shall occur.

Meetings on Emergencies.

V. And be it further enacted, That if after any Meeting to be holden as aforesaid, or after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the said Trustees should be holden on an earlier Day than that on which such Meeting was to have been holden, or to which such Meeting shall have been

been adjourned, then and in every such Case the Clerk for the Time being of the said Trustees (an Order in Writing being signed by Five or more of the said Trustees, specifying therein the Time, Place, and Purposes of such earlier Meeting, and being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day in manner herein-after directed, and of the Time, Place, and Purposes thereof, as specified in the said Order, such Time not being less than Seven Days after such Notice; and all the Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met at any regular Meeting, or in pursuance of any Adjournment.

No Act valid unless at a Meeting of which Notice is to be given.

VI. And be it further enacted, That no Act of the said Trustees shall be or be deemed good and valid unless the same be done at some Meeting to be holden in pursuance of this Act, of which Notice in Writing or printed, and signed by the Clerk to the said Trustees, or with his Name printed thereto, shall be given to or left for the said Trustees at their several usual or last Places of Abode; and every such Notice of a Meeting shall specify the special Business, if any, which is to be transacted at such Meeting; and all the Powers and Authorities by this Act granted to or vested in the said Trustees shall and may from Time to Time be exercised by the major Part of them who shall attend at any Meeting to be holden as herein directed, the Number of the said Trustees present at such Meeting not being less than Five, and all Orders and Directions of the Majority of the said Trustees present at such Meetings shall have the same Force and Effect as if the same were ordered and directed by all the said Trustees for the Time being; and at every such Meeting of the said Trustees a Chairman shall be appointed; and when and as often as it shall happen that there shall be an equal Number of Votes upon any Question (including the Vote of the Chairman), then and in such Case it shall and may be lawful to and for the Chairman to give the casting or deciding Vote: Provided always, that the Trustees shall at all their Meetings pay their own Expences.

Proceedings to be entered in a Book.

VII. 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 shall at the next Meeting be signed by the Chairman, if approved; 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.

Appointing Officers, &c.

VIII. And be it further enacted, That the said Trustees shall from Time to Time appoint a Clerk and a Collector of the Rates to be made as herein-after mentioned, and also a Treasurer, and may employ such other Persons as they shall think proper in the Execution of this Act, and allow such Salaries, Wages, or Remunerations to such Clerk, Collector, Treasurer, and other Persons, as the said Trustees shall think proper, and may from Time to Time remove any such Clerk, Collector, Treasurer, and other Persons, and appoint others in the Room of such of them as shall be

so

so removed, or who shall happen to die, as and when occasion shall require or the said Trustees shall think fit.

The same Person not to be Clerk and Treasurer.

IX. 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 to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty 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, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to give Security.

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

Books of Account to be kept by Clerk.

XI. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, 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 the said Trust, 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 Creditor or Creditors on the Rates to be created pursuant to this Act, without Fee or Reward; and the said Trustees and Creditors shall and 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 Clerk shall refuse to permit, or shall not permit the said Trustees or such Creditors to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Officers to account and deliver over Papers.

XII. And be it further enacted, That every such Officer and Person as shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Trustees, make out and 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, and received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Pay-

ments; and every such Officer and Person shall and he 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 such Officer or Person shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in his Hands when thereunto required in Manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall direct or appoint, within Ten Days 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 of any such Neglect or Refusal to any Justice of the Peace for the County or District where the Officer or Person so neglecting or refusing shall live or reside, such Justice may and 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 or Accounts, 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 or Oaths of any Witness or Witnesses, it shall appear to the said Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Person, such Justice may and is hereby authorized and empowered, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of making and taking 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 the several Vouchers and Receipts relative to such Account, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in either of the said Cases the said Justice may and 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 District where he shall live or reside, there to remain, without Bail or Mainprize, until he shall have delivered in and settled his Account, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies which shall appear to be in his Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, 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 receive), or until he shall have delivered up all such Books, Papers, and Writings as aforesaid, or 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 by virtue of this Act for any longer Time than Twelve Calendar Months.

XIII. And

Trustees may erect Lamps, and appoint Watchmen and Inspectors.

XIII. And be it further enacted, That the said Trustees shall cause to be erected or fixed to or in front of the Houses or other Buildings, or otherwise within the said Square, Terrace, Streets, Places, and Rows of Houses, such Number of Lamp Posts, Lamp Irons, and Lamps, as they shall from Time to Time think proper, so that the Number of Lamps in the said Square shall not be less than Six, nor in the said Terrace called *Earl's Terrace* less than Eight, nor in the said Streets or Places called *Leonard Place*, *Edwardes Place*, *Kensington Place East*, and *Kensington Place West*, less than the following Numbers respectively; that is to say, in *Leonard Place*, Two; in *Edwardes Place*, Two; in *Kensington Place East*, Six; and in *Kensington Place West*, Six; nor shall there between *Lady-day* and *Michaelmas* in every Year be less than the following Number of Lamps lighted in the said Square, Streets, Terrace, Places, and Rows of Houses respectively; (that is to say), in the said Square, Three; in the said Terrace, Four; in *Leonard Place*, One; in *Edwardes Place*, One; in *Kensington Place East*, Three; and in *Kensington Place West*, Three; and the said Trustees shall and may appoint and employ a competent Number of fit and able-bodied Watchmen by Night, and an Inspector or Inspectors by Day, in the said Square, Terrace, Streets, Places, or Rows of Houses, and give such Directions concerning the Duties of the said Watchmen and Inspectors, and how they shall be armed and stationed, and what Allowances shall be made to them, as the said Trustees shall think reasonable and proper; and it shall be lawful for the said Watchmen and Inspectors, or any of them, during the Time of their being upon Duty, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons, who shall be found loitering, wandering, or misbehaving themselves, or who shall be committing any Disorders or Offences against this Act, or whom the said Watchmen or Inspectors, or any of them, shall have reason to suspect of any evil Designs; and the Person or Persons so apprehended shall be secured by such Watchmen and Inspectors, or any of them, as soon as conveniently may be, in the Watchhouse of the Parish of *St. Mary Abbotts*, *Kensington*, aforesaid, or delivered into the Custody of a Constable or other Peace Officer, who is hereby required to secure such Person or Persons, and as soon as conveniently may be to convey him, her, or them before some Justice of the Peace for the County of *Middlesex*, to be examined and dealt with according to Law.

Power of embellishing Gardens vested in Trustees.

XIV. And be it further enacted, That the sole Power of fencing, embellishing, painting, repairing, and maintaining the Inclosure within the said Square called *Edwardes Square*, and the Lodge or Building at the South Side thereof, and the Lodges and Lawn or Inclosure in front of the said Terrace called *Earl's Terrace*, and gravelling the Walks in the said Inclosures respectively, and keeping the same respectively, and the Fences thereof, in proper Repair and Order, shall be and the same is hereby vested in the said Trustees; and it shall and may be lawful to and for the said Trustees, at any of their Meetings, from Time to Time to order and direct the embellishing of the said Inclosures, and gravelling the Walks therein, and the painting and repairing of the Fences thereof, and to cause Lamps to be affixed to the Iron Rails inclosing the same respectively, and to be lighted, and Wells and Pumps to be sunk and made within the said Inclosures, or any of them; and to cause the Carriageway of the said Square, Terrace, Streets, Places, or Rows of Houses, to be watered in such Manner as they shall think fit and proper.

XV. And

Trustees to repair the Pavements, &c.

XV. 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 said Lodges or Buildings at the South Side of the said Square, and in front of the said Terrace, to be completed or repaired, and kept in repair; and all or any of the Pavements in the said Square, Terrace, Streets, Places, or Rows of Houses, or any Part or Parts of the same (as well those used for Carriages as those used by Foot Passengers), to be taken up, and to be relaid, repaired, raised, lowered, or altered; and to cause any Part or Parts of the said Premises not previously paved to be paved, if they shall think it convenient or desirable so to do, or fresh Gravel or Stone to be laid thereon; and to make, dig, sink, and build proper Drains, Gutters, and Sewers for the conveying of Water under Ground, and to place and put proper Iron Gratings thereon or otherwise, 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 said Footways, Carriageways, Squares, Streets, Terrace, and Inclosures respectively within the Limits of this Act, as Occasion shall from Time to Time require.

Trustees may contract.

XVI. And be it further enacted, That the said Trustees shall and 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; provided that every such Contract shall distinctly specify the Works intended to be thereby contracted for, and shall be signed by the contracting Party or Parties, and shall be under a Penalty for the Performance thereof; and in case any of the Works to be done and performed by any such Contract 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 of Law at *Westminster* against any such Contractor for any Penalty contained in his Contract, or for Damages for the Nonperformance thereof, and on Proof of the signing such Contract, and Nonperformance thereof, the said Trustees shall be entitled to and shall recover the Penalty contained in such Contract, or Damages for the Nonperformance 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 Penalty incurred by him for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Trustees shall think proper.

Inheritance of the Property not to be affected by this Act.

XVII. Provided always, and be it further enacted and declared, That nothing herein contained shall be construed, adjudged, deemed, or taken to alter the Inheritance or Property of the said Footways or Carriageways, and Inclosures respectively, or of the Use thereof, but that the Freehold Inheritance and Property, and the Use thereof, shall remain and belong to the Person or Persons entitled thereto, in such and the same Manner as if this Act had never been made; and that any new Fence or Railing which shall from Time to Time be made or erected by the said Trustees for inclosing the said Grounds, or any Part thereof, shall always be deemed and considered as a Fence appurtenant thereto.

XVIII. And

Materials, &c. vested in the Trustees.

XVIII. And be it further enacted, That the Property in the aforesaid Lodges or Buildings at the South Side of the said Square, and in front of the said Terrace, and in the Iron Gates, Rails, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Rails, and other Materials and Things now being in or upon or about the Footways or Carriageways within the Limits of this Act, or in and about the said Inclosures in the Centre of the aforesaid Square, and in front of the said Terrace respectively, and the Fences or Railings round the same respectively (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 Inclosures, 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 or Names of any one or more of the said Trustees for the Time being, or 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 Lodges or Buildings, Iron Rails, Gates, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Rails, Trees, Shrubs, and other Materials and Things as aforesaid, now being upon the aforesaid Premises, or which shall or may be hereafter purchased and made use of in Manner herein-before mentioned, 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 for the Improvement of *Edwardes Square*, and the adjoining Streets, in the Parish of *Saint Mary Abbotts, Kensington*, 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, or doing other Damages.

XIX. 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 said Lodges, Iron Rails, Gates, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Rails, Materials, or Things, or any of the Works which are or shall be carrying on, made, done, or executed within the said Square, Terrace, Streets, Places, and Rows of Houses respectively, or the aforesaid Inclosures in the said Square, and in front of the said Terrace respectively, or any of the Shrubs, Trees, or Plants therein, or extinguish the Light of or break any Lamp round the Fences or Railings in or about the said Square, Terrace, Streets, Places, or Rows of Houses, and Inclosures respectively, or any of them, or any Part thereof, it shall be lawful for any Person or Persons who shall see the Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to keep him, her, or them in safe Custody, and with all reason-

able Dispatch to convey him, her, or them before any Justice of the Peace for the said County; and such Justice shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give 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 Satisfaction, 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 if any Person shall carelessly or accidentally break 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 to be done, it shall be lawful for any Justice of the Peace for the said 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 and 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.

Penalty on taking up Pavements, or setting up Inclosures, &c. without Authority of Trustees.

XX. And be it further enacted, That if any Person shall, without Authority from the said Trustees, or (in case of Exigency) from any Five or more of them, although not assembled at a Meeting in pursuance of this Act, take up or alter the Pavement of the said Carriageways or Footways, or erect or set up any Inclosure, Scaffold, Post, Bar, or 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, upon the said Carriageways or Footways, or by way of Notice or Advertisement, or for any other Purpose whatsoever, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also the Expences of relaying the said Pavement, or repairing the Footpath, according to the Directions of the said Trustees, and a Sum not exceeding Twenty Shillings *per* Day for every Day such Inclosure, Matter, or Thing as aforesaid shall remain and continue.

Encroachments.

XXI. And be it further enacted, That the respective Occupiers of Houses and other Buildings within the said Square, Terrace, Streets, Places, or Rows of Houses respectively, shall at their own Costs and Charges, within such Time and in such Manner as the said Trustees shall from Time to Time, by Notice in Writing under the Hands of them, or any

Five of them, to be delivered to such Occupiers, or left at their Dwelling Houses, direct and cause all Trees, Sign Irons, Sign Posts, and other Posts, Penthouses, Spouts, Steps incroaching upon the Footways, Shop Windows, and Cellar Windows, and other Incroachments, Obstructions, and Annoyances which now do or hereafter shall belong to the respective Houses or other Buildings, to be cut down, removed, or altered, and the Water to be conveyed from the Roof, Cornices, and Penthouses of such Houses or other Buildings, by proper and sufficient Pipes or Trunks, to be affixed to the Sides of such Houses and other Buildings, and from thence by proper Drains under the said Foot Pavements or otherwise into the Common Drains or Sewers; and in case the Occupier of any such House or other Building 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 Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for the said County, rendering the Overplus (if any) when demanded to the Person whose Goods and Chattels shall be so distrained and sold; and if the Occupier of any such House or other Building (holding the same at an improved Rent) shall remove or alter any such Encroachment, Obstruction, or Annoyance as aforesaid, according to the Directions of the Trustees (except such as shall be put up or occasioned by such Occupier being a Tenant), it shall be lawful for every such Occupier, being a Tenant at an improved Rent, to deduct and retain the Charges and Expences thereof out of his or her Rent; and the Landlord is hereby required to allow the same accordingly.

Inhabitants to cleanse the Pavements.

XXII. And be it further enacted, That the Occupier or Tenant of every House or Tenement in the said Square, Terrace, Streets, Places, or Rows of Houses, shall once in every Day, before the Hour of Nine o'Clock in the Forenoon, cause the Footway before his or her House or Tenement to be swept and cleansed, and in default thereof shall for any such Offence forfeit and pay the Sum of Five Shillings.

For preventing Annoyances.

XXIII. And be it further enacted, That no Person or Persons shall cause any Annoyance or Nuisance within the said Square, Terrace, Streets, Places, or Rows of Houses, by beating or dusting of Carpets, or laying or casting any Stones, Timber, Filth, Dung, Ashes, Dust, or Rubbish therein, or opposite to any of the Houses within the Limits of this Act, on the Foot or Carriageways of the said Square, Terrace, Streets, Places, or Rows of Houses respectively, or in any other Manner whatsoever; and no Hackney Coachman shall stand with his Coach and ply for a Fare within the said Square, or opposite any of the Houses within the Limits of this Act; and no Person shall, for the Purpose of breaking Horses, or of airing or exercising any Horse or Horses, drive any Carriage, or ride or lead any Horse or Horses, within the said Square, Terrace, Streets, Places, or Rows of Houses, otherwise than by passing through the same; and no Person shall carry, 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 said Footways, or suffer any Horse or Cattle to stand upon any Part of the said Footways, or suffer any Swine to wander upon the said Footways or Carriageways, within the Limits of this Act, or any of them, or shall place or set any Goods, Wares, or other Things upon any Part of the said

Footways

Footways or Carriageways, so as to obstruct or incommode the Passage thereof; and that no Person (other than the Person or Persons employed by or under the said Trustees) shall collect or gather, or shall take or carry away any Dust, Cinders, or Ashes out of the Houses in the said Square, Terrace, Streets, Places, and Rows of Houses respectively, or any Dirt or Soil from off the Streets or Highways within the Limits of this Act, or use or employ any Cart or other Carriage in carrying away any such Dust, Cinders, Ashes, Dirt, or Soil; 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 said County, and such Justice shall examine upon Oath the Person or Persons apprehending the Offender, or any 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 Information as aforesaid, he or she so convicted shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case the Person or Persons who shall take or carry away such Dust, Cinders, or Ashes, contrary to the Directions of this Act, cannot be apprehended, the Owner of the Cart or other Vehicle in which the same shall be carried shall be subject to the said Penalties; 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, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, nor less than Twenty-one Days, unless such Penalty shall be sooner paid: Provided nevertheless, that nothing in this Act contained shall extend to prevent or hinder the Owners of any such Dust, Cinders, or Ashes, to carry or cause to be carried away the same for their own Use, but not for Sale.

Trustees to contract with Dustmen and Scavengers.

XXIV. And be it further enacted, That the Trustees of this Act shall from Time to Time, and they are hereby required to contract with some proper and responsible Person or Persons to take and carry away all the Dust and Rubbish from the Houses in the said Square, Terrace, Streets, Places, and Rows of Houses respectively, and also with some proper and responsible Person or Persons for scavenging and cleansing the Streets or Highways within the Limits of this Act.

Hours for collecting Dust, &c.

XXV. And be it further enacted, That the Person or Persons contracting with the said Trustees for the said Dust, Cinders, and Ashes, shall once in every Week at the least, between the Hours of Six in the Morning and Ten in the Forenoon, attend in the said Square, Terrace, Streets, Places, and Rows of Houses (of which Attendance he or they shall give Notice by ringing a Bell), and shall upon Request of any of the Inhabitants, or their Servants or Lodgers, go into all and every the Houses, and other Places where any Dust, Cinders, or Ashes shall be deposited, and take and put into Carts and carry away the same; and if any Person so contracting, or any Person employed by him, shall neglect or refuse so to do, he shall forfeit and pay for every such Neglect or Refusal any Sum not exceeding Twenty Shillings; and the Person or Persons contracting with the said Trustees for scavenging or cleansing the said Streets and High-

ways,

ways, shall once in every Week, or oftener if Occasion shall require, cause the said Streets and Highways respectively to be well and effectually scavenged and cleansed, so far as may be necessary or proper for keeping the same in proper Repair.

Area of Square and Terrace to be private.

XXVI. And be it further enacted, That the aforesaid Inclosure in the said Square called *Edwardes Square*, and also the aforesaid Lawn and Inclosure in front of *Earl's Terrace*, shall be respectively kept private, (that is to say), the said Inclosure in the said Square for the Use and Enjoyment of Persons occupying Houses in the said Square, and in the said Terrace, Streets, Places, or Rows of Houses, called *Earl's Terrace*, *Leonard Place*, *Edwardes Place*, *Kensington Place East*, and *Kensington Place West* respectively, (subject to the Regulations of this Act); and the said Lawn or Inclosure in front of *Earl's Terrace* for the Use and Enjoyment of Persons occupying Houses in the said Terrace only, (subject to such Regulations as aforesaid); and proper and sufficient Locks shall always be kept on the said Gates of the said Inclosures respectively; and no Person or Persons (other than a Person or Persons occupying some House or Houses, Tenement or Tenements within the said Terrace, Streets, Places, or Rows of Houses, called *Earl's Terrace*, *Leonard Place*, *Edwardes Place*, *Kensington Place East*, and *Kensington Place West* respectively, or some of them, 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 in the said Square called *Edwardes Square*, unless with the Consent in Writing of the Trustees of this Act, or some Five or more of them; and no Person or Persons (other than a Person or Persons occupying some House or Houses on the said Terrace called *Earl's Terrace*, or the Servant or Servants of some such Person,) shall be entitled to have or use any Key or Keys of the Lock or Locks of the said Lawn or inclosed Ground in front of the said Terrace, unless with the Consent in Writing of such of the Trustees of this Act as shall be Occupiers of Houses on the said Terrace, or some Three or more of them.

Persons making Keys without the Permission of Trustees liable to Penalty.

XXVII. Be it further enacted, That 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 Inclosures respectively, without such Consent in Writing in each Case as herein-before mentioned, 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 any Sum not exceeding Five Pounds; and the Trustees of this Act, or any One or more 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.

Trustees empowered to make Rates on Persons holding Houses, &c.

XXVIII. And be it further enacted, That the said Trustees shall and may from Time to Time make such Rates, as they shall think fit, upon all Persons holding or occupying Houses, Warehouses, Stables, Coach Houses, Cellars, Vaults, and other Tenements already built or hereafter to be built, or any of the Lands and other Hereditaments within the said Square, Terrace, Streets, Places, and Rows of Houses within the Limits of this Act, or the Tenants or Occupiers of which by the Laws in being are liable to be rated towards the Relief of the Poor, in such respective Sums

of Money as they the said Trustees shall from Time to Time judge necessary for the Purposes of this Act; Provided always, that the said Rates shall not in any one Year exceed the Amount of Two Shillings in the Pound upon the yearly Rent or Value of such Houses, Warehouses, Stables, Coach Houses, Cellars, Vaults, Tenements, Lands, and Hereditaments as aforesaid; which said Rates shall be a Charge on the Occupiers only of the Houses, Shops, Warehouses, Stables, Cellars, Tenements, Lands, or Grounds rated thereto respectively; and the said Trustees shall cause such several Rates to be collected Quarterly or Half-yearly, or otherwise, and shall make such other Regulations respecting the same, and the Payment or Collection thereof respectively, as they shall think fit.

Rates to be entered in a Book, and signed by Trustees.

XXIX. 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 Rents or 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.

Houses to be exempted from the Rate during the Time they are unoccupied.

XXX. Provided always, and be it further enacted, That when any of the Houses and Premises within the Limits of this Act shall be untenanted or unoccupied, such Houses and Premises so untenanted or unoccupied shall be and the same are hereby exempted from the Payment of any Rate or Assessment to be made by virtue of this Act during such Time only as the same shall respectively so remain untenanted or unoccupied.

How Houses let to Ambassadors, &c. are to be rated.

XXXI. Provided also, and be it further enacted, That when any of the Houses, or other Premises within the Limits of this Act, shall be occupied by any Ambassador or Minister from any Foreign Prince or State, or any Servant or Servants of any such Ambassador or Minister, or other Person or Persons privileged or protected by any such Ambassador or Minister, or any other Person or Persons not liable by Law to pay the several Rates or Assessments to be made or assessed by virtue of this Act, then and in every such Case the said Rates or Assessments, and each and every of them, shall be wholly paid by the immediate Lessors of such Houses or other Premises, who shall be liable and compellable to the Payment thereof; and the same shall be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Proprietors or Lessees subject to the Payment of Rates on Houses let ready-furnished, or in separate Apartments, &c.

XXXII. And be it further enacted, That where any House or Tenement within the Limits of this Act is or shall or may be let out ready-furnished, or in Parts or separate Apartments, to any Person or Persons, the Person or Persons who shall so let the same shall be liable and subject to the Rates and Assessments to be made or assessed by virtue of this Act; and that every Person renting or occupying any such ready-furnished House, or any Parts or separate Apartments thereof as aforesaid, shall, in the first Instance, be liable and compellable to the Payment of such Rates or Assessments, to be recovered in manner herein directed, not exceeding the

Amount of his or her Rent actually due; and that every such Person or Persons renting or occupying any such ready-furnished House, or any Parts or separate Apartments thereof as aforesaid, and who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them, to his, her, or their immediate Landlord or Landlords; and the Receipt for the Payment of such Rate or Assessment shall be a good and sufficient Discharge for such Person or Persons as aforesaid, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or which shall or may be recovered from him, her, or them by virtue of this Act.

Persons removing from Houses, and others succeeding them, to pay due Proportions of Rates.

XXXIII. And be it further enacted, That where any Person shall come into or occupy any House, Shop, Warehouse, Stable, Cellar, Vault, Tenements, Lands, or Grounds within the Limits of this Act, 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, that then every Person so removing from, and every Person so coming into or occupying such House, Shop, Warehouse, Stable, Cellar, Vault, Tenement, Land, or Ground, shall be liable to pay such Rates or Assessments in proportion to the Time that such Person shall have occupied the same respectively, in the same Manner, and under the like Penalty of Distress, as if such Person so removing had not removed from, or such Person so coming into or occupying such Houses as aforesaid, had been originally rated and assessed in respect thereof; which Proportion shall, in case of Dispute, be settled by any One Justice of the Peace in and for the County of *Middlesex*, whose Determination shall be final and conclusive.

Commencement of Rates.

XXXIV. 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-fifth Day of *March* One thousand eight hundred and nineteen, and the First Payment thereof shall become due and payable not sooner than the Twenty-fourth Day of *June* 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.

Trustees may empower Persons to inspect Books, &c. and to apportion and determine Rents of Premises to be rated.

XXXV. 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 Tax and Poor's Rate of the said Parish of *Saint Mary Abbotts, Kensington*, 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 or other Premises within the Limits of this Act shall be rented with any House or other Premises not within such Limits, it shall be lawful to and for the said Trustees to apportion and ascertain the respective Rents at which such Houses or other Premises within the Limits of this Act 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

determine the yearly Rent or Value of the Premises to be rated under this Act, in such Manner and by such Evidence as they shall think fit and reasonable.

Power to exclude from the Square offensive Persons.

XXXVI. Provided always, and be it enacted, That it shall be lawful for the said Trustees, or the major Part of them present at any Meeting (if they shall think fit so to do), to exclude any Person or Persons who shall occupy any House or Apartment, or Part of a House or other Tenement within the Limits of this Act, the yearly Value whereof shall not be more than Thirty Pounds (and who shall on any fair and reasonable Ground be deemed offensive to the other Inhabitants of the said Square, Terrace, Streets, Places, or Rows of Houses, or any considerable Number of them), and the Families and Servants of any such Person or Persons, from the Use and Enjoyment of the aforesaid Inclosure within the said Square called *Edwardes Square*, and to take and adopt all reasonable Measures for effecting the Exclusion of such Person or Persons, and his, her, or their Families and Servants: Provided always, that the said Trustees shall make a proportionable Deduction and Allowance to every Person so excluded, during the Continuance of such Exclusion, from and out of the Rates to be made upon him or her pursuant to this Act, so that he or she may not during the Continuance of such Exclusion contribute to the Expence of keeping up and ornamenting the said Square.

Persons excluded to be exempt from the Square Rate.

Money from Rates vested in the Trustees.

XXXVII. And be it further enacted, That the Money arising by the Rates to be made by virtue of this Act shall be and the same is hereby vested in the said Trustees for the Purposes of this Act.

Application of the Money raised.

XXXVIII. And be it further enacted, That all Monies to arise and be produced by the Rates to be made under the Powers of this Act shall be applied and disposed of in manner following; that is to say, in Payment of all such Expences as shall be incurred in or about the levying, collecting, or obtaining Payment of such Rates respectively (including the Salaries or Allowances of any Person or Persons employed in collecting the same); and also in Payment of the Interest upon all Principal Monies which shall or may be borrowed upon the Credit of such Rates respectively under the Powers herein-after contained; and also in Payment of any Annuity or Annuities which shall or may be granted on the Credit of the said Rates respectively (as such Interest and Annuity or Annuities shall respectively arise or become due), the same to have Priority of Payment according to the Dates of the respective Securities for the same, except in Cases of Securities bearing even Date, which are to be paid *pari passu;* and also in Payment of the Salaries, Wages, or Allowances of such Clerks, Inspectors, Watchmen, Dustmen, and other Officers, Servants, or Persons as the said Trustees may find it necessary or convenient to retain or employ for the Purposes of this Act; and also in defraying the Expences of paving, cleansing, repairing, and keeping in repair the several Carriageways and Footways within the Limits of this Act, and laying Stone or Gravel thereon as Occasion may require, and supplying the same with proper Lamps, Lamp Irons, Railings, and other Fences, and lighting such Lamps, and keeping such Lamps, Lamp Irons, Railings, and Fences in repair, and ordering and managing the said Square, Terrace, Streets, Places, or Rows of Houses, according to the Intention of this Act, and also in keeping up, planting, embellishing, and improving the aforesaid Inclosure in

in the Centre of the said Square called *Edwardes Square*, and completing and repairing the aforesaid Lodge or Building at the South Side of the said Square, and the aforesaid Lawn or Inclosure in front of *Earl's Terrace*, and the Lodges belonging thereto respectively, and keeping the same respectively, and the Rails, Gates, and Fences of and belonging to the same, in proper Repair, and supplying Keys of the said Gates to the several Persons entitled thereto: Provided also, that the said Trustees shall out of the said Rates from Time to Time pay and keep down the yearly Rent payable to the said *William* Lord *Kensington* from *Lady Day* One thousand eight hundred and eighteen, as and when the same shall become due, and indemnify all or any Person or Persons who is, are, or shall be liable to the said Rent, of and from the same, and all Claims and Demands thereof; and if (after answering the several Purposes aforesaid) there shall be any Surplus of the said Rates respectively, or any or either of them, the Trustees shall and they are hereby required from Time to Time to apply and dispose of such Surplus towards the Repayment of any Principal Sum or Sums of Money which shall or may have been advanced upon Assignments of the said Rates respectively as herein-after mentioned (according to the Priority of Date of such Security or Securities), or by Ballot in case of any such Securities bearing even Date, or (if there shall be no such Principal Sum or Sums of Money then due) then such Surplus Monies may be applied in redeeming any Annuity or Annuities which may have been granted under the Power herein-after given in that Behalf; and the said Trustees shall cause Notice, signed by their Clerk for the Time being, to be given to or left at the last or usual Place of Abode of the Person or Persons entitled to the Money so to be repaid, or to the Annuities so to be redeemed, expressing the Sum to be repaid, or the Annuity to be redeemed, and the Amount of the Consideration for the same, together with the Interest due thereon, and that such Monies shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be repaid, or the Annuity so to be redeemed, shall, from and after the Day so specified, cease and be no longer paid or payable, unless such Money, or the Consideration for such Redemption, shall be demanded pursuant to such Notice, and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereon up to the Day so specified, shall nevertheless, after such Day, be payable on Demand, or the Principal Money may (with the Consent of both Parties) be paid at an earlier Day with Interest only up to the Day on which it shall have been so repaid; but nothing herein contained shall empower the said Trustees to pay off or redeem any Annuity granted in Manner as aforesaid, until all Sums of Money borrowed on Assignments of the said Rates or Assessments, together with Interest, shall have been fully repaid and discharged; nor the Person or Persons entitled to such Annuity shall agree to accept the Sum or Sums of Money offered by the said Trustees for the Repurchase or Redemption of his, her, or their Annuity, nor unless such Redemption or Repurchase shall have been stipulated for and agreed upon at the Time of granting such Annuity.

Surplus Monies to be invested and accumulated.

XXXIX. And for better enabling the said Trustees to effect the Object of the Provision last herein-before contained, be it further enacted, That it shall be lawful for the said Trustees to lay out any such Surplus Monies as aforesaid,

aforesaid, in the Names of any Three or more of them, in any of the Public Parliamentary Stocks or Funds of *Great Britain*, and to receive the Dividends and Interest thereof, and invest the same in like Manner, and so on to add Interest to Principal in the Nature of Compound Interest, in order to form an Accumulation; and from Time to Time to alter, vary, and transpose such Stocks or Funds for others of the same or the like Nature, and also to change the Names in which the same shall be invested for the Names of any others of the said Trustees for the Time being (not less than Three), as often as Occasion may appear to require; and also to sell out and dispose of such Stocks or Funds respectively, or any Part or Parts thereof, and to apply the Produce of the same in paying off any such Principal Sum of Money, or redeeming any such Annuity as aforesaid.

Rates may be extended 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 Purposes of this Act, but not exceeding in any Case One Fifth Part of the Whole of such Rates), in order to be invested and accumulated as aforesaid, and to invest and accumulate the same accordingly, in the Nature of a Sinking Fund, for the future Relief of such Rate from any such Debt or Debts to which the same may so happen to be liable: Provided always, that no such Sinking Fund as last mentioned shall ever be levied for the Purpose of redeeming any Annuity or Annuities.

Power to borrow Money on Assignment of Rates.

XLI. 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 Five 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 Assignment.

‘ WE Trustees for the Improvement of *Edwardes*
‘ *Square*, and the adjoining Places, in the Parish of *Saint Mary*
‘ *Abbotts*, *Kensington*, in the County of *Middlesex*, acting in pursuance
‘ of an Act made in the Fifty-ninth Year of the Reign of King *George*
‘ the Third, 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

'such Proportion of the Rates made and to be made, and collected, by 'virtue of the same Act, for paving, lighting, and improving *Edwardes* '*Square*, and the adjoining Streets or Places [*as the Case may be*], 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 Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Power to raise Money by granting Annuities.

XLII. 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 Assignments 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 Seven 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 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 for the Improvement of in 'the Parish of *St. Mary Abbotts, Kensington*, in the County of '*Middlesex*, acting in pursuance of an Act made in the Fifty-ninth Year 'of the Reign of King *George* the Third, 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, for paving and 'lighting *Edwardes Square*, and the adjoining Streets or Places, to hold 'such Annuity or yearly Sum of to the said 'his Executors, Administrators, and Assigns, [*or* the said

'and

'and their Executors, Administrators, and Assigns], during 'the Term of Years [*as the Case may be*], to the said 'and his or her Assigns, during the Term of his or her natural 'Life, *or* to the said 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 '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 'Continuance thereof, *videlicet*, on the Day of and the 'Day of [*or* on the Day of the Day of '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.

Rates of Annuities.

XLIII. And for preventing improvident Grants of Annuities for single Lives under this Act, be it further enacted, That no Annuities shall be granted by virtue of this Act for any single Life at any higher Rate than the following; that is to say, where the Age of the Person for whose Life the Annuity shall be granted shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds and Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; where the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of such Consideration Money; where the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of such Consideration Money; where the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money; where the Age of such

such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and where the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money: Provided always, 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 One 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 under the Provisions hereinbefore contained in that Behalf, it shall be lawful for the Trustees again to borrow to the Extent of the Sum or Sums so paid off, if Occasion shall so require.

Money to be raised not to exceed One thousand Pounds.

XLIV. 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 legal 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:

Power to transfer Securities.

'I [*or* We] being entitled to the Sum of
'[*or* to the Annuity of secured to and his
'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 Fifty-ninth Year of the Reign of King *George* the Third,
'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 Payment thereof] unto his, her, or
'their Executors, Administrators, and Assigns. Dated the Day of
' in the Year .'

Form of Transfer.

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 Two Shillings and Sixpence, 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

Assignment of Rates, &c. to be registered.

thereby transferred, without any other Inrolment or Registry thereof: Provided always, that before any Money shall at any Time or Times be borrowed or raised upon the Credit of any of the Rates to be made by virtue of this Act, the said Trustees shall cause Twenty-one Days Notice to be given in some one of the public Newspapers, printed and circulated within the said County of *Middlesex*, of their Intention to raise a certain Sum of Money by borrowing the same upon Assignments of the Rates so intended to be charged, and specifying such Rates respectively, at legal Interest, or by granting such Annuities as aforesaid, at a Time and Place within the said Parish of *St. Mary Abbotts, Kensington.*

No Money to be raised without giving Notice.

Recovery of Rates.

XLV. 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 said County of *Middlesex*, on Complaint being made before him by the Collector for the Time being appointed by the said Trustees, 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.

Recovery of Penalties.

XLVI. And be it further enacted, That all the Penalties and Forfeitures imposed by this Act (the Manner of levying and recovery whereof is not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively before any one or more Justice or Justices of the Peace in and for the said County of *Middlesex*, either by the Confession of the Party or Parties offending, or by the Oath of one or more 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 or Seal or Hands or 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 Five 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; and in every Case where sufficient Distress shall not be found, 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 Twenty-one Days for the First Offence, and for the Second and every other Offence of the same Kind 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.

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

Form of Conviction.

' } BE it remembered, That on the Day of in
'to wit. } the Year of the Reign of His Majesty King
'*A. B.* is convicted before of His Majesty's Justices of the Peace
'for the 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.'

Inhabitants may give Evidence.

And in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Inhabitant of the aforesaid Square, Terrace, Streets, Places, or Rows of Houses, or any or either of them, 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).

Justices being Trustees may act as such.

XLVIII. And be it further enacted, That any of the said Trustees who is or shall be in the Commission of the Peace for the County of *Middlesex* may act as a Justice of the Peace in the Execution of this Act, notwithstanding his being a Trustee, unless he shall have any Interest in the Matter beyond his Interest or Concern as a Trustee, and Occupier of a House or Tenement in the said Square, Terrace, Streets, Places, or Rows of Houses.

No Proceedings to fail for Want of Form, or to be removable by Certiorari.

XLIX. 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

cerning any of the Matters aforesaid, or any other 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 Special Damage in an Action upon the Case.

Persons aggrieved may appeal to Quarter Sessions.

L. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Determination, Proceeding, Matter, or Thing made or done in pursuance of this Act, (save and except any Order, Determination, Proceeding, Matter, or Thing herein-before directed to be final), and for which no particular Relief hath been herein-before provided, such Person or Persons may, within Three 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 County wherein the Cause of Complaint shall arise, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, or other the Respondent or Respondents, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such 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 Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Enabling Magistrates to amend or quash Rates.

LI. Provided always, and be it further enacted, That upon all Appeals from or against any of the Rates or Assessments to be made or imposed by the Authority of this Act, the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief), to amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of Opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing that the said Rate or Assessment should

should be wholly quashed, then the said Court may quash the same; but nevertheless, all and every the Sum and Sums of Money in and by such Rate or Assessment charged on any Person or Persons shall and may be levied and recovered by such Ways and Means, and in such and the same Manner, as if no Appeal had been made against such Rate or Assessment; and all and every the Sum and Sums of Money which any Person or Persons charged in such Rate or Assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as Payment on account of the next effective Rate or Rates, Assessment or Assessments, which shall be made in pursuance of this Act.

Notice to be given of any Action or Suit against Trustees.

LII. 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 Fourteen 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 Two 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 and tried in the County where the Cause of Action shall have accrued, 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 Fourteen 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 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 if a Verdict shall be found for such Defendant or Defendants, 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 Costs, and shall have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Defendants may plead the General Issue.

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

LIII. And be it further enacted, That the Trustees shall and may sue and be sued in the Name of their Clerk, and that no Action to be brought or commenced by or against the said Trustees, or any of them, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees; but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant therein: Provided also, that

that such Clerk shall be and be deemed to be a competent Witness to speak to any Fact, 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.

Compelling the Attendance of Witnesses.

LIV. 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 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 any Sum not exceeding Twenty Pounds.

Persons rated in respect of Houses, &c. not to pay any other Rate for paving, &c. in Kensington.

LV. And be it further enacted, That no Person who shall be an Occupier of any Houses, Shops, Warehouses, Stables, Cellars, Vaults, Lands, Tenements, or Hereditaments, within the Limits of this Act, and who shall be charged in respect thereof towards any of the Rates to be raised 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, watching, or managing the Town or Parish of *Kensington*, or any Part thereof, or any other Rate made or to be made for or towards the paving, lighting, or watching any Street, Road, or Place (other than the said Square, Terrace, Streets, Places, and Rows of Houses herein-before mentioned); any Law or Usage to the contrary notwithstanding.

How Expences of this Act to be defrayed.

LVI. 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 by virtue of this Act.

Nothing in this Act to prejudice the Commissioners of Sewers.

LVII. Provided always, and be it further declared and 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 that District or Part of the County of *Middlesex*, within which the said Parish

of *Saint Mary Abbotts*, *Kensington*, is situated, but all the Rights, Powers, and Authorities vested in such Commissioners of Sewers, shall be as good, valid, and effectual as if this Act had not been made.

LVIII. 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. Public Act.

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