ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lviii.

An Act for paving or gravelling, watching and lighting, certain Places situate on the West Side of the Turnpike Road in *Kentish Town* in the Parish of *Saint Pancras* in the County of *Middlesex*, and for preventing Nuisances and Obstructions therein. [25th *May* 1815.]

WHEREAS of late Years several Houses have been erected, and certain Streets, Roads, and other public Places formed, and are intended to be formed, on Lands situate on the West Side of the Turnpike Road in *Kentish Town* in the Parish of *Saint Pancras* in the County of *Middlesex*, belonging to *Richard Holmes*, *William Holmes*, and *Christopher Scott*, Esquires; and it would greatly tend to the Convenience, Comfort, and Safety of the Inhabitants of the said Streets, Roads, and Places, and to all Persons resorting to and passing through the same, if Provisions were made for the paving or gravelling, watching and lighting, the said Streets, Roads, and Places, also to remove and prevent all Nuisances, Annoyances, and Encroachments therein; but as the said beneficial Purposes cannot be carried into execution without the Aid 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

Commissioners appointed.

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Holmes*, *William Holmes*, *Christopher Scott*, *Charles Edward Jones*, *Benjamin Capper*, *George Greenwood*, *Robert Scurrah*, *Serjeant Edgely*, *Matthew Harpley*, *Elijah Ainslie*, *William Wilson*, *John Pearce*, *Richard Banker* junior, *John Wheeler*, *Charles Searancke*, *John Lomas*, *Robert Chandler*, *Stephen Knight*, *Alexander Hutchinson*, *George Hermes*, *John Slye*, *Richard Fenn*, *Richard Folkes*, and *Giles Herring* shall be and are hereby appointed Commissioners for putting and carrying this Act into execution.

First and subsequent Meetings.

II. And be it further enacted, That the said Commissioners appointed by this Act, or any Five or more of them, shall, on the First *Monday* after the passing of this Act, meet together at the *Mansfield Arms* in *Mansfield Place* between the Hours of Ten and Eleven of the Clock in the Forenoon, in order to put this Act into execution, and shall and may from Time to Time afterwards adjourn themselves to any Place within or near the Limits of this Act; and if at any Time there shall not appear at any such Meeting a sufficient Number of the said Commissioners appointed or to be appointed by virtue of this Act to act in the Execution of the same, any One or more of the said Commissioners present may adjourn the Meeting to another Day; and in case of any Neglect or Omission to adjourn, or there shall not be any Commissioners present to adjourn, or it shall be necessary to have any Special Meetings between the last Meeting and the Day of Adjournment, any Three or more of the said Commissioners or their Clerk shall and may call a Meeting at the Place where the last Meeting of the said Commissioners was appointed to be held, or was held, by Notice to be signed by Three or more of such Commissioners or their Clerk, to be delivered at the usual Places of Abode of all such Commissioners who shall have attended and taken the Oath to act as hereinafter expressed at least Five Days before such Meeting; and that at all Meetings to be held in pursuance of this Act the said Commissioners shall defray their own Expences (except for the Room or Apartment where such Meeting shall be held, which shall be paid out of the Rates or Assessments herein-after directed to be made and levied); and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act, except the calling of Meetings as aforesaid; and that all Powers and Authorities by this Act granted to or vested in the Commissioners appointed or to be appointed by virtue thereof shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings to be holden as aforesaid, the Number of Commissioners present at such Meeting not being less than Five; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote; and at every Meeting to be held under or in pursuance of this Act the first Business shall be the Election of a Chairman to preside at the same, and no Commissioner shall act during the Time he shall be interested or concerned in any Work or Business to be done in pursuance of this Act.

III. Provided also, and be it further enacted, That no Person or Persons herein before named and appointed a Commissioner or Commissioners shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act, except in administering the following Oath or Affirmation, until he shall have taken and subscribed the same; *videlicet*,

Oath to act impartially.

do swear, [or affirm, *as the Case may be,*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Trusts reposed in me, and hear and determine all such Matters and Things as shall be brought before me as a Commissioner by virtue of an Act of Parliament made and passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*]. So help me GOD.

All Orders and Acts of Commissioners to be entered in a Book.

IV. And be it further enacted, That all the Acts, Orders, and Proceedings of the Commissioners appointed for carrying this Act into execution shall from Time to Time, and the Names of the Commissioners who shall be present at the respective Meetings to be held in pursuance of this Act, be entered by the Clerk to the said Commissioners in a Book or Books to be kept for that Purpose, and shall be confirmed and signed by the Chairman at the next Meeting of the said Commissioners; and after the same shall have been made and passed, and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever; and that such Books shall at all seasonable Times be open to the Inspection of all Persons rated or assessed for the Purposes of this Act; and that no Order shall be revoked or altered unless at some General or Special Meeting to be holden by virtue of this Act, of which Five Days Notice shall be given, as last aforesaid, expressing the Occasion of such Meeting, and also unless a greater Number of Commissioners shall attend such Meeting, to revoke or alter the same, than were present when such Order was made.

For choosing new Commissioners.

V. And be it further enacted, That in case of the Death of any of the said Commissioners hereby appointed pursuant to this Act, or when and so often as any of the said Commissioners hereby or hereafter to be appointed by this Act shall refuse or neglect to act for the Space of One Year, it shall be lawful for the surviving or remaining Commissioners, or any Five or more of them, and they are hereby authorized and required, at any Special or General Meeting to be convened for that Purpose by the Clerk to the said Commissioners for the Time being, in manner as Special Meetings are herein-before directed to be called by Writing under their Hands and Seals, to elect and appoint One other Person to be a Commissioner in the Room or Stead of each Commissioner dying, refusing or neglecting to act as aforesaid; and each Person who shall be so elected and appointed is hereby vested with the same Powers and Authorities as the Commissioner in whose Place or Stead he shall be elected and appointed was vested with; and no Person who shall neglect to act for the Space of One Year shall, after that Term, be capable of acting as a Commissioner, unless he shall be re-elected and appointed at any Special or General Meeting by the remaining Commissioners, or any Five or more of them.

Qualification of Commissioners.

VI. Provided always, and be it further enacted, That no Person shall be elected or re-elected a Commissioner under this Act, or capable of acting after being elected or re-elected, unless he be an Inhabitant Householder residing within the Limits of this Act, and shall not be more than Two Quarters in arrear to the Rates herein-after mentioned next preceding every such Meeting, and also shall, either in his own Right or in the Right of his Wife,

Wife, be in the actul Possession or Enjoyment or Receipt of the Rents and Profits of some Building, Land, Tenement, or Hereditament, situate or being within the Limits of this Act, of the yearly Value of Twenty-five Pounds, or a Lessee or Occupier of some House, Building, Tenement, or Land within such Limits rated or liable to be rated, by virtue of or for the Purposes of this Act, at or for the clear yearly Value of Thirty Pounds, or resident out of the said Limits, possessed, either in his own Right or in the Right of his Wife, of an actual Interest, either Freehold, Leasehold, or by Mortgage, in Lands, Tenements, or Hereditaments within the said Limits of the clear yearly Value of Twenty-five Pounds, and until he shall have taken the Oath or Affirmation herein-before directed, and also the following Oath or Affirmation; which Oaths any Person herein-before named, or any Commissioner, hereafter appointed are hereby empowered to administer:

Oath of Qualification.

"I do swear, [*or* affirm, *as the Case may be*,] That I am an Inhabitant Householder within the Limits of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*], and am in my own Right [*or* in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of some Building, Land, Tenement, or Hereditament, situate and being within the Limits of the said Act, of the yearly Value of Twenty-five Pounds, or that I am Lessee or Occupier of some Building, House, Tenement, or Land within the Limits of this Act rated or liable to be rated at or for the Value of Thirty Pounds *per Annum* at the least by virtue of or for the Purposes of the said Act, or that I am not resident within the Limits of the said Act, but that I am possessed, in my own Right or in the Right of my Wife, of an actual Interest in Lands, Tenements, or Hereditaments within the said Limits of the clear yearly Value of Twenty-five Pounds. So help me GOD."

Officers to be appointed.

VII. And be it further enacted, That the said Commissioners shall and may from Time to Time, by Writing under their Hands appoint a Treasurer, Clerk, and Surveyor, and also a Collector of the Rates, to be made as herein-after mentioned, and such other Officers and Persons as they shall think necessary, and may remove any Officers or other Persons as they shall think proper, and appoint others in their Stead, and pay such Salaries, and make such Allowances to all such Officers or other Persons, as they the said Commissioners shall think reasonable; and the said Commissioners are hereby required to take such Security from every such Treasurer and Collector as they shall think proper; and all such Officers so appointed shall under their respective Hands, at such Times or Times and in such Manner as the said Commissioners shall direct, and deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account in Writing of all such Matters and Things as may be committed to their Charge, and also of all Monies which shall have been by them received, by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their Hands respectively unto the said Commissioners, or to such Person or Persons as they shall appoint; and if any

Treasurer and Collector to account.

Officer

Officer shall refuse to make and render any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payments as aforesaid, or shall not deliver to the said Commissioners or to such Person as they shall appoint (within Seven Days next after being thereunto required, by Notice in Writing signed by the Commissioners, or any Three or more of them, and given to or left at the last usual Place of Abode of such Officer,) all Books, Papers, and Writings in their respective Custody or Power relating to the Execution of this Act, or Duplicates thereof respectively, or give Satisfaction to the said Commissioners respecting the same, and Complaint thereof shall be made on behalf of the said Commissioners to any Justice of the Peace for the County of *Middlesex*, such Justice is hereby authorized and required by Warrant under his Hand and Seal to cause such Officer 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 if, upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected and received by virtue of this Act shall be in the Hands of any such Officer, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, and if no such Goods and Chattels can be found sufficient to answer and satisfy the Money and the Charges of distraining and selling the Distress, or if it shall appear to such Justice that any such Officer shall have refused or neglected to render and give such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of any such Officer, and he shall have refused or neglected to deliver up or give Satisfaction respecting the same as aforesaid, then such Justice shall commit him to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until such Officer shall make and give a true and perfect Account, and have paid such Money as aforesaid or a Composition for the said Money, which the said Commissioners are hereby authorized to accept and receive, and until such Officer shall deliver up all such Books, Papers, Writings, or Duplicates of the same as aforesaid; but no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid shall be detained in Prison by virtue of this Act for any longer Term than Six Calendar Months.

Officers refusing to account or deliver up Vouchers.

VIII. And be it enacted, That in the Month of *February* in every Year a true Account shall be made in Writing by the said Commissioners or their Clerk of all Monies received and paid by virtue of this Act during the preceding Year ending upon the Twenty-fifth Day of *December*, and also a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Commissioners, who shall permit any Person or Persons who shall be rated as herein-after mentioned, and have paid all Arrears thereof then due, or any Person or Persons on his, her, or their Behalf, to inspect the same any Day in the Week between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, except *Sundays*, upon paying One Shilling for such Inspection, and shall, upon Demand, forthwith give Copies of the same or any Part thereof

Accounts to be made up yearly.

upon being paid at the Rate of Sixpence for every Seventy-two Words, and so in proportion for a less Number.

Commissioners to pave or gravel Footways.

IX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby empowered, from Time to Time to cause the several Foot and Carriage Ways of the said Roads, Streets, Lanes, and other public Passages to be made and set out within the Limits of this Act to be properly formed, paved, or gravelled upon such Levels, and in such Manner, and with such Sorts and Kind of Materials as they shall judge necessary and proper, and also from Time to Time to amend and keep the said Foot and Carriage Ways, and also the Footways already gravelled or paved, in good Repair, also to cleanse and water the said Carriageways in such Manner as the said Commissioners shall think proper, and all Encroachments, Obstructions, Nuisances, and Annoyances therein to be removed, and Drains, Sinks, Gutters, or Watercourses to be made for conveying the Water off and from the said Roads, Streets, Lanes, and other public Passages and Places, in such Manner as they shall think proper; and that no Person or Persons whomsoever shall, without the Consent of the said Commissioners, alter the Form, damage, break, or take up the Ground, Gravel, or Pavement of the Carriage or Foot Ways within any of the said Roads, Streets, Lanes, and other public Passages or Places within the Limits of this Act on any Pretence whatever, or make the same otherwise than shall be directed by the said Commissioners, upon Pain of forfeiting any Sum not exceeding Forty Shillings for every Offence; and such Person so offending shall also pay all the Expences of restoring such Ground, Gravel, or Pavement to their former State, to be recovered in like Manner as the Rates hereafter directed to be recovered: Provided always, that nothing in this Act contained shall prevent any Person or Persons legally authorized from taking up any of the Ground, Gravel, or Pavement of any of the Carriage or Foot Ways within the said Limits, so that they shall also pay to the said Commissioners such Sum of Money as shall be

For paving Kennels on the West Side of the Turnpike Road in Kentish Town.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to pave the Kennel on the West Side of the Turnpike Road in *Kentish Town*, now under the Management of the Trustees of the *Highgate* and *Hampstead* Roads, next the Kirbs of the Footway opposite the Estate of the said *Richard Hobbs*, not less than Five Feet in Width, if they shall think proper; Provided always, that the said Pavement shall be done with Granite, and shall be laid on such Levels and Currents as the Trustees of the said Turnpike Roads shall appoint, and shall from Time to Time be kept in good and substantial Repair by the said Commissioners; and in case the said Kennels shall be paved in any other Manner than is herein directed, or shall be in Want of Repair, it shall and may be lawful for the Trustees of the said Turnpike Roads, or any Five or more of them, to give or leave a Notice in Writing for the said Commissioners of such Alteration or Repairs as may be necessary, such Notice to be left at the House or Office of the Clerk or Treasurer of such Commissioners for the Time being; and if the said Commissioners shall neglect or refuse to alter or repair, or cause the said Pavement to be altered or repaired, for the Space of Fourteen Days next after such Notice to be given or left as aforesaid, it shall and may be lawful to and for the said Trustees to cause the said Pavement to be altered or repaired, and to charge the Costs and Expences of such Alteration or

or Repair to the said Commissioners; and in default of Payment of such Costs or Expences the same shall be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, to be brought in the Name of the Clerk, Treasurer, or Surveyor of the said Trustees against the Clerk or Treasurer to the said Commissioners for the Time being.

Commissioners to pave or gravel Footways.

XI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered, from Time to Time to cause the several Roads, Streets, Lanes, and other public Passages and Places within the Limits of this Act, to be lighted and watched; and also from Time to Time to cause such Lamp Irons or Lamp Posts to be put up or affixed upon or against the House or Building, or the Walls and Palisadoes of any of the Houses, Tenements, or Buildings and Inclosures within the said Limits, as they shall think proper; and also to cause such Number of Lamps of such Sizes and Sorts to be provided and fixed or put upon such Lamp Irons and Lamp Posts as they shall think necessary for lighting all or any of the said Roads, Streets, Lanes, and other public Passages and Places, and to light the same for and during such Hours and Seasons as shall from Time to Time be thought proper by them; and also to take, rent, or hire any Piece of Ground for the Purpose of erecting a Committee Room or Watch-house thereon, or to rent any Building for the like Purposes, as shall appear to them to be necessary, for such Sum or Sums of Money, yearly Rent, and for such Time or Term not exceeding Ninety-nine Years, as to them shall appear reasonable; and if any Person shall wilfully break, throw down, or take away, spoil, or damage any Watch-house, Watch-Box, Lamp, or any Part or Parts thereof respectively, or any of the said Irons, Posts, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and such Offender shall also pay to the said Commissioners such Sum of Money as shall be a full Satisfaction for the Damage so done, and it shall be lawful for any Person who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, without any other Warrant, and to deliver him, her, or them into the Custody of a Peace Officer or Watchman, in order to be conveyed before some Justice of the Peace for the County of *Middlesex*; and in case any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise spoil or damage any of the said Lamps, or the Irons, Posts, or other Furniture thereof, and shall not, upon Demand, make Satisfaction for the Damages so done thereto, it shall be lawful for any Justice of the Peace for the County of *Middlesex*, upon Proof made by the Oath of any credible Witness or upon the Confession of the Party, to award such Sum of Money by way of Satisfaction for such Damage as such Justice shall think reasonable, and in default of Payment, upon Demand made thereof, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person who shall have done such Damage; and in case any accidental, careless, or negligent Damage of any of the said Lamps, Irons, Posts, or Furniture shall be caused by any Coach, Chaise, Waggon, Cart, or other Carriage, the Owner or Owners thereof shall in every such Case be held and deemed liable to make good such Damage, and shall and may be pro-

Roads to be lighted and watched, &c.

For paving Kentish Town and the West side of the Turnpike Road in

ceeded

ceeded against in the same Manner as if he, she, or they were the Driver or Drivers of such Coach, Chaise, Waggon, Cart, or Carriage respectively.

Commissioners may make Agreements.

XII. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and may and they are hereby authorized and empowered from Time to Time, in such Way or Manner as they shall think proper, to contract and agree with any Person or Persons for the doing and performing any of the Works by this Act authorized or directed to be done and performed by them.

Watchmen to be appointed.

XIII. And be it further enacted, That the said Commissioners, or any Five or more of them, for putting this Act into execution, may and they are hereby authorized and empowered from Time to Time to appoint such Number of Watchmen to be employed within the Limits of this Act, for so long a Time in the Night, under such Regulations and for such Wages as they shall think proper, and provide them with proper Arms, Ammunition, Weapons, and Clothing for the Discharge of their Duty; and that the Watchmen appointed and employed as aforesaid shall, during the Time of their being upon Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also any Burglaries, Robberies, Affrays, or other Outrages and Disorders within the Limits of this Act; and that it shall be lawful for the said Watchmen or any of them, and they are hereby authorized and empowered, without any other Warrant for the Purpose, while on Duty, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons within the Limits of this Act who shall disturb the public Peace, or whom they shall have Cause to suspect of any evil Design, and to secure and keep in safe Custody every such Person, in order that he or she may be conveyed as soon as conveniently may be before some Justice of the Peace for the County of *Middlesex*, to be examined and dealt with according to Law; and if any Person or Persons shall assault or resist, or shall promote or encourage the assaulting or resisting, any of the Watchmen in the Execution of their Duty, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Victualler or Keeper of any Public House shall knowingly harbour or entertain any Watchmen to be employed within the Limits of this Act, or permit or suffer any such Watchmen to be and remain in his House during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper of such Public House shall forfeit and pay Ten Shillings for the first Offence, and any Sum not exceeding Forty Shillings for the second or subsequent Offence.

Commissioners may appoint Watch-house Keepers and give Rewards.

XIV. And for the better securing of the Inhabitants within the Limits of this Act, be it further enacted, That the said Commissioners, or any Five or more of them, shall and may appoint and employ such a Number of Watch-house Keepers, Serjeants of the Night, and other Persons to guard and protect the Inhabitants within the Limits aforesaid, and allow such Salaries, and also give such Rewards, Allowances, and Gratuities, to the said several Persons so employed who may become wounded, hurt, or disabled in their respective Duties, as they shall think proper; and also shall and may offer and give, as well to the said Persons as to any others not especially employed by them, such Gratuities and Rewards for apprehending Felons and other Offenders within the Limits aforesaid as they

they shall think proper, and shall and may defray the Expences of prosecuting any such Felons and Offenders, if they shall think proper; and the Salaries, Rewards, and Gratuities, and the Costs of such Prosecution, and all other Expences that may be incurred by the said Commissioners for the Guard and Protection of the Inhabitants, shall and may be paid by the said Commissioners or their Treasurer for the Time being out of the Money arising from the Rates directed to be raised by this Act.

Rates for watching, cleansing, paving, gravelling, lighting, and watering not to exceed One Shilling in the Pound in any One Year.

XV. And be it further enacted, That the Costs, Charges, and Expences of cleansing, paving, or gravelling, lighting, watching, and watering, the said several Roads, Streets, Lanes, and Places within the Limits of this Act, and of maintaining and keeping the same from Time to Time in repair, and the providing Materials necessary and requisite for that Purpose, shall be borne and paid by the Tenants and Occupiers of all and every the Grounds, Houses, Shops, Stables, Yards, Gardens, Vaults, and other Buildings in the said several Roads, Streets, Lanes, and Places within the Limits of this Act; and the said Commissioners for putting this Act into execution are hereby authorized in every Year to make a Rate or Assessment, to be signed by Seven or more of the said Commissioners, upon the Tenants or Occupiers of all such Grounds, Houses, Shops, Stables, Yards, Gardens, Vaults, or Buildings within the said Limits, payable quarterly or at such Times as they shall think proper, for the Purpose of paying and defraying such Costs, Charges, and Expences, in the same Manner and Proportion as the same several Premises shall or may be rated and assessed by the Directors of the Poor of the Parish of *Saint Pancras* to the Rate commonly called the Poor's Rate, and so that the whole Sum to be raised under such Rate or Assessment do not exceed in any One Year the Sum of One Shilling in the Pound.

Empowering Commissioners to raise an additional Rate for paying Interest and Annuities, not exceeding Sixpence in the Pound.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make One or more additional Rate or Assessments, to be signed by Seven or more of them, yearly upon the several Tenants or Occupiers of such Grounds, Houses, Shops, Stables, Yards, Gardens, Vaults, and Buildings within the Limits of this Act, for the Purposes of paying the Interest of the Monies to be borrowed and the Annuities to be granted by the said Commissioners by Authority of this Act, and for raising a Surplus of Monies to pay off the said Monies borrowed, so as the same do not exceed the Sum of Sixpence in the Pound in any One Year.

A General Meeting to be called to make a further Rate, so that all the Rates shall not exceed Two Shillings in the Pound in any One Year.

XVII. Provided always, and be it further enacted, That if it shall be deemed expedient and necessary, at a public General Meeting of the Householders paying the said Rates or Assessments within the Limits of this Act, to be convened by the Clerk to the said Commissioners by Notice in Writing or printed, and left at the several Houses so rated or assessed within the said Limits at least Ten Days before the Time appointed for such Meeting, that the Rate of One Shilling in the Pound herein-before authorized to be levied should be increased, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered, and required, to make a further additional Rate or Rates, Assessment or Assessments, to be signed by the said Commissioners, or any Seven or more of them, upon the Tenants or Occupiers of all and every

the Grounds, Houses, Shops, Stables, Yards, Gardens, Vaults, or Buildings in the said several Roads, Streets, Lanes, and Places within the Limits of this Act, for the Purpose of defraying the Charges and Expences of carrying this Act into execution, so as the whole Sum to be raised by the said Rate of One Shilling in the Pound, and the additional Rate or Assessment of Sixpence in the Pound, and the further Rate or Rates hereby authorized to be made, do not exceed in any One Year the Sum of Two Shillings in the Pound, and the said further Rate or Rates shall be made, assessed, collected, recovered, and applied in such and the same Manner as is by virtue of this Act directed with respect to the said Rate of One Shilling in the Pound authorized to be levied as aforesaid; and in case any Person or Persons liable to be included in such Rates or Assessments shall be omitted in the making such Rates or Assessments, it shall and may be lawful for the said Commissioners to add or cause to be added to such Rate or Assessment the Name of the Person so omitted, together with the Sum for which he ought to be so rated, and the Amount of such Rate or Assessment in respect thereof, and every such Addition made to any of the said Rates or Assessments shall be as valid and effectual in Law to all Intents and Purposes as if the same had been inserted in the Rate at the Time the same was first made out.

Houses ready furnished or let to Lodgers, Landlords to be deemed the Occupiers.

XVIII. And whereas there are divers Houses within the Limits of this Act let out in separate Apartments, and other Houses let ready furnished to Lodgers, by which Means the Payment of the said Rates or Assessments may be evaded; be it therefore enacted by the Authority aforesaid, That the Landlord or Owner of each and every such House or Houses so let in separate Apartments or ready furnished to a Lodger or Lodgers, or to an Ambassador, resident Agent, or other public Minister, or any other Person not liable by Law to pay such Rate or Rates, shall be deemed and taken to be the Occupier or Occupiers of such House or Houses, and shall be liable and subject to the Payment of the said Rates or Assessments directed to be raised and levied by virtue of this Act.

Landlords to compound for Rates under Fifteen Pounds a Year.

XIX. And whereas divers Houses, Tenements, and Hereditaments within the Limits of this Act may be let at small Rents, or to weekly or monthly Tenants, the Rents of which do not exceed Fifteen Pounds *per Annum*, and the Collection of the Rates for such Premises on that Account may be attended with Difficulty and Loss; be it therefore enacted, and it shall and may be lawful for the said Commissioners, or any Seven or more of them, if they shall think proper, to compound with the Landlord or Landlords of all and every such Houses, Tenements, and Hereditaments for Payment of any Rate or Rates, Assessment or Assessments, to be made by virtue of this Act, at such a reduced yearly Rental as the Commissioners shall think reasonable, and the Landlord or Landlords is and are hereby enabled to enter into such Composition with the said Commissioners; and in case such Landlord or Landlords shall refuse or object to enter into such Composition such Landlord and Landlords shall from thenceforth be deemed and taken to be the Occupier or Occupiers of such Premises, and shall thereupon be rated to, and from Time to Time shall pay or cause to be paid, the several Rates or Assessments charged upon their respective Premises by virtue of this Act unto the Collector or Collectors for the Time being, who is and are hereby authorized and empowered to receive and

and collect the same in the like Manner as the Rates are by this Act directed to be recovered.

Rates how to be recovered.

XX. And be it further enacted, That if any Person or Persons liable to pay any of the said Rates or Assessments shall refuse or neglect to pay the same, or shall at any Time begin to remove his, her, or their Goods or Furniture from the House or Premises in his, her, or their Occupation within the Limits of this Act, or to sell or dispose of such Goods or Furniture therein by public Auction, or sell, dispose of, or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due or rated in respect of such House (in which the current Quarter shall be considered as due), that then and in any of the said Cases it shall be lawful for the Collector for the Time being to the said Commissioners to collect and levy such Rates or Assessments, and all Arrears due thereon, and the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid (although previous to the Time for Payment of the Rate or Assessment for such Quarter), by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, or beginning to remove, take away, or selling any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rates or Assessments and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates or Assessments, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus, if any, to the Owner or Owners of such Goods and Chattels respectively; and that all other Rates or Assessments made by this Act which shall be in arrear and unpaid, being first demanded, shall be recovered in like Manner by Distress and Sale of the Goods and Chattels of the Party so being in arrear by Warrant under the Hands and Seals of One or more Justice or Justices of the Peace for the County of *Middlesex*.

Houses ready furnished or let to lodgers, Landlords to be deemed the Occupiers.

XXI. And be it further enacted, That if any Horse, Cow, or any other Beast, or any Sort of Swine, shall at any Time be found wandering about any of the Roads, Streets, Lanes, or other public Passages or Places within the Limits of this Act, it shall and may be lawful to and for any Person or Persons appointed by the said Commissioners to seize and impound such Horse, Cow, or other Beast, or such Swine, in the common Pound of the said Town, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every such Horse, Cow, or other Beast, and for every Head of such Swine so impounded, pay a Sum not exceeding Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sum, Charges, and Expences shall not be paid within Three Days after such impounding it shall and may be lawful to and for the said Commissioners to sell, or cause to be sold, the same; and the Money arising from such Sale, after deducting the said Sum, and the Charges and Expences of impounding, keeping, and selling such Horse, Cow, or other Beast and Swine, shall be paid, on Demand, to the Person whose

Power to impound Beasts wandering in the Streets.

Property

bns

Property the Horse, Cow, or other Beast or Swine so sold shall appear to have been: Provided always, that in case the Owner or Owners or reputed Owner or Owners of such Horse, Cow, or other Beast or Swine which shall at any Time be wandering in any of the said Roads, Streets, or other public Passages or Places within the said Limits shall be known, then and in that Case it shall and may be lawful for the said Commissioners to recover the said Penalty, without first impounding such Horse, Cow, or other Beast or Swine.

Penalties and Nuisances.

XXII. And be it further enacted, That if any Person shall ride, drive, or place, or cause to be run, driven, or placed, any Coach, Cart, Waggon, Dray, Truck, Sledge, Wheelbarrow, or any other Carriage whatsoever, upon or over any of the Footways within the Limits of this Act, or shall wilfully ride, drive, leave, or load any Horse or other Beast of Cattle thereon or on any Part thereof, or if any Person shall make or assist in making any Bonfire, or let off or fire any Gun, Pistol, or Blunderbuss, or other Fire-arms (except by Accident or for Self-defence), or any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or Play at Foot-ball within any of the said Roads, Streets, Lanes, or other public Passages or Places within the Limits of this Act, every Person so offending shall for every Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful for any Officer, or other Person or Persons appointed by the said Commissioners, to apprehend, and also for any Person or Persons to assist in apprehending, such Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him or them into the Custody of a Peace Officer in order to be forthwith conveyed before any Justice or Justices of the Peace for the County of *Middlesex* to be dealt with according to Law; and in case any noisome or offensive Building, Place, or Thing whatsoever, or any Encroachment or Obstruction in any of the Roads, Streets, Lanes, or other public Places within the Limits of this Act, or within One hundred Yards thereof, shall by the said Commissioners, or any Seven or more of them, upon View or Examination thereof, be deemed a Nuisance, it shall and may be lawful to and for the said Commissioners, upon Complaint thereof made, by Notice under the Hands of the said Commissioners or their Clerk, to order such Nuisance, Encroachment, or Obstruction to be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, or left at his, her, or their last or usual Place of Abode; and in case such Person or Persons shall not remove the said Nuisance, Encroachment, or Obstruction within the Time specified in such Notice, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds, and also the like Sum of Five Pounds for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Property vested in Commissioners.

XXIII. And be it further enacted, That the Property of all Pavements of and in the said Footways and Carriageways now or hereafter to be paved, and also the Ballast or Gravel brought and laid in the said Roads, Streets, Lanes, and other public Passages and Places within the Limits of this Act, and of the Watch-house, Committee Room, Watchboxes, Iron Rails, Fences, Gates, Lamp Irons, Lamp or other Posts, Pales, Rails, and other Things erected or set up within the said Limits, and all

Materials, Implements, and other Things, which shall be purchased or gotten by virtue of or for any of the Purposes of this Act, shall be and the same are hereby vested in the Commissioners, and they or any Five or more of them are hereby authorized to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or in the Name or Names of their Treasurer or Clerk, or to prefer or order and direct the preferring of any Bill or Bills of Indictment against any Person or Persons who shall steal or carry away all or any Part of such Lamp Iron, Lamp or other Posts, Rails, or other Materials and Things as aforesaid.

Commissioners may raise Money.

XXIV. And for the more speedy raising Money for the Purposes of the Act, be it further enacted, That it shall be lawful for the said Commissioners or any Seven or more of them, and they are hereby empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money not exceeding the Sum of One thousand five hundred Pounds upon the Credit of the Rates or Assessments herein-before granted, upon giving Ten Days Notice thereof in some one of the public Newspapers published in *Middlesex*, and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance and lend such Money, or his or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be according to the Form following; (*videlicet*,)

Form of Assignment.

"BY virtue of an Act made in the Fifty-fifth Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*], we being of the Commissioners appointed by virtue of the said Act, in consideration of the Sum of advanced and paid by *A. B.* to *C. D.*, the Treasurer appointed in pursuance of this Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the additional Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Act, to be had and holden from this Day until the said Sum of with Interest at *per Centum per Annum* for the same, to be paid half-yearly, shall be repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals the Day of

And every such Assignment shall be good, valid, and effectual in the Law."

Money may be raised by Annuities.

XXV. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money necessary for the Purposes of this Act by granting of Annuities for the Life or Lives of any Person or Persons, or for any limited Number of Years not exceeding Forty Years, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities to be paid and payable

able during the natural Life of every such Contributor, or the natural Life of every such Person who shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or their Contribution or Purchase Money, or for any limited Number of Years not exceeding Forty Years, so as that no separate Annuity do exceed the Rate of Ten Pounds for every One hundred Pounds for a Year; and the Grant of such Annuity shall be in the Words or to the Effect following:

'WE, the Commissioners appointed in pursuance of an Act made in the Fifty-fifth Year of the Reign of King *George* the Third, intituled [*there insert the Title of this Act*], in consideration of the Sum of paid by to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said an Annuity or yearly Sum of out of the additional Rates or Assessments granted or arising by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said or his Assigns during the Term of his natural Life, or to his Executors, Administrators, or Assigns during the natural Life of as the Case may be, upon Day of and the Day of in every Year during the natural Life of him the said the first Payment thereof to be made on the Day of next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals the Day of.'

And which said Writing or Writings, Deed or Deeds, Security or Securities, shall be assignable by Indorsement; and the said several Annuities to be purchased shall be and are hereby charged upon and shall be paid so out of the Rates or Assessments herein-before mentioned, and shall be made payable and paid quarterly during the natural Life or Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors, and a proportionable Part of each Annuity shall be paid from the last Quarter Day of Payment to the Day of the Death of the Annuitant or his Cestuique vie: Provided always that nothing herein contained shall be deemed, construed, or taken to extend to make the said Commissioners personally, or their respective Estates, Lands, and Tenements, Goods and Chattels, liable to the Payment of the said Mortgages or Annuities to be purchased in pursuance of this Act by reason of their giving or executing such Securities as aforesaid.

Securities how transferred.

XXVI. And be it further enacted, That it shall be lawful for the Persons entitled to any such Securities or Orders for the Money borrowed, or for the Annuities granted and ordered to be paid as aforesaid, by Writing under their Hands indorsed thereon, to transfer the same respectively to any Person or Persons according to the Form following:

Form of Assignment.

'I do hereby assign the within Mortgage or Bond for the Payment of the within-mentioned Annuity, and all my Right and Title in and to the Principal Money and Interest or Annuity,

And Entries or Memorials of all Mortgages or Assignments and Bonds, for the Payment of Annuities which shall be made in pursuance of this Act, and all Transfers thereof, expressing in Words at Length the Names, Additions, Places of Abode, and other proper Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, to which Book any Person interested shall at all seasonable Times have Access, and shall have full Liberty to inspect the same upon paying to the Clerk the Fee of One Shilling; and for the Entry of any such Transfer or Assignment the Clerk shall be paid Five Shillings and no more; and every such Transfer or Assignment after such Entry as aforesaid shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred; and all Persons to whom such Mortgages, Assignments, or Bonds for any Annuities shall be made, or who shall be entitled to the Money or Annuities thereby secured, shall be, in proportion to the Terms therein respectively mentioned, Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect to the Priority of advancing such Monies, or the Dates of any such Mortgages, Assignments, Grants, or Orders respectively.

Mortgage and Securities to be entered in a Book.

XXVII. And be it further enacted, That when and as often as the Sum of Fifty Pounds shall have been accumulated from the Surplus of the said additional Rate or Assessment, after Payment of the said Interest and Annuities, it shall and may be lawful for the said Commissioners, or any Seven or more of them, to cause the Numbers of all the Mortgages, Assignments, or Securities which shall have been so made and granted as aforesaid (except the Securities for Annuities) to be put on separate Slips of Paper into a Box or Glass, and One Number of the said Assignments or Securities for every Fifty Pounds intended to be paid off shall be drawn out of the said Box or Glass by the Clerk to the said Commissioners in the Presence of the said Commissioners, or any Seven or more of them: Provided always, that if it shall happen that any Mortgage, Assignment, or Security, the Number whereof shall be drawn out as aforesaid, shall be for a greater Sum than Fifty Pounds, no more than Fifty Pounds shall be discharged in consequence of such Number, and that Three Calendar Months Notice in Writing, or printed and signed by the Clerk to the said Commissioners for the Time being, shall be given to the Person or Persons whose Principal Monies or any Part thereof shall be intended to be paid off, or left at his, her, or their last or most usual Place of Abode, expressing what Monies are intended to be paid off; and that at the Expiration of the said Three Calendar Months, to be computed from the Day on which such Notice shall be given or left as aforesaid, all Interest intended to be paid off and secured by such Mortgages, Assignments, and Securities shall cease and determine, provided the Treasurer to the said Commissioners shall be then ready to pay the same.

For paying off Mortgages out of Surplus of additional Sixpenny Rate.

XXVIII. And

Application of Monies.

XXVIII. And be it further enacted, That the Expences of obtaining this Act and putting the same into effect shall be paid out of the first Monies to be borrowed, raised, or subscribed, and received from the Rates or Assessments to be made in pursuance thereof.

Penalties how recovered.

XXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of recovering which is not hereby otherwise directed, shall be levied and recovered by Distress and by Sale of the Goods and Chattels of the Offender or Offenders by Warrant of any Justice or Justices of the Peace for the County or Place wherein the Offender or Offenders shall be or reside, which Warrant such Justice or Justices is and are hereby authorized to grant upon Confession of the Party or upon the Information of any credible Witness upon Oath, and the Penalties or Forfeitures shall (if not otherwise directed to be applied by this Act) be paid to the Treasurer to the said Commissioners, and applied for such of the Purposes of this Act as the said Commissioners shall think proper; and in case such Penalties or Forfeitures shall not be forthwith paid upon Demand made before such Justice or Justices, or sufficient Distress cannot be found, the said Justice or Justices are hereby authorized and required, by Warrant under his and their Hand and Seal or Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction within such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may issue their Warrant to apprehend Offenders.

XXX. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace for the County or Place wherein any Offender or Offenders under this Act shall reside, upon the Information or Complaint of any credible Witness upon Oath, to issue his or their Warrant for apprehending and bringing before him or them the said Offender or Offenders to answer the said Complaint, or for the said Justice or Justices to issue his or their Summons to the Offender or Offenders to appear before him or them to answer the said Complaint, and in which Case such Summons, being left at the Dwelling House of such Offender or Offenders, shall be deemed good Service of every such Summons.

An Inhabitant may be an Evidence.

XXXI. And be it further enacted, That in all Actions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Person residing within the Limits of this Act shall be disqualified from giving Evidence by reason of such Person being charged with and liable to pay any Rate or Assessment by virtue of this Act, and that the said Commissioners may sue or be sued in the Name of their Treasurer or Clerk; and that no Action to be brought by or against the said Commissioners or any of them by virtue of this Act shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, but that the Treasurer or Clerk for the Time being to the said Commissioners shall always be deemed the Plaintiff or Defendant in such Action, as the Case may be.

XXXII. Pro-

Appeal.

XXXII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made, or by any other Matter or Thing done in pursuance of this Act, every such Person may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Middlesex* within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least in Writing of his or her Intention to make such Appeal, and of the Matters thereof, to the Clerk to the said Commissioners, and within Five Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination thereon shall be final and conclusive to all Parties to all Intents and Purposes.

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

XXXIII. And be it further enacted, That no Rate or Assessment, or any Proceedings to be had touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon, in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable to any of His Majesty's Courts of Record at *Westminster* by Certiorari, or by any other Writ or Process whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

Plaintiff shall not recover after Tender of sufficient Amends.

XXXIV. And be it further enacted, That no Person shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings made or committed in execution of this Act, if sufficient Tender of Amends shall be made by or on behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, where such Proceedings or Order and Judgment shall be had, made, or given by such Court, in like Manner as in other Actions where the Defendant is allowed to pay Money into Court.

Distress not unlawful for Want of Form.

XXXV. And be it further enacted, That where any Distress shall be for the 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 any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Limitation of Actions.

XXXVI. And be it further enacted, That no Suit or Action shall be commenced against any Person for any thing to be done in pursuance of this Act until Twenty-one Days Notice shall be given in Writing to the Clerk to the said Commissioners, or after such sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant in every such Action or Suit shall and 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 of and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time hereinbefore limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find a Verdict for the Defendant, and upon such Verdict, or if the Plaintiff shall become Nonsuit, or discontinue his or her Action or Suit, after the Defendant shall appear, or if, upon Demurrer, Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases of Law.

Public Act.

XXXVII. 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 by all Judges, Justices, and others, without being specially pleaded.

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