ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. xlv.

An Act for paving, gravelling, and otherwise improving certain Streets and Places on the East Side of *Kentish Town* in the Parish of *Saint Pancras* in the County of *Middlesex*.

[28th *May* 1827.]

WHEREAS several Houses have of late Years been erected, and certain Streets, Roads, and Places have been formed, on Part of certain Lands situate on the East Side of the Turnpike Road in *Kentish Town* in the Parish of *Saint Pancras* in the County of *Middlesex*, called or known by the Names of *Gloucester Place* and *Upper Gloucester Place*, and several Houses have also been erected in certain Passages, Ways, or Places on the South Side of such Lands, and leading into and out of the said Streets, Roads, and Places; and it is intended to build and form other Houses and Places on the Remainder of such Lands, between the East End of *Upper Gloucester Place* aforesaid, and a certain Road or Place near thereto called *Maiden Lane;* and it is expedient that effectual Provision should be made for the opening, forming, paving, gravelling, stoning, repairing, and maintaining the said Streets, Roads, Ways, Passages and Places, and for draining, cleansing, and watering the same, and for the Removal and future Prevention of Nuisances and Annoyances therein; but such beneficial Purposes

cannot be effected without the Aid and 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 *Joel Edwards*, *Christopher Scott*, *William Thompson*, *William Mac Master*, *Thomas Daniels*, *William Felton*, *James Frederick King*, *John Bartie*, *Samuel Bees*, *James Dowling*, *James Jones*, *James Woodman*, *Thomas Fielding*, *George Hammond*, *William Halton*, *George Poulton*, *Richard Songhurst*, *Thomas Wallis*, *William Robbins*, *Abraham Paschond*, *Thomas Evans*, *Ashlin*, *Robert Wright*, and *Robert King*, and their Successors, to be appointed in manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into Execution.

Appointment of Commissioners.

II. And be it further enacted, That the Limits and Jurisdiction of this Act, and of the Commissioners for carrying the same into Execution, shall extend to and over, and shall comprise the Streets, Roads, or Places called *Gloucester Place* and *Upper Gloucester Place* aforesaid, and the several Lanes, Ways, Courts, Passages, and Places immediately leading into or out of the same, and also the several Houses, Cottages, Buildings, and Tenements already erected and built, and which may be hereafter erected and built therein, and also all Houses, Cottages, Tenements, Streets, Lanes, Ways, Roads, Squares, Crescents, Courts, Passages, and Places which may be hereafter erected, opened, formed, and made on the Remainder of the Lands extending from the East End of *Upper Gloucester Place* to *Maiden Lane* aforesaid, and which last-mentioned Lands were heretofore the Estate of *Joshua Pirole Torriano* Esquire, deceased, and are now the Estate of Mistress *Honoria Williams*, and are bounded on the South-west by Land in the Occupation of *William Morgan*, on the West in Part by *Upper Gloucester Place* aforesaid, and Land and Premises in the respective Occupations of *John M'Masters* and *Samuel Bees*, and on other Part, and on Part of the North, by Land in the respective Occupations of *Edward Wood* and *Howard*, on the remaining Part of the North and on the North-east by *Maiden Lane* aforesaid, and Land and Buildings of *James Hargrave Mann*, and on the South-east by the said Premises of the said *James Hargrave Mann*, and by a Ditch dividing the same from the College Lands in the Occupation of the said *William Morgan*, and on the South by the College Lands in the Occupation of the said *William Morgan*.

Limits of the Act.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he be an Inhabitant Householder residing within the Limits of this Act, and be not more than Two Quarters in arrear to the Rates or Assessments authorized to be raised under and by virtue of this Act, and shall also, either in his own Right or in the Right of his Wife, be at the Time of his acting in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, situate or being within the Limits of this Act, rated for the Purposes of this Act at or for the yearly Value of

Qualification of Commissioners.

Twenty Pounds above Reprizes, or shall be the Lessee or Occupier of Messuages, Lands, Tenements, or Hereditaments, within such Limits, rated by virtue of or for the Purposes of this Act at or for the clear yearly Value of Twenty-five Pounds above Reprizes, or if resident out of the said Limits, shall be, either in his own Right or in Right of his Wife, in the actual Possession or Receipt of Freehold or Leasehold Messuages, Lands, Tenements, or Hereditaments, within the said Limits, of the clear yearly Value of Thirty-five Pounds above Reprizes; and if any Person not being so qualified, or not having taken and subscribed the Oath or Affirmation herein-after mentioned, or being disqualified by any of the Causes in this Act mentioned, shall act as a Commissioner in the Execution of this Act (except in administering the said Oath or Affirmation), every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, in any Court of Record, in which Action no Essoign, Protection, Wager of Law, nor more than one Imparlance, shall be allowed; and every Person so sued or prosecuted for acting, not being duly qualified, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

Penalty for acting not being qualified.

IV. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed before Two or more of the said Commissioners (who are hereby authorized and required to administer the same to each other) an Oath or Affirmation in the Words or to the Effect following:

Commissioners to take an Oath.

'I *A. B.* do swear [*or* affirm], That I am an Inhabitant Householder residing within the Limits prescribed by an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], and that I am truly and *bonâ fide* in my own Right [*or* in Right of my Wife] in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, situate and being within the said Limits, rated or liable to be rated at or for the yearly Value of Twenty Pounds above Reprizes; [*or*, am Lessee or Occupier of Messuages, Lands, Tenements, or Hereditaments, within the said Limits, rated or liable to be rated at or for the yearly Value of Twenty-five Pounds above Reprizes; *or*, that I am not resident within the said Limits, but that I am in my own Right, or in Right of my Wife, in the actual Possession or Receipt of Messuages, Lands, Tenements, or Hereditaments, within the said Limits, of the yearly Value of Thirty-five Pounds above Reprizes]; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all the Powers and Authorities vested in me by virtue of the said Act.

Oath.

'So help me GOD.'

V. And

Persons holding Places of Profit under the Act not to act as Commissioners.

V. And be it further enacted, That no Person shall be capable of being elected or of acting as a Commissioner in the Execution of this Act during such Time as he shall hold any Place or Office of Profit or Emolument under the said Commissioners, or during such Time as he shall have any Share or Interest, directly or indirectly, in any Contract or Work to be performed and done under any of the Powers of this Act, or in any Matter wherein he shall be in any Manner personally or beneficially interested (except as a Creditor on the Rates, Assessments, or Monies by this Act directed to be made, levied, collected, and received); and if any Person, having been so elected a Commissioner, shall by any such Cause become disqualified from acting as a Commissioner in the Execution of this Act, he shall forthwith cease to be such Commissioner.

Acts done previous to Conviction valid.

VI. Provided always, and be it further enacted, That all Acts and Proceedings of any Person touching the Execution of this Act, previous to his being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, and whether he shall or shall not have taken the Oath by this Act required, be as good, valid, and effectual as if such Person or Persons had been duly qualified according to the Direction of this Act.

For supplying Decrease in Commissioners.

VII. And be it further enacted, That when and as often as any of the Commissioners herein named, or to be elected by virtue of this Act, shall neglect to act for the Space of One Year, or shall die or refuse to act, or by any of the Causes of Disqualification aforesaid shall become incapable of acting, it shall be lawful for the surviving or remaining Commissioners, at any Meeting to be holden for that Purpose in pursuance of this Act, to elect and appoint some other Person in the Place or Stead of such Commissioner so neglecting to act, dying, or refusing or becoming disqualified to act as aforesaid; and every such Person so from Time to Time elected and appointed shall have the same Powers and Authorities in all respects as if he had been originally named a Commissioner in and by this Act.

First Meeting of the Commissioners.

VIII. And be it further enacted, That the said Commissioners shall meet together at the House called or known by the Name of *The Assembly House* in *Kentish Town*, or at some other convenient Place in *Kentish Town* aforesaid, on the Second *Monday* next after the passing of this Act, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall then and there proceed in the Execution of this Act; and in case no Commissioners, or less than Three Commissioners, shall attend at such Meeting, then such Meeting shall be deemed to be adjourned to the next Day, and so *toties quoties*, until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall and may at such Meeting, and at their several Meetings, from Time to Time adjourn themselves, and afterwards meet at the same Place, or at any other Place within the Limits of this Act, as the said Commissioners shall from Time to Time appoint, provided that no Adjournment shall be made for a longer

longer Space of Time than Three Calendar Months; and if at any Meeting there shall not appear a sufficient Number of Commissioners to act or adjourn, or appearing, shall not adjourn such Meetings, the Clerk to the said Commissioners shall and may from Time to Time (as often as the Case shall happen) adjourn such Meeting to some other Day within Fifteen Days then next following, to be holden at the same Place, and the said Clerk shall cause Notice of such Adjournment to be delivered at the last or usual Places of Abode of such of the said Commissioners as shall be resident within the Limits of this Act, and to be sent by the Post to such of the said Commissioners as shall not be resident within such Limits, at least Three Days previous to the Day to which such Meeting shall be adjourned: Provided always, that the said Commissioners shall at all their several Meetings defray and bear all their own Expences (except such Sum *per* Day as the said Commissioners shall think reasonable for the Room where such Meetings shall be held), which shall be paid out of the Rates or Assessments herein-after directed to be made and levied.

Commissioners to defray their own Expences.

IX. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise (except in Cases hereby otherwise particularly provided for); and no Order or Determination shall be made, unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or executed by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and executed by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at every such Meeting not being less than Five for the Purpose of borrowing Money, granting Annuities, making Rates or making Contracts, and not being less than Three in any other Case (except in Cases where any other Number is by this Act named for any particular Purpose); and all Acts, Orders, and Proceedings had, made, done, or taken by or before such Five or Three Commissioners (as the Case may require), shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or taken by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be appointed, who, in case of an equal Number of Votes (including such Chairman's Vote), shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice,

Orders to be made at Meetings.

signed by any Three or more Commissioners, shall have also been delivered at the last or usual Place of Abode of such of the said Commissioners as shall be resident within the Limits of this Act, and to be sent by the Post to such of the Commissioners as shall not be resident within such Limits, Seven Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by a greater Number of Commissioners than were present when such Order or Determination was made or entered into.

Meetings on Emergencies.

X. And be it further enacted, That if, after any Adjournment of any Meeting of the said Commissioners, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting stands adjourned, it shall be lawful for any Three or more of the said Commissioners, or for their Clerk, (being authorized by an Order in Writing signed by Three or more of them, although not assembled at a public Meeting, mentioning the Time, Place, and Purpose of such Meeting,) to appoint and give Notice of such earlier Meeting in manner before directed (such Time not being less than Three Days after such Notice); and all Proceedings of the Commissioners at such earlier Meeting, relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment; and such earlier Meeting shall and may be adjourned to and be held at such Time and Place as the said Commissioners shall think proper, in the same Manner as any other Meeting under this Act may be adjourned.

Proceedings to be entered.

XI. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act, and the Chairman of such Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Rates, or Transcripts thereof respectively, shall and may be read in Evidence in all Causes, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

Officers to be appointed.

XII. And be it further enacted, That the said Commissioners may from Time to Time, by Writing under their Hands, appoint a Treasurer, Clerk, and Surveyor, and also a Collector or Collectors of the Rates or Assessments to be made as herein-after mentioned, and such other Officers and Servants as they shall think necessary, and may remove any Officer or Officers as they shall think proper, and appoint others in the Stead of such of them as shall be removed, or shall die, or relinquish or discontinue such Office, and out of the Money to be raised by virtue of this Act pay such Salaries, and

make such Allowances to such Officers and other Persons to be employed in the Execution of this Act, 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, or other Person, as they shall think proper; and all such Officers so to be appointed shall, under their respective Hands, at such Time or Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been by them received by virtue or for the Purposes of this Act, specifying how much thereof hath been paid or disbursed, and for what Purposes, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Monies as shall remain in their Hands respectively unto the said Commissioners, or unto such Person or Persons, at such Time and Place as the said Commissioners shall from Time to Time direct or appoint, and the Receipt of such Person or Persons shall be a sufficient Discharge to such Officer for the same; and if any such Officer shall refuse or wilfully neglect to make and render such Accounts, or to produce or deliver up the Vouchers or Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to 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 said Commissioners, or any Three or more of them, or by their Clerk by their Order, and given to or left at the last usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in their respective Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners respecting the same, the said Commissioners may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster* against the Officer or Person making such Default as aforesaid, or against his or their Surety or Sureties, for the Recovery of such Monies as shall remain due from him, with Costs of Suit; or if Complaint shall be made by or on behalf of the said Commissioners of any such Default as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer or Person so making Default shall be or reside, such Justice 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 having been summoned and not appearing, (except from some reasonable Cause, to be adjudged and allowed by such Justice), or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Money which shall have been collected and received by virtue of this Act shall be in the Hands of any such Officer or Person, or be unaccounted for, 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

Officers to account.

or

or Person, together with the Costs and Charges of making such Complaint, and of such Distress and Sale; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges as aforesaid, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render and give such Account, or to produce the Vouchers and Receipts relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and that he shall refuse or wilfully neglect to deliver up the same, or to give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Person to the House of Correction for the said County, there to remain without Bail or Mainprize until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners for the said Money, and shall have paid such Composition (which Composition the said Commissioners are hereby empowered to make and receive), or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be so committed on account of his not having sufficient Goods or Chattels only, shall be detained in Prison by virtue of this Act for any longer Term than Six Calendar Months; provided also, that if any Money shall remain due from such Person, the Commitment of such Person or Persons to Prison shall not be deemed a Discharge for the same, nor shall it exonerate his or their Surety or Sureties, but such Officers or Persons, and his and their Surety and Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officers or Persons had not been committed to Prison.

Accounts to be made up annually.

XIII. And be it further enacted, That the Clerk to the said Commissioners shall and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose provided by the said Commissioners, of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and of every Creditor of the Rates or Assessments by this Act authorized to be made, and of every Person paying any such Rate or Assessment, without Fee or Reward; and the said Commissioners, Creditors, and other Persons as aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit such Persons as aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Treasurer and Clerk not to be the same Person.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be

be appointed to act as Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or of the Partner of such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed to act as Treasurer in the Execution of this Act, or the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or of the Partner of such Treasurer, to be the Clerk for the Purposes of this Act; and if any One Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer, or as Deputy of such Treasurer, or in any manner officiate for such Treasurer, or being the Partner of such Treasurer, or the Clerk of or in the Service or Employ of such Treasurer or of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or as Deputy of such Clerk, or in any manner officiate for such Clerk, or if any such Treasurer shall hold any Office or Place of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

XV. And be it further enacted, That the said Commissioners shall and may in all Cases sue and be sued in the Name of any of the said Commissioners, or in the Name of their Clerk for the Time being; and no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of such Commissioner or Clerk, shall abate or be discontinued by the Death or Removal of such Commissioner or Clerk, or by the Act or Default of such Commissioner or Clerk, without the Consent of the said Commissioners, or any Three or more of them; but One of the said Commissioners, or the Clerk of the said Commissioners for the Time being, shall always be deemed Plaintiff, Prosecutor, or Defendant in such Action, Suit, or Indictment, as the Case may be: Provided always, that every such Commissioner or Clerk, in whose Name any Action, Indictment, or Suit shall be commenced, preferred, 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, Charges, and Expences, as by the Event of any such Proceedings he or they shall sustain, or be put unto, or become chargeable with, by reason of his being made Plaintiff or Defendant therein; and such Commissioner or Clerk shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall have arisen in consequence of his or their own wilful Neglect or Default, or have been brought or defended without the Order of the Commissioners,

at a Meeting held for that Purpose; provided also, that such Clerk or Commissioner shall not, by reason of his or their being such Clerk or Commissioner, be deemed an inadmissible Witness or Witnesses in any such Action or Suit, unless it be on his or their own personal Account.

Footways and Carriageways to be paved and gravelled.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, as they shall see fit, to cause the several Footways and Carriageways of the Roads, Streets, Lanes, Ways, Courts, and other public Passages and Places made and to be set out and made within the Limits of this Act, and the Channels thereof, to be properly formed, paved, or gravelled, upon such Levels, and with such Sort and Kind of Stone, Kirb, Gravel, Ballast, and other Materials as they shall think necessary and proper; and when the same shall be so formed, levelled, paved, and gravelled, to amend, cleanse, and keep the same in good Repair from Time to Time, and also to cause all Encroachments, Obstructions, Nuisances, and Annoyances therein to be removed, and also to cause Drains, Sinks, Gullyholes, Grates, Gutters, or Watercourses to be made for carrying the Water off and from the said Roads, Streets, Lanes, Ways, Courts, and other public Passages and Places, in such Manner as they shall think proper, and also to cause the same to be watered, and for that Purpose to cause such Wells or Reservoirs for Water to be dug or formed as may be necessary; and it shall also be lawful for the said Commissioners to build, erect, and place any Walls, Fences, Posts, Pales, Gates, or Rails, in or upon any Part of the said Foot and Carriageways, to prevent the passing of Carts, Coaches, and other Carriages, or Cattle, Sheep, or other Things, other than to, from, or for the Use of the Inhabitants within the Limits of this Act, or to and from any Place or Places of Religious Worship.

Commissioners may view Footways and Carriageways, and order the same to be paved, &c.

XVII. And whereas there are several Owners of Houses within the Limits of this Act who have paved the Footways before their respective Houses and Premises, and have formed and set out the Carriageways thereof, but of which Foot and Carriageways some are not upon proper Levels, and others of such Owners have not paved before their respective Premises: And whereas there are several Pieces and Parcels of Ground within the Limits of this Act which are not built upon, and the Foot and Carriageways thereof are not as yet formed, and it would be a Means of forwarding the good Purposes of this Act, if not only that Builders and others were compelled to level, fill in, and put into a proper State of Repair the several Footways and Carriageways, and the Channels thereof, already paved, set out, and made before their respective Houses, but that the Builders or Owners of Houses which may be hereafter erected within the Limits of this Act should also bear and pay the Costs and Charges of levelling, filling in, and paving or gravelling the Footways and Carriageways, and the Channels thereof, to be made, formed, and set out before their respective Houses; be it therefore enacted, That it shall be lawful for the said Commissioners or their Surveyor to view and inspect the said Foot and Carriageways already paved or formed,

and also the Foot and Carriageways of the Roads, Streets, Lanes, Ways, Courts, and other public Passages and Places within the Limits aforesaid, which may hereafter be formed or set out, and the Channels thereof respectively, when the same shall be so formed or set out; and if upon such View the said Commissioners shall be of Opinion that the said Foot and Carriageways, or any Part or Parts thereof, is or are damaged or out of repair, or is or are not upon proper Levels, or that the same or any Part or Parts thereof is fit and proper to be filled in, levelled, paved, or gravelled, the said Commissioners shall and may order the said Foot and Carriageways, or any of them, as are now paved, formed, or set out, and which are not upon proper Levels, or which are out of repair and damaged, and also such Foot and Carriageways as are now unpaved and made, or as are not yet formed or set out, as and when the same shall be formed or set out, and the Channels thereof respectively, to be well and sufficiently levelled, filled in, paved, repaired, and made good, with new Stone or Stones and Kirb, Ballast, Gravel, or other Materials, as they shall think proper; and also shall and may, as and when Houses and Buildings shall be erected upon those Parts within the Limits of this Act which are now unbuilt upon, order the Foot and Carriageways before all and every such Houses or Buildings, and the Gardens and Grounds belonging thereto, or such Part or Parts thereof as they shall think proper, and the Channels thereof, to be levelled, filled in, paved, or gravelled as aforesaid; and the said Commissioners are hereby authorized and empowered immediately after the said Foot and Carriageways, and the Channels thereof, shall be so formed, set out, repaired, levelled, filled in, paved, or gravelled, to cause an Account or Demand of the Costs and Charges thereof to be made out by their Surveyor, or other Person to be by them appointed, and delivered to the Lessee or Lessees, Assignee or Assignees, Owner or Owners of the Houses or Buildings before which such Paving of the said Foot and Carriageways as shall be so ordered to be filled in, levelled, paved, or gravelled, shall lie, or be left at his, her, or their last Place of Abode, or with his, her, or their Servant or Servants, or, in case no such Lessee or Lessees, Assignee or Assignees, Owner or Owners, or his, her, or their Place of Abode, can be found, to be affixed or stuck against the said Premises, or any Part thereof; and in case the whole Amount of the said Costs and Charges so incurred as aforesaid shall not be paid to the Treasurer or Collector to be therein named within the Space or Time of Fourteen Days next after the Delivery or affixing or sticking up of such Account and Demand as aforesaid, it shall be lawful for the respective Inhabitant Householders or Occupiers of the said respective Premises, and they are hereby respectively required to pay such Costs and Charges as aforesaid to the said Commissioners or their Treasurer or Collector, which Costs and Charges every such Inhabitant or Occupier shall and may and is and are hereby authorized to deduct and retain out of his or her Rent then due or to become due, and the said Lessee or Lessees, Assignee or Assignees, Owner or Owners of such Premises, is and are hereby required to allow such Deduction; and in case the said Lessee or Lessees, Assignee or Assignees, Owner or Owners, or the said Inhabitant Householder or Inhabitant Occupier, shall not pay the said

said Costs and Charges as aforesaid, then and in such Case the said Costs and Charges of levelling, filling in, paving, or gravelling the said Foot and Carriageways, and the Channels thereof, shall be recovered and levied in the same Manner as the Rates or Assessments to be raised by this Act are herein-after directed to be levied and recovered.

Pavement not to be broken up without Consent of Commissioners.

XVIII. And be it further enacted, That no Person shall, without the Consent of the said Commissioners, alter the Form, or damage, break, or take up the Ground or Pavement of any Carriage or Footway, or any Gravel, Ballast, or Drift, or other Material of which the same are or shall be formed, or remove any Post, Rail, or other Thing to be erected, placed, or made by virtue of this Act, or make the same otherwise than as shall be directed by the said Commissioners, upon pain of forfeiting any Sum not exceeding Five Pounds for every Offence; and such Person or Persons so offending shall also pay all Expences of restoring such Ground, Pavement, Gravel, Ballast, Drift, Materials, and other Things to their former State.

Property in Foot and Carriageways vested in Commissioners.

XIX. And be it further enacted, That all the present and future Footways and Carriageways, Pavements, Flagstones, Kirbstones, Gravel, and all other Materials of the present and future Streets, Lanes, Roads, Ways, Passages, and other public Places within the Limits of this Act, and also all Walls, Fences, Grates, Posts, Pales, Rails, and other Articles, Materials, and Things to be erected, set up, fixed, and placed by the said Commissioners by virtue of this Act, and all other Materials, Articles, Matters, and Things purchased or provided for the Purposes of this Act, (except where the same shall be otherwise regulated by Contracts with the said Commissioners,) shall belong to and be the Property of, and the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action, or direct the preferring of any Bill of Indictment (as the Case may require) against any Person or Persons who may steal, take, or carry away, or detain, spoil, injure, damage, or destroy all or any Part of the several Materials, Articles, Matters, and Things hereby vested in them the said Commissioners as aforesaid; and in all such Actions and Bills of Indictment respectively it shall 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 Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for paving, gravelling, and otherwise improving certain Streets and Places on the East Side of *Kentish Town* in the Parish of *Saint Pancras* in the County of *Middlesex*, without particularly stating or specifying the Name or Names of all or any of such Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Materials, Articles, Matters and Things, or any Part or Parts of the same respectively, to such Person or Persons, in such Manner, and from Time to Time, as they shall think fit; and if any Person shall wilfully or maliciously break, injure, damage, or destroy

destroy any of the Articles, Matters, or Things hereby vested in the said Commissioners, or any Part thereof, or any of the Works done or to be done in pursuance of this Act, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Works may be contracted for.

XX. And be it further enacted, That the said Commissioners may and they are hereby empowered from Time to Time, if they shall think proper, to contract with any Person or Persons for the doing and performing all and any of the Works by this Act authorized or directed to be done and performed by them, or for supplying any of the Materials for the same, or for watering the said Roads, Streets, Lanes, Ways, Courts, and other public Passages and Places, or any of them; which Contract or Contracts so to be entered into shall be reduced into Writing, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the same Works shall be completed, and the Penalties in case of Non-performance thereof, and the same shall be signed by the said Commissioners, or Five or more of them, and by the Person or Persons contracting to perform such Works respectively, which Contract or Contracts, or a Copy or Copies thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract.

Removal of Nuisances.

XXI. And be it further enacted, That in case any Slaughter House, Hogstye, Laystall, Dungheap, Necessary House, or other noisome or offensive Building or Place whatsoever within the Limits of this Act, shall by the said Commissioners be deemed a Nuisance to any of the Inhabitants or Persons residing within the said Limits, it shall be lawful for the said Commissioners, upon Complaint thereof made by an Inhabitant or other Person, by Notice under the Hands of the said Commissioners or their Surveyor, to order such Nuisance or Nuisances to be removed; and in case the same shall not be removed within Three 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, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds for every Day the same shall continue unmoved after the Expiration of the Time mentioned in such Notice, unless an Appeal, as herein-after mentioned, shall be prosecuted with effect against such Order of the said Commissioners; and in case Notice of any such Appeal shall be given, the said Penalty shall not be inflicted until after the said Appeal has been decided.

Power to prosecute Owners of offensive Buildings.

XXII. And be it further enacted, That in case any offensive or noxious Building or Manufactory shall be erected, built, or carried on within One thousand Yards of any Part of the Limits of this Act, it shall be lawful for the said Commissioners, upon Complaint thereof by Two or more of the Inhabitants residing within the Limits of this Act, to cause an Indictment to be preferred and prosecuted against the

the Owner or Owners, Occupier or Occupiers of such offensive or noxious Building or Manufactory; and if upon the Trial of such Indictment, such offensive or noxious Building or Manufactory shall be deemed a Nuisance, and the Owner or Occupier against whom such Indictment shall be preferred shall be convicted thereon, such Owner or Occupier is hereby required, within Twenty-one Days after such Conviction, to remove or discontinue such Nuisance; and in case such Owner or Occupier shall not remove or discontinue the same, then he, she, or they shall forfeit and pay the Sum of One hundred Pounds for each and every Day such Nuisance shall remain or continue after the Expiration of Twenty-one Days from such Conviction as aforesaid.

Restrictions as to Water and Gas Companies breaking up Streets.

XXIII. And be it further enacted, That when and so often as any Main or Pipe belonging to any Water Company or Gas Company within any of the Roads, Streets, or other public Places within the Limits of this Act shall require to be repaired, the Surveyor or Clerk of the said Commissioners shall forthwith give Notice thereof in Writing to the Water Company or Gas Company, or other Person to whom he apprehends the same to belong, which Notice shall be delivered at the House, Office, or Counting House of such Water or Gas Company or other Person, and such Water or Gas Company or other Person is hereby required within Three Days to take up the Pavement and open the Ground where any such Repairs shall appear to be wanted, and if it shall appear that such Main or Pipe does not belong to the Water Company or Gas Company, or other Person to whom such Notice shall have been given, then the Company or Person so opening the Ground shall, within Three Days after the Notice from the said Surveyor or Clerk of the said Commissioners shall have been given or left as aforesaid, give Notice thereof in Writing to the Company, or other Person to whom the said Main or Pipe shall appear to belong, and such last-mentioned Company or other Persons are hereby required, upon Demand, to make Satisfaction for the reasonable Costs and Charges of taking up such Pavement and opening such Ground to the Company or Person giving Notice as aforesaid; and the Company or other Person to whom the said Main or Pipe shall belong shall and are hereby required to cause the said Main or Pipe to be, within Two Days, or with all convenient Expedition, effectually repaired; and as soon as the said Main or Pipe shall be so repaired, the said Company or other Persons to whom the Main or Pipe shall belong shall immediately give Notice of such Repairs having being finished to the Inspector or Surveyor to be appointed by the said Commissioners, by Writing to be delivered to him or left at his usual Place of Abode, and the said Commissioners shall and they are hereby required thereupon to fill in and ram down the Ground, and relay and reinstate the Pavement which shall have been opened and taken up for the Purpose of effecting such Repairs; and if any Pavement within any of the said Roads, Streets, or other public Places, shall be taken up for the Purpose of making or altering any Vault or Drain, or for any other Purpose, the Person or Persons causing the Pavement so to be taken up shall, so soon as the Purpose shall have been effected, immediately

diately give Notice thereof in manner aforesaid to the Inspector or Surveyor to the said Commissioners, and the said Commissioners shall, upon such Notice being given, forthwith fill in and ram down the Ground, and relay and reinstate the Pavement which shall have been opened or taken up for the Purposes last mentioned; and unless the said Works shall be completed during the Day on which the said Works shall be commenced, the Person or Persons causing the Pavement to be so taken up shall, and he, she, or they is or are hereby required to cause any such Place where such Work shall remain unfinished, to be properly fenced in and lighted in the Night-time, so as to prevent any Accidents happening in consequence of such Works; and in case any Water or Gas Company, or any Person or Persons, shall make Default in any of the Matters aforesaid, he or they shall for every such Default forfeit and pay any Sum not exceeding Five Pounds; and the Surveyor to the said Commissioners shall forthwith, upon receiving any such Notice as aforesaid, transmit the same to the Pavior or Person contracting with the said Commissioners to repair the Pavements within the said Roads, Streets, and other public Places.

Expences of relaying and repairing the Pavement to be borne by the Gas and Water Companies.

XXIV. And be it further enacted, That the Charges and Expences of filling in and ramming down such Ground as shall have been so opened as aforesaid, and of relaying, reinstating, and repairing the Pavement which shall be so broken or taken up for the Purpose of repairing and amending any such Main or Pipe, or of making or altering any such Vault or Drain as aforesaid, or for any other Purpose, shall be reimbursed and paid to the said Commissioners, or to such Person as they shall appoint to receive the same, by the Company, or by the Treasurer or Clerk of the Company to whom such Main or Pipe shall belong, or by the Person or Persons causing any Pavement to be taken up as aforesaid, or by such other Person or Persons as is or are herein-before directed to bear and pay such Charges and Expences, within Seven Days next after Demand made thereof in Writing, signed by the Clerk of the said Commissioners, and delivered to or left at the last or usual Place or Places of Abode of the Person or Persons liable to pay the same, with an Account of the Charges and Expences thereof annexed to such Demand as aforesaid, all which said Costs and Charges shall and may be recovered from the Person or Persons liable to pay the same, in like Manner as any Penalty may be recovered by virtue of this Act.

Demand to be made within Six Months.

XXV. Provided also, and be it further enacted, That in case such Demand shall not be delivered to or left at the last or usual Place of Abode of the Person or Persons liable to defray such Charges and Expences, within Six Calendar Months after the Charge and Expence of filling in and ramming down such Ground, and of relaying, reinstating, and repairing such Pavement shall have been incurred, then such Person or Persons as aforesaid shall not be liable to reimburse or pay any of the Charges or Expences so demanded or comprised in such Bill, any thing herein-before contained to the contrary thereof notwithstanding; provided also, that no such Person or Persons shall be subject or liable to pay (in addition to the Costs and Expences of filling

Limiting the Charge for Repairs.

filling in and ramming down such Ground as aforesaid) any greater Sum for relaying, reinstating, and repairing any such Pavement as aforesaid, than the said Commissioners shall pay or be liable to pay for relaying, reinstating, and repairing the like Quantity of any similar Pavement within the Limits of this Act; and it shall be lawful for the Person or Persons on whom such Demand shall be made as aforesaid, to inspect all the Papers, Proceedings, and Accounts of the said Commissioners relating to such Bill or Demand at all seasonable Times, and to take Copies thereof, without paying any thing for the same.

Surveyors or Inspectors to give Notice of their Abode to the Commissioners.

XXVI. And be it further enacted, That the several and respective Surveyors or Inspectors for the Time being belonging to any Water or Gas Companies, who shall supply Water or Gas within the Limits of this Act, shall and they are hereby required, within the Space of Fourteen Days after any Pipes belonging to such Company shall be laid down within the Limits of this Act, or within the Space of Fourteen Days next after he or they respectively shall be appointed Surveyor or Inspector to such Company or Companies, to give Notice in Writing to the Surveyor or Surveyors for the Time being of the said Commissioners, or to such other Person or Persons as shall be appointed by the said Commissioners for that Purpose, which Notice shall contain the Name and Place of Abode of every such Surveyor or Inspector of any such Water or Gas Company, as also to what Company he is Surveyor or Inspector, and in what District he has the Care of the Pipes belonging to such Company or Companies; and in like Manner the Surveyor or Surveyors for the Time being to the said Commissioners shall, within the respective Times aforesaid, give Notice to the respective Secretaries or Clerks, Surveyors or Inspectors of the said several Water or Gas Companies, of his or their own Name or Names, and Place or Places of Abode, and likewise of the Names and Places of Abode of such Paving Contractor or Contractors, or Person or Persons employed as Pavior or Paviors by the said Commissioners; and every Person neglecting or refusing to give such Notice as aforesaid, within the Times before respectively specified, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Commissioners may make Assessments not exceeding 2*s.* in the Pound in the Year, conformably to Poor Rates.

XXVII. And be it further enacted, That for raising Money for carrying into Execution the several Purposes of this Act, the said Commissioners shall and they are hereby authorized and required, when and so often as they ~~shall~~ think necessary, to make a Rate or Rates, Assessment or Assessments, in every Year, upon the Tenants or Occupiers of Houses, Coach Houses, Stables, Shops, Manufactories, Warehouses, Lofts, Cellars, and other Buildings and Premises whatever within the Limits of, and which shall for the Time being be liable to be rated according to the true Intent and Meaning of this Act, and upon the several Gardens and Yards thereunto respectively belonging, according to the annual Value of the same, as estimated from Time to Time in the respective Rates made for the Relief of the Poor of the Parish of *Saint Pancras*, such Rate or Assessment not to exceed in any one Year the Sum of Two Shillings in the Pound;

Pound; and the Money so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same, by quarterly Payments or otherwise, as the said Commissioners shall direct.

Proviso for Lands now unbuilt upon.

XXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to make any such Rates or Assessments as aforesaid upon the Owners, Lessees, or Occupiers of such Part of the Lands within the Limits of this Act as are now unbuilt upon, unless and until any Houses, Streets, Lanes, Ways, Roads, Squares, Crescents, Courts, Passages, or Places shall be actually erected, opened, formed, and made on the said Land now unbuilt upon, or any Part thereof, communicating or intended to communicate with the Streets, Roads, Ways, and Places called *Gloucester Place* and *Upper Gloucester Place* aforesaid, and the several Lanes, Ways, Courts, Passages, and Places immediately leading into or out of the same, and then and in such Case such Rates and Assessments shall be from Time to Time made upon the said Owners, Occupiers, or Lessees, or any of them, according to the Provisions of this Act, for and in respect of so much only of the said Land now unbuilt upon as shall from Time to Time be built upon or formed or converted into any such Houses or Streets, Lanes, Ways, Roads, Squares, Crescents, Passages, and Places communicating or intended to communicate as aforesaid; and provided also, that no House or Building which may be hereafter erected or built within the Limits of this Act shall be liable to be rated or assessed for the Purposes of this Act until the Expiration of Three Months next after any such House or Building shall be erected and completed fit for Habitation.

Poor Rates may be inspected.

XXIX. And be it further enacted, That the First Year for which such Rate or Assessment shall be made shall commence and be computed from the Twenty-fourth Day of *June* One thousand eight hundred and twenty-seven; and for the better enabling the said Commissioners to fix and make such Assessments, the Vestrymen, Churchwardens, and Overseers of the Poor of the said Parish of *Saint Pancras* shall and they are hereby required, at all reasonable Times, without Fee or Reward, to permit the Treasurer to the said Commissioners, or any other Person to be appointed by them the said Commissioners, to peruse and inspect the Rates and Assessments made at any Time within Three Years then next preceding for the Relief of such Poor, and to take a Copy thereof; and if any such Vestrymen, Churchwardens, or Overseers shall refuse or neglect to permit any such Perusal or Inspection, or the taking of any such Copy, he or they shall for every such Refusal or Neglect forfeit and pay the Sum of Forty Shillings, to be recovered in like Manner as the other Penalties are herein-after directed to be recovered.

Recovery of Rates.

XXX. And be it further enacted, That if any Tenant or Occupier of any Messuage, Land, Tenements, or Hereditaments upon or in respect

respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall neglect or refuse to pay the Rates and Sums of Money which shall be so rated or assessed as aforesaid, for the Space of Seven Days after the same shall be due, and Demand thereof made, by Notice in Writing or in Print, under the Hand of the Collector of the said Rates, to be delivered to such Tenant or Occupier, or left at his or her Dwelling House or usual Place of Abode, in case such Occupier reside within the Limits of this Act, or otherwise left upon the Premises in respect of which such Rate or Assessment shall be made, then, upon Proof thereof upon Oath before any Justice of the Peace for the said County of *Middlesex*, (which Oath such Justice is hereby empowered and required to administer,) the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of such Justice, such Defaulter having been first duly summoned by such Justice to appear before him at a Time and Place to be mentioned in such Summons, and to show Cause for such Neglect or Refusal, and the Overplus (if any) to be raised by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting all reasonable Costs and Charges previous to and attending such Distress and Sale, such Costs and Charges to be ascertained and directed by the said Justice; and in default of such Distress it shall be lawful for such Justice to commit such Person to the House of Correction for the County or Place within which such Offence shall be committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices.

Form of Warrant of Distress.

XXXI. And be it further enacted, That every Warrant of Distress for the Nonpayment of any Rates or Assessments to be made under this Act shall be in the Words or to the Effect following:

‘ County of Middlesex } To the Collector or Collectors of [*here*
‘ to wit. } *describe the Place*] and to all Constables
‘ and other Peace Officers of same County:

‘ WHEREAS the under or herein-after mentioned Persons were and are duly assessed, or liable to an Assessment duly made, ‘ for the Purposes of an Act passed in the Seventh and Eighth ‘ Years of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*]: And whereas the said ‘ Persons have refused or neglected to pay the several Sums of ‘ Money set at and against their Names hereunder or hereafter respectively set down, for Money due from them for or towards the ‘ Purposes in the said Act mentioned, and the said several Sums are ‘ still remaining due, in arrear, and unpaid, as appeareth upon Oath ‘ to me, One of His Majesty's Justices of the Peace for the said

‘ County;

'County, and the said several Persons having been summoned to 'appear before me to answer the Premises, as also appeareth unto 'me the said Justice upon Oath, and the said several Persons so 'summoned, or any of them, not having shown any sufficient Cause 'why such Sums of Money should not be paid; These are therefore 'in His Majesty's Name to will and require you, or any of you, 'forthwith to levy the said several Sums due from the said Persons 'hereunder or hereafter set at and opposite to their Names respec-'tively, by Distress and Sale of their respective Goods and Chattels, '(such Goods and Chattels being kept for the Space of Five Days 'before the same are sold,) rendering to them respectively the Over-'plus (if any), the reasonable Charges of such Distress, Sale, and 'Keeping being first deducted; and if no sufficient Distress can be 'had or taken, that then you certify the same, to the end that such 'further Proceedings may be had therein as to the Law do apper-'tain: And I do hereby strictly charge and command all and singu-'lar the Constables and other His Majesty's Peace Officers for the 'said County to be aiding and assisting in all Things relating to 'the Premises. Given under my Hand and Seal this
'Day of in the Year of our Lord .'

How to apportion Rates in case of Removal.

XXXII. And be it further enacted, That in all Cases where any Person shall remove from or quit any Premises rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in proportion to the Time that he or she occupied the same respectively, in like Manner as if such Person had not removed or quitted the same; and in all Cases where any Person shall come into or occupy any Premises rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making any Rate or Assessment were empty or unoccupied, the Person or Persons coming into or occupying the same shall, for and in respect of his, her, or their future Occupation thereof, be liable to pay a proportional Rate or Assessment, according to the Time that he or she shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed for such Premises; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Landlords to be assessed in certain Cases.

XXXIII. Provided always, and be it further enacted, That every Person who shall let out his or her House, Tenement, or Hereditaments in separate Apartments, or ready furnished, to a Lodger or Lodgers, or who shall be Owner or Landlord, or Receiver of the Rent of a House or Premises which shall be let for a less Term than for One Year, or shall be let for a less yearly Rent than Fifteen Pounds, shall and may be rated or assessed for the same, 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, in such and the same Manner as if he or she was really and truly the Occupier of the same House or Premises; and upon Nonpayment thereof, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner, Landlord, or Receiver, wheresoever they may be found, or

of

of the Person or Persons inhabiting any such House or Premises, in such Manner as by this Act is provided for the Recovery of the Rates or Assessments in other Cases: Provided always, that nothing herein contained shall be construed to subject any Person or Persons who shall or may be entitled to the Ground Rents of any of such Houses and Premises, but who shall not be entitled to the Rack Rents thereof, to be rated for the Purposes of this Act; and provided always, that the Goods and Chattels of all and every Person or Persons renting or inhabiting any such House or Premises, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments whereof the Owner, Landlord, or Receiver is hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment only of such of the said Rates or Assessments, and of all Arrears thereof, as become due upon the said House and Premises during the Time of his, her, or their Occupancy, but no such Occupier shall at any Time be required to pay, or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier to the Owner or Landlord of the House and Premises so occupied by him or her; and every such Occupier who shall pay any such Rates or Assessments, or upon whom the same shall be levied, shall and may deduct the same from the Rent due and payable, or to become due and payable from him or her to the Landlord of the same Premises, unless there shall be any Agreement to the contrary between any such Landlord and Tenant.

Landlords may be compounded with.

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners at any Meeting to be holden for the Purposes of this Act, from Time to Time to compound with the Landlord or Receiver of the Rents of every such House, Tenement, or Hereditaments so let as aforesaid, for the Rates or Assessments to be made in pursuance of this Act, at such reduced yearly Rental as the Commissioners shall think reasonable, so that no such House, Tenement, or Hereditaments be rated at less than Two Thirds of the annual Value of such Premises.

Empty Houses to be rated One Half.

XXXV. And be it further enacted, That where any of the Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, within the Limits of this Act, shall at the Time of making any of the said Rates or Assessments be empty, untenanted, or unoccupied, then and in every such Case it shall be lawful for the said Commissioners, if they shall think fit, to rate and assess such Premises respectively at One Half of such Rates or Assessments, during the Time only that the said Premises shall be empty, untenanted, or unoccupied; and also, in case any such Premises, after the making of such Rate or Rates, Assessment or Assessments, shall become empty, untenanted, or unoccupied, One Half only of such Rate or Assessment shall be charged on such Premises respectively for and during so long a Time as the same shall continue empty, untenanted, or unoccupied; and then and in any of the said Cases the said Rate or Rates, Assessment or Assessments, and all Arrears

Arrears due thereon, shall be paid by the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or by any Tenant or Occupier thereof; and in such last Case such Tenant or Tenants, Occupier or Occupiers, shall and may and is and are hereby authorized to deduct and retain the same out of his, her, or their Rent or Rents respectively, and the Landlord or Landlords, Owner or Owners of such Premises, is and are hereby required to allow such Deduction and Payment upon Receipt of the Residue of his, her, or their respective Rents; and the said Tenant or Tenants, Occupier or Occupiers, shall be and is and are hereby acquitted and discharged of and from so much of his, her, or their Rent as the Rate or Rates, Assessment or Assessments, and all Arrears due thereon, and so paid by him, her, or them, shall amount unto.

Defining Owners for the Purpose of this Act.

XXXVI. And in order to prevent Disputes touching the Definition of Owners or Landlords for the Purposes of this Act, be it enacted, That the Person or Persons legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect the Rents of any Messuages, Lands, Tenements, or Hereditaments from the Tenants or actual Occupiers thereof, or of any of them, shall be deemed and taken, for the several Purposes of this Act, to be the Owner or Owners, or Landlord or Landlords thereof; and in all Cases in which either Owners or Landlords are made liable by this Act, such Person or Persons respectively so authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect the Rents of any such Messuages, Lands, Tenements, or Hereditaments from the Tenants or actual Occupiers thereof, shall be liable, as Owner or Owners, Landlord or Landlords thereof, unless the Owner or Owners, Landlord or Landlords, shall be distinctly and certainly known to be such to the Satisfaction of the said Commissioners; and the Receiver or Collector of such Rents is hereby authorized to pay the said Rates and Assessments charged and payable for and on account of the said respective Premises, and to deduct the same out of the Rents received or to be received by him.

To avoid Loss from Persons about to remove;

XXXVII. And be it further enacted, That in order to avoid the Loss which frequently happens by Tenants or Occupiers of Houses, Tenements, or Hereditaments, or Parts of Tenements, removing from the same before the Quarter Day on which the Rates charged on the said Houses, Tenements, or Hereditaments, or Parts of Tenements, shall become due and payable, it shall be lawful for the Collector or Collectors to be appointed as aforesaid, Twenty-eight Days before every such Quarter Day, or at any other subsequent Time before such Quarter Day, to demand and receive the respective Rates to be made by virtue of this Act, and which would be due and payable on such Quarter Day, and in case of Nonpayment thereof, to enforce the Payment of such Rates in the same Manner and with the same Powers as in case of Nonpayment of such Rates upon or after the Quarter Day on which the same would have become due and payable.

or where Goods are beginning to be removed.

XXXVIII. And for the better enforcing the Payment of the Rates or Assessments to be made by virtue of this Act, be it further enacted, That if any Person or Persons liable to pay any of the said Rates or Assessments 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 to sell or dispose of or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due or assessed in respect of such House or Premises by virtue of this Act, in which One current Quarter shall be considered as due, 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, (the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid to be considered as due, although previous to the Time for Payment of the Rate or Assessment of such Quarter,) by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away 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.

For recovering Rates from Persons who have quitted their Premises.

XXXIX. And be it further enacted, That in case any Person who may have been rated or assessed to, or who may be liable to the Payment of any Rates or Assessments which shall be made by virtue of this Act, shall quit his or her House, Land, Tenement, or Hereditaments within the Limits of this Act, for or in respect whereof he or she shall be rated or assessed, before he or she shall have paid such Rates or Assessments, then and in every such Case it shall be lawful for any Person appointed to collect or receive any such Rates or Assessments, (Oath or Affirmation being made by him that he doth suspect that such Person hath removed his or her Goods and Chattels,) by Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said County of *Middlesex* to distrain and appraise and sell the Goods and Chattels of the Person who shall have so quitted the said House, Land, Tenement, or Hereditaments before he or she shall have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person by virtue of such Rates or Assessments or any of them, or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress, Appraisement, and Sale, in any County, City, or Place to which such Person shall have removed, in such and the same Manner as if the same Person had continued within the Jurisdiction of this Act.

XL. Pro-

Commissioners to correct Assessments.

XL. Provided always, and be it further enacted, That if the said Commissioners shall at any Time, in any Rates or Assessments by them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess themselves, or any other Person or Persons liable to pay or be charged to such Rates or Assessments, or shall under-rate or over-rate in such Assessment any Person or Persons so liable to such Rates or Assessments, then and in every such Case it shall be lawful for the said Commissioners to rate and assess such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so under-rated, and reduce such Person or Persons so over-rated, or otherwise to amend or alter such Rates or Assessments, so as to make the same conformable to the true Intent and Meaning of this Act; and all such Additions to or Alterations in, and all Exemptions from the original Rates or Assessments, shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been Part of the original Rates or Assessments, and shall not be held to vitiate the original Assessments, any Statute, Law, Usage, or Custom to the contrary in anywise notwithstanding.

Persons aggrieved by the Rate may apply to the Commissioners.

XLI. Provided also, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think himself, herself, and themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons, Bodies Politic or Corporate, having first paid such Rate or Assessment, may apply for Relief to the said Commissioners at the First or Second Meeting which shall be holden next after Payment of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person or Persons, Bodies Politic or Corporate, aggrieved, to give such Relief in the Premises as to them may seem reasonable.

Power to compel Payment of the Rates.

XLII. And be it further enacted, That such Person or Persons as is or are by this Act made liable to pay the several Rates or Sums of Money hereby granted, shall pay the same to such Officer or Officers as shall from Time to Time be so appointed as aforesaid to collect and receive the same, according to the true Intent and Meaning of this Act.

Commissioners may raise Money by Mortgage.

XLIII. And for the more speedy raising Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, when they shall judge necessary, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Three thousand Pounds, upon the Credit of the Rates or Assessments by this Act granted and authorized to be levied for the Purposes of this Act, and by Writing under their Hands and Seals to mortgage or assign all or any of the said Rates or Assessments to the Person or Persons who shall advance and lend such Money, or to his or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and the Charges and Expences of such Mortgages or Assignments shall be paid by the said Commissioners

missioners out of the Money so advanced; and every such Mortgage or Assignment may be in the Words or to the Effect following; (*videlicet*),

Form of Mortgage.

'BY virtue of an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*] we, of the Commissioners appointed by virtue of the said Act, in consideration of the Sum of advanced and lent by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition*] to the Commissioners upon the Credit and for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, [*or* to his, *or* her, Trustee *or* Trustees] such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed, or become due and owing, or charged upon the Credit of the said Act, to be had and holden from this Day until the said Sum of with Interest at the Rate of Five Pounds *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 this Day of in the Year of our Lord .'

And every such Mortgage or Assignment shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; 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 granted, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage arising therefrom, according to the true Intent and Meaning of this Act.

Money may be raised by way of Annuity.

XLIV. 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 said Sum of Three thousand Pounds by the granting of Annuities out of the said Rates or Assessments for the Life or Lives of any Person or Persons, 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 Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as 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, and either with or without Benefit of Survivorship; and the Expence of any such Grant of Annuity shall be defrayed by the said Commissioners out of the Money so advanced; and the Grant of such Annuity shall be in the Words or to the Effect following:

'WE of the Commissioners acting in the Execution of an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*], in consideration of the Sum of paid to us by *A. B.* for the Purposes of the said Act, do hereby grant unto the said *A. B.* his Executors, Administrators, and Assigns, [*or if by Survivorship*, unto and the Survivors and Survivor of them], an Annuity or yearly Sum of out of the Rates or Assessments arising by virtue of the said Act; which Annuity or yearly Sum of shall be paid to the said his Executors, Administrators, or Assigns, on the Day of in every Year during his natural Life, [*or if by Survivorship*, unto and amongst them the said and the Survivor and Survivors of them], and the first Payment thereof shall 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 in the Year of our Lord .'

Restrictions as to granting of Annuities.

XLV. And for preventing any improvident Grant of Annuities under this Act, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts of Parliament; the one passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His late Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; and all Annuities so to be granted as aforesaid shall be and the same are hereby charged upon, and shall be payable and be paid, free from all Charges and Deductions, out of such of the Rates or Assessments by this Act granted as in such Grant of Annuity shall be mentioned: 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 Annuities to be purchased in pursuance of this Act, by reason of their giving or executing such Securities, or any Monies borrowed by virtue of this Act; provided also, that before any Money shall be raised by Mortgage, or by way of Annuity as aforesaid, Twenty-one Days Notice at the least shall be given in some Newspaper published in *London* or *Westminster*, signifying the Intention of borrowing such Money or granting such Annuities.

Annuities charged upon the Rates.

Commissioners not personally liable for Monies raised.

Securities may be transferred.

XLVI. And be it further enacted, That it shall be lawful for the Persons entitled to any such Securities for the Money borrowed or for

for the Annuities granted as aforesaid, by Writing under their Hands to transfer the same respectively to any Person or Persons, according to the Form following, or in any other Form of Words to the like Purport and Effect (as the Case may be), *videlicet*,

Form of Transfer.

'I *A.B.* being entitled to the Sum of [*or* Annuity of *as the Case may be*,] by virtue of an Assignment [*or* Grant of an Annuity] bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*] upon the Credit of the Rates and Assessments authorized to be raised and collected for the Purposes of the said Act, do hereby transfer all my Right, Title, and Interest in and to the said Sum [*or* Annuity], and all Interest and other Money now due and owing thereon, and all Benefit and Advantage to be had or made thereby, to *C.D.*, his Executors, Administrators, and Assigns. Dated the Day of in the Year of our Lord .'

Securities to be entered in a Book.

XLVII. And be it further enacted, That a Book shall be provided by the said Commissioners, and be kept by their Clerk, in which Book Entries or Memorials of all Mortgages or Assignments and Grants of Annuities which shall be made in pursuance of this Act, and of all Transfers thereof, shall be entered, expressing in Words at length the Names, Additions, and Places of Abode, and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or to the Annuities thereby respectively secured, and the Dates of such Securities, and the Sums thereby secured; to which Book or Books any Person interested shall at all reasonable Times have Access and free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid, by the Person or Persons to whom such Transfer or Assignment shall be made, the Sum of Two Shillings and Sixpence and no more; and every such Transfer or Assignment, after such Entry as aforesaid, and not till then, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred, and it shall not be in the Power of the Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Money due thereon; and all Persons to whom such Mortgages, Assignments, or Grants of Annuity shall be made, or who shall be entitled to the Money or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Debts of any such Mortgages, Assignments, or Grants respectively.

Application of Monies raised.

XLVIII. And be it further enacted, That all Monies to be raised or collected by virtue or under the Authority of this Act shall be

and the same are hereby vested in the said Commissioners; and out of the first Monies arising from the Rates or Assessments which shall be collected by virtue of this Act, or out of the Money which may be borrowed or raised on the Credit of the said Rates or Assessments, the said Commissioners shall in the first place pay and discharge all the Expences attending the obtaining and passing this Act, or incident thereto, and in the next place shall pay and discharge the Interest of the Principal Money or Annuities to be borrowed or granted in pursuance of this Act, and shall apply the Remainder of the Monies so raised in paying and defraying the necessary Costs, Charges, and Expences attending the Execution of the Powers and Authorities in this Act contained, and in paying off the said Principal Money, in such Manner as the said Commissioners shall think proper.

Application of Surplus Monies.

XLIX. And in order that no undue Preference may be given to any of the Persons entitled to the Principal Money which shall be borrowed and secured on the Credit of the said Rates or Assessments, in discharging such Principal Money in pursuance of this Act, be it further enacted, That when and so often as the Money to be raised by the said Rates or Assessments shall amount to the Sum of One hundred Pounds over and above what shall be necessary to pay the growing Interest upon the Principal Money, and the Annuities which may be secured or granted in pursuance of this Act, and the Expences herein-before provided for, the said Commissioners shall cause the Number of all the Mortgages, Assignments, or Securities to be granted or made, and then in force, for securing the Principal Monies borrowed, of which Part shall be then intended to be paid off, (save and except the Securities made for the Payment of any Annuity or Annuities granted for the Purposes of this Act,) to be written upon distinct Pieces of Paper of an equal Size, and all such Papers to be rolled in the same Manner, as even as may be, and be put into a Box or Glass, and One Number of the said Mortgages, 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 of the said Commissioners, in the Presence of Five or more of them the said Commissioners: 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 the said Sum of Fifty Pounds, no more than Fifty Pounds shall be discharged in consequence of such Number being so drawn; and the said Commissioners shall cause a Notice, signed by their Clerk, to be given or left at the usual Place of Abode of the Person or Persons whose Principal Monies shall be intended to be paid off, which Notice shall express the Sum or Sums to be paid off, together with the Interest due thereon, and that the same will be paid at the Place to be mentioned in such Notice, at the Expiration of Three Calendar Months from the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be paid off shall, from and after the End of Three Calendar Months, cease and be no longer paid or payable, unless such Principal Money shall be demanded pursuant to such Notice and not paid; but the Principal Money in respect whereof

whereof such Notice shall be given, and also the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

Money may be borrowed at lower, to discharge Securities at higher Interest.

L. And be it further enacted, That in case the said Commissioners can at any Time borrow and take up any Sum of Money at a lower Rate of Interest than the Mortgages, Assignments, or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in manner aforesaid with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate as aforesaid, and pay off and discharge the Mortgages, Assignments, and Securities bearing a higher Rate of Interest.

Recovery and Application of Forfeitures.

LI. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Justice of the Peace for the said County of *Middlesex*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness upon Oath, of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Monies raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act, unless such Penalties shall be incurred by the said Commissioners, in which Case the same shall be paid to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take, by way of Recognizances or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid,

aforesaid, and the same shall not be forthwith paid, or in case it shall appear, to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the House of Correction for the said County of *Middlesex*, at the Discretion of such Justice or Justices, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that it shall be lawful for the said Commissioners, when and so often as they shall think fit, to give all or any of the Penalties and Forfeitures which shall be incurred by reason of any Offence or Offences against this Act to the Informer or Informers against such Offender or Offenders.

Damages and Charges, in case of Dispute, to be settled by a Justice.

LII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner hereby directed for the levying of any Penalties or Forfeitures.

Justices may proceed by Summons in the Recovery of Penalties.

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

Penalties to be sued for within a certain Period.

LIV. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences

Offences against this Act, unless Information be given of such Offence or Offences within One Calendar Month next after the Offence committed, save and except the Penalties in and by this Act inflicted for Nonpayment of the Rates or Assessments in and by this Act directed to be made.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Commissioners or their Treasurer.

LV. And be it further enacted, That when and as often as any Sum of Money shall be directed or ordered to be paid by any Justice of the Peace in pursuance of this Act, or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person acting by or under their Authority, and such Sum of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Fourteen Days after Demand in Writing shall have been made of the said Commissioners, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, unless such Treasurer shall pay such Sum out of any Money belonging to the said Commissioners in his Hands, and which he is hereby authorized to do under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Form of Conviction.

LVI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say),

‘ to wit. } BE it remembered, That on [*Time of Conviction*] at [*Place of Conviction,*] *A. B.* [*Name and Addition of Offender,*] ‘ was convicted before me [*or* us, *Name and Style of convicting* ‘ *Justice or Justices,*] for that the said *A. B.* [*Name of Offender,*] on ‘ [*Time*

'[*Time of committing Offence,*] at [*Place of committing Offence,*] did '[*here state the Offence against this Act according to the Fact,*] 'contrary to an Act passed in the Seventh and Eighth Years of the 'Reign of His Majesty King *George* the Fourth, intituled [*here set 'forth the Title of this Act*]; and I [*or* we] do therefore declare and 'adjudge that the said *A. B.* has forfeited for the said Offence the 'Sum of [*Fine*], or shall be committed to [*Place of Imprisonment,*] 'for the Space of [*Time of Imprisonment*]. Given under my Hand 'and Seal, [*or* our Hands and Seals,] the Day and Year first above 'written.'

Appeal to Quarter Sessions.

LVII. Provided always, and be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any Person or Persons whomsoever, shall think himself, herself, or themselves aggrieved by any Rate or Assessment made, or by any Bye Law, Rule, or Regulation made by the said Commissioners, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, such Body Politic, Corporate, or Collegiate, or Person or Persons respectively, may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Middlesex*, at the Option of the Person or Persons aggrieved, within Four Calendar Months next after the Cause of Complaint shall have arisen, the Person or Persons appealing having first given at least Thirty Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to the said Commissioners, as the Case may be, and forthwith 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 to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or may, if they think proper, adjourn the Hearing thereof to the next subsequent General or Quarter Sessions of the Peace to be held for the said County, and shall and may, upon the Determination of the said Appeal, award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Justices may amend the Rates without quashing the same.

LVIII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices of the Sessions where such Appeal shall be heard shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to the other Persons mentioned in the same.

LIX. And

Inhabitants may give Evidence.

LIX. And be it further enacted, That in all Actions, Prosecutions, Informations, Appeals, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Person shall be disqualified from giving Evidence by reason of such Person being charged with or being liable to pay any Rate or Assessment imposed or charged by virtue of this Act.

Distress not to be deemed unlawful for Want of Form.

LX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself 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 Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers (*ab initio*), on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action of Trespass upon the Case: Provided always, that no Plaintiff shall recover in any such Action for such Irregularity, or for any Trespass or other wrongful Proceedings, unless Notice in Writing shall be given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the said Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Notice to be given before commencing Action.

Proceedings not to be quashed for Want of Form.

LXI. And be it further enacted, That no Order, Verdict, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Limitation of Actions.

LXII. And be it further enacted, That no Suit or Action shall be commenced against any Person for any thing done in pursuance of this Act, until Ten Days Notice to the Defendant or Defendants, or after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, or after Four Calendar Months after the Fact committed; and every such Action or Suit shall be brought and tried in the County or Place in which the Cause of Action shall have arisen, and

and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and, at his, her, or their Election, may plead specially, or 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 have been so done, or if such Action or Suit shall be brought before Ten Days Notice shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Directing what shall be deemed a Service of Notice on the Commissioners.

LXIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs or other legal Proceedings, the Service thereof upon any of the said Commissioners, or left at his usual Place of Abode, or at the Office of such Commissioners, or upon the Clerk to the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or upon any Agent or other Officer empowered by the said Commissioners, or left at his last or usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Rights of Vestrymen of St. Pancras, &c. not to be affected.

LXIV. Provided always, and be it further enacted, That nothing herein contained shall in anywise prejudice, abridge, lessen, or affect any of the Powers, Rights, Privileges, or Duties of the Commissioners of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for lighting and watching* Kentish Town *in the Parish of* Saint Pancras *in the County of* Middlesex, or of the Vestrymen or Directors of the Poor of the said Parish of *Saint Pancras*, nor the Trustees for building a new Parish Church and Parochial Chapel for the said Parish, and for other Purposes relating thereto, nor to constitute the Limits aforesaid a separate Town, Township, or Vill, for any Purpose or Purposes whatever not expressly mentioned in this Act.

Rights of Commissioners of Sewers not to be affected.

LXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits of *Holborn* and *Finsbury* Divisions, the Parish of *Saint Leonard Shoreditch*, and the Liberty of *Norton Falgate* in the County of *Middlesex*, and the Borders and Confines of the same, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Public Act.

LXVI. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1827.