

ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 62.

An Act for paving and otherwiſe improving certain Streets and other Public Paſſages and Places which are or ſhall be made upon certain Pieces of Ground belonging to His Majeſty, in the ſeveral Pariſhes of *Saint Mary-le-bone* and *Saint Pancras*, in the County of *Middleſex*, called *Mary-le-bone Park*.

[1ſt *May* 1813.]

WHEREAS His Majeſty is ſeiſed of or entitled to certain Pieces or Plots of Ground, ſituate in the ſeveral Pariſhes of *Saint Mary-le-bone* and *Saint Pancras* in the County of *Middleſex*, called *Mary-le-bone Park*, containing in the Whole Five hundred and forty-three Acres or thereabouts, abutting towards the North, in Part upon Lands belonging to the Duke of *Portland*, and partly upon Lands belonging to *Eaton* College; towards the Eaſt upon Lands belonging to Lord *Southampton*; towards the South upon Houſes and Land belonging to the ſaid Duke of *Portland*, to *John White* Eſquire, to the Duke of *Hamilton*, and to *Edward Berkeley Portman* Eſquire; and towards the Weſt upon Lands belonging to the ſaid *Edward Berkeley Portman*, *Henry Samuel Eyre* Eſquire, and the ſaid Duke of *Portland*: And whereas it is intended to make certain Circuſſes, and ſeveral Streets, Squares, Terraces, and other Public Paſſages and Places on the ſaid Pieces or Plots of Ground: And whereas it would contribute to the Benefit and Safety of all Perſons who ſhall be Inhabitants of the ſaid intended Circuſſes, Streets, Squares, Terraces, Paſſages, and Places; and to all Perſons who ſhall have Occaſion to paſs along the ſame, if Proviſions were made for forming, paving, repairing, and

keeping in Repair ſuch intended Circuſſes, Streets, Squares, Terraces, Paſſages, and Places; and alſo for cleanſing, lighting, watching, and watering the ſame; and for removing and preventing Nuiſances, Annoyances, and Encroachments therein: And whereas it would alſo contribute to the Benefit and Advantage of the Owners and Occupiers of Houſes in ſuch Circuſſes, Squares, and other Places, if the Centers or Areas of the ſame were incloſed and railed in with Iron Rails; and if ſuch Incloſure or incloſed Part was planted and laid out, and properly ornamented and embelliſhed; and if Proviſions were made for raiſing Money for defraying the Expences of forming, incloſing, making, planting, ornamenting, and embelliſhing ſuch Incloſures, and of keeping and continuing the ſame in Repair; but although the ſeveral Purpoſes aforeſaid, if carried into Execution, would be to the Advantage of all Perſons concerned, the ſame cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Lord High Treaſurer and the Commiſſioners of the Treaſury for the Time being, and the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, and ſuch other Perſon or Perſons as ſhall be elected and appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for paving and otherwiſe improving the ſeveral Circuſſes, Streets, Squares, Terraces, Paſſages, and Places, which are or ſhall be made upon the Pieces or Plots of Ground herein-before particularly mentioned and deſcribed, and for carrying this Act into Execution.

Commiſſioners.

Additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the ſaid Lord High Treaſurer or the Commiſſioners of the Treaſury for the Time being, and the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, or any Three or more of them, at any Meeting to be held by virtue of this Act, by any Writing under their Hands and Seals, to elect and appoint any other Perſon or Perſons to be a Commiſſioner or Commiſſioners for carrying this Act into Execution; and every Perſon or Perſons who ſhall be ſo elected and appointed, is and are hereby veſted with the ſame Powers and Authorities as if he or they had been named in this preſent Act, and had been hereby appointed a Commiſſioner or Commiſſioners for carrying this Act into Execution.

Qualification of Commiſſioners.

III. Provided always, and be it further enacted, That no Perſon who ſhall be ſo elected and appointed, ſhall be capable of acting as a Commiſſioner in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents or Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds, or poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Two thouſand Pounds.

Qualification of new Commiſſioners.

IV. Provided alſo, and be it further enacted, That if any Perſon hereafter to be elected a Commiſſioner for the Purpoſes of this Act not being ſo qualified ſhall preſume to act in the Execution of this Act, or being ſo qualified ſhall, during ſuch Time as he ſhall hold any Place or Office of Profit, or be any way intereſted or concerned in any Contract to be made by virtue of this Act, or any Work or Buſineſs to be done under the ſame, preſume to

act as a Commissioner in the Execution of this Act, he shall for every such Offence forfeit and pay the Sum of One Hundred Pounds together with full Costs of Suit, to any Person who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or otherwise, and the Person so sued shall prove that he is qualified as aforesaid, or that he did not hold any such Place or Office of Profit, or was not interested or concerned in any such Contract, Work, or Business as aforesaid (as the Case may happen), or otherwise shall pay the said Penalty without any other Proof or Evidence being given on the Part of the Plaintiff, than that such Person had acted as a Commissioner in the Execution of this Act, or whilst holding any such Place or Office, or being interested or concerned in any such Contract, Work, or Business as aforesaid.

Meeting of Commissioners.

V. And be it further enacted, That the said Commissioners shall meet at such Time and Place as any Three or more of them shall appoint, by Notice to be signed by them and affixed on the Church Doors of the said Parishes of *Saint Mary-le-bone* and *Saint Pancras*, at least Eight Days before such Meeting, in order to put this Act in Execution, and shall and may then, and from Time to Time afterwards, adjourn themselves to any Place within or near the Limits of this Act; and if at any Time there shall not appear at any such Meeting a sufficient Number of the said Commissioners appointed or to be appointed by virtue of this Act, to act in the Execution of the same, any one of the said Commissioners present may adjourn the Meeting to another Day; and in case of any Neglect or Omission to adjourn, any Three of the said Commissioners, or their Clerk, shall and may call a Meeting at the Place where the last Meeting of the said Commissioners was appointed to be held, or was held, by Notice or Summons to be delivered at the usual Places of Abode of all such Commissioners, at least Three Days before such Meeting, and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences (except for the Use of the Room or Apartment where such Meetings shall be held, which shall be paid out of the Rates or Assessments herein-after directed to be made and levied); and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act (except the calling of Meetings as aforesaid), and that all the Powers and Authorities by this Act granted to or vested in the Commissioners appointed or to be appointed by or by virtue hereof shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings to be holden as aforesaid, the Number of Commissioners present at such Meeting not being less than Three for the Purpose of borrowing Money, granting Annuities, or making Contracts, and not being less than Two in any other Case, unless where herein otherwise particularly provided; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote), the Chairman shall have the casting Vote; and at every Meeting to be held under or in pursuance of this Act, the first Business shall be the Election of a Chairman to preside at the same.

Special Meetings may be held.

VI. Provided nevertheless, That it shall be lawful for the Commissioners appointed and to be appointed by or by virtue of this Act, and they are hereby authorized to hold any Special Meeting between their then last Meeting

Meeting and the Day to which any ſubſequent Meeting ſhall have been adjourned, ſo that ſuch Meeting ſhall be required by Two or more of the ſaid Commiſſioners, and Notice thereof given as laſt aforeſaid at leaſt Three Days before the Time to be appointed for the ſame, and ſo as that ſuch Notice ſhall be ſigned by the Clerk of the ſaid Commiſſioners, and ſpecify the Cauſe or Cauſes of ſuch Special Meeting.

Reſtrictions as to revoking Orders.

VII. And be it further enacted, That no Order made by the ſaid Commiſſioners appointed or to be appointed by virtue of this Act, ſhall be revoked or altered, unleſs at ſome Special Meeting to be required as aforeſaid, of which Three Days Notice ſhall be given as laſt aforeſaid, expreſſing the Occaſion of ſuch Meeting, and alſo unleſs a greater Number of Commiſſioners ſhall attend ſuch Meeting to revoke or alter the ſame than were preſent when ſuch Order was made.

Proceedings of Commiſſioners to be entered.

VIII. And be it further enacted, That Entries ſhall be made in a Book or Books to be provided for that Purpoſe of all the Acts, Orders, and Proceedings of the ſaid Commiſſioners, and of the Names of the Commiſſioners who ſhall be preſent at the reſpective Meetings, and One or more of the ſaid Commiſſioners who ſhall be preſent ſhall ſubſcribe his or their Name or Names at the End of the Proceedings of the reſpective Meetings; and all ſuch Entries being ſo ſigned, ſhall be deemed Originals, and ſhall be allowed to be read in Evidence in all Cauſes, Suits, and Actions touching any Thing done in purſuance of this Act; and that ſuch Book ſhall at all ſeaſonable Times be open to the Inſpection of all Perſons rated or aſſeſſed for the Purpoſes of this Act.

Officers to be appointed and to give Security.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall from Time to Time, by Writing under their Hands, appoint a Treaſurer, Clerk, and Surveyor, and alſo a Collector of the Rates or Aſſeſſments to be made as herein-after mentioned, and ſuch other Officers and Perſons as they ſhall think neceſſary, and may remove any ſuch Officers or other Perſons as they ſhall think proper, and appoint others in their Stead, and pay ſuch Salaries and make ſuch Allowances to all ſuch Officers or Perſons as they the ſaid Commiſſioners ſhall think reaſonable, and the ſaid Commiſſioners are hereby required to take ſuch Security from every ſuch Treaſurer or Collector as they ſhall think proper.

Treaſurer and Collector to account.

X. And be it further enacted, That every ſuch Treaſurer and Collector 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 ſuch Matters and Things as may be committed to their Charge; and alſo of all Monies which ſhall have been by them received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and all ſuch Collectors ſhall pay all ſuch Money as ſhall remain in their reſpective Hands; and if any ſuch Collector as aforeſaid ſhall at any Time or Times hold or keep in his own Hands, for the Space of Three Days together, any larger Sum of Money to be received by him under this Act, than the Sum of Fifty Pounds, he ſhall for every ſuch Offence forfeit and pay to the ſaid Commiſſioners any Sum of Money not exceeding Five Pounds within

within the Space of Ten Days next after he ſhall be called upon by them or their Treaſurer to pay ſuch Penalty, and every ſuch Collector ſhall, when thereunto required by the ſaid Commiſſioners aſſembled at any ſuch Meeting as aforeſaid, produce a Book containing an Account of the Rates and Aſſeſſments laid by virtue of this Act, which ſhall be in Arrear and unpaid, and the Names of the Perſons by whom the ſame ought to be paid, with the Sums by them reſpectively owing, and the Time when the ſame became due, and every ſuch Treaſurer and Collector ſo accounting ſhall upon Oath, if thereunto required by the ſaid Commiſſioners (which Oath any One of the ſaid Commiſſioners is hereby empowered to adminiſter), verify ſuch their reſpective Accounts; and if any ſuch Treaſurer or Collector ſhall refuſe or wilfully neglect to make and render, or ſhall refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid; or in caſe the Clerk of the ſaid Commiſſioners, or any ſuch Treaſurer or Collector, ſhall not deliver to the ſaid Commiſſioners, or to ſuch Perſon as they ſhall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, ſigned by the ſaid Commiſſioners, or any Two or more of them, and given to or left at the laſt or uſual Place of Abode of ſuch Treaſurer, Clerk, or Collector, all Books, Papers, and Writings in their reſpective Cuſtody or Power, relating to the Execution of this Act, or Duplicates thereof reſpectively, or give Satisfaction to the ſaid Commiſſioners reſpecting the ſame, and Complaint ſhall be made thereof on the Behalf of the ſaid Commiſſioners, to any Juſtice of the Peace for the County of *Middleſex*, ſuch Juſtice is hereby authorized and required, by Warrant under his Hand and Seal to cauſe ſuch Treaſurer, Clerk, or Collector, to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected and raiſed by virtue of this Act, ſhall be in the Hands of any ſuch Treaſurer or Collector, ſuch Juſtice is hereby authorized and required, upon Non-payment 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 Perſon, and if no ſuch Goods or Chattels can be found ſufficient to anſwer and ſatisfy the Money and the Charges of diſtraining and ſelling the Diſtreſs, or if it ſhall in manner aforeſaid appear to ſuch Juſtice that any ſuch Treaſurer, Clerk, or Collector, had refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of any ſuch Treaſurer, Clerk, or Collector, and he ſhall have refuſed or neglected to deliver up or give Satisfaction reſpecting the ſame as aforeſaid, then ſuch Juſtice ſhall commit him to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize until ſuch Perſon, being Treaſurer or Collector, ſhall make and give a true and perfect Account, and have paid ſuch Money as aforeſaid, or ſhall have compounded for ſuch Money with the ſaid Commiſſioners, and have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Commiſſioners are hereby empowered to make and receive), and until ſuch Perſon, being Treaſurer, Clerk, or Collector, ſhall deliver up all ſuch Books, Papers, and Writings, or Du-

plicates of the ſame as aforeſaid, but no Perſon, who ſhall be committed on account of his not having ſufficient Goods or Chattels as aforeſaid, ſhall be detained in Priſon for any longer Term than Six Calendar Months.

Power to ſet out Pleaſure Ground, &c.

XI. And be it further enacted, That the ſole Power of incloſing, forming, making, ornamenting, and embelliſhing the ſaid Incloſures or Pleaſure Grounds, and of continuing, maintaining, and keeping the ſame in proper Order and Repair, ſhall be and the ſame is hereby veſted in the ſaid Commiſſioners, who ſhall at all Times hereafter maintain the ſame in proper Order and Condition.

The Inheritance of the Pleaſure Ground not to be altered.

XII. Provided always, and be it further enacted, That nothing herein contained ſhall be conſtrued, adjudged, deemed, or taken to alter the Inheritance or Property of the ſaid Pleaſure Grounds, or of the Uſe thereof, but the Inheritance and Property, and the Uſe thereof, ſhall remain and belong to and for His Majeſty, His Succeſſors and Aſſigns, in ſuch and the ſame Manner as if this Act had not been made.

Commiſſioners to pave and repair Streets, &c.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered from Time to Time to cauſe the ſeveral Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places which ſhall be made and ſet out within the Limits of this Act, both in the Carriage and Footways, to be paved, and ſuch Pavements to be from Time to Time amended and kept in good Repair, upon ſuch Levels and in ſuch Manner, and with ſuch Sorts and Kinds of Materials as they ſhall judge neceſſary and proper, and alſo to cauſe the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places to be cleanſed, lighted, watched, and watered, and the Sides thereof or other Places which ſhall be made or ſet out, to be fenced or incloſed with Iron or other Rails, in ſuch Parts and Places and in ſuch Manner as the ſaid Commiſſioners ſhall think proper; and all Encroachments, Obſtructions, Nuiſances, and Annoyances therein to be removed, and Drains, Sinks, Gutters, or Watercourſes to be made for conveying the Water off and from the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places, in ſuch Manner as they ſhall think proper; and that no Perſon ſhall without the Conſent of the ſaid Commiſſioners alter the Form or break up the Ground or Pavement of the Carriage or Footways within any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages or Places, or make the ſame otherwiſe than as ſhall be directed by the ſaid Commiſſioners, upon pain of forfeiting any Sum not exceeding Ten Pounds for every ſuch Offence, and ſuch Perſon ſo offending ſhall alſo pay all the Expences of reſtoring ſuch Ground or Pavement to its former State.

Commiſſioners may purchaſe or hire Ground for getting Materials and for building Watch Houſes, &c.

XIV. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby authorized and empowered either to purchaſe, take, or hire any Piece or Pieces of Ground for the Purpoſes of digging Gravel for the better paving ſuch Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places as aforeſaid, and for the Purpoſe of depoſiting Materials thereon, for or on account of ſuch Paving, or for the Purpoſe of erecting a Watch Houſe thereon, or to rent any Building to be made

uſe of as or for any other of the Purpoſes of this Act, as ſhall appear to them to be neceſſary, for ſuch Sum or Sums of Money, yearly Rent or Rents, and for ſuch Time as to them ſhall appear reaſonable, which Sum or Sums of Money, yearly Rent and Rents, ſhall be reſpectively paid out of the Monies to ariſe by virtue of this Act; and alſo to erect any Watch Houſe or Watch Houſes, and any Number of Watch Boxes for the Purpoſes of this Act, in ſuch Place or Places as they may think proper, and likewiſe to buy or hire ſuch Horſes, Carts, Teams, or Carriages, as may be neceſſary for the Purpoſe of carting ſuch Gravel, or for cleanſing or watering ſuch Streets, Squares, Circuſſes, Terraces, Roads, Highways, Paſſages and Places as aforeſaid, or for any other Purpoſe directed by this Act, and alſo to hire ſuch Perſons, buy ſuch Materials, and make ſuch Regulations for the better Execution of any ſuch Purpoſes as they the ſaid Commiſſioners ſhall in their Diſcretion think proper.

and erect Watch Boxes;

and may purchaſe or hire Carriages, &c.

XV. And be it further enacted, That the Property of and in all the Pavements of the Carriage Ways and Foot Ways, and alſo the Ballaſt or Gravel to be brought or laid in the ſaid ſeveral Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places already or hereafter to be ſet out or made upon the ſaid Pieces or Plots of Ground, and of and in the Iron Rails, Gates, Lamp Irons, Poſts, Rails, and other Materials and Things which now are, and which ſhall be made, ſet up, and be fixed thereon, and in the ſaid Incloſures or the Fences round the ſame, and alſo of and in all Watch Houſes, Watch Boxes, Pumps, and Wells which ſhall be erected, fixed, ſunk, or made, and all Materials, Implements, and other Things which ſhall be purchaſed or gotten by virtue or for any of the Purpoſes of this Act, are hereby veſted in the ſaid Commiſſioners; and the ſaid Commiſſioners are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in the Name or Names of any one or more of them, or in the Name of their Treaſurer or Clerk, or to prefer or order and direct the preferring of any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take, or carry away all or any Part of ſuch Iron Rails, Gates, Lamp Irons, Lamp Poſts, Rails, or other Materials and Things as aforeſaid; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be deemed and taken to be ſufficient to ſtate generally the Article or Articles, Thing or Things, for or in reſpect of which the ſaid Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commiſſioners for paving *Mary-le-bone Park*, without particularly ſtating or ſpecifying the Name or Names of all or any of the ſaid Commiſſioners; and if any Perſon or Perſons ſhall wilfully or maliciouſly break, pull down, deſtroy, or otherwiſe injure, damage, or ſpoil any of the ſaid Iron Rails, Gates, Lamp Irons, Lamp Poſts, Rails, Plants, Materials, and Things, or any of the Works which are or which ſhall be carrying on, made, done, or executed within or about the ſaid Incloſures in the ſaid Squares and the ſaid ſeveral Streets, Circuſſes, Terraces, Roads, Highways, or other public Paſſages or Places already or hereafter to be ſet out or made as aforeſaid, in purſuance of this Act or any Part or Parts thereof, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and alſo make full Satisfaction to the ſaid Commiſſioners for any Damage done by him, her, or them as aforeſaid; and that if any Perſon ſhall cauſe any Nuiſance or Annoyance within the ſaid Incloſures

Property of Pavements to be veſted in Commiſſioners.

closures or any of them, either by beating or dusting of Carpets, or laying or casting any Filth, Ashes, Dung, Dust, or Rubbish therein, or in any other Manner whatsoever, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Lamps to be set up, and Streets, &c. to be named, and Houses numbered.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, to cause such Lamp Irons or Lamp Posts to be put or fixed upon or against the Walls or Pallisadoes of any of the Houses, Tenements, or Buildings and Inclosures, or in such other Manner within the said intended Streets, Squares, Circusses, Terraces, Roads, Highways, and other public Passages and Places as they shall think proper, and also to cause such Nnmber of Lamps, of such Sizes and Sorts to be provided and affixed or put upon such Lamp Irons and Lamp Posts, as they shall think necessary for lighting all or any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, and other public Passages and Places; and also to cause the said Lamps, and also the several Houses within the said several Streets, Squares, Circusses, Terraces, Roads, Highways, and other public Passages and Places to be numbered, and also to cause to be painted, engraved, or described in or upon Stone, Wood, or otherwise, and to be fixed in a conspicuous Part of one or more House or Houses, Building or Buildings, at or near each End, Corner or Entrance of such Streets, Squares, Circusses, Terraces, Roads, Highways, and other public Passages and Places, the Name by which each respective Street, Square, Circus, Terrace, Road, Highway, Lane, Court, Yard, Mews, Passage, and Place, is to be properly called or known, in such Manner as they shall judge most proper for distinguishing the same; and if any Person shall wilfully break, throw down, take away, spoil, or damage, any Watch House or Watch Box, Lamps, or any of the Irons, Posts, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, or deface or obliterate any such Name or Number or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety shall go to the Informer, and the other Moiety to the Commissioners, acting under and by virtue of this Act, to be by them applied for the Purposes thereof, and such Offender shall also pay to the said Commissioners, or to such Person as they shall appoint to receive the same, such Sum of Money as shall be a full Satisfaction for the Damage so done; and in case any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise spoil, or damage any of the said Lamps, or the Irons, Posts, or other Furniture thereof, and shall not upon Demand make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the County of *Middlesex*, upon Proof thereof made by the Oath of any credible Witnesses, or on the Confession of the Party, to award such Sum of Money by way of Satisfaction for such Damage as such Justice shall think reasonable, not exceeding Forty Shillings for every such Lamp, Lamp Iron, or Lamp Post; and in Default of Payment thereof upon Demand, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person who shall have done such Damage, rendering the Overplus (if any) after deducting the Charges of prosecuting such Complaint, and of such Distress and Sale, to the Owner of such Goods and Chattels upon Demand.

XVII. And

Persons to sweep the Footway opposite their Houses once a Day.

XVII. And be it further enacted, That the Occupier of every House and Tenement now erected or to be erected within the Limits of this Act, shall once in every Day before the Hour of Ten of the Clock in the Forenoon of each Day, scrape, sweep, and cleanse, or cause to be scraped, swept, and cleansed, the Footway all along and opposite to the whole Front and Flank Wall (if any) of his, her, or their respective Houses or Tenements, or in Default thereof, every such Occupier shall forfeit and pay any Sum not exceeding Five Shillings, and if any such House or Building be let furnished or in separate Apartments to Inmates, then and in every such Case the Person or Persons so letting the same, shall for the Purpose aforesaid be deemed and taken to be the Occupiers thereof.

Commissioners may water Streets.

To make Wells.

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to cause all or any of the Streets, Squares, Circuses, Terraces, Roads, Highways, Passages, and public Places within the Limits of this Act, to be watered when they or any of their Surveyors for the Time being shall think proper, and for that Purpose to cause such Number of Wells and Pumps to be dug, sunk, and made, in any of the said Streets, Squares, Circuses, Terraces, Roads, Highways, Passages, and Places, as they shall think necessary, and from Time to Time to alter and repair the same as there shall be Occasion, and to defray the Expences thereof out of the Monies to be raised by virtue of this Act; provided that no such Well or Pump shall be sunk or made, so as to injure any House or other Building in, or any Vault or Cellar under any of the said Streets, Squares, Circuses, Terraces, or other public Passages or Places.

Commissioners may contract for performing Works.

XIX. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered from Time to Time at any of their said Meetings, as Occasion shall require, to contract and agree with any fit Person or Persons for doing and performing all or 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 Streets, Squares, Circuses, Terraces, Roads, Highways, or Places, or any of them; which Contract or Contracts 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 to be suffered in case of Non-performance thereof, and shall be signed by Two or more of the said Commissioners, and also 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; but previous to the making of any such Contract Fourteen Days Notice at the least shall be given in One or more of the public Newspapers published in *London* or *Westminster*, expressing the Intention of entering into such Contract, in order that any Person or Persons willing to undertake the same, may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

Commissioners may employ Surveyors and sue and com-

XX. And be it further enacted, That the said Commissioners shall cause all and every the Works to be done in pursuance of this Act, to be inspected by their Surveyor or Surveyors, or by such other Person or Persons

pound for Breach of Contract.

Perſons as they ſhall for that Purpoſe appoint; and in caſe the ſame ſhall not be well and ſufficiently performed according to the Terms, Intent, and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed and completed at or within the Time or Times ſpecified in ſuch Contract or Contracts, then the ſaid Commiſſioners may cauſe an Action to be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt any ſuch Contractor, or for any Penalty contained in his Contract, and on Proof of the ſigning of the ſaid Contract or Contracts, and of the Non-performance thereof, at the Time or Times for that Purpoſe to be therein mentioned, the ſaid Commiſſioners ſhall be entitled to and ſhall recover the full Penalty contained in any ſuch Contract, which, when recovered, ſhall be applied for the Purpoſes of this Act: Provided always, that it ſhall be lawful for the ſaid Commiſſioners, if they ſhall think fit, to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Non-performance of any ſuch Contract, for ſuch Sum of Money as the ſaid Commiſſioners ſhall think proper, not being leſs than the Injury or Damage ſuſtained by the Breach or Non-performance of ſuch Contract, and all Coſts, Charges, and Expences that ſhall be occaſioned thereby.

For preventing Aſhes being taken away by any Perſon but the Contractor for cleanſing.

XXI. And be it further enacted, That if any Perſon or Perſons (other than the Perſon or Perſons contracting with the ſaid Commiſſioners for cleanſing the Streets, Squares, Circuſſes, Terraces, Roads, Highways and other public Paſſages and Places under their Direction, or thoſe employed under ſuch Contractor or Contractors) ſhall, on any Pretence whatſoever, go about to collect or gather, or ſhall aſk for, receive, or carry away any Duſt, Dirt, Cinders, or Aſhes, from any Houſe or other Premiſes in any Street, Square, Circus, Terrace, Road, Highway, or other public Paſſage or Place under the Management of the ſaid Commiſſioners, it ſhall and may be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed, to ſeize, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing the Offender or Offenders, together with the Horſes, Carts, Wheelbarrows, or other Carriages or Implements made uſe of for carrying away the ſame, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before ſome Juſtice of the Peace for the ſaid County of *Middleſex*; and ſuch Juſtice ſhall, and he is hereby authorized to examine upon Oath the Perſon or Perſons apprehending ſuch Offender or Offenders, and any Witneſs or Witneſſes who ſhall appear to give Information touching ſuch Offence; and if the Party or Parties ſhall be convicted of going about to collect or gather, aſking for, receiving, or carrying away any Duſt, Dirt, Cinders, or Aſhes, from any Houſe or other Premiſes in any Street, Square, Circus, Terrace, Road, Highway, or other public Paſſage or Place under the Management of the ſaid Commiſſioners, not being the Perſon or Perſons ſo contracting with the ſaid Commiſſioners, or acting under his or their Authority, he, ſhe, or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings, and One Moiety of every ſuch Penalty ſhall be paid to the Perſon or Perſons who ſhall apprehend the Offender or Offenders, and the other Moiety to the ſaid Commiſſioners; and if ſuch Offender or Offenders ſhall not immediately on Conviction pay the ſaid Penalty or Penalties, ſuch Juſtice is hereby required to direct ſuch Horſes, Carts, Wheelbarrows, or other Carriages or Implements which ſhall have been ſo ſeized, to be appraiſed and ſold, and after deducting out of the Monies to ariſe by ſuch Sale the Penalty or Penalties incurred, together with

the

the reaſonable Charges and Expences of ſuch Diſtreſs and Sale, the Overplus thereof ſhall be returned to the Party or Parties whoſe Horſes or other Things ſhall be appraiſed and ſold; and in caſe there ſhall have been no ſuch Seizure as aforeſaid, or if the Horſes and other Things which ſhall be ſo appraiſed and ſold ſhall not produce a ſufficient Sum of Money to pay the ſaid Penalty or Penalties, or ſuch Part or Parts of the ſaid Penalty or Penalties, Charges, and Expences, which ſhall remain over and above the Produce of the Horſes and other Things ſo ſeized and ſold, then ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction for the ſaid County of *Middleſex*, there to be kept to hard Labour for any Time not exceeding Forty Days, unleſs ſuch Penalty or Penalties be ſooner paid and ſatisfied: Provided nevertheleſs, that nothing in this Act contained ſhall extend to prevent or hinder the Owner or Owners of ſuch Duſt, Dirt, Cinders, or Aſhes, from carrying away the ſame, for his, her, or their own Uſe, to be applied to any Manufacture of any ſuch Owner or Owners, or to the manuring any Ground occupied by him, her, or them.

Houſeholder making Complaint of defective Pavement or Lighting, Surveyor to view it, and if defective to give Notice to Contractor.

XXII. And be it further enacted, That if any Houſeholder within the Limits of this Act ſhall, by Writing under his or her Hand, to be left at the uſual Place of Abode of the Surveyor or Inſpector for the Time being to the ſaid Commiſſioners, make Complaint of any Defect of lighting or cleanſing, or want of Repair in the Pavement, in any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, or other public Paſſages or Places, the ſaid Surveyor or Inſpector in every ſuch Caſe ſhall enquire into and examine the Matter of Complaint, and report thereupon to the ſaid Commiſſioners at their next Meeting; and if by ſuch Report it ſhall appear that the Pavement complained of is bad and defective, unleſs it ſhall ariſe from a Defect relating to the Water Pipes lying under ſuch Pavement, the ſaid Commiſſioner ſhall give Notice to their Contractor or Pavior to repair the ſame within ſuch Time as the ſaid Commiſſioners ſhall judge neceſſary, which Time ſhall be ſpecified in ſuch Order; and if the Contractor or Pavior to whom ſuch Order ſhall be given, ſhall not repair and amend ſuch Pavement within the Time directed by ſuch Order, he ſhall in every ſuch Caſe forfeit and pay any Sum not exceeding Forty Shillings for every Day that the ſaid defective Pavement ſhall remain unrepaired after the Time limited by ſuch Order; and one Moiety of every ſuch Penalty ſhall be paid to the Inhabitant ſo making Complaint, and the other Moiety ſhall be paid to the ſaid Commiſſioners, to be applied by them for the Purpoſes of this Act; and if it ſhall appear by ſuch Report that the Contract for cleanſing or lighting ſhall not be duly performed, the ſaid Commiſſioners ſhall forthwith give Directions for recovering the Penalty under ſuch Contract.

For preventing Encroachments.

XXIII. And be it further enacted, That all Signs, Sign Poſts, Gutters, and Screens, which now are or at any Time hereafter ſhall be placed againſt any of the Houſes or other Buildings now erected, or erecting, or hereafter to be erected or built within the ſeveral Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places aforeſaid, ſhall be fixed cloſe to the Fronts of the Houſes, Shops, Warehouſes and Buildings to which they ſhall reſpectively belong and not otherwiſe, and that the reſpective Occupiers of any ſuch Houſes or other Buildings as aforeſaid, ſhall at their own Charges, within ſuch Time and in ſuch Manner as the ſaid Commiſſioners ſhall

from

from Time to Time, (by Notice in Writing under the Hands of any Three or more of them, to be delivered to such respective Occupiers, or left at their respective Dwelling Houses), order and direct, cause all Signs which may belong to and shall not be fixed or placed upon such respective Houses or other Buildings in Manner aforesaid, to be taken down and fixed or placed flat on the Fronts thereof, and all Sign Irons, Sign Posts, and other Posts, Pent Houses, Screens, Spouts, Steps, Shop Windows, and Cellar Windows, and other Encroachments, Obstructions, Projections, and Annoyances which may hereafter be made by any such Occupiers or other Persons, in, upon, or near or attached to any such respective Houses or other Buildings, contrary to the Meaning of this Act, to be removed, altered, or reformed; and also to cause the Water to be conveyed from the Roofs, Cornices and Pent Houses which belong to such respective Houses or other Buildings by proper and sufficient Pipes or Trunks to be affixed to the Sides of such Houses and other Buildings respectively, and from thence by proper Drains into the Common Drains or Sewers; and in case any such Occupiers shall neglect or refuse so to do, it shall be lawful for the said Commissioners to cause the same to be done; and if such Occupier shall refuse to pay the Costs and Charges attending the same, the said Commissioners shall cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of such Occupier by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Middlesex*, (which Warrant such Justice is hereby required and authorized to grant), rendering the Overplus (if any) when demanded to the Person whose Goods and Chattels shall be so distrained and sold; and if the Tenant in Possession of any such House or other Building shall remove, alter, or reform any such Encroachments, Obstructions, Projections, or Annoyances as aforesaid, according to the Directions of the said Commissioners, (except such as shall be put up or occasioned by such Tenant), it shall be lawful for every such Tenant to deduct and retain the Charges and Expences thereof out of his or her Rent, and the Landlord of every such House or other Buildings is hereby required to allow the same accordingly: Provided always, that nothing herein contained shall extend to authorize the said Commissioners to stop up any Cellar Window where there shall be no other Way from the Street or other public Passage or Place into such Cellar, unless the said Commissioners shall make or provide some other commodious Way into such Cellar; and in case the Pallisado, Fence, or Railing, for separating the Area of any House or other Building from the Way or Passage, shall be broken down or out of Repair, and the Owner or Occupier of such House or other Building shall not forthwith (being thereunto required by Writing, signed by the Surveyor or Clerk of the said Commissioners for the Time being), set up, amend, or repair such Pallisado, Fence, or Railing, it shall be lawful for the said Commissioners from Time to Time to cause the same to be set up, amended, and repaired, or altered in such Manner as they shall judge necessary, and to levy the Charges and Expences attending the same upon or from the Owner or Occupier of every such House or other Building by Distress and Sale, in like Manner as any Penalty or Forfeiture is by this Act authorized to be levied.

Penalties on occasioning Nuisances.

XXIV. And be it further enacted, That if any Person shall run, drive, or place, or cause to be run, driven, or placed any Coach, Carriage, or Waggon,

Waggon, Dray, Truck, Sledge, Wheelbarrow, or any Carriage whatſoever, upon or over any of the Foot Pavement within the Limits of this Act, or ſhall wilfully ride, drive, or lead any Horſe or other Beaſt or Cattle along or upon any of the ſaid Foot Pavements, or ſhall within any Street, Square, Circus, Terrace, Road, or Highway, or other public Paſſage or Place within the Limits of this Act, ſlaughter, dreſs, or cut up any Swine or other Beaſt, or hoop, cleanſe, or ſcald any Caſk, or hew or ſaw any Stone, Wood, or Timber, or bind or make the Wheel of any Carriage, or ſhoe or bleed, dreſs or farry, (except in Caſes of Accident,) or drive any Carriage or Carriages for the Purpoſe of breaking any Horſe, Mare, or Gelding, or ride any Horſe, Mare, or Gelding, for the Purpoſe of airing or exerciſing the ſame, or for trying or ſhewing the ſame for Sale in any ſuch Street, Square, Circus, Terrace, Road, Highway, or public Paſſage, otherwiſe then by paſſing through the ſame, or ſet, place, or expoſe to Sale any Goods, Wares, or Merchandize, either in the Foot Way or Carriage Ways belonging or to belong to any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, or Highways, or other public Paſſages or Places, every Perſon ſo offending in any ſuch Caſe, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings; and alſo that if any Perſon or Perſons ſhall ſift, ſcreen, or ſlack any Lime (except within ſuch Hoard or Incloſure as herein-after is mentioned) in any ſuch Street, Square, Circus, Terrace, Road, or Highway, Paſſage, or Place, or cauſe the ſame to be ſo done, he and they ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence.

Hoards may be erected.

XXV. Provided always, and be it further enacted, That nothing herein contained ſhall hinder or prevent any Perſon from erecting or building any Hoard or other Thing by way of Incloſure, for the Purpoſe of making Mortar or depoſiting Bricks or Stone, or making or working up any Lime, Sand, or other Materials for making, building, altering, or repairing any Houſe, Wall, or other Building within the Limits of this Act, or ſubject him to any Penalty on account thereof; but ſo nevertheleſs as that every ſuch Perſon ſhall previouſly have and obtain a Licence for that Purpoſe, under the Hand of the Surveyor to the ſaid Commiſſioners, which Licence ſuch Surveyor is hereby required forthwith to grant to any Perſon applying for the ſame, and for which he ſhall receive the Sum of One Shilling and no more, which Licence ſhall ſpecify the Length and Breadth of every ſuch Hoard and the Time it is to continue for ſuch Purpoſes aforeſaid; and if any Perſon ſhall erect any Hoard or Incloſure of greater Dimenſions then ſhall be ſpecified in, or ſhall ſuffer ſuch Hoard or Incloſure to remain for any longer Time than ſhall be allowed by ſuch Licence, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Shillings for every Day of Twenty-four Hours that ſuch Hoard or Incloſure, or any Part thereof, ſhall be continued, after Notice ſhall have been given by the Surveyor to take down and remove the ſame.

Penalty on leaving Carriages, &c. in the Streets.

XXVI. And be it further enacted, That if any Waggon, Cart, or other Carriage ſhall be left to ſtand or remain in any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, or other publick Paſſages or Places, with or without Horſes, for any longer Time then ſhall be neceſſary for the loading and unloading thereof, or if any Stage Coach, Poſt Chaiſe, or

or other Carriages let to hire (except Hackney Coaches), shall be left to stand or remain in any such Street, Squares, Circus, Terrace, Road, Highway, Passage, or Place, with or without Horses, for any longer Time than shall be reasonable and necessary for taking up or setting down Passengers, for loading or unloading their Baggage, or other Loading (except for Repair in case of Accident); or if any Horse or other Cattle shall be suffered to stand at the Door or House of any Person, so as to obstruct or incommode the Passage of any of the said Footways, or if any Timber, Bricks, Stones, Wood, Goods, or other Thing shall be laid or placed, and left to remain in any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, or other public Passages or Places for any longer Time than shall be necessary for removing or housing the same, or if any Dung or Ashes (except in Time of Frost), or any Dust, Dirt, or other Nuisance or Annoyance shall be thrown, cast, or laid in any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, or other public Passages or Places, and suffered to remain for any longer Time than shall be necessary for removing the same, then and in every such Case the Owner or Driver of every such Carriage, and the Owner of such Timber or other Things as aforesaid, and the Person who shall throw, cast, or lay any Dung, Ashes, Dust, Dirt, or other Nuisance or Annoyance as aforesaid, or otherwise offend in the Premises, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and if any such Timber or other Things, or such Dung, Ashes, Dust, Dirt, or other Nuisance or Annoyance shall be suffered to remain in any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, or other public Passages or Places longer than shall be necessary as aforesaid, the Surveyor to be employed by the said Commissioners is hereby authorized and empowered to cause the same to be removed to such Place as he shall think proper; and the Expence thereof shall be paid by the Person liable to the Payment of the said Penalty, and shall and may, in case of Non-payment on Demand, be recovered in a like Manner as any Penalty is herein-after authorized and directed to be recovered.

Dirt not to be swept into any Common Sewer, or within a certain Distance of any Gutter or Channel.

XXVII. And be it further enacted, That no Scavenger or other Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Ashes, Filth, or Soil to be found in any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, or other public Passages or Places, or brought therein into any Common Sewer, Drain, or Tunnel thereunto belonging; but every such Person shall place, sweep, or rake the same together, so as to lie at the Distance of Ten Feet at the least from each of the Grates to belong or to be placed over such Common Sewers, Drains, or Tunnels, and at the Distance of Three Feet at the least from the Channel where the Width of the Street, Lane, or Place will admit thereof, and that no Person shall use or employ any Cart or other Carriages in or about the cleansing or watering any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, or other Passages or Places, or in carrying any Dirt, Dust, Cinders, or Ashes out of the same, unless the Fellies of the Wheels of such Cart or other Carriage shall be of the Breadth or Gauge of Six Inches at the least; and if any Person shall offend in any of the Cases aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety thereof to go and be paid to the Informer.

XXVIII. And

Regulation as to Night Soil.

XXVIII. And be it further enacted, That no Perſon ſhall begin to empty any Privy, or to take or carry away any Night Soil, or bring or place any Carts for removing the ſame from any Houſe, Place, or Building already erected, now erecting, or hereafter to be erected, built, or made within the Limits of this Act, before the Hour of Twelve in the Night, or ſhall continue to take away the ſame after the Hour of Five in the Morning, between *Michaelmas* and *Lady Day*, or after the Hour of Four in the Morning between *Lady Day* and *Michaelmas*; and that no Perſon ſhall put or caſt, or cauſe to be put or caſt, any ſuch Night Soil out of any Cart, Tub, or otherwiſe, within the Limits of this Act; and if any Perſon ſhall offend herein, he ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof to go and be paid to the Informer.

Scavengers Duty.

XXIX. And be it further enacted, That all Perſons contracting with the ſaid Commiſſioners for cleanſing the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages or Places as aforeſaid, ſhall once in every Fourteen Days or oftener if the ſaid Commiſſioners ſhall ſo direct, between the Hours of Three in the Morning and Eight in the Evening, attend in all and every the Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places within the Limits of this Act, and ſhall give One Day's Notice at leaſt in Writing to the Surveyor to the ſaid Commiſſioners, ſpecifying the particular Day in every Week when they are to attend in each of the ſaid reſpective Streets, Squares, Circuſſes, Terraces, Roads, Highways, Public Paſſages or Places for the Purpoſes aforeſaid, of which the ſaid Surveyor ſhall make an Entry in a Book, and ſuch Surveyor ſhall on that Day inſpect the ſaid Streets and other Places, to ſee if the Work is properly performed, and ſhall make an Entry thereof in the ſame Book; and the Perſons ſo contracting ſhall alſo, upon the Requeſt of any of the Inhabitants or their Servants or Lodgers, go into all and every the Houſes and other Places where any Dirt, Duſt, Cinders or Aſhes ſhall be depoſited, and take and carry away the ſame; and if any Perſon ſo contracting, or any of the Perſons to be employed by him, ſhall neglect or refuſe ſo to do, he ſhall forfeit and pay for every Neglect or Refuſal any Sum not exceeding Twenty Shillings, One Moiety whereof ſhall be paid to the Perſon complaining.

Regulations for repairing Water Pipes.

XXX. And be it further enacted, That when and as often as any Pipe belonging or to belong to any of the Water Companies, who now furniſh or ſhall hereafter furniſh any of the Inhabitants within the Limits of this Act with Water, ſhall happen to burſt or be out of Repair in any of the Streets, Squares, Circuſſes, Terraces, Roads, Highways, Paſſages, or Places, within the Limits of this Act, the Surveyor to the ſaid Commiſſioners, or any other Perſon or Perſons to be by them appointed for that Purpoſe, ſhall forthwith cauſe the Pavement to be taken up, and open the Ground at or near the Place where the Water ſhall or may iſſue by reaſon of the burſting or breaking of any ſuch Pipe; and when upon taking the Pavement, and opening the Ground, it ſhall appear to what Water Company ſuch Pipe ſhall belong, then the Surveyor of the ſaid Commiſſioners, or ſuch other Perſon or Perſons appointed as aforeſaid, ſhall give Notice to the Pavior of ſuch laſt-mentioned Company, or leave the ſame at his laſt or uſual Place of

of Abode; and the Pavior of the Company to whom such Pipe shall belong, is hereby required to repair, or cause to be repaired, such Water Pipe, and to fill in the Ground over the same in such Manner as the Surveyor to the said Commissioners for the Time being shall direct, within Two Days next after such Notice shall be so given or left as aforesaid; and in case the Pavior to the Company to whom such defective Pipe shall belong, shall refuse or neglect to amend or repair such Pipe, and fill in the Ground in such Manner as the said Surveyor shall direct as aforesaid, for the Space of Two Days next after such Notice shall be given or left as aforesaid, then and in every such Case the Person guilty of such Neglect shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Pipe, (other than such as shall belong to any such Water Company) shall happen to break or burst, in any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, Passages, or Places, the Owner or Owners thereof shall cause the Ground to be opened, and such Pipe to be repaired within the Time herein-before respectively limited for such Purposes, and also shall forthwith give Notice to the Surveyor of the said Commissioners, or such other Person or Persons so appointed by them as aforesaid, to relay the Pavement so broken or taken up, on pain of forfeiting for every such Neglect or Refusal any Sum not exceeding Forty Shillings; or if any Pavement shall be broken or taken up by the Commissioners of Sewers, or any other Person or Persons for the Purpose of making, repairing, or altering any Sewer or Drain, or for any other Purpose whatsoever, the Surveyor for the Time being to such Commissioners of Sewers, or any other Person or Persons so breaking or taking up the said Pavement, shall forthwith give Notice thereof to the Surveyor or Paving Contractor or Contractors appointed or employed by the said Commissioners to relay or repair the Pavement so broken or taken up as aforesaid, upon pain of forfeiting for every such Neglect or Refusal any Sum not exceeding Forty Shillings; and if the said Surveyor to or for whom such Notice shall be given or left as aforesaid, shall neglect or refuse to acquaint the Paving Contractor or Contractors appointed by the said Commissioners with such Notice, or if such Contractor or Contractors shall not within Two Days next after such Notice from such Surveyor or other Person or Persons respectively, relay or repair the same, then and in every such Case the Person or Persons so respectively offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and the farther Sum of Twenty Shillings for every Day such Pavement shall continue without being relaid or repaired after the Expiration of the said Two Days.

Pavement taken up for repairing Water Pipes to be relayed.

XXXI. And be it further enacted, That whenever the Pavement of any of the said Streets, Squares, Circusses, Terraces, Roads, Highways, Passages, or Places shall be taken up for the Purpose of laying, altering, or repairing any Water-pipe or Plug, the said Pavement shall with all convenient Speed be relaid and repaired by the Pavior or Paviors contracting with or employed by the said Commissioners, and the Expence of taking up, relaying, and repairing such Pavement shall be borne and paid by the Company or Companies, Person or Persons to whom such Pipe or Plug shall belong; but if for the Purposes of this Act it shall at any Time be found necessary to rise, sink, or otherwise alter the Position of any of the Pipes or Plugs laid down or placed by any of the said Companies,

or

or to alter any Sewers, Drains, Gully Holes, or Grates, within the Limits of this Act, the ſame ſhall be done with as little Detriment or Inconvenience to the Company or Companies, Perſon or Perſons, to whom the ſame ſhall belong, as the Circumſtances of the Caſe will admit of, and the Expence thereof ſhall be defrayed by the ſaid Commiſſioners out of the Monies ariſing by virtue of this Act.

Paviors and Turncocks to give Notice of their Abodes to the Surveyors.

XXXII. And be it further enacted, That the Perſon and Perſons who now is or are or ſhall hereafter be appointed Pavior or Paviors, Turncock or Turncocks to the ſaid reſpective Water Companies within the Limits of this Act, ſhall and they are hereby required within the Space of Forty Days after the paſſing of this Act, or within the Space of Seven Days next after he or they ſhall be appointed Pavior or Paviors, Turncock or Turncocks to ſuch Company or Companies, to give Notice in Writing to the Surveyor or Surveyors of the ſaid Commiſſioners for the Time being, or to ſuch other Perſon or Perſons as ſhall be by them appointed for that Purpoſe, which Notice ſhall contain the Name and Place of Abode of every ſuch Pavior or Turncock, as alſo to what Company he is Pavior or Turncock, 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 Paviors or Turncocks of the ſaid ſeveral Water Companies, and alſo to the Surveyor or Surveyors to the Commiſſioners of Sewers, of his or their own 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 any Sum not exceeding Forty Shillings for every ſuch Offence.

Commiſſioners of Sewers to repair Drains under their Direction, and Owners of Pipes to pay the Expences of repairing them.

XXXIII. And be it further enacted, That when and ſo often as any Sewer, Gully Hole or Drain, which ſhall or may be under the Direction of the ſaid Commiſſioners of Sewers, in any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, Paſſages, or Places within the Limits of this Act, ſhall require to be repaired, altered, cleanſed, or emptied, or any new or additional Sewer, Gully Hole, or Drain ſhall be neceſſary to be made, or any new or additional Grate to be put and placed over any Sewer, Gully Hole, or Drain in any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, Paſſages, or Places, or any old Grates over the ſame ſhall require to be repaired, removed, or altered, then and in every ſuch Caſe the ſaid Commiſſioners of Sewers ſhall, within Three Days next after Notice given to or left for their Surveyor for the Time being, at the laſt or uſual Place of Abode, ſigned by the Surveyor to the Commiſſioners for putting this Act into Execution, cauſe ſuch Sewer, Gully Hole, or Drain to be repaired, altered, cleanſed, or emptied, and ſuch new and additional Grates to be made and put down, and ſuch old Grates to be repaired, removed, or altered; and in Default thereof, it ſhall be lawful for the ſaid Commiſſioners for putting this Act into Execution, or their Surveyor, to cauſe ſuch Sewer, Gully Hole, or Drain, to be repaired, altered, cleanſed, or emptied, or ſuch new and additional Grates to be made and put down, or ſuch old Grates to be repaired, removed, or altered, as the Caſe may

require, or ſo much of the ſaid Works to be completed as ſhall remain unfiniſhed: Provided always, that the Charges and Expences of re-laying or repairing the Pavements which ſhall be broken or taken up for the Purpoſe of repairing or amending any Pipe, ſhall be paid to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and that the Charges and Expences of making, repairing, altering, cleanſing, or emptying any ſuch Sewer or Drain, and of making or putting down any ſuch new or additional Grates, and altering or repairing ſuch old Grates, and of re-laying and repairing the Pavement ſo broken or taken up for any of the Purpoſes aforeſaid, ſhall be paid to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall at any ſuch Meeting as aforeſaid appoint to receive the ſame, by the Treaſurer or Clerk to the ſaid Commiſſioners of Sewers, or by the Perſon or Perſons who ſhall take or cauſe the ſaid Pavement to be taken up for the Purpoſes aforeſaid; and in caſe the Owner or Owners of ſuch Pipe as aforeſaid, or the Treaſurer or Clerk of the ſaid Commiſſioners of Sewers, or other Perſon or Perſons as aforeſaid, ſhall neglect or refuſe to pay what ſhall have been ſo laid out or diſburſed for the Purpoſes aforeſaid, within Ten Days next after Notice thereof in Writing ſigned by the Clerk to the ſaid Commiſſioners for putting this Act in Execution, and left at their reſpective Dwelling Houſes or laſt or uſual Place of Abode, together with a Bill annexed thereto (which Bill ſhall contain an Account of ſuch Charges and Expences), then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners for putting this Act in Execution, and they are hereby authorized and empowered, to bring or cauſe to be brought an Action againſt any or either of the reſpective Perſons aforeſaid, for the Recovery of ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall have ſo laid out and expended for the Purpoſes aforeſaid.

Watchmen to be appointed.

XXXIV. And be it further enacted, That the ſaid Commiſſioners for putting this Act in Execution, may and are hereby authorized and empowered from Time to Time to appoint ſuch Number of Watchmen and Patroles, to be employed within the Limits of this Act, for ſo long Time in the Night, under ſuch Regulations, and for ſuch Wages as they ſhall think proper, and to provide them with proper Arms, Ammunition, Weapons, and Clothing, for the Diſcharge of their Duty; and if any Watchman or Patrole appointed as aforeſaid, ſhall refuſe or neglect to perform his Duty, or ſhall in anywiſe miſbehave himſelf in the Execution of his Office, he ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence.

Duty of Watchmen.

XXXV. And be it further enacted, That the Watchmen to be appointed as aforeſaid ſhall, during the Time of their being upon Duty, uſe their utmoſt Endeavours to prevent any Miſchief by Fire, and alſo any Burglaries, Robberies, Affrays, or other Outrages and Diſorders, within the Limits of this Act; and that it ſhall be lawful for the ſaid Watchmen, or any of them, and they are hereby reſpectively authorized and required, while on Duty, to apprehend and ſecure all Malefactors, Rogues, Vagabonds, and other diſorderly Perſons within the Limits of this Act, who ſhall diſturb the public Peace, or whom they ſhall have cauſe to ſuſpect of any evil Deſigns, and to ſecure and keep in ſafe Cuſtody every ſuch Perſon, in order that he or ſhe may be conveyed, as ſoon as conveniently may be,

before ſome Juſtice of the Peace for the County of *Middleſex*, to be examined and dealt with according to Law; and if any Victualler or Keeper of any Public Houſe ſhall knowingly harbour or entertain any Watchman to be employed within the Limits of this Act, or permit or ſuffer any Watchman to be and remain in his Houſe during any Part of the Time appointed for his being on Duty, every ſuch Victualler or Keeper of every ſuch Public Houſe ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Rates to be laid on Houſes, &c.

XXXVI. And for raiſing Money to enable the ſaid Commiſſioners appointed and to be appointed by virtue of this Act to carry the ſeveral Purpoſes of this Act into Execution, be it further enacted, That One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, for the Purpoſe of paving, cleanſing, lighting, watering, and watching of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places which ſhall be within the Limits of this Act, be laid and aſſeſſed by the ſaid Commiſſioners Once in every Year, if they ſhall judge it needful, upon all Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, or Tenements, in any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places, in ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall order and direct; and that One or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall, for the Purpoſe of forming, making, encloſing, planting, ornamenting, and embelliſhing the ſaid Centres or Areas of the ſaid Squares and Circuſſes, be in like Manner laid and aſſeſſed on the Houſes and Buildings erected and built, or to be erected and built, and encompaſſing the ſaid Squares and Circuſſes, in ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall order or direct; but ſo, nevertheleſs, as that ſuch Rate or Rates, Aſſeſſment or Aſſeſſments do not exceed in the Whole in any One Year the ſeveral Sums of Money next herein-after mentioned; (that is to ſay), for paving, repairing, cleanſing, watching, and lighting the ſaid ſeveral Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and Places, the Sum of Two Shillings in the Pound, according to the yearly Rent or Value of ſuch Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, and Tenements which are or ſhall be ſituate within the Limits of this Act; and for watering ſuch Streets, Squares, Circuſſes, Terraces, Roads, Highways, Paſſages and Places, the Sum of Sixpence in the Pound, according to the yearly Rent or Value of ſuch Houſes and Buildings as are or ſhall be erected and built in or about ſuch Streets, Squares, Circuſſes, Terraces, Roads, Highways, Paſſages, and Places which ſhall from Time to Time be watered in purſuance of the Directions of this Act; and for forming, making, encloſing, ornamenting, and embelliſhing the Centres, Areas, or Middle Spaces of the ſaid Squares and Circuſſes, which ſhall be laid out and made within the Limits of this Act, and for ſupporting and maintaining the ſame after the Rate of Two Shillings in the Pound, according to the yearly Rent or Value of ſuch Houſes and Buildings as are or ſhall be erected in ſuch reſpective Squares, Circuſſes, or Places; in the making of which ſaid ſeveral Rates or Aſſeſſments, the Stables, Coach-houſes, Erections, and other Buildings which ſhall belong to or be reſpectively held and occupied with any of the Houſes erected or to be erected, or ſituate in any of the ſaid Streets, Squares, Circuſſes, Terraces, Roads, Highways, and other public Paſſages and

and Places, ſhall be reſpectively rated together and along with ſuch Houſes, and not as ſeparate Buildings; and that the ſaid Commiſſioners ſhall cauſe ſeparate and diſtinct Accounts to be kept of the Produce of the ſaid reſpective Rates and Aſſeſſments, and the Application of the ſame reſpectively.

How the yearly Value of Houſes, &c. is to be aſcertained. Commencement of Rates.

XXXVII. And be it further enacted, That the annual Value of all ſuch Houſes, Stables, Cellars, Vaults, Buildings, and Tenements ſo to be reſpectively rated and aſſeſſed as aforeſaid, ſhall be ſettled and aſcertained according to the real Rack Rent or full yearly Value thereof; and the Firſt Year for which ſuch Rates or Aſſeſſments as aforeſaid ſhall be made, ſhall commence for or in reſpect of ſuch Houſes or other Buildings as now are or ſhall be then erected, built and tiled, ſlated or covered in, within the Limits of this Act, and paved in Front thereof, from the Twenty-fourth Day of *June* One thouſand eight hundred and thirteen; and for and in reſpect of all ſuch Houſes or Buildings hereafter to be erected or built within the Limits of this Act, which ſhall not be tiled, ſlated, or covered in, and paved in Front thereof as aforeſaid on the ſaid Twenty-fourth Day of *June* in the Firſt Year, ſhall commence from the next Quarter Day after the ſame ſhall be ſo tiled, ſlated, or covered in, and the Pavements made in Front thereof as aforeſaid; and the Money ſo rated and aſſeſſed under or in purſuance of this Act, ſhall from Time to Time be paid to the Collectors to be appointed as aforeſaid, at ſuch Time and Times in every Year, and in ſuch Manner as the ſaid Commiſſioners ſhall order and direct, and ſhall be paid over by ſuch Collectors into the Hands of the Treaſurer to the ſaid Commiſſioners.

Empty Houſes to be charged with Half Rates.

XXXVIII. Provided always, and be it further enacted, That when any of the ſaid Houſes or other Buildings ſhall at the Time of making any of the ſaid Rates or Aſſeſſments be empty or unoccupied, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners to rate and aſſeſs ſuch Premiſes reſpectively at One Half of ſuch Rates and Aſſeſſments, and no more, during the Time only ſuch Premiſes ſhall be empty or unoccupied; and alſo in caſe ſuch Premiſes after the making of any ſuch Rate or Aſſeſſment ſhall become empty or unoccupied, One Half only of ſuch Rates or Aſſeſſments ſhall be charged on ſuch Premiſes reſpectively for and during ſo long Time as the ſame ſhall continue empty and unoccupied, and then and in every ſuch Caſe the ſaid Rates or Aſſeſſments, and all Arrears due thereon, ſhall be paid by the Perſon or Perſons for the Time being entitled to ſuch Premiſes, or by the Firſt or any other Tenant or Occupier thereof; but ſuch Tenant or Occupier ſhall not be liable or compellable to pay more than One Year's Rates or Aſſeſſments due at the Time of his entering thereon, in reſpect of ſuch Premiſes; and every ſuch Tenant or Occupier ſhall and may, and is hereby authorized to deduct and retain the ſame out of his or her Rent, and the Perſon or Perſons for the Time being entitled to ſuch Premiſes is and are hereby required to allow ſuch Deductions; and that where any Houſe, Building, or Tenement in reſpect whereof any Rate or Aſſeſſment ſhall be made as aforeſaid, ſhall be let to more than One Tenant, any one or more of ſuch Tenants ſhall be deemed the Occupier or Occupiers thereof for the Purpoſes of this Act.

XXXIX. Pro-

Proportion of Rates to be paid by Perſons removing.

XXXIX. Provided alſo, That in all Caſes where any Perſon ſhall remove from or quit any Houſe, Building, or Tenement which ſhall be rated or aſſeſſed by virtue of this Act, ſuch Perſon ſhall be liable to pay ſuch Rate or Aſſeſſment, in proportion to the Time that he or ſhe occupied the ſame; and in all Caſes where any Perſon ſhall come into or occupy any Houſe, Building or Tenement, 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 was empty or unoccupied, the Perſon coming into or occupying the ſame ſhall be liable to pay ſuch Rate or Aſſeſſment in reſpect thereof, in proportion to the Time that he or ſhe occupied the ſame; which ſaid reſpective Proportions, in caſe of Diſpute, ſhall be ſettled or aſcertained by the ſaid Commiſſioners.

Public Buildings to be rated according to the Number of Square Yards of Paving belonging to.

XL. Provided always, and be it further enacted, That the Rates or Aſſeſſments to be made and laid by virtue of this Act upon or in reſpect of any Chapel, Meeting Houſe, Hoſpital, School, or other Public Building, or any Wall or void Space of Ground, ſhall be aſcertained according to the Number of Square Yards of Pavement paved or repaired, cleanſed, lighted, watched, or watered under or by virtue of this Act, belonging to ſuch Chapel, Meeting Houſe, Hoſpital, School, or other Public Building, Wall or void of Space Ground, meaſuring the ſame from ſuch Chapel, Meeting Houſe, Hoſpital, School, Building, Wall, or void Space of Ground, to the middle of the Street, Square, or Place on which the ſame ſhall reſpectively abut, and the ſame ſhall never exceed in any one Year the Sum of Nine-pence for every ſuch Square Yard; and ſuch Rates or Aſſeſſments to be made and laid upon ſuch Chapel, Meeting Houſe, Hoſpital, School, or other Public Building, Wall or void Space of Ground, ſhall be paid by the Chapel Wardens, Truſtees, or Owners or Proprietors thereof reſpectively, but ſo nevertheleſs as that no Rate or Aſſeſſment ſhall by virtue of this Act be laid upon, or collected or received for or in reſpect of any Wall or void Space of Ground, unleſs the ſame ſhall abut upon or front ſome Street, Lane, or Place to be paved, cleanſed, or lighted as aforeſaid.

Rates of Houſes let to Ambaſſadors, &c. to be paid by Landlord.

XLI. And be it further enacted, That every Rate or Aſſeſſment which ſhall be laid or aſſeſſed by virtue of this Act, for or in reſpect of any Houſe, Building, Coach Houſe, Stable, or Tenement which any Ambaſſador, Reſident Agent, or other Public Miniſter of any Foreign Prince or State, or the Servant of any ſuch Ambaſſador, Reſident Agent, or other Public Miniſter, or any other Perſon not liable by Law to pay ſuch Rate or Aſſeſſment ſhall hereafter inhabit, ſhall be paid by and recoverable from the Landlord or Proprietor of every ſuch Houſe, Building, Coach Houſe, Stable, or Tenement, who ſhall for that Purpoſe be deemed the Occupier thereof.

Leſſee ſubject to Rates of Houſes let Lodgers.

XLII. And be it further enacted, That the Leſſee, Landlord, or Owner of every Houſe within the Limits of this Act, which is, or ſhall, or may be let out ready-furniſhed to a Lodger or Lodgers, ſhall be deemed and taken to be the Occupier thereof, and ſhall be liable and ſubject to the Rates or Aſſeſſments directed by this Act to be made, raiſed, and levied according to the yearly Value of the Premiſes; and that every Perſon renting

or occupying any such ready-furnished House as aforesaid, shall be liable and compellable to the Payment of the said Rates or Assessments, to be recovered in Manner herein directed; but such Person so renting or occupying any such ready-furnished House as aforesaid, shall not be liable and compellable to the Payment of the said Rates or Assessments beyond the Rent actually due by him or her in respect of the said Premises; and that every such respective Occupier or Occupiers who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due, and payable from him, her, or them to such respective Lessee or Landlord or Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or shall be levied on him, her, or them by virtue of this Act.

Houses partly within and partly without the Limits of this Act.

XLIII. Provided always, and be it further enacted, That if any House or Premises shall be situate partly within the Limits of this Act, and partly in any Street or Place not within such Limits, such House or Premises shall be assessed to the Rates to be raised by virtue of this Act, for a proportionable Part only of the Rent thereof; and it shall be lawful for the said Commissioners or any Person appointed by them at some Meeting to be holden for that Purpose, and they or he are or is hereby respectively authorized and required to apportion and settle at how much and what Part of the Rent of such House and Premises the same shall be assessed.

Arrears of Rates how to be recovered.

XLIV. 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 refuse or neglect to pay the Money rated or assessed upon him, her, or them, and all Arrears due thereon; or 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 sell, dispose of, or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due or rated in respect of such House (in which the current Quarter shall be considered as due), that then and in any of the said Cases it shall be lawful for the Collector for the Time being to the said Commissioners, to collect and levy such Rates or Assessments and all Arrears due thereon, and the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid (although previous to the Time for Payment of the Rate or Assessment for such Quarter), by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, or beginning to remove, take away, or sell 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,

ments, 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.

Commiſſioners may bring Actions for Rates.

XLV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they ſhall think it more expedient, to bring or cauſe to be brought in the Name of their Treaſurer or Clerk, or of any One or more of them the ſaid Commiſſioners, any Action or Actions of Debt, or ſpecial Action on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, for all or any of the Rates or Aſſeſſments to be made by virtue of this Act, in which Action or Actions it ſhall be ſufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in ſuch Sum of Money as the Plaintiff ſhall ſuppoſe to be due; and if the Plaintiff ſhall recover ſuch Sum ſo declared for, or any Part thereof, he ſhall have full Coſts, to be levied and recovered as other Monies upon Judgements are now by Law levied and recovered, in which Action or Actions no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Rate Books to be admitted Evidence.

XLVI. And be it further enacted, That the Books of Rates to be delivered by the Collectors or other Officers to the ſaid Commiſſioners, and all Entries afterwards made therein, or examined Copies thereof reſpectively, ſhall be received as Evidence of the Rates impoſed by virtue of this Act, and the Payment of ſuch Rates or ſuch of them or ſuch Part thereof as ſhall by ſuch Entries appear to have been paid to ſuch Collectors.

Commiſſioners may make Allowances to ſuch Perſons as may have paved at their own Expence.

XLVII. And whereas ſeveral Perſons have already paved, and may hereafter at their own Expence pave certain Squares, Paſſages, and Places within the Limits of this Act, for which it is reaſonable ſome Allowance ſhould be made; be it therefore further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, from and out of the Monies to ariſe under and by virtue of this Act, to make and pay to ſuch Perſons as to the ſaid Commiſſioners ſhall appear to be entitled thereto, ſuch Payments or Allowances for or in reſpect of ſuch Pavement made and done, or which ſhall hereafter be made and done by them as aforeſaid, as to the ſaid Commiſſioners ſhall appear fair and reaſonable.

Commiſſioners may borrow Money.

XLVIII. 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 to borrow and take up at Intereſt any Sum or Sums of Money upon the Credit of the Rates or Aſſeſſments herein-before granted, and by Writing under their Hands and Seals to mortgage or aſſign over the ſaid Rates or Aſſeſſments or any Part thereof to the Perſon or Perſons who ſhall advance or lend ſuch Monies, or his or their Truſtee or Truſtees, as a Security for the Money ſo to be borrowed, together with Intereſt for the ſame; and every ſuch Mortgage or Aſſignment may be according to the Form following; (*videlicet*),

'BY virtue of an Act made in the Fifty-third Year of the Reign of King *George* the Third, intituled [*ſet forth the Title of this Act*] We being of the

'Commiſſioners

'Commiſſioners by virtue of the ſaid Act, in conſideration of the Sum 'of advanced and lent by *A. B.* to *C. D.* (the Treaſurer ap-'pointed in purſuance of the ſaid Act) upon the Credit and for the Pur-'poſes of the ſaid Act, do grant and aſſign unto the ſaid *A. B.* his Execu-'tors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rates or Aſſeſſ-'ments ariſing by virtue of the ſaid Act as the ſaid Sum of 'doth or ſhall bear to the whole Sum which is or ſhall be borrowed upon 'the Credit of the ſaid Act, to be had and holden from this Day until 'the ſaid Sum of with Intereſt at *per Centum* '*per Annum* for the ſame, to be paid Half-yearly, ſhall be repaid and 'ſatisfied. In Witneſs whereof we have hereunto ſet our Hands and 'Seals, this Day of .'

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

Money may be raiſed by Annuities.

XLIX. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioners ſhall think it adviſeable to raiſe all or any Part of the Money neceſſary for the Purpoſes of this Act, by the granting of Annuities for the Life or Lives of any Perſon or Perſons, then 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 into the Hands of the Treaſurer to the ſaid Commiſſioners, any Sum or Sums of Money for the abſolute Purchaſe of any Annuity or Annuities, to be paid and payable during the natural Life of every ſuch Contributor, or the natural Life of every ſuch Perſon who ſhall be nominated by or on the Behalf of ſuch Contributor, at the Time of the Payment of his or her Contribution or Purchaſe Money, ſo that no ſuch ſeparate Annuity do exceed the Rate of Ten Pounds for every One hundred Pounds for a Year.

Commiſſioners may cauſe Bonds or other Securities to be given for Payment of Annuities.

L. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe a Bond or Note or other Security, under the Hands and Seals of Three or more of them, to be delivered to every Perſon advancing any Part of the ſaid Monies for Payment of ſuch Annuities in reſpect thereof, which Bonds, Notes, or other Securities ſhall be aſſignable by Indorſement, and which ſaid ſeveral Annuities ſo to be purchaſed ſhall be, and are hereby charged upon, and ſhall be paid out of the Rates or Aſſeſſments herein-before mentioned, and ſhall be made payable and paid quarterly during the natural Lives of ſuch Contributors reſpectively, or the natural Life or Lives of ſuch other Perſon or Perſons as ſhall be nominated by ſuch reſpective Contributors, and a proportional Part of ſuch Annuity ſhall be paid from the laſt Quarter Day of Payment to the Day of the Death of the Annuitant, or his *Ceſtuique Vie*: Provided always, that nothing herein contained ſhall be deemed, conſtrued, or taken to extend to make the ſaid Commiſſioners perſonally, or their reſpective Eſtates, Lands and Tenements, Goods and Chattels, liable to the Payment of the ſame Annuities ſo to be purchaſed in purſuance of this Act, by reaſon of their giving or executing ſuch Bond or other Writing as aforeſaid.

Commiſſioners not perſonally liable.

LI. Provided

Money borrowed not to exceed Forty thouſand Pounds.

LI. Provided nevertheleſs, That no greater Sum in the whole than Forty thouſand Pounds ſhall be raiſed by Loan or Mortgage, and by the Sale or granting of Annuities as aforeſaid, and that before any ſuch Money ſhall be borrowed, or Annuity granted, Fourteen 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.

Mode of transferring Securities.

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

Form of Transfer.

'I *A. B.* do hereby aſſign the within Mortgage, [*or*, Bond for the Payment of the within mentioned Annuity], and all my Right and Title in and to the Principal Money and Intereſt, [*or*, Annuity and all Arrears now due thereon, by virtue of the within written Bond], thereby ſecured unto *C. D.* his Executors, Adminiſtrators and Aſſigns. Dated the Day of

'

Entries or Memorials of all Mortgages, &c. to be entered in a Book.

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

Application of the Money.

LIII. And be it further enacted, That all the Money to ariſe by or from the ſaid Rates or Aſſeſſments, and which may be borrowed or advanced upon or received for the Purchaſe of any Annuities on the Credit or Security thereof, ſhall be applied in paying and diſcharging the Expences attending the obtaining and paſſing this Act, and afterwards from Time to Time in paying the Intereſt of the Principal Money to be borrowed, and the Annuities to be granted as aforeſaid, and making ſuch Allowances to the ſeveral Perſons who ſhall have paved any of the ſaid Streets, Squares, or other public Paſſages or Places, and in defraying the Expences of forming, incloſing, making, railing in, ornamenting and embelliſhing

bellifhing the faid Centres or Areas of the faid Squares and Circuffes, and of paving, repairing, cleanfing, lighting, watching, and watering the faid Streets, Squares, Circuffes, Terraces, Roads, Highways, and other public Paffages and Places, and of carrying this Act into Execution, and in paying off the faid Principal Money in fuch Manner as the faid Commiffioners fhall think proper.

Creditors to be paid by Ballot.

LIV. And in order that no undue Preference may be given to any of the Perfons entitled to the Principal Monies which fhall be borrowed and fecured on the Credit of the faid Rates or Affeffments, in difcharging fuch Principal Money in purfuance of this Act; be it further enacted, That when and fo often as the Money to be raifed by the faid Rates or Affeffments fhall amount to the Sum of Two hundred Pounds (over and above what fhall be neceffary to pay the growing Intereft upon the faid Principal Money, and the Annuities which may be fecured or granted in purfuance of this Act, and the Expences herein-before provided for) the faid Commiffioners fhall cauſe the Number of all the Mortgages, Aſſignments, or Securities to be granted or made, and then in force, for fecuring the Principal Monies borrowed, of which Part fhall be then intended to be paid off, to be written upon diftinct Pieces of Paper of an equal Size, and all fuch Papers to be rolled up in the fame Manner as near as may be, and put into a Box or Glafs, and One Number of the faid Mortgages, Aſſignments, or Securities, fhall be drawn out of the faid Box or Glafs by the Clerk to the faid Commiffioners, in the Preſence of Three or more of the faid Commiffioners: Provided always, that if it fhall happen that any Mortgage, Aſſignment, or Security, the Number whereof fhall be drawn out as aforefaid, fhall be for a greater Sum than One hundred Pounds, no more than One hundred Pounds fhall be difcharged in conſequence of fuch Number being fo drawn.

Notice fhall be given to the Perfons whofe Money is to be paid off.

LV. And be it further enacted, That the faid Commiffioners fhall cauſe a Notice, figned by their Clerk, to be given to or left at the uſual Place of Abode of the Perſon or Perſons whofe Principal Money fhall be intended to be paid off, which Notice fhall expreſs the Sum to be paid off, together with the Intereft due thereon, and that the fame will be paid at the Place to be mentioned in fuch Notice, at the Expiration of Six Calendar Months from the Day of giving or leaving fuch Notice as aforefaid; and the Intereft of the Principal Money fo to be paid off fhall, from and after the end of the faid Six Calendar Months, ceaſe and be no longer paid or payable, unleſs fuch Principal Money fhall be demanded purſuant to fuch Notice and not paid; but the Principal Money in reſpect whereof fuch Notice fhall be given, and alſo the Intereft thereof to the End of the faid Six Calendar Months fhall nevertheleſs be payable on Demand.

Power to borrow Money at lower Intereft to diſcharge Securities at higher.

LVI. And be it further enacted, That in caſe the faid Commiffioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Intereft than the Mortgages, Aſſignments, or Securities which fhall be then in force fhall bear, it fhall be lawful for the faid Commiffioners from Time to Time to charge the faid Rates or Affeffments in Manner aforefaid with fuch Sum or Sums of Money as they fhall think proper, and the Intereft thereof at fuch lower Rate as aforefaid, and to pay off and diſcharge the Mortgages, Aſſignments or Securities bearing a higher Rate of Intereft.

LVII. And

LVII. And be it further enacted, That the ſaid Commiſſioners ſhall, at their Second Meeting in every Year, cauſe an Account of the Monies received and diſburſed in the preceding Year, and the Amount of the Arrears of Rates then due, and of the Balance of Caſh in hand, to be made out, which Account it ſhall be lawful for all Perſons rated or aſſeſſed under and by virtue of this Act, and all Perſons intereſted therein, at all ſeaſonable Times to inſpect. Commiſſioners annually to make out Account of Receipts and Diſburſements.

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

LIX. And be it further enacted, That all ſuch Commiſſioners as are or ſhall be Juſtices of the Peace may act as Juſtices in all Matters under the Authority of this Act, notwithſtanding their being Commiſſioners; and that in all Caſes where any Juſtice or Juſtices of the Peace is or are authorized by this Act to examine any Perſon or Perſons on Oath or Affirmation, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby required to adminiſter ſuch Oath, or to take any Affirmation. Commiſſioners in Commiſſion of the Peace may act as Juſtices.

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

LXI. And,

LXI. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace before whom any Perſons 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),

Form of Conviction.

'BE it remembered, That on to wit. [*Time of Conviction*], at [*Place of Conviction*], *A. B.* [*Name of Offender*], of [*Addition of Offender*], was duly convicted before me, [*or*, us], [*Name and Style of convicting Juſtice or Juſtices*], for that the ſaid *A. B.* [*Name of Offender*], on [*Time of committing Offence*], at [*Place of committing Offence*], did [*here ſtate the Offence againſt the Act according to the Fact*], contrary to the Form of the Statute made in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*], and I [*or*, We], do therefore declare and adjudge, that the ſaid *A. B.* [*Name of Offender*], has forfeited for the ſame 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.

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

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

LXIII. And be it further enacted, That no Rate or Aſſeſſment, or any Proceeding to be had touching any Order made, or other Matter or Thing to be done or tranſacted in or relating to any Complaint or Appeal, or any Order or Determination thereon in purſuance of this Act, ſhall be

quaſhed or vacated for Want of Form only, or be removed or removable into any of His Majeſty's Courts of Record by *Certiorari* or any other Writ or Proceſs whatſoever, any Law, Statute, or Uſage to the contrary notwithſtanding.

Plaintiff ſhall not recover after Tender of ſufficient Amends.

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

Diſtreſs not unlawful for Want of Form.

LXV. And be it further enacted, That where any Diſtreſs ſhall be made for 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 *ab initio* on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage only in an Action on the Caſe.

Limitation of Actions.

LXVI. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing to be done in purſuance of this Act, until Twenty-eight Days Notice thereof ſhall be given to the Clerk to the ſaid Commiſſioners, or after ſuch ſufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County of *Middleſex*, and not elſewhere; and the Defendant in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance 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 Twenty-eight Days Notice thereof ſhall be given as aforeſaid, or after ſufficient Satisfaction made or tendered as aforeſaid, or after the Time herein-before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find a Verdict for the Defendant, and upon ſuch Verdict, or if the Plaintiff ſhall become nonſuit or diſcontinue his or her Action or Suit after the Defendant ſhall appear, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff, then the Defendant ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes of Law.

Reſerving the Rights of the Commiſſioners of Sewers.

LXVII. Provided always, and be it further enacted, That nothing herein contained ſhall operate, extend, or be conſtrued to abridge, take away, prejudice or affect any Juriſdiction, Power, or Authority, which is by Law

Law now vested in the Commissioners of Sewers of the Districts in which the said Premises are situate; but that all such Jurisdiction, Power, and Authority shall and may be exercised by such last-mentioned Commissioners in such and the like Manner as if this Act had not been passed.

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

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