

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 7.

An Act for the Improvement of *Montagu Square*, in the Pariſh of *Saint Mary-le-bone*, in the County of *Middleſex*. [17th *December* 1813.]

WHEREAS Part of the Ground within *Montagu Square*, in the Pariſh of *Saint Mary-le-bone*, in the County of *Middleſex*, hath been encloſed with Iron Rails, and laid out as a Garden or Pleaſure Ground, but no Proviſion has been made for raiſing Money for the Purpoſes of keeping up and embelliſhing the ſame: And whereas, it would be of great Advantage and Convenience to the Occupiers and Inhabitants of the ſeveral Houſes within the ſaid Square, if the Ground ſo encloſed as aforeſaid were kept up as a Garden or Pleaſure Ground for their Uſe, and were otherwiſe embelliſhed, and alſo if the Carriage Way within the ſaid Square were watered, and a ſufficient Number of Lamps affixed to the ſaid Iron Rails for more effectually lighting the ſaid Carriage Way; and the ſaid Occupiers are willing and deſirous that a ſufficient Sum of Money ſhould be raiſed and borrowed to defray the Expences thereof, and a Rate aſſeſſed upon themſelves to pay the Intereſt of ſuch Money ſo raiſed and borrowed, and alſo ſufficient for keeping up the ſaid Garden or Pleaſure Ground in the ſaid Square, and otherwiſe embelliſhing the ſame, and for watering and lighting the Carriage Way of the ſaid Square; but the ſame, as well as the neceſſary Powers for preventing Nuiſances and Annoyances in the ſaid Square, cannot be effected or obtained without the Aid of Parliament: May it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice

and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Edward Berkeley Portman* Eſquire, and ſuch Perſon or Perſons who for the Time being ſhall or may be ſeized of, or entitled to any Eſtate of Freehold or Inheritance of, and in the ſaid Garden or Pleaſure Ground ſo encloſed as aforeſaid, together with the Occupiers for the Time being of the ſeveral Houſes already built, or which ſhall or may be hereafter built, encompaſſing or abutting upon the ſaid Square, and alſo of the Houſes already built, or which ſhall or may be hereafter built in the Two Angles or Corners of *Montagu Street* and *Upper Montagu Street*, leading into the ſaid Square, ſhall be, and they are hereby appointed Truſtees for carrying this Act into Execution.

Truſtees appointed.

II. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, ſhall within Sixty Days after the paſſing of this Act, meet together at Number Twelve *Montagu Street*, within the ſaid Pariſh of *Saint Mary-le-bone*, at ſuch Time as they ſhall think proper, and proceed in the Execution of this Act, and ſhall then, and from Time to Time, and at all Times afterwards, meet at the Place herein-before mentioned, or at any other Place or Places within the ſaid Pariſh of *Saint Mary-le-bone*, at ſuch Times and as often (with Power to adjourn ſuch Meetings from Time to Time) as the ſaid Truſtees or any Three or more of them ſhall think proper and neceſſary for carrying this Act into Execution; and if at any ſuch Meeting, or adjourned Meeting, there ſhall not appear a ſufficient Number of ſuch Truſtees as are herein enabled to act at ſuch Meeting, then and in every ſuch Caſe, the Clerk to the ſaid Truſtees ſhall ſummon the ſaid Truſtees to meet at the Place where ſuch Meeting was appointed to be holden within Ten Days next after the Day on which ſuch Meeting was to have been holden, and ſo from Time to Time until a ſufficient Number of the ſaid Truſtees ſhall meet agreeably to the Directions of this Act, and the ſaid Truſtees ſhall at all their Meetings defray their own Expences.

Firſt and other Meetings of Truſtees.

III. And be it further enacted, That if after any Meeting to be holden as aforeſaid, or after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary that a Meeting of the ſaid Truſtees ſhould be holden on an earlier Day than that on which ſuch Meeting was to have been holden, or to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk for the Time being to the ſaid Truſtees (an Order in Writing being ſigned by Three or more of the ſaid Truſtees, ſpecifying therein the Time, Place, and Purpoſes of ſuch earlier Meeting, and being given to him or left at his laſt or uſual Place of Abode), ſhall forthwith give Notice of the Meeting to be holden on ſuch earlier Day in Manner herein-after directed, and of the Time, Place, and Purpoſes thereof, as ſpecified in the ſaid Order, ſuch Time not being leſs than Two Days after ſuch Notice; and all the Proceedings of the ſaid Truſtees at ſuch earlier Meeting, ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met at any regular Meeting, or in purſuance of any Adjournment.

Meetings on Emergencies.

IV. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed good and valid, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act, of which Notice in Writing or printed,

No Act valid unleſs at a Meeting of

and

and ſigned by the Clerk to the ſaid Truſtees, or with his Name printed thereto, ſhall be given to or left for the ſaid Truſtees, at their ſeveral uſual or laſt Places of Abode; and that all the Powers and Authorities by this Act granted to or veſted in the ſaid Truſtees, ſhall and may from Time to Time be exerciſed by the major Part of them who ſhall attend at any Meeting to be holden as herein directed, the Number of the ſaid Truſtees preſent at ſuch Meetings not being leſs than Three, and all Orders and Directions of the Majority of the ſaid Truſtees preſent at ſuch Meetings ſhall have the ſame Force and Effect as if the ſame were ordered and directed by all the ſaid Truſtees for the Time being; and at every ſuch Meeting of the ſaid Truſtees, a Chairman ſhall and may be appointed, and when and as often as it ſhall happen that there ſhall be an equal Number of Votes upon any Queſtion (including the Vote of the ſaid Chairman), then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Chairman to give the caſting or deciding Vote.

which Notice is to be given.

Chairman to be appointed.

V. And be it further enacted, That any Woman occupying a Houſe within the Limits of this Act, may by Writing under her Hand appoint any Perſon being a Truſtee under this Act to be her Proxy, and to vote for her at any Meeting of the ſaid Truſtees, at which Three or more Truſtees ſhall be preſent, and to ſign her Name, and generally to do any other Act as a Truſtee for the Purpoſe of carrying this Act into Execution; and every Act done by ſuch Proxy ſhall have the ſame Force and Effect in every reſpect as the ſame would have had if the Woman appointing ſuch Proxy had attended and done the ſame herſelf, ſuch Appointment nevertheleſs being produced and ſhewn at every ſuch Meeting to the Truſtees then preſent (if required), previous to any Vote being given, or any Act being done under or by virtue thereof.

Women may appoint Proxies to act.

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

Proceedings to be entered in a Book.

VII. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, ſhall and may from Time to Time appoint a Treaſurer, Clerk, Collector, and ſuch other Officers as they ſhall think neceſſary for carrying this Act into Execution, and ſhall take ſuch Security from ſuch Treaſurer and Collector, and other Officers as they may think proper, and ſhall and may from Time to Time remove or diſcharge ſuch Treaſurer, Clerk, Collector, and ſuch other Officers, and appoint others in the Room of ſuch of them as ſhall be ſo removed or diſcharged, or who ſhall happen to die, as the ſaid Truſtees, or any Three or more of them, ſhall find neceſſary and convenient; and by and out of the Money to be raiſed by virtue of this Act, may and they are hereby empowered to pay ſuch Salaries, and to make ſuch Allowances as they ſhall think reaſonable to the ſeveral Officers ſo

For appointing Officers.

appointed, and to ſuch Perſon or Perſons as ſhall be aſſiſting in and about the Execution of this Act; and ſuch Perſon or Perſons as is or are hereby made liable to pay the ſeveral Rates or Sums of Money hereby granted, ſhall pay the ſame to ſuch Perſon or Perſons as ſhall from Time to Time be ſo appointed to collect or receive the ſame, according to the true Intent and Meaning of this Act, and the Treaſurer, Collector, and all ſuch other Officers ſhall, upon Twenty-one Days Notice in Writing, under the Hands of the ſaid Truſtees, or any Three or more of them, to be given to or left at the laſt or uſual Place of Abode of ſuch Treaſurer, Collector, or other Officers reſpectively, as the Caſe may be, deliver in to the ſaid Truſtees a true and particular Account in Writing under the Hand of ſuch Treaſurer, Collector, or other Officer, of all Money which he ſhall have received or collected by reaſon of his Office, and the ſaid Treaſurer ſhall in his Account diſtinguiſh how much thereof hath been paid and diſburſed by Order of the ſaid Truſtees, and for what Purpoſes, together with the Vouchers for ſuch Payments, and the Treaſurer, Collector, and other Officer ſo accounting ſhall verify ſuch Account upon Oath, if thereunto required by the ſaid Truſtees, or any Three or more of them, (which Oath they the ſaid Truſtees, or Three or more of them, are hereby empowered to adminiſter,) and ſhall pay all ſuch Money as ſhall remain in their reſpective Hands to the ſaid Truſtees, or any Three or more of them, or to ſuch Perſon or Perſons as they ſhall appoint; and the ſaid Collector ſhall alſo deliver in to the ſaid Truſtees a true Liſt of the Names of all Perſons who ſhall have neglected or refuſed to pay the ſaid Rates or Sums of Money hereby granted, and an Account of the ſeveral Sums of Money due, and in Arrear, from ſuch Perſons, and the Dates at which the ſame reſpectively became due, to the Intent that all ſuch Arrears may be ſpeedily recovered, and if any ſuch Treaſurer, Collector, or other Officer ſhall, after ſuch Notice given or left in Manner herein-before mentioned, neglect or refuſe to deliver ſuch Accounts, or to produce proper Vouchers for all ſuch Payments, or to verify the ſame upon Oath, if required ſo to do, in the Manner reſpectively herein-before enacted for thoſe Purpoſes, or ſhall refuſe or neglect to account for any Sum or Sums of Money by him received or collected in Manner herein-before mentioned, and to pay ſuch Money as ſhall remain in his Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as ſhall be appointed by the ſaid Truſtees, or any Three or more of them, to receive the ſame, every ſuch Treaſurer, Collector, or other Officer ſo refuſing or neglecting, ſhall, for every ſuch Refuſal or Neglect reſpectively, forfeit and pay the Sum of Fifty Pounds; and it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, and they are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in the Name or Names of any One or more of the ſaid Truſtees, againſt ſuch Treaſurer, Collector, or other Officer, for the Recovery of the ſaid Forfeiture, and alſo of the Money which ſhall be in their Hands reſpectively.

Treaſurer to pay Drafts of Truſtees, and to enter Money ſo paid in a Book.

VIII. And be it further enacted, That the Treaſurer to the ſaid Truſtees ſhall, and he is hereby required, out of the Money which he ſhall or may receive in purſuance of this Act, to pay all Sums of Money drawn upon him by the ſaid Truſtees, or any Three or more of them, for the Purpoſes of this Act; and ſuch Treaſurer ſhall, and he is hereby required to keep fair and regular Entries in a Book to be provided for that Purpoſe, of all the Receipts and Payments which he ſhall make as ſuch Treaſurer, to which Book every Perſon liable to the Payment of the ſaid Rates or

Aſſeſſments

Aſſeſſments ſhall and may at all reaſonable Hours of the Day have free Acceſs, and ſhall be permitted to inſpect and copy the ſame without Fee or Reward; and the ſaid Truſtees, or any Three or more of them, ſhall and they are hereby required to audit the Accounts of the Treaſurer, Collector, and ſuch other Officers, at leaſt once in every Year, and to paſs and allow the ſame if they ſhall reſpectively appear juſt and correct.

Power of embelliſhing Garden veſted in Truſtees.

IX. And be it further enacted, That the ſole Power of fencing, embelliſhing, maintaining, and keeping up the ſaid Garden or Pleaſure Ground, or encloſed Part of the ſaid Square in proper Repair and Order, ſhall be and the ſame is hereby veſted in the ſaid Truſtees, and it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, at any of their Meetings, from Time to Time, to order and direct the embelliſhing the ſaid Garden or Pleaſure Ground, and to cauſe Lamps to be affixed to the Iron Rails encloſing the ſame, and to be lighted, and Wells and Pumps to be ſunk and made within the ſaid Garden or Pleaſure Ground, and to cauſe the Carriage Way of the ſaid Square to be watered in ſuch Manner as they ſhall think fit and proper.

The Inheritance of the Garden not to be affected by this Act.

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

Materials veſted in Truſtees.

XI. And be it further enacted, That the Property in the Iron Rails, Gates, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Poſts, Rails, and other Materials, and Things now being in the ſaid Garden or Pleaſure Ground, or encloſed Part of the ſaid Square, or the Fence or Railing round the ſame, and all Trees, Shrubs, and other Things within the ſaid Garden or Pleaſure Ground, and alſo all Materials and Things whatſoever, which ſhall or may hereafter be purchaſed or made uſe of for the ſeveral Purpoſes of this Act, ſhall be, and the ſame is and are hereby veſted in the ſaid Truſtees for the Time being, and may be ſold and diſpoſed of from Time to Time as they ſhall think proper, and the Money ariſing by ſuch Sale or Sales ſhall be applied towards the Purpoſes of this Act; and the ſaid Truſtees are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions in the Name or Names of any one or more of the ſaid Truſtees for the Time being, or in the Name of their Treaſurer or Clerk for the Time being, or to prefer or order and direct the preferring of any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall ſteal, take, or carry away (as the Caſe may be) all or any Part of ſuch Iron Rails, Gates, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Poſts, Rails, Trees, Shrubs, and other Materials and Things now being within or upon the ſaid Garden or Pleaſure Ground, or which ſhall or may be hereafter purchaſed and made uſe of in Manner herein-before mentioned, for any of the Purpoſes of this Act, and in all ſuch Actions or

Bills of Indictment it shall be, and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of 'The Trustees for 'the Improvement of *Montagu Square*, in the Parish of *Saint Mary le* '*Bone*, in the County of *Middlesex*,' without particularly stating or specifying the Name or Names of all or any of the said Trustees; 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, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Rails, Materials, or Thing and Things, or any of the Works which are or shall be carrying on, made, done, or executed within the said Garden or Pleasure Ground, or enclosed Part thereof, in pursuance of this Act, or any of the Shrubs, Trees, or Plants therein, or extinguish the Light of, or break any Lamp round the Fence or Railing of the said Garden or Pleasure Ground, or Inclosure, or any Parts or Part thereof, every Person so offending shall for the first Offence forfeit any Sum not exceeding Five Pounds, and for the second and every other Offence any Sum not exceeding Ten Pounds, and shall also make full Satisfaction to the said Trustees for any Damage done by him, her, or them, as aforesaid.

For preventing Annoyances.

XII. And be it further enacted, That if any Person or Persons shall cause any Annoyance or Nuisance within the said Square, by beating or dusting of Carpets, or laying or casting any Filth, Dung, Ashes, Dust, or Rubbish therein, or opposite to any of the Houses within the Limits of this Act, on the Foot or Carriage Ways of the said Square, or in any other Manner whatsoever; or if any Hackney Coachman shall stand with his Coach and ply for a Fare within the said Square, or opposite any of the Houses within the Limits of this Act, or if any Person shall, for the Purpose of breaking Horses, or of airing or exercising any Horse or Horses, drive any Carriage, or ride or lead any Horse or Horses within the said Square, otherwise than by passing through the same, he, she, or they shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

XIII. And whereas the Trees, Plants, and Shrubs within the Gardens of the several Squares on the Estate of the said *Edward Berkeley Portman*, within the Parish of *Saint Mary-le-bone* aforesaid, have been greatly injured, and Depredations committed therein by Persons entering the same who have no Right so to do, by means of Keys made and procured without the Permission of the Trustees for carrying into Execution the several Acts of Parliament respectively relating to the said several Squares; and whereas it is highly desirable to prevent such Injuries and Depredations from being committed within the said Garden or Pleasure Ground, or enclosed Part of the said Square, and to secure the sole Enjoyment thereof to the Occupiers contributing to the Expences of improving and embellishing the same respectively; be it therefore further enacted, That if any Person or Persons shall make, or cause or procure to be made, any Key or Keys for the Purpose of opening any Lock or Locks affixed on or to any of the Gates of the said Garden or Pleasure Ground, without the Permission in Writing of the said Trustees for the Time being, or any Three of them, or shall sell, or cause or procure to be sold, without such Permission as aforesaid, any such Key or Keys to any Person or Persons whomsoever, he, she, or they, shall for every such Offence forfeit any Sum not exceeding

Persons making Keys without Permission of Trustees liable to Penalty.

exceeding Five Pounds, and the ſaid Truſtees for the Time being, or any One of them, or the Gardener or Gardeners appointed by ſuch Truſtees is and are hereby authorized and empowered to ſeize and keep any ſuch Key or Keys as aforeſaid.

Truſtees to make Rates, &c. for the ſeveral Purpoſes of this Act.

XIV. And in order to defray the Expences of carrying this Act into Execution, be it further enacted, That one or more Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall be laid and aſſeſſed by the ſaid Truſtees, or any Three or more of them, once or oftener, in every Year, as they ſhall judge neceſſary, upon all and every the Occupiers of Houſes and Premiſes already built, or which ſhall or may be hereafter built, encompaſſing or abutting upon the ſaid Square, and alſo of the Houſes already built, or which ſhall or may be hereafter built, in the Two Angles or Corners of *Montagu Street* and *Upper Montagu Street*, leading into the ſaid Square, according to the yearly Rent or Value thereof, for raiſing ſuch Sum or Sums of Money as the ſaid Truſtees, or any Three or more of them, ſhall order and direct; and the Money ſo to be raiſed ſhall from Time to Time be applied towards paying the Intereſt of the Money to be borrowed, and Annuities to be granted as herein-after mentioned, and towards defraying the Expences of fencing, embelliſhing, maintaining, and keeping up the ſaid Garden or Pleaſure Ground, or encloſed Part of the ſaid Square, in proper Repair and Order, and of laying out the ſame in Walks, and planting the ſame, and of painting and repairing the ſaid Rails, and of cauſing Lamps to be affixed thereto, and of lighting the ſame, and of ſinking Wells and erecting Pumps, and of watering the Carriage Way of the ſaid Square, and generally for and towards all other incidental Charges, and all other the ſeveral Purpoſes of this Act, and all and every other Matter and Thing which the ſaid Truſtees, or any Three or more of them, ſhall think fit and neceſſary to be done in the Execution of this Act, ſo as ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, do not in the Whole exceed, in any one Year, the Sum of One Shilling in the Pound of the yearly Rent or Value of ſuch Houſes and Premiſes as aforeſaid; and all the Rates or Aſſeſſments to be made and aſſeſſed by virtue of this Act ſhall be entered in a Book or Books to be provided for that Purpoſe, and ſhall be ſubject to and chargeable with all ſuch Sums of Money which ſhall or may be advanced, borrowed, raiſed, and received, in Manner herein-after mentioned for the ſeveral Purpoſes of this Act, and all ſuch Rates and Aſſeſſments ſhall be paid to the ſaid Truſtees, or to ſuch other Perſon or Perſons as they the ſaid Truſtees, or any Three or more of them, ſhall nominate or appoint to collect and receive the ſame.

Empty Houſes to be exempted from the Rate during the Time they are not occupied.

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

Directions how Houſes let to Ambaſſadors, etc. are to be rated.

XVI. Provided alſo, and be it further enacted, That when any of the Houſes or other Premiſes within the Limits of this Act ſhall be occupied by any Ambaſſador or Miniſter from any foreign Prince or State, or any other Perſon or Perſons not liable by Law to pay the ſeveral Rates or Aſſeſſments

ſeſſments to be made or aſſeſſed by virtue of this Act, then and in every ſuch Caſe the ſaid Rates or Aſſeſſments, and each and every of them, ſhall be wholly paid by the Proprietors or Leſſors of ſuch Houſes or other Premiſes who ſhall be liable and compellable to the Payment thereof, and the ſame ſhall be recovered and applied as the Rates or Aſſeſſments hereby made payable are to be recovered and applied: Provided always, that if any Houſe or other Premiſes within the Limits of this Act ſhall be rated with any Houſe or other Premiſes not within the Limits thereof, it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, to apportion and aſcertain the reſpective Rents at which ſuch Houſes or other Premiſes ſhall be rated or aſſeſſed, to or for the Purpoſes of this Act.

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

XVII. And be it further enacted, That the Proprietor or Leſſee of any Houſe within the Limits of this Act, which is, or ſhall, or may be let out ready furniſhed, or in Parts or ſeparate Apartments, to any Perſon or Perſons, ſhall be deemed and taken to be the Occupier thereof, and ſhall be liable and ſubject to the Rates and Aſſeſſments to be made or aſſeſſed by virtue of this Act; and that every Perſon renting or occupying any ſuch ready-furniſhed Houſe, or any Parts or ſeparate Apartments thereof as aforeſaid, ſhall in the firſt Inſtance be liable and compellable to the Payment of ſuch Rates or Aſſeſſments, to be recovered in Manner herein directed, not exceeding the Amount of his or her Rent actually due; and

Perſons occupying ſeparate Apartments, etc. liable to pay Rates, but may deduct the ſame out of their Rent.

that every ſuch Perſon or Perſons renting or occupying any ſuch ready-furniſhed Houſe, or any Parts or ſeparate Apartments thereof as aforeſaid, 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 Proprietor or Leſſee as aforeſaid, and the Receipt for the Payment of ſuch Rate or Aſſeſſment ſhall be a good and ſufficient Diſcharge for ſuch Perſon or Perſons as aforeſaid, to his, her, or their Landlord for ſo much Money as he, ſhe, or they ſhall pay, or which ſhall or may be recovered from him, her, or them, by virtue of this Act.

Perſons removing from Houſes and others ſucceeding them to pay due Proportions of Rates, to be ſettled in caſe of Diſpute by Juſtices.

XVIII. And be it further enacted, That where any Perſon ſhall come into or occupy any Houſe within the Limits of this Act, out of or from which any other Perſon rated and aſſeſſed by virtue of this Act ſhall have removed, or which at the Time of making any Rates or Aſſeſſments in purſuance of this Act was empty or unoccupied, that then every Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rates or Aſſeſſments in the Proportion to the Time that ſuch Perſons ſhall have occupied the ſame reſpectively, in the ſame Manner, and under the like Penalty of Diſtreſs, as if ſuch Perſon ſo removing had not removed from, or ſuch Perſon ſo coming into or occupying ſuch Houſes as aforeſaid had been originally rated and aſſeſſed in reſpect thereof, which Proportion ſhall, in caſe of Diſpute, be ſettled by any Two Juſtices of the Peace in and for the County of *Middleſex*, whoſe Determination ſhall be final and concluſive.

Commencement of Rates.

XIX. And be it further enacted, That the firſt Rate or Aſſeſſment to be made as aforeſaid, ſhall be for One Year, and commence from the Twenty-fifth Day of *December* One thouſand eight hundred and thirteen, and the firſt Payment thereof ſhall become due and payable on the Twenty-

fifth Day of *March* next following, and every other Rate or Aſſeſſment to be made as aforeſaid ſhall always commence from the Time at which the laſt or preceding Rate or Aſſeſſment ended, and not otherwiſe; and the Money therein and thereby charged and aſſeſſed ſhall be payable Quarterly, and be levied and recovered in Manner herein-after directed.

Truſtees may borrow Money upon Aſſignments of Rates.

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

Form of Aſſignment.

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

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

Or Truſtees may raiſe Money upon Annuity.

XXI. And be it further enacted, That in caſe the ſaid Truſtees ſhall think it adviſable to raiſe all or any Part of the ſaid Sum of Two thouſand Pounds for the Purpoſes of this Act, by granting Annuities for a Life or Lives, or for a Term of Years inſtead of by Aſſignments as aforeſaid, then,

then, and it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and empowered ſo to do, and by any Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to grant an Annuity or Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the Treaſurer of the ſaid Truſtees any Sum or Sums of Money for the abſolute Purchaſe of any Annuity or Annuities, to be paid and payable during any Term of Years, or during the natural Life of every ſuch Contributor, or during the natural Lives of any Two ſuch Contributors, and the Life of the Survivor of them, or during the natural Life of ſuch Perſon, or during the natural Lives of ſuch Two Perſons, and the Life of the Survivor of them, as ſhall be nominated by or on the Behalf of ſuch Contributor or Contributors, at the Time of the Payment of his or her, or their Contribution or Purchaſe Money, ſo as that no ſuch Annuity do exceed the Rate of Ten Pounds *per Centum per Annum*; and the Expence of every ſuch Grant ſhall be paid by the ſaid Truſtees out of the Money ſo contributed, and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following:

Form of Grant of Annuity.

'WE Truſtees for the Improvement of *Montagu Square*, in the Pariſh of *Saint Mary-le-bone*, in the County of *Middleſex*, acting in purſuance of an Act made in the Fifty-fourth Year of the Reign of King *George* the Third, intituled (*here ſet forth the Title of this Act*) in Conſideration of the Sum of paid by [and] to the Treaſurer appointed in purſuance of the ſaid Act, do hereby grant unto the ſaid [and] an Annuity or yearly Sum of to be paid out of the Rates or Aſſeſſments to be made or aſſeſſed, and collected by virtue of the ſame Act, which Annuity or yearly Sum of ſhall be paid to the ſaid [and] *or* his *or* her [*or* their] Aſſigns during the Term of Years, [*or as the Caſe may be*, during the Term of his *or* her natural Life, *or* to the ſaid and and their Aſſigns during their joint Lives, and the Life of the Survivor of them, *or* to the ſaid his *or* her Executors, Adminiſtrators, and Aſſigns, during the natural Life of *or* during the natural Lives of and and the Life of the Survivor of them], by Two [*or* Four] equal Half Yearly [*or* Quarterly] Payments in every Year during the ſaid Term of Years, [*or as the Caſe may be*, during the natural Life or Lives of him *or* her [*or* them] the ſaid [*or* of the ſaid and and of the Survivor of them] at the , the firſt Half Yearly [*or* Quarterly] Payment thereof to be made upon the Day of next enſuing the Date hereof: In Witneſs whereof, we the ſaid Truſtees have hereunto ſet our Hands and Seals the Day of in the Year .'

And every ſuch Grant ſhall be good, valid, and effectual in the Law, without any Enrolment or Regiſtry of any Memorial thereof in the High Court of Chancery, or elſewhere (ſave and except as herein-after is mentioned), any Law or Statute to the contrary thereof in anywiſe notwithſtanding; and every ſuch Annuity ſo to be granted as aforeſaid, ſhall

shall be, and is hereby charged upon, and shall be payable and paid by the Treasurer for the Time being to the said Trustees out of the said Rates or Assessments, according to the Grant of such Annuity.

Securities may be transferred.

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

Form of Transfer of Securities.

' being entitled to the Sum of
' [*or* to an Annuity of] secured to
' and his Assigns (*or* his *or* her Executors, Administrators, and Assigns,
' *as the Case may be*), by virtue of an Assignment [*or* Grant of an Annuity],
' bearing Date the Day of in the Year
' under the Hands and Seals of Trustees for
' the Improvement of *Montagu Square*, in the Parish of *Saint Mary-le-bone*,
' in the County of *Middlesex*, acting in the Execution of an Act made
' in the Fifty-fourth Year of the Reign of King *George* the Third, in-
' tituled (*here set forth the Title of this Act*), upon the Credit of the
' Rates or Assessments granted or payable by the said Act, do hereby
' transfer all my [*or* our] Right and Interest in and to the said Sum of
' [*or* Annuity of] and
' all Interest now due or arising thereon unto his
' or her Executors, Administrators, and Assigns. Dated the
' Day of in the Year

Copies of Assignments and Grants of Annuities, and a Memorial of Transfers to be entered by Clerk in a Book.

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

Application of Surplus of Rates after Payment of Expences and several Purposes of this Act towards Re-payment of Money borrowed.

XXIII. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time to apply and dispose of the Surplus of the Rates or Assessments to be made or assessed by virtue of this Act, after the Payment of the Interest of the Money borrowed, and of the Annuities granted as aforesaid, as well as of the several Expences incurred under and by virtue of this Act towards the Repayment of such Sum and Sums of Money as shall or may have been advanced upon Assignments of the said Rates or Assessments as aforesaid, according

to the Priority of Date of ſuch Security or Securities, or by Ballot, in caſe of any ſuch Securities bearing even Date; and the ſaid Truſtees ſhall cauſe Notice, ſigned by their Clerk for the Time being, to be given to or left at the laſt or uſual Place of Abode of the Perſon or Perſons entitled to the Money ſo to be repaid, expreſſing the Sum to be repaid, together with the Intereſt due thereon, and that the ſame ſhall be paid on a Day and at a Place to be ſpecified in ſuch Notice; ſuch Day not being ſooner than Six Calendar Months after the Day of giving or leaving ſuch Notice as aforeſaid; and the Intereſt of the Principal Money ſo to be repaid ſhall from and after the Day ſo ſpecified ceaſe, and be no longer paid or payable, unleſs ſuch Money ſhall be demanded purſuant to ſuch Notice, and not paid, but the Principal Money in reſpect whereof ſuch Notice ſhall be given, and alſo the Intereſt thereon, up to the Day ſo ſpecified, ſhall nevertheleſs after ſuch Day be payable on Demand; or the Principal Money may, with the Conſent of both Parties, be paid at an earlier Day, with Intereſt only up to the Day on which it ſhall have been ſo repaid, but nothing herein contained ſhall empower the ſaid Truſtees to pay off or redeem any Annuity granted in Manner as aforeſaid, until all Sums of Money borrowed on Aſſignments of the ſaid Rates or Aſſeſſments, together with Intereſt, ſhall have been fully repaid and diſcharged, and unleſs the Perſon or Perſons ſo lending Money by way of Annuity ſhall agree to accept the Sum or Sums of Money offered by the ſaid Truſtees for the Re-purchaſe or Redemption of his, her, or their Annuity or Annuities reſpectively.

Notice to be given in a public Newſpaper previous to raiſing any Money.

XXIV. Provided always, That before any Money ſhall at any Time or Times be borrowed or raiſed upon the Credit of the Rates or Aſſeſſments to be made or aſſeſſed by virtue of this Act, the ſaid Truſtees ſhall cauſe Fourteen Days Notice to be given in ſome One of the public Newſpapers printed and circulated within the ſaid County of *Middleſex*, of their Intention to raiſe a certain Sum of Money by borrowing the ſame upon Aſſignments of the Rates or Aſſeſſments aforeſaid, at legal Intereſt, or by granting ſuch Annuities as aforeſaid, at a Time and Place within the ſaid Pariſh of *Saint Mary-le bone*, to be expreſſed and ſet forth in ſuch Notice.

Recovery of Rates.

XXV. And be it further enacted, That if any Perſon or Perſons herein made liable to pay any Rate or Aſſeſſment to be made or aſſeſſed by virtue of this Act, ſhall refuſe or neglect to pay the Money rated or aſſeſſed upon him, her, or them reſpectively, and all Arrears due thereon, it ſhall and may be lawful to and for the Collector for the Time being appointed by the ſaid Truſtees, or any Three or more of them as aforeſaid, to collect and levy ſuch Rates or Aſſeſſments by Warrant under the Hands and Seals of Two Juſtices of the Peace for the ſaid County of *Middleſex*, or City and Liberty of *Weſtminſter*, as the Caſe may be, (which Warrant or Warrants ſuch Juſtices are hereby empowered and required to grant for thoſe Purpoſes), and all Arrears due in reſpect of ſuch Rates or Aſſeſſments, by Diſtreſs and Sale of the Goods and Chattels of the Party ſo neglecting or refuſing, which ſhall be found either in the ſaid County of *Middleſex* or City or Liberty of *Weſtminſter*, or in any other County, City, or Liberty (ſuch Warrant being firſt backed or counterſigned by ſome Magiſtrate for the County, City, or Liberty, where the Diſtreſs is to be made, which Warrant ſuch Magiſtrate is hereby required

to

to back or counterſign), and if within Five Days after ſuch Diſtreſs ſhall have been made, the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with all Arrears in reſpect thereof, ſhall not be paid, together with all reaſonable Charges of making and keeping the ſame, ſuch Collector ſhall cauſe the ſaid Goods and Chattels to be appraiſed and ſold, or ſuch Part thereof as ſhall be ſufficient to pay the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, and all Arrears in reſpect thereof, and the reaſonable Charges of making and keeping ſuch Diſtreſs and of ſelling the ſame, returning the Overplus, if any there be, to the Owner or Owners of ſuch Goods and Chattels reſpectively.

Recovery of Penalties.

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

XXVII. And be it further enacted, That all and every Juſtice or Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act ſhall and may cauſe the Conviction to be drawn up in the following Words, or any other Form of Words to the ſame Effect; (that is to ſay),

Form of Conviction.

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

Diſtreſs not to be deemed unlawful for Want of Form.

XXVIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, in reſpect of any Rates or Aſſeſſments, or of any Penalties or Forfeitures, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame, be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in any of the Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but that the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage only in any Action on the Caſe.

Proceedings not be deemed unlawful for Want of Form.

XXIX. And be it further enacted, That no Rate or Aſſeſſment, nor any Proceeding to be had touching the Conviction of any Offender or Offenders under this Act, or any other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for Want of Form only, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law, Statute, or Uſage, to the contrary thereof in anywiſe notwithſtanding.

Perſons aggrieved may appeal to the Truſtees, and afterwards if diſſatisfied to the General or Quarter Seſſions.

XXX. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, ſuch Perſon or Perſons may appeal to the ſaid Truſtees at their Firſt or Second Meeting to be holden next after the Cauſe of Complaint ſhall have ariſen, and if ſuch Perſon or Perſons ſhall not be ſatisfied with the Determination of the ſaid Truſtees therein, then ſuch Perſon or Perſons may appeal to the Juſtices of the Peace at their General or Quarter Seſſions to be holden in and for the ſaid County of *Middleſex*, within Three Calendar Months next after the Determination of the ſaid Truſtees as aforeſaid, ſuch Appellant or Appellants firſt giving, or cauſing to be given Ten Days Notice in Writing, of his, her, or their Intention to bring ſuch Appeal, and of the Cauſe or Cauſes thereof, to the Clerk or Treaſurer for the Time being to the ſaid Truſtees, and within Four Days next after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Middleſex*, with Two ſufficient Sureties conditioned to try ſuch Appeal, and to abide the Order, and to pay ſuch Coſts as ſhall be awarded by the ſaid Juſtices; and the Matter of ſuch Appeal ſhall be heard and determined by the ſaid Juſtices at the next General or Quarter Seſſions of the Peace to be holden in and for the ſaid County of *Middleſex*, or at any Adjournment, or at any Adjournment of the then laſt General or Quarter Seſſions of the Peace, holden in and for the ſaid County of *Middleſex*, which ſhall firſt happen next after the Expiration of One Calendar Month from the Day of giving ſuch Notice; and the

ſaid Juſtices at ſuch Seſſions or Adjournment as aforeſaid, upon due Proof of ſuch Notice having been given, and of ſuch Recognizance having been entered into in the Manner aforeſaid, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts for the Appellant or Appellants, Reſpondent or Reſpondents, as they the ſaid Juſtices ſhall think proper, and the Determination of ſuch Juſtices ſhall be final, binding, and concluſive to and upon all Parties concerned.

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

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

Defendants may plead the General Iſſue.

And in caſe Plaintiffs nonſuited, Defendants entitled to Treble Coſts.

Truſtees may ſue or be ſued in the Name of their Clerk; who ſhall be reimburſed his Expences.

XXXII. And be it further enacted, That the ſaid Truſtees ſhall and may ſue and be ſued in the Name of their Clerk for the Time being, and that no Action that may be brought or commenced by or againſt the ſaid Truſtees, or any of them, by virtue of, or on account of this Act, in the Name of their Clerk for the Time being, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, but the Clerk for the Time being to the ſaid Truſtees ſhall always be Plaintiff or Defendant in ſuch Action (as the Caſe may be): Provided always, That every ſuch Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall always be reimburſed and paid out of the Money to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences as by the Event of any ſuch Proceedings, or in anywiſe relating thereto, he ſhall be put to or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant to ſuch Action or Suit in Manner aforeſaid.

XXXIII. And

How Expences of this Act are to be defrayed.

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

Nothing in this Act to affect any other Acts relating to the Pariſh of Saint Mary-le-Bone.

XXXIV. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall be conſtrued to extend to repeal, alter, or affect any Act or Acts of Parliament relating to paving, repairing, cleanſing, lighting, watching, or regulating the ſeveral Streets, Squares, Lanes, and other Paſſages within the ſaid Pariſh of *Saint Mary-le-bone*, in the ſaid County of *Middleſex*, or to any other Purpoſes of the ſaid Act or Acts, or to alter, abridge, leſſen, or affect any of the Powers or Authorities veſted in the Veſtrymen or Commiſſioners appointed by virtue of any or either of the ſaid Acts of Parliament relating to the ſaid Pariſh, but that the ſaid ſeveral Acts, and all the Clauſes, Powers, Proviſoes, Matters, and Things therein reſpectively contained ſhall be and continue in full Force in the ſame Manner as they would have done in caſe this Act had never been made or paſſed.

Nothing in this Act to alter or take away any of the Powers veſted in the Commiſſioners of Sewers for Weſtminſter, &c.

XXXV. Provided always, and be it further declared and enacted, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend, to prejudice, diminiſh, alter, or take away any of the Rights, Powers, or Authorities veſted in the Commiſſioners of Sewers for the City and Liberty of *Weſtminſter* and Part of the County of *Middleſex*, but all the Rights, Powers, and Authorities veſted in them ſhall be as good, valid, and effectual, as if this Act had not been made.

Public Act.

XXXVI. 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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