ANNO QUARTO

GEORGII IV. REGIS.

Cap. iv.

An Act to amend and enlarge the Powers and Provisions of an Act of His late Majesty King *George* the Third, for the Improvement of *Portman Square*, within the Parish of *Saint Mary-le-bone*, in the County of *Middlesex*. [24th *March* 1823.]

WHEREAS an Act was passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Improvement of* Portman Square, *within the Parish of* Saint Mary-le-bone, *in the County of* Middlesex: And whereas the Trustees appointed by virtue of the said Act have, in the Execution thereof, expended considerable Sums of Money in the Improvement of the said Square, and of the Garden or inclosed Pleasure Ground belonging thereto; but the said Act hath been found in many respects defective, and it is expedient that the said Act should be altered and amended, and some additional Powers and Provisions granted: 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 said recited Act, and all and every Power, Clause, Provision, Regulation, Direction, and Restriction therein contained, shall (except where the same is or are hereby expressly varied, altered, or repealed, and also except such Parts thereof as relate to the Exemption from Stamp Duties) extend to and be in full Force with regard to this Act. 22 G. 3. c. 85.

Powers of recited Act extended to this Act.

Meetings and Quorum of Trustees.

II. And be it further enacted, That all Acts, Orders, and Proceedings of the Trustees acting in Execution of the said recited Act and this Act, shall be done, made, and had by the major Part of the Trustees present at their several Meetings, the whole Number present not being less than Three (except in Cases where any other Number is herein named); and all Acts, Orders, and Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and shall be binding and conclusive on all Persons, and to all Intents and Purposes whatever, as fully and effectually as if the same were had, made, or done by or before all the said Trustees; and at every Meeting to be held by virtue of the said recited Act or this Act, a Chairman shall and may in the first Instance be appointed, who, in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote) shall have the casting or decisive Vote: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and in case a competent Number of Trustees shall not appear at the Time and Place appointed at any Meeting of the Trustees, either to act or to adjourn, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of such Cases it shall be lawful for any Two or more of the said Trustees (or for the Clerk to the said Trustees, being authorized by an Order in Writing signed by any Two or more of the said Trustees) to call a Meeting of the said Trustees (by Notice to be left at their respective Dwelling Houses or Places of Residence) at least Seven Days previous to such Meeting, at such Time and Place as such Two Trustees shall think proper to appoint: Provided also, that no Order made by Three or more Trustees at any Meeting shall be revoked or altered at any subsequent Meeting, unless Five Trustees at the least shall be present, nor unless a Majority of the Trustees present at such subsequent Meeting shall concur in such Revocation or Alteration, nor unless Fourteen Days Notice shall be given by Two or more Trustees to the Clerk of the said Trustees, of their Desire to have a Meeting at a Time and Place to be mentioned in such Notice, for the Purpose of taking into consideration the said Order with a view to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case, Notice shall be given by the said Clerk, or by any Two or more of the said Trustees, Ten Days at least before such Meeting, to such Trustees as were present when the Order was made, of the Intention to revoke or alter such Order, which Notice shall be left at their respective Dwelling Houses or Places of Residence.

Meetings on Emergencies.

III. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, it shall be lawful for any Three or more of the said Trustees, or for the Clerk to the said Trustees, by an Order in Writing signed by any Three or more of the said Trustees, (although not assembled at a Meeting), to give Notice (in Manner herein-before directed) of such earlier Meeting; and in such Notice shall be expressed the Time, Place, and Purpose of such earlier Meeting, such Time being not less than Seven Days after such Notice; and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Trustees

at

at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Trustees may appoint Officers,

IV. And be it further enacted, That the said Trustees may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall arise and be made due and payable by virtue of the said recited Act or this Act, and also One or more Gardeners or Keepers of the inclosed Pleasure Ground or Garden belonging to the said Square, and all such other Officers as they the said Trustees shall think necessary and proper to be employed in the Execution of the Powers of the said recited Act and this Act; and also may remove, from Time to Time, all such Clerks, Treasurers, Collectors, Receivers, Gardeners, Keepers, and other Officers, or any of them, as they the said Trustees shall see occasion; and upon the Death, Resignation, or Removal of such Officers, or any or either of them, the said Trustees may appoint others in their Stead; and the said Trustees shall and may, out of the Money to be raised and received by virtue of the said recited Act and this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Gardeners, Keepers, and all other Officers so appointed, and to such other Persons as shall be assisting in the Execution of the said recited Act or this Act, as to them the said Trustees shall seem proper; and every Officer and Person who shall be so appointed as aforesaid shall from Time to Time, when thereunto required by the said Trustees by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand, of all Monies which shall have been by him had, collected, or received, and how and to whom, and for what Purpose, the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as, upon the Balance of such Account, shall appear to be owing from him, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver up such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required, in manner aforesaid, or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of the said recited Act or this Act, then and in every such Case, Complaint being made thereof by the said Trustees, or by any Person on behalf of the said Trustees, of any such Neglect or Refusal, to any Justice of the Peace for the County of *Middlesex*, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall

and remove them.

Officers to account.

Proceedings against Officers refusing to account, &c.

shall have been collected or received shall be in the Hands of, or be owing from, such Officer or Person, such Justice may and he is hereby authorized and empowered, 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 Officer or Person respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees; provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Trustees not to administer Oaths on verifying Officers Accounts.

V. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, to administer any Oath to any Clerk, Treasurer, Collector, or other Officer now appointed or hereafter to be appointed under or by virtue of the said recited Act or this Act, for the Purpose of verifying his Accounts.

Clerk restrained from acting as Treasurer, and *vice versâ*.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or who may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them; or to continue or appoint the Person who has been or who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act and this

this Act, or either of them; every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

VII. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any thing relating to the Execution of this Act or the said recited Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of any such Clerk or Trustee, or by the Act of any such Clerk or Trustee, without the Consent of the said Trustees; but the Clerk or the Trustee in whose Name such Action or Suit shall have been brought, shall always be deemed the Plaintiff, Prosecutor, Informant, Appellant, Defendant or Respondent, in any such Action or Suit, as the Case may be: Provided always, that every such Clerk or Trustee, in whose Name any Action, Suit, Prosecution, Information, Appeal, or other Proceeding, shall be had, taken, prosecuted, continued, or defended in pursuance of this Act or the said recited Act, shall be fully reimbursed and paid, out of the Monies arising by virtue of the said recited Act or this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action, Suit, Prosecution, Information or Appeal, or other Proceeding, he shall pay, bear, sustain, expend, or be put unto, or become chargeable with or liable for, or be fairly entitled to, by reason of being so made Plaintiff, Prosecutor, Defendant, Informant, Appellant, or Respondent as aforesaid.

Persons using unlawful Keys to the Garden, &c. liable to a Penalty.

Unlawful Keys may be seized.

VIII. And be it further enacted, That if any Person or Persons shall make, or cause or procure to be made, any Key or Keys for the Purpose of opening any Lock or Locks affixed on or to any of the Gates of the Garden or Pleasure Ground or inclosed Part of the said Square, without the Permission in Writing of the said Trustees, 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, or shall knowingly use any Key or Keys so unlawfully made or sold in opening any Lock or Locks as aforesaid; every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, nor less than Five Pounds; and the said Trustees, or any of them, or the Gardener or Keeper of the Garden appointed by such Trustees, together with any Person or Persons whom they or he may call to their or his Assistance, are and is hereby authorized and empowered to seize, detain, and keep any such Key or Keys as aforesaid, and may cause the Person or Persons so making or selling, or causing or procuring to be made or sold, such Key or Keys as aforesaid, to be summoned before some Justice of the Peace for the County of *Middlesex*, to be dealt with according to Law.

Penalty on Persons committing Nuisances, or behaving disorderly in the Garden.

IX. And be it further enacted, That if any Person shall wilfully commit any Spoil, Waste, Damage, Depredation, Annoyance, Disorder, or Nuisance in, to, upon, or about any of the Paths, Walks, Grass Plots or Shrubberies of the said Garden or inclosed Pleasure Ground, or the Avenues or Approaches thereto, or shall, by riotous, disorderly, or wilful Mis-

Misbehaviour, molest, or interrupt the free Passage of any Person using or passing along the same; then and in every such Case the Person so offending shall forfeit and pay for every such Offence the Sum of Five Pounds; and such Offender shall and may be apprehended by the Gardener or Keeper of the said Garden or inclosed Pleasure Ground, or by any other Person or Persons whom he or they may call to his or their Assistance; and it shall be lawful for the Person or Persons so apprehending such Offender, to convey such Offender before some Justice of the Peace for the County of *Middlesex*, to be dealt with according to Law.

Penalty on Persons interrupting or assaulting Workmen.

X. And be it further enacted, That if any Person shall at any Time obstruct, hinder, or molest any Gardener or Keeper of the Garden, Collector, Receiver, or any Workmen or other Person whomsoever, who is, are, or shall be employed by virtue of the said recited Act or this Act, or any other Person acting in the Execution of the same, in the Performance of his or their Duty, or of any of the Matters or Things to be done by virtue or under the Authority of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Recovery of Penalties and Forfeitures.

XI. And be it further enacted, That all Penalties, Forfeitures, and Fines by the said recited Act or this Act inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not herein or by the said recited Act otherwise directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County of *Middlesex*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justice is in every such Case hereby fully authorized to administer) be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, if any, after such Penalties, Forfeitures and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar

Calendar Months, unless such Penalties, Forfeitures and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by the said recited Act, shall be from Time to Time paid to the Treasurer to the said Trustees, and be applied and disposed of for the Purposes of the said recited Act and this Act.

Conviction.

XII. And for the more easy Conviction of Offenders against the said recited Act or this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person shall be convicted of any Offence against the said recited Act or this Act, shall and may cause the Conviction to be drawn up (as the Case shall happen) in the following Form of Words, or in any other Form of Words to the like Effect:

Form of Conviction.

'Middlesex, to wit.' BE it remembered, That on the Day of in the Year of our Lord *A. B.* 'is convicted before of His Majesty's Justices of the Peace for 'the said County of *Middlesex*, on his [*or* her] own Confession, [*or*, on 'the Oath of a credible Witness, *or*, on the Oaths of 'and , Two credible Witnesses, *as the Case may be*], of '[*here specify the Offence, and the Time and Place when and where committed, as the Case may require, and the Adjudication and Penalty*]. Given 'under my Hand and Seal, [*or*, our Hands and Seals], the Day and 'Year first aforesaid.'

Rated Inhabitants may be Witnesses.

XIII. And be it further enacted, That no rated Inhabitant or Occupier of any House within the said Square shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding, to be had, made, prosecuted, or carried on under the Authority of the said recited Act or this Act, by reason of such Person being such Inhabitant or Occupier, or rated or assessed or liable to be rated or assessed under and by virtue of the said recited Act or this Act.

For paying the Expences of the Act.

XIV. And be it further enacted, That all the Costs, Charges, and Expences relative or incident to the obtaining and passing of this Act, shall be paid and discharged by the said Trustees, out of the Monies already received under or by virtue of the said recited Act, or out of the first Monies which shall be raised under or by virtue of this Act.

Public Act.

XV. 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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