ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 90.

An Act for altering and amending an Act made in the Thirty-fifth Year of His present Majesty for watching, paving, cleansing, and lighting the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, and for the better Relief and Maintenance of the Poor thereof. [3d *July* 1806.]

WHEREAS by an Act made in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for repealing several Acts made in the Eighth, Tenth, Thirteenth, and Fifteenth Years of the Reign of His present Majesty, for regulating the Nightly Watch, and Beadles, and for paving, repairing, cleansing, and lighting the Parish of* Saint Mary-le-Bone, *in the County of* Middlesex, *and for the better Relief and Maintenance of the Poor thereof, and for divers other Purposes therein mentioned, and for making more effectual Provision for those Purposes*, certain Powers and Authorities were given to the Vestrymen therein named, and their Successors, for the several Purposes of paving, lighting, cleansing, and watching the several Squares, Streets, Lanes, Passages, and Places within the said Parish of *Saint Mary-le-Bone*, and for removing Nuisances and Annoyances therein, and for the better Relief and Maintenance of the Poor of the said Parish: And whereas the said Vestrymen have proceeded in the Execution of the said Act to the great Benefit of the said Parish; but certain Powers thereof are insufficient for the Purposes thereby intended, and it is expedient that the same should be altered, enlarged, and amended: 55 G. 3. c. 73.

Powers of recited Act extended to this Act.

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 the Powers, Authorities, Articles, Clauſes, Exemptions, Proviſoes, Penalties, Forfeitures, and all other Matters and Things therein contained (ſave and except ſuch as is and are hereby varied, altered, or repealed), ſhall be as good, valid, and effectual for carrying the ſeveral Purpoſes of this Act into Execution, as if the ſame had been repeated and re-enacted in the Body of this preſent Act.

Certain Balconies not to be taken down.

II. Provided always, and be it enacted, That nothing in the ſaid recited Act or this Act contained ſhall extend or be conſtrued to extend ſo as to enable the ſaid Veſtrymen to take down and remove, or cauſe to be taken down and removed in any Street or other Place within the ſaid Pariſh, or the Limits comprized within the ſaid recited Act, any Balcony or Gallery whatever already built or made, or any other Balcony or Gallery which ſhall or may hereafter be built or made of Stone and Iron, or other Metal, or of Iron, or any other Metal only, and affixed or attached to any Houſe or other Building; provided that ſuch laſt-mentioned Balconies or Galleries do not project into any ſuch Street or other Place, being Forty Feet wide or more, above Three Feet, nor in any Street or other Place being leſs than Forty Feet wide, above Two Feet from the upright Line of ſuch Houſe or other Building in any ſuch Street or Place reſpectively; and in caſe any Perſon or Perſons ſhall after the paſſing of this Act build with, or add, attach, or affix to, or cauſe to be built with, or added, attached, or affixed to any Houſe or other Building in any ſuch Street or Place, any Balcony or Gallery contrary to the Directions and Proviſions in this Act contained; or if the Owner or Proprietor of any ſuch Houſe or other Building ſhall permit or ſuffer any ſuch Balcony or Gallery ſo built, added, attached, or affixed to ſuch Houſe or other Building after the paſſing of this Act as aforeſaid, to remain ſo attached or affixed, then and in every ſuch Caſe every ſuch Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds.

Penalty on not removing Balconies, &c. within Two Calendar Months after Conviction.

III. And be it further enacted, That if any Perſon or Perſons on his, her, or their being convicted of having built with, or added, affixed, or attached to, or cauſed to have been built with, or added, or attached to, or affixed, or having permitted or ſuffered to remain, any Bow Window, or Projection, Balcony, or Gallery, contrary to the Proviſions and Directions of this Act contained, ſhall not take down and remove or cauſe to be taken down or removed ſuch Bow Window, Projection, Balcony, or Gallery, within the Space of Two Calendar Months next after ſuch his, her, or their Conviction, then and in every ſuch Caſe ſuch Perſon and Perſons ſo offending ſhall for every Calendar Month (ſuch Time to be computed from the Day of his, her, or their Conviction) that ſuch Bow Window, Projection, Balcony, or Gallery ſhall remain and not be taken down and removed, forfeit and pay any Sum not exceeding Five Pounds.

Pavements, &c. veſted in the Veſtrymen.

IV. And be it further enacted, That the Right and Property of all Pavements, Stones, Bricks, Poſts, Carts, Horſes, Iron, Timber, and Furniture, Lamps, Lamp Irons, Lamp Poſts, Watch Boxes, Watch Houſes, and other Houſes and Buildings, made uſe of, erected, or fixed up

up for the Purpoſes of the ſaid recited Act and this Act, or either of them, and of all Materials, Implements, and other Things purchaſed or provided by the ſaid Veſtrymen for the Purpoſes of the ſaid recited Act and this Act, or either of them, ſhall belong to and be the Property of and are hereby veſted in the ſaid Veſtrymen; and the ſaid Veſtrymen ſhall and may cauſe to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment [as the Caſe may require] againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, detain, ſpoil, injure, or deſtroy the ſeveral Articles and Things hereby veſted in them the ſaid Veſtrymen as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment reſpectively 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 Bill or Bills of Indictment preferred, is or are the Property of 'The Veſtrymen of 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 Veſtrymen; and the ſaid Veſtrymen ſhall have full Power and Authority from Time to Time to ſell and diſpoſe of, for the Purpoſes of the ſaid recited Act and of this Act, all or any of the ſaid Articles and Things, or any Part or Parts of the ſame reſpectively, to ſuch Perſon or Perſons, and in ſuch Manner as they the ſaid Veſtrymen ſhall think proper.

Powers for preventing Nuiſances, &c.

V. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any Aſhes, Duſt, Dirt, Brick Rubbiſh, Lime Rubbiſh, or any other Rubbiſh, Offal, Dung, Soil, or other Filth or Annoyance whatſoever, in or upon any Part or Parts of the Foot or Carriage Ways within the Limits of the ſaid recited Act or this Act (except within ſuch Incloſure or Hoard as ſhall or may be built or incloſed with the Leave of the Surveyor or Surveyors for the Time being to the ſaid Veſtrymen), and ſhall not immediately remove the ſame on being thereunto required by any Perſon whomſoever, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors for the Time being to the ſaid Veſtrymen, or any other Perſon or Perſons whomſoever acting under or by the Authority of the ſaid Veſtrymen, to remove, take, cart, and carry away, or cauſe to be removed, taken, carted, and carried away, all ſuch Aſhes, Duſt, Dirt, Brick Rubbiſh, Lime Rubbiſh, and other Rubbiſh, Offal, Dung, Soil, Filth, and other Annoyance, and convert the ſame to ſuch Purpoſe, or diſpoſe thereof in ſuch Manner as the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting under or by the Authority of the ſaid Veſtrymen, ſhall think proper; and the Perſon or Perſons ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, nor leſs than Ten Shillings, over and above and in addition to the Coſts, Charges, and Expences attending the Removal of ſuch Aſhes, Duſt, Dirt, Brick Rubbiſh, Lime Rubbiſh, or other Rubbiſh, Offal, Dung, Soil, Filth, or other Annoyance; and ſuch Coſts, Charges, and Expences ſhall and may be recovered by ſuch Ways and Means as ſuch Penalties can or may be recovered.

Contract to be ſigned by Veſtrymen.

VI. And be it further enacted, That every Contract or Contracts which ſhall be made under the ſaid recited Act or this Act ſhall ſpecify the ſeveral Works

Works to be done, and the Prices to be received or paid for the ſame, and the Time or Times when the ſaid Works ſhall be completed, and the Penalties to be ſuffered in caſe of Non-performance thereof, and ſhall be ſigned by the Veſtrymen preſent at any Meeting, or any Seven or more of them, and alſo by the Perſon or Perſons contracting to perform ſuch Works reſpectively; which Contract or Contracts, when executed, ſhall be entered or kept in a Book or Books to be provided for that Purpoſe by the Clerk to the ſaid Veſtrymen.

Application of Compenſation when amounting to 200l.

VII. And be it further enacted, That if there ſhall be any Money to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the ſaid recited Act or of this Act, which ſhall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, Truſtees, Femes Covert, or other incapacitated Perſon or Perſons, ſuch Money ſhall, if the ſame amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Veſtrymen for executing the ſaid recited Act and this Act, to the Intent that ſuch Money ſhall be paid, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application when the Compenſation is leſs

VIII. Provided always, and be it further enacted, That in caſe the Money ſo to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any

Body Politic, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Seven or more of the ſaid Veſtrymen for executing the ſaid recited Act and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

than 200l. and exceeds 20l.

IX. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or aſſeſſed to be paid as herein-before mentioned ſhall be leſs than the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Veſtrymen or any Seven or more of them ſhall think fit; or in caſe of Infancy or Lunacy then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Application when the Money is leſs than 20l.

X. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Lands, Tenements, or Hereditaments to be purchaſed by virtue of the ſaid recited Act or of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Veſtrymen; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Veſtrymen to order the Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary way of Proceeding, or otherwiſe as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according

In caſe of not making out Titles, or if Perſons cannot be found, Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery, on Motion or Petition.

cording to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums into the Bank as aforeſaid.

Perſons in Poſſeſſion ſhall be deemed well entitled, unleſs the contrary be ſhewn.

XI. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of the ſaid recited Act or of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, and Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to be lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly; unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court may order reaſonable Expence of Purchaſes to be paid by the Veſtrymen.

XII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of the ſaid recited Act or of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Veſtrymen who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Penalties, Forfeitures, and Fines, how to be levied and recovered.

XIII. And be it further enacted by the Authority aforeſaid, That all the Penalties, Forfeitures, and Fines by the ſaid recited Act or this Act inflicted or authorized to be impoſed (the Manner of levying and recovery whereof is not otherwiſe thereby or 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 County of *Middleſex* [*or* the City and 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 without Fee or Reward) be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of ſuch Juſtice or Juſtices (which Warrant or Warrants ſuch Juſtice or Juſtices is and are hereby empowered to grant for thoſe Purpoſes); and if within Five Days next after ſuch Diſtreſs ſhall be made, the ſaid Penalties, Forfeitures, and Fines ſhall not be paid, together with the reaſonable Charges and Expences of making, removing, and keeping ſuch Diſtreſs, the Goods or Chattels ſo diſtrained ſhall be appraiſed and ſold, or ſuch Part thereof as ſhall be ſufficient to ſatisfy and pay the ſaid Penalties, Forfeitures, and Fines, 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 diſtrained and ſold; and the Penalties, Forfeitures, and Fines, when recovered and received, ſhall be paid to the Treaſurer for the Time being to the ſaid Veſtrymen, and applied to the Purpoſes of the ſaid recited Act or this Act; but nevertheleſs it ſhall and may be lawful to and for the ſaid Veſtrymen, at any Meeting to be held in purſuance of the ſaid recited Act or this Act, to order their Treaſurer for the Time being to pay ſuch Part of the ſaid Penalties to the Informer as they ſhall judge reaſonable, not exceeding One Moiety thereof; and in every ſuch Caſe where ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures, and Fines 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 and 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 Calendar Month, nor leſs than Twenty Days, or until ſuch Penalties, Forfeitures, and Fines, and all neceſſary and reaſonable Coſts, Charges, and Expences attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

XIV. 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 the ſaid recited Act or 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.

‘ } BE it remembered, That on the Day of
‘ to wit. } 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.’

XV. And

Expences of the Act how to be paid.

XV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be borne, paid, and defrayed by the said Vestrymen out of the Monies raised, levied, or collected, or to be raised, levied, or collected by virtue of the said recited Act.

Public Act.

XVI. 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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