ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 163.

An Act for altering and amending Two several Acts of the Thirty-fifth and Forty-sixth Years of the Reign of His present Majesty, for paving and improving the Parish of *Saint Mary-le-Bone* in the County of *Middlesex*. [22d *June* 1813.]

WHEREAS by an Act passed 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 these Purposes:* And whereas by one other Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled *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;* certain Powers were given and granted to the Vestrymen of the said Parish for the several Purposes in the said recited Act mentioned and contained: And whereas several of the Powers and Provisions contained in the said recited Acts have been found inadequate for the Purposes thereby intended, and it is expedient that the same should be altered, amended, and enlarged, and further Powers 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,

35 G. 3. c. 73.

46 G. 3. c. 90.

Powers of former Acts extended to this.

and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Powers, Authorities, Claims, Exemptions, Provisoes, Penalties, Forfeitures, Articles, Matters, and Things therein contained, (save and except such Part and Parts thereof as is and are hereby altered, varied, or repealed,) shall be in full Force and Effect, and shall be as good, valid, and effectual for carrying the several Purposes of this Act into Execution, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this Act.

Part of recited Act of 35 G. 3. repealed.

II. And be it further enacted, That so much of the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty as enacts and declares, "That it should and might be lawful to and for the said Vestrymen, or any Five or more of them, to view and inspect any Square, Street, Lane, Court, Yard, Mews, Alley, Passage, or Place within the Limits aforesaid, which then was or thereafter might be built upon or in building; and if upon such View they should be of Opinion that the same or any Part or Parts thereof were fit and proper to be paved, the said Vestrymen, at any Meeting to be held in pursuance of that Act, after such View, should and might order their Surveyor or Surveyors, or other Person or Persons by them appointed for that Purpose, to give Notice to the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of any such Land, Ground, House, Shop, Warehouse, Coach House, Stables, Cellar, Vault, Tenement, or Hereditament in any such Square, Street, Lane, Court, Yard, Mews, Alley, Passage, or Place, or leave the same at his, her, or their last or usual Place of Abode, or with his, her, or their known Servant or Servants, or if no such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, could be found, then such Notice should be stuck against the said Premises or any Part thereof; which Notice should require such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, to meet such Vestrymen at the Time and Place therein mentioned, not being less than Ten Days from the Date of such Notice, to compound for the paving thereof, at any Sum not exceeding Three Shillings for every Square Yard of such Pavement, whether Carriageway or Footway, which Composition the said Vestrymen were thereby authorized to make; and if such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, should not attend, or should not compound or agree with the said Vestrymen as aforesaid, or having compounded or agreed, should not pay the same within Ten Days after Demand made by the Clerk in Writing to the Collector authorized to receive the same, then it should and might be lawful to and for the said Vestrymen to order the same to be paved as soon as conveniently might be; and all the Charges and Expences attending such Paving should be paid by the respective Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, and should be recovered and levied upon the Goods and Chattels of such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or in case of Bankruptcy, upon the Goods and Chattels of such Bankrupt or Bankrupts in the Possession or Custody of his or their Assignee or Assignees, or upon the said Premises, in like Manner as any Rate or Rates, Assessment or Assessments made by virtue of this Act are or were therein made recoverable," shall be and the same is hereby repealed and declared to be null and void, to all Intents and Purposes whatsoever.

If Vestrymen judge any new Street, &c. proper to be paved;

III. And be it further enacted, That in lieu and stead thereof, it shall and may be lawful to and for the said Vestrymen, or any Five or more of them, to view and inspect any Square, Street, Lane, Court, Yard, Mews, Alley, Passage, or Place within the Limits of the said recited Acts and this Act, which now is or hereafter may be built upon, or in building; and if upon such View they shall be of Opinion that the same, or any Part or Parts thereof, is or are fit and proper to be paved, the said Vestrymen at any Meeting to be held in pursuance of the said recited Acts and this Act, or any of them, after such View, shall and may order their Surveyor or Surveyors, or other Person or Persons by them appointed for that Purpose, to give Notice to the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of any such Land, Ground, House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Tenement, or Hereditament in any such Square, Street, Lane, Court, Yard, Mews, Alley, Passage, or Place, or leave the same at his, her, or their last or usual Place of Abode, or with his, her, or their known Servant or Servants; or if no such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, can be found, then such Notice shall be stuck against the said Premises, or any Part thereof; which Notice shall require such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, to meet such Vestrymen at the Time and Place therein mentioned, not being less than Ten Days from the Date of such Notice, to compound for the paving thereof at any Sum not exceeding Seven Shillings for every Square Yard of such Pavement, whether Carriageway or Footway; and if such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, shall not attend, or shall not compound or agree with the said Vestrymen as aforesaid, or having compounded or agreed, shall not pay the same within Ten Days after Demand made by the Collector authorized to receive the same, then it shall and may be lawful to and for the said Vestrymen to order the same to be paved as soon as conveniently may be, and all the Charges and Expences attending such paving shall be paid by the respective Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, and shall be recovered and levied upon the Goods and Chattels of such Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or upon the said Premises, in like Manner as any Rate or Rates, Assessment or Assessments made by virtue of the said recited Acts, or either of them, is or are therein made recoverable.

they are to require Inhabitants to meet and compound for the paving.

Meetings on Emergencies.

IV. And be it further enacted, That if it shall at any Time or Times be thought necessary that a Meeting of the said Vestrymen shall be holden on any other Day than on a *Saturday*, or adjourned Meeting for any particular Purpose or Emergency, or for the Confirmation of the Acts of any previous Meeting, that then and in every such Case, upon the Vestry Clerk giving Two Days Notice of such Meeting to be holden on such earlier Day, and expressing in such Notice the particular Cause and Purpose or Causes and Purposes of such Meeting, and giving or leaving the same at the usual or last Place of Abode of each Vestryman, then all Proceedings of such Vestrymen at such earlier Meeting, for which Notice shall have been given as aforesaid, shall be as good and valid as they would have been at any of their Weekly Meetings.

Vestrymen empowered to grant Bonds to their Treasurer or Clerk.

V. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered from Time to Time, to grant unto their Treasurer or Clerk for the Time being any

any Bond or Bonds under the Hands and Seals of them the said Vestrymen, or any Seven or more of them, for the Sum of One hundred Pounds on each Bond, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, upon the Credit of the Rates or Assessments authorized to be raised and collected by virtue of the said recited Acts for paving the Squares, Streets, Passages, and other Places in the said Parish (not exceeding in the Whole the Sum authorized to be raised by virtue of the said Acts, on the Credit of such Rates or Assessments).

Treasurer empowered to sell such Bonds by public Auction.

VI. And be it further enacted, That it shall and may be lawful to and for such Treasurer for the Time being, by and with the Direction of the said Vestrymen, from Time to Time, to make Sale and dispose of all and every or any such Bond or Bonds so to be granted as aforesaid, unto any Person or Persons, for the best Price or Prices in Money that can be reasonably had or obtained for the same.

Monies arising from Sale to be applied.

VII. And be it further enacted, That all Monies which shall be from Time to Time received by such Treasurer for the Time being, from such Sale or Sales as aforesaid, (after deducting thereout all Costs, Charges, and Expences attendant thereon,) shall be applied by the said Vestrymen in paving the said Squares, Streets, Passages, and other Places in the said Parish, pursuant to the Provisions in that Behalf contained in the said recited Acts.

Vestrymen empowered to re-lay Pavement when damaged by Water Companies.

VIII. And whereas great Detriment is done to the Pavement in the said Parish, by the several Water Companies from Time to Time breaking up the same, and sufficient Power and Authority is not given to the said Vestrymen, under the said recited Acts or either of them, to compel and enforce the Payment of the Expence of repairing and relaying such Pavement in a proper and workmanlike Manner; be it therefore enacted, That when and as often as any of the Pavement in any of the Squares, Streets, Lanes, Passages, and Places in the said Parish shall be broken or taken up by any of the said Water Companies, or any of them, or by any Person or Persons acting by or under their respective Orders and Authorities, for the Purposes of laying down, repairing, or amending any Main or Mains, Service or other Pipe or Pipes for the Supply of Water, such Pavement shall and may be repaired, laid down, and amended, from Time to Time as often as shall be necessary and expedient, until the same shall be completed and perfected in a proper, substantial, and workmanlike Manner, by the said Vestrymen, or their Paviour, Surveyor, or other Person or Persons acting by or under their Order or Authority; and the Costs, Charges, and Expences of taking out and filling in hard Rubbish, and all necessary Cartage, and of repairing, laying down, and amending such Pavement, and all other Charges and Expences attending the same, as often as shall be necessary and expedient, shall from Time to Time be reimbursed and paid to the said Vestrymen, or to such Person as they shall appoint to receive the same, by the Clerk or Treasurer for the Time being of the respective Water Companies to whom such Main or Mains, Service or other Pipe or Pipes shall belong, or if the same shall not belong to any of the said Water Companies, then by the respective Owner or Owners thereof; and if such Clerk or Treasurer to any of the said Water Companies, or the respective Owner or Owners of such Main or Mains, Service or other Pipe or Pipes, liable to reimburse and pay such Charges and Expences, shall refuse or neglect to pay the same within

within Ten Days next after Demand thereof, in Writing, signed by the Clerk of the said Vestrymen, and left at their respective Dwelling Houses or last Places of Abode, or at the Office of the respective Companies, together with a Bill to be annexed, containing an Account of such Charges and Expences, then and in every such Case the Money so expended shall and may be recovered by the said Vestrymen of and from the Company or Companies, or other Person or Persons liable thereto, by Distress and Sale of the Goods and Chattels of such Company or Companies, Person or Persons so neglecting or refusing, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said County of *Middlesex*; which Warrant or Warrants such Justice or Justices is and are hereby empowered and required to grant, upon Proof of such Refusal or Neglect, by the Information of One or more credible Witness or Witnesses upon Oath (and which Oath such Justice or Justices is and are hereby empowered and required to administer); all which Costs, Charges, and Expences shall from Time to Time be made out and ascertained by the Surveyor of the said Parish for the Time being, within Six Days from the Time that such Pavement shall be so laid down, repaired, and amended.

Water Companies to give Notice before they take up the Pavement.

IX. Provided always, and be it enacted, That it shall not be lawful to or for any such Water Company or Water Companies, or any Person or Persons acting by or under their Authority, to break or cause to be broken up any of the Pavements in any of the Streets, Squares, Lanes, Passages, and other Places within the said Parish, for the Purpose of making and laying down any Main or Mains, Pipe or Pipes, save and except Notice in Writing of their Intention to break up such Pavement, signed by the Clerk, Paviour, or other Officer acting under the Authority of such Company or Companies, specifying the Street, Square, Lane, Passage, or Place in which such Pavement is intended to be broken up, shall have been given to or left for the Surveyor for the Time being of the said Vestrymen at the Court-house of the said Parish, for the Space of Twenty-four Hours before such Pavement shall be so broken up; and in case any such Water Company or Water Companies, or the Person or Persons acting by or under their Authority, shall break or cause to be broken up any of such Pavement, without such Notice being given as aforesaid, then and in every such Case the Water Company or Water Companies, or other Person or Persons so breaking up the same, shall forfeit and pay to the said Vestrymen, or their Treasurer or Clerk, any Sum not exceeding Forty Shillings for every such Street, Square, Lane, Passage, or Place in which any Part of the Pavement shall be broken up for the Purposes aforesaid.

Vestrymen empowered to cancel Contracts.

X. And be it further enacted, That in case any Contract or Contracts for building, paving, keeping in repair, cleansing, lighting, or furnishing Materials, or for any other Purpose or Purposes whatsoever, shall from and after the passing of this Act be entered into by the said Vestrymen acting in pursuance of the said recited Acts and this Act, or any of them, and the Person or Persons entering into any such Contract or Contracts shall be guilty of any Breach or Non-performance of any such Contract or Contracts, it shall and may be lawful to and for the said Vestrymen, at any of their Meetings, in case they shall deem it right and proper, to declare such Contract or Contracts to be null and void, and such Contract or Contracts shall be from thenceforth null and void accordingly; or it shall and

may be lawful to and for the said Vestrymen to compound for such Sum or Sums of Money, with the Person or Persons so entering into such Contract or Contracts, for such Breach or Non-performance of such Contract or Contracts, and all Costs, Charges, and Expences as shall be occasioned thereby, as to them the said Vestrymen at any of their Meetings shall appear right and proper; or it shall and may be lawful to and for the said Vestrymen to recover the Penalty or Penalties contained in any such Contract or Contracts, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in which Action or Actions no Essoign, Protection, Wager at Law, or more than One Imparlance, shall be allowed.

For better Recovery of Rates on Persons quitting Premises.

XI. And whereas it may happen that many Persons liable to, and who may be rated and assessed under and by virtue of the said recited Acts or this Act, or any of them, may, before the Payment of the Sum which may be rated on them respectively, quit and leave their Grounds, Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, and remove therefrom; be it therefore further enacted, That when any Person or Persons, who hath or have been so rated and assessed, shall quit or be about to quit his, her, or their Lands, Grounds, Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, before he, she, or they shall have paid the said Rate or Assessment to the Collector or Collectors authorized and appointed to receive the same by the said recited Acts or this Act, or any of them; then and in every such Case it shall and may be lawful to and for the said Collector or Collectors, or any One of them, by Warrant under the Hand and Seal or Hands and Seals of any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, (which Warrant such Justice or Justices is or are hereby authorized and required to grant), Oath (or Affirmation if by a Quaker) being first made by the said Collector or Collectors, before such Justice or Justices, that he or they hath or have Cause to suspect that such Person or Persons is or are removing, or hath or have removed his, her, or their Goods and Chattels; and if such Warrant is to be executed out of the said County of *Middlesex*, the same being first backed or countersigned by some Magistrate of the County, City, or Liberty in which it is to be executed (which Warrant such Magistrate is hereby required to back or countersign), to distrain the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the said Rates or Assessments wherever they may be found, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Charges and Expences attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels respectively, upon Demand made thereof.

Expences of making Distress to be paid with the Rates.

XII. And be it further enacted, That when and as often as any Distress shall be made for Nonpayment of any Rate or Rates, Assessment or Assessments, made by the Vestrymen of the said Parish or any Part thereof respectively, under and by virtue of the said recited Acts or this Act, or any of them, it shall and may by lawful to and for the Person or Persons making such Distress, to raise and levy the reasonable Charges of making such Distress, and selling and disposing of the same, upon the Goods and Chattels, over and above the Sum of Money due upon the Rate or Rates, Assessment or Assessments, for which such Distress shall be taken.

XIII. And whereas by the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty it is enacted, that if any Person or Persons, other than the Person or Persons employed by or contracting with the said Vestrymen for cleansing the Squares, Streets, and Places under their Direction, or those employed by such Contractor or Contractors, shall go about to collect or gather, or shall ask for, receive, or carry away any Dust, Dirt, Cinders, or Ashes from any House or other Premises within the Limits aforesaid, he, she, or they shall respectively for the first Offence forfeit and pay the Sum of Ten Shillings; for the second Offence the Sum of Twenty Shillings; and for the third and every subsequent Offence the Sum of Forty Shillings: And whereas the Amount of the said Penalties has been found insufficient to prevent the committing of the said Offence; be it therefore further enacted, That every Person so offending shall be subject and liable to forfeit and pay for every such Offence any Sum not exceeding Five Pounds for the first Offence, and for the second or every subsequent Offence any Sum not exceeding Ten Pounds. Penalty on Persons taking away Dust, &c. without Authority.

XIV. Provided always, and be it further enacted, That if any Person or Persons shall on a *Sunday*, or on *Christmas Day*, *Good Friday*, Thanksgiving Day, or Fast Days by Proclamation, during the Time of Divine Service, blow any Horn or other Instrument in the said Parish for the Purpose of hawking or selling of any Newspaper or Gazette, it shall and may be lawful to and for any Justice of the Peace for the said County of *Middlesex*, and he is hereby required, upon Complaint to him made by any One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; and it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, without any Warrant, to deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and on the Party or Parties accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his or their Confession, or upon such Evidence as aforesaid, then and in every such Case he or they shall for every such Offence severally forfeit and pay any Sum not exceeding Ten Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him or them incurred, such Justice is hereby required to commit such Offender or Offenders to the House of Correction of the same County, there to be kept to hard Labour for any Time not exceeding One Calendar Month, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he or they shall be committed, unless such Penalty shall be sooner paid. Penalty on Persons blowing Horns.

XV. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid by the said Vestrymen out of the Monies already raised by virtue of the said recited Acts or either of them, or out of the Monies which shall be collected or received by virtue of the said Acts and this Act, or any of them. Costs of Act.

XVI. And

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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