ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

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Cap. XXV.

An Act for amending Two Acts of His present Majesty, for improving certain Plots of Ground belonging to the Right Honourable *Ann* Dowager Baroness *Southampton,* and other Persons, in the Parish of *Saint Pancras* in the County of *Middlesex.* [2d *May* 1815.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for forming, paving, cleansing, lighting, watching, watering, and otherwise improving and keeping in repair, the Streets, Squares, and other public Passages and Places which are and shall be made upon certain Pieces or Plots of Ground in the Parish of* Saint Pancras *in the County of* Middlesex, *belonging to the Right Honourable* Ann *Dowager Baroness* Southampton: 41G.3.c.131.

And whereas another Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act to enlarge the Powers of and explain and amend an Act made in the Forty-first Year of the Reign of His present Majesty, intituled 'An Act for forming, paving, cleansing, lighting, 'watching, watering, and otherwise improving and keeping in repair the 'Streets, Squares, and other public Passages and Places, which are and 'shall be made upon certain Pieces or Plots of Ground in the Parish of* Saint 'Pancras *in the County of* Middlesex, *belonging to the Right Honourable* Ann '*Dowager Baroness* Southampton;' and for including therein certain other small Plots of Ground in the said Parish therein described: 43G.3.c.139. And whereas the Commissioners for carrying the said Acts into execution have made considerable Progress in the Execution of the Powers thereby vested in them, but find that the Purposes intended thereby cannot be effectually answered, unless the said Acts are altered and amended, and other 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, 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 and Authorities, Claims, Exemptions, Provisoes, Penalties, Forfeitures, Articles, Matters, and

Powers of recited Acts extended to this Act.

and Things therein contained, (save and except such Part and Parts thereof as is and are hereby altered, varied, or repealed,) shall be in full Force and Effect, and shall be as good, valid, and effectual, for carrying the several Purposes of this Act into execution, to all Intents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.

So much of recited Act of 43 G. 3. as relates to compounding for paving, &c. repealed.

II. And be it further enacted, That so much of the said recited Act of the Forty-third Year of the Reign of His present Majesty as enacts and declares that it should and might be lawful to and for the said Commissioners to view and inspect all Streets, Squares, or other public Passages or Places within the Limits of the said Acts, which then were or thereafter might be built upon or in building, and if upon such View they should be of opinion that the Foot and Carriage Ways of the same, or any Part or Parts thereof, were fit and proper to be levelled or filled in and paved, the said Commissioners, at any Meeting to be held in pursuance of the said Acts, 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 Lessee or Lessees of all and every such Lands, Grounds, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Tenements, or Hereditaments situated within the Limits aforesaid, 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 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 Lessee or Lessees to meet such Commissioners at the Time and Place to be therein mentioned, not being less than Ten Days from the Date of such Notice, to compound for levelling and filling in such Foot and Carriage Ways, and paving thereof, at any Sum not exceeding Sixpence for every cubical Yard of such Ground so to be levelled and filled in, nor Three Shillings for every Square Yard of such Pavement, whether Carriageway or Footway, nor Eight-pence *per* Foot running Measure for the Kirb or Boundary Stone; which Composition the said Commissioners were thereby authorized to make; and if such Lessee or Lessees should not attend, or should not compound or agree with the said Commissioners as aforesaid, then it should and might be lawful to and for the said Commissioners to order the said Foot and Carriage Ways to be levelled and filled in and to be paved as soon as conveniently might be; and all the Charges and Expences attending such levelling, filling in, and paving should be paid by the respective Lessee or Lessees, and should be recovered and levied by Distress and Sale of their Goods and Chattels, in the same Manner as the Rates and Assessments to be laid by virtue of the said Act were therein directed to be levied and recovered, shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

If Commissioners judge any new Street, &c. proper to be levelled and paved, they are to require Lessees, &c. to meet and compound for the level-

III. And be it further enacted, That in lieu and stead thereof it shall and may be lawful to and for the said Commissioners to view and inspect any Street, Square, or other public 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 Foot and Carriage Ways of the same, or any Part or Parts thereof, are fit and proper to be levelled, or filled in and paved, the said Commissioners, at any Meeting to be held in pursuance of the said recited Acts and this Act, 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, situated in any such Street, Square, or other Passage or Place, or leave the same at his, her, or their last 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 the said Commissioners, at the Time and Place to be therein mentioned (not being less than Ten Days from the Date of such Notice); to compound for levelling and filling in such Foot and Carriage Ways, and paving thereof, at any Sum not exceeding One Shilling for every cubical Yard of such Ground so to be levelled and filled in, nor Eight 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 Commissioners as aforesaid, it shall and may be lawful for the respective Inhabitant or Inhabitants, Occupier or Occupiers of the said Premises, to compound and agree with the said Commissioners for such levelling, filling in, and paving, and to pay to the said Commissioners the Composition Monies that shall be so agreed on; which Composition Monies every such Inhabitant or Occupier shall and may and is hereby authorized to deduct and retain out of his or her Rent, and the said Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of such Premises, is and are hereby required to allow such Deduction: Provided always, that nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any Agreement made or to be made between Landlord and Tenant, or any Demise or Lease or Agreement for the same; and in case the said Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of the said Inhabitant or Inhabitants, Occupier or Occupiers, shall not compound or agree with the said Commissioners as aforesaid, then it shall and may be lawful to and for the said Commissioners to order the said Foot and Carriage Ways to be levelled and filled in, and to be paved as soon as conveniently may be; and all the Charges and Expences attending such levelling, filling in, and paving shall be paid by the respective Owner or Owners, Proprietor or Proprietors, Lessee or Lessses, and shall be recovered and levied by Distress and Sale of their Goods and Chattels, in the same Manner as the Rates or Assessments to be laid by virtue of the said recited Acts or either of them are or is therein made recoverable.

levelling and paving.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, if they shall think it more expedient, to bring or cause to be brought, in the Name of their Treasurer or Clerk for the Time being, or of any One or more of them the said Commissioners, any Action or Actions of Debt, or Special Action on the Case, in any of His Majesty's Courts of Record at *Westminster*, for any of the said Charges and Expences of levelling, filling in, and paving directed to be paid as aforesaid, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the Plaintiff in the Sum of Money the Plaintiff shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered,

Commissioners may bring Actions for the Expence of levelling, filling in, and paving.

recovered, in which Action or Actions no Essoign, Protection, or Wager at Law, or more than One Imparlance, shall be allowed.

Power of recited Act of 41 G. 3. as to granting Annuities repealed.

V. And be it further enacted, That so much of the said recited Act of the Forty-first Year of the Reign of His present Majesty as enacts or declares that it should be lawful for the said Commissioners, and they were thereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who should contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of each such Contributor, or the natural Life of every such Person who should be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Purchase Money, so as that no such separate Annuity did exceed the Rate of Ten Pounds for every One hundred Pounds for the Year; and that every Contributor for the Purchase of any such Annuity as aforesaid, upon the Payment of the Contribution or Purchase Money for the same or any Part thereof, should have a Receipt or Receipts for so much Purchase Money as should be so paid; and upon Payment of all the Purchase Money for any such Annuity, every such Contributor, his, her, or their Assigns respectively, should have an Order, written on Parchment or Vellum, for Payment of the said Annuity for and during his or her natural Life, or the Life of such Person as should be nominated by such Contributor or Contributors as aforesaid; which Order should be signed by any Seven or more of the said Commissioners, and after such signing thereof the same should be a good and effectual Security for the Payment of such Annuity, and other Benefits and Advantages as should be thereby granted, secured, or ordered to be paid, according to the Purport and true Meaning thereof and of that Act; which said several Annuities so to be purchased should be and were thereby charged upon and should be paid out of the Rates or Assessments therein-before mentioned, and should be made payable and be paid quarterly during the natural Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as should be nominated by such respective Contributors, and a proportionable Part of each Annuity should be paid from the last Quarter Day of Payment to the Day of the Death of the Annuitant or his Cestuique vie, and none of the said Annuitants should be subject to any Tax or Deduction whatsoever, shall be and the same is hereby repealed and declared to be null and void to all Intents and Purposes whatsoever.

Commissioners empowered to grant Annuities for One or more Life or Lives.

VI. And be it further enacted, in lieu and stead thereof, That in case the said Commissioners shall think it advisable to raise any Part of the Money necessary for the Purposes of the said recited Acts and of this Act, by the granting of any Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities, to be paid and payable for such One or more Life or Lives as shall be nominated by or on the Behalf of each such Contributor at the Time of the Payment of his or her Purchase Money, (in which Nomination each such Contributor may nominate

nominate himself or herself,) so as that no such separate Annuity do exceed the Rate of Ten Pounds for every One hundred Pounds for the Year.

Purchasers of such Annuities to have Receipts, and an Order for Payment of their Annuities.

VII. And be it further enacted, That every Contributor for the Purchase of any such Annuity as aforesaid, upon the Payment of the Contribution or Purchase Money for the same, or any Part thereof, shall have a Receipt or Receipts for so much Purchase Money as shall be so paid; and upon Payment of all the Purchase Money for any such Annuity, every such Contributor, his, her, or their Executors, Administrators, and Assigns respectively, (as the Case may require,) shall have an Order written on Parchment or Vellum for Payment of the said Annuity for and during the natural Life of such One Person, or the natural Lives of such Two or more Persons respectively, (as the Case may happen to be,) as shall be nominated by such Contributor or Contributors as aforesaid; which Order shall be signed by any Seven or more of the said Commissioners, and after such signing thereof the same shall be a good and effectual Security for the Payment of such Annuity and other Benefits and Advantages as shall be thereby granted, secured, or ordered to be paid, according to the Purport and true Meaning thereof, and of the said recited Acts and of this Act; which said several Annuities so to be purchased shall be and are hereby charged upon and shall be paid out of the Rates or Assessments authorized to be raised and collected by virtue of the said recited Acts, and shall be made payable and be paid quarterly during the natural Life of such One Person, or the natural Lives of such Two or more Persons respectively, (as the Case may happen to be,) as shall be nominated by or on behalf of such respective Contributors; and a proportionable Part of each Annuity shall be paid from the last Quarter Day of Payment to the Day of the Death of the Nominee in the Case of an Annuity for One Life, and in the Case of an Annuity for Two or more Lives to the Day of the Death of the surviving Nominee.

Commissioners empowered to grant Mortgages to their Treasurer or Clerk.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to grant unto their Treasurer or Clerk for the Time being any Mortgage or Mortgages, Assignment or Assignments, under the Hands and Seals of them the said Commissioners or any Seven or more of them, for the Sum of One hundred Pounds on each Mortgage or Assignment, 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 the Purposes of the said recited Acts and of this Act, not exceeding in the Whole the Sum authorized to be raised by virtue of the said recited Acts on the Credit of such Rates and Assessments.

Treasurer empowered to sell such Mortgages by public Auction.

IX. 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 Commissioners, from Time to Time to make Sale and dispose of all and every or any such Mortgage or Mortgages, Assignment or Assignments, 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.

X. And be it further enacted, That all Monies which shall be from Time to Time received by such Treasurer for the Time being from Sale or Sales as aforesaid (after deducting thereout all Costs, Charges, and Expences

Expences attendant thereon) shall be applied by the said Commissioners for the Purposes expressed in the said recited Acts and in this Act.

Commissioners empowered to cancel Contracts.

XI. And be it further enacted, That in case any Contract or Contracts for building, paving, keeping in repair, cleansing, lighting, watering, 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 Commissioners 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 Nonperformance of any such Contract or Contracts, it shall and may be lawful to and for the said Commissioners 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 thenceforth null and void accordingly; or it shall and may be lawful to and for the said Commissioners 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 Nonperformance of such Contract or Contracts, and all Costs, Charges, and Expences as shall be occasioned thereby, as to them the said Commissioners at any of their Meetings shall appear right and proper; or it shall and may be lawful to and for the said Commissioners 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.

Commissioners empowered to relay Pavement where damaged by Water Companies.

XII. And whereas great Detriment is done to the Pavement in the Streets, Squares, and other public Passages and Places within the Limits aforesaid, by the several Water Companies from Time to Time breaking up the same, and sufficient Power and Authority is not given to the said Commissioners 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 Streets, Squares, and other public Passages and Places within the Limits aforesaid shall be broken or taken up by any of the said Water Companies, 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 Commissioners, or their Pavior, 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 Commissioners, 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

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 Ten Days next after Demand thereof in Writing, signed by the Clerk of the said Commissioners, 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 Commissioners 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 Commissioners 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.

XIII. 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, or other public Passages or Places within the Limits aforesaid, 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, Pavior, or other Officer acting under the Authority of such Company or Companies, specifying the Street, Square, Passage, or Place in which such Pavement is intended to be broken up, shall have been given to the Surveyor for the Time being of the said Commissioners 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 Commissioners, or their Treasurer or Clerk, any Sum not exceeding Forty Shillings for every such Street, Square, Passage, or Place in which any Part of the Pavement shall be broken up for the Purposes aforesaid.

Penalty on Persons taking away Dust, &c. without Authority.

XIV. And whereas by the said recited Acts it is enacted, that if any Person or Persons, other than the Person or Persons contracting with the said Commissioners for cleansing the Streets, Squares, and other Places under their Directions, or those employed under such Contractor or Contractors, should on any Pretence whatever go about to collect or gather, or should take or carry away, any Dirt, Dust, Cinders, or Ashes from any House or other Premises in any Street, Square, or other Place under the Management of the said Commissioners, (unless such Dirt, Dust, Cinders, or Ashes should be carried away for the immediate Use and Consumption of

of the Proprietors of such House or Houses,) every Person so offending should for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings: And whereas the Amount of the said Penalty 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.

Penalty on Persons placing or drawing Carriages, Wheelbarrows, &c. on Foot Pavements, &c.

XV. And whereas by the said recited Act of the Forty-first Year of the Reign of His present Majesty it is enacted and declared, that if any Person should run, drive, or place, or cause to be run, driven, or placed, any Coach, Cart, or Waggon, Dray, Truck, Sledge, Wheelbarrow, or any Carriage whatsoever, upon or over any of the Foot Pavements within the Limits of the said Act; or should wilfully ride, drive, or lead any Horse or other Beast or Cattle along or upon any of the said Foot Pavements; or should ,within any Street, Square, or other public Passage or Place within the Limits of the said Act, slaughter, dress, or cut up any Swine or other Beast; or hoop, cleanse, or scald any Cask, or hew or saw any Stone, Wood or Timber, or bind or make the Wheel of any Carriage; or shoe, bleed, dress, or farry, (except in Cases of Accident,) or turn or drive loose, or ride, lead, or drive for Exercise, any Horse or other Beast; or set, place, or expose to Sale any Goods, Wares or Merchandizes, either in the Footways or Carriageways belonging or to belong to any of the said Streets, Squares, or other public Passages or Places, every Person so offending in any such Case should for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and also, that if any Person or Persons should sift, screen, or slack any Lime, except within such Hoard or Inclosure (as therein-after was mentioned), in any such Street, Square, Passage, or Place, or cause the same to be so done, he or they should forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings for every such Offence: And whereas the said several Penalties have been found insufficient to prevent the committing of the said Offences respectively; be it therefore enacted, That every Person offending in any of the Cases aforesaid shall be subject and liable to forfeit and pay for every such Offence any Sum not exceeding Three Pounds.

Costs of Act.

XVI. 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 Commissioners out of any Monies which have arisen by virtue of the said recited Acts or either of them, or out of the first Monies which shall arise by virtue thereof and of this Act, in preference to all other Payments whatsoever.

Public Act.

XVII. 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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