ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. lxv.

An Act to alter, amend, and enlarge some of the Powers and Provisions of the Acts for paving and otherwise improving certain Streets in the Parish of *Saint Pancras* in the County of *Middlesex*. [21st *June* 1841.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, 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 whereas an Act was passed in the Forty-third Year of the Reign of His said 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*

41G.3.c.131.

43G.3.c.139.

Parish therein described: And whereas an Act was passed in the
55 G. 3. c. 25. Fifty-fifth Year of the Reign of His said Majesty, intituled *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: And whereas by the said first-recited Act of the Forty-first Year of His said Majesty certain Powers were given to the Commissioners therein named, during the Term of Five Years from the Twenty-fourth Day of *June* One thousand eight hundred and one, and afterwards to the Commissioners to be appointed in manner therein and herein after mentioned, to cause the several Streets, Squares, and other public Passages and Places within the Limits of the said Act to be paved, repaired, cleansed, lighted, watched, watered, and otherwise improved in manner therein mentioned; and it was thereby (amongst other things) enacted, that upon the Twenty-fourth Day of *June* One thousand eight hundred and six, and so afterwards annually on the Twenty-fourth Day of *June* in every succeeding Year, unless the same should happen to be on a *Sunday*, and then on the next or subsequent Day, the Inhabitant Householders residing within the Limits of the said Act, who should have paid up their Rates to the preceding Quarter Day immediately before every such Meeting, as therein-after mentioned, (to be convened for that Purpose by a Notice to be affixed on the Door of the Church of the said Parish of *Saint Pancras*, under the Signature of the Clerk to the Commissioners for the Time being acting under and by virtue of the said Act,) should and they are thereby authorized and required to meet at such Place as should be expressed in such Notice, and there to elect Twenty-one Male Persons (each of whom should be qualified in manner therein mentioned) to be Commissioners for carrying the now-reciting Act into execution; and such Twenty-one Persons so from Time to Time to be elected Commissioners, or any Five or more of them, should be and they were thereby appointed Commissioners for putting in execution the Powers and Authorities given and granted by the said Act, either together with or without the Owner or Owners or Person or Persons entitled to the Freehold of the several Pieces or Plots of Ground therein mentioned, for and during the succeeding Year next after they should have been so elected as aforesaid: And whereas in and by the said recited Act of the Forty-third Year of His said Majesty it was (amongst other things) enacted, that in lieu of the Persons by the said first-recited Act named and appointed Commissioners for putting the same Act into execution during the said Term of Five Years there should be elected and appointed, after the Expiration of the said Term, Forty-one Male Persons as Commissioners for putting the said recited and now-reciting Act into execution, and that all and every the Powers, Authorities, Directions, and Regulations in the said recited Act expressed relating to the annual Election of Commissioners upon and after the Twenty-fourth Day of *June* One thousand eight hundred and six, and the Qualification of such Commissioners, and other Matters relating to the said Commissioners, should be deemed, construed, adjudged, and taken to extend (with such Variation as the now-reciting Act might render necessary) to the Election of such Forty-one Male Persons to be Commissioners for carrying the said recited and now-reciting

Act into execution, as fully and effectually, to all Intents and Purposes whatsoever, as if the same were therein repeated and especially enacted: And whereas by the said recited Act of the Fifty-fifth Year of His said Majesty the Powers and Provisions contained in the said Two former Acts were continued in full Force and Effect for carrying the several Purposes of the now-reciting Act into execution, save and except as to such Part and Parts thereof as was and were thereby altered, varied, or repealed; but no Alteration or Variation was thereby made in the Mode of electing Commissioners as directed by the said Two former Acts: And whereas the Commissioners for carrying the said several Acts into execution have made considerable Progress in the Execution of the Powers thereby respectively vested in them, and large Sums of Money have been expended and are now due and owing on the Credit of the Rates thereby authorized to be raised and collected; but much Difficulty and Inconvenience hath been lately experienced by many of the inhabitant Householders residing within the Limits of the said Acts in the Election of Commissioners, on account of the Mode in which such Election is directed by the said recited Acts, some or One of them, to be made and conducted, inasmuch as no Power is thereby given to the annual Meeting, when convened and met for the Purpose of electing Commissioners, to choose a Chairman, nor is any Power given to any Person or Persons, on behalf of any proposed Candidate or Candidates, to demand a Poll, in consequence whereof much Inconvenience and Injustice has arisen therefrom to the inhabitant Householders, who are now virtually excluded from voting at such Meeting; and it is therefore fit and proper that the Proceedings at every such annual Meeting should in future be regularly conducted, so that every inhabitant Householder, being duly qualified, should have an Opportunity of voting in the Election of Commissioners; for which Purpose it is necessary and expedient that the Powers and Provisions of the said recited Acts, some or One of them, as far as regards the Election of Commissioners, should be altered, amended, and enlarged, and further Powers granted in relation thereto; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 so much and such Part and Parts of the said recited Acts of the Forty-first and Forty-third Years of the Reign of His said Majesty as authorize, direct, or relate to the Election on the Twenty-fourth Day of *June* in every Year, unless the same shall happen to be on a *Sunday*, and then on the next or subsequent Day, of Twenty-one or Forty-one Commissioners for carrying the said Acts into execution, or as concern the Mode or Manner of making and conducting such Election, shall be and the same is and are hereby repealed, and declared to be null and void, to all Intents and Purposes whatsoever.

So much of the recited Acts as relates to the Election of Commissioners repealed.

II. And be it enacted, That in lieu and stead thereof, upon the Third *Monday* in *June* next after the passing of this Act, at the Hour of Twelve of the Clock at Noon, or so soon after as conveniently may be, and so afterwards annually on the Third *Monday* in *June* in every

Directing how the Commissioners shall be elected.

every succeeding Year, the inhabitant Householders residing within the Limits of the said recited Acts, or any of them, who shall have duly paid up, on or before the Tenth Day of the same Month of *June*, all Rates due from them respectively on the Twenty-ninth Day of *September* preceding every such Meeting as herein-after mentioned (such Meeting to be convened by a Notice to be affixed on the principal outer Door of the Church of the said Parish of *Saint Pancras*, under the Signature of the Clerk to the said Commissioners, as directed by the said first-recited Act of the Forty-first Year of His said Majesty, and on the principal outer Door of all the Chapels assessed to the Rates on the District, and also on the outer Door of the Office of the Commissioners, under the Signature of the said Clerk as aforesaid), shall meet at such Place as shall be expressed in such Notice, and then and there elect Forty-one Male Persons (each of whom shall be then qualified as in the said last-recited Act is mentioned) to be Commissioners for carrying the said recited Acts and this Act into execution.

Defining the Mode of Election.

III. And be it enacted, That every such Election shall be conducted in manner following, or as near thereto as may be; (that is to say,) upon the assembling of every such annual Meeting on the Third *Monday* in *June* the first Business to be transacted or done thereat shall be the Election of some one of the said inhabitant Householders (so qualified to vote as aforesaid) to be the Chairman to preside over and regulate the Proceedings of the Meeting, and who shall be chosen by a Majority of the Persons present at such Meeting, to be ascertained by a Show of Hands, or if that Mode shall not be satisfactory to any of the Persons present, then by a Division or counting of the Numbers voting on each Side in a fair and open Manner; after the Chairman shall have been duly elected in manner aforesaid, and the Chair taken by him, then the Nomination of Forty-one Male Persons to be Commissioners for carrying the said recited Acts and this Act into execution shall take place; and a List containing the Names and Residence of Forty-one Male Persons (and no more), duly qualified to act as Commissioners within the Meaning of the said recited Act of the Forty-first Year of His said Majesty, shall be proposed and seconded by Rate-payers present at the said Meeting, and who shall be then duly qualified to vote in the Election of Commissioners; and if no other List or Lists shall be then proposed and seconded in manner aforesaid, then the Forty-one Persons named in such List so proposed shall be elected and declared Commissioners for carrying the said recited Acts and this Act into execution for the Year ensuing; but in case more than One List containing the Particulars aforesaid shall be duly proposed and seconded at the said Meeting, then for every List so duly proposed and seconded as aforesaid there shall be forthwith named and appointed, by the Proposer and Seconder of each List, or any Person or Persons on their Behalf, being duly authorized by the said Proposer and Seconder, and qualified to vote as herein-before mentioned, One Poll Clerk and Two Inspectors of Votes to act in the event of a Poll being demanded, as herein-after mentioned.

After Lists of Candidates have been

IV. And be it enacted, That after all the said Lists shall have been duly proposed and seconded, then a Show of Hands shall be taken for

for and against each List, and the Result publicly declared by the Chairman of the Meeting; whereupon it shall be lawful for the Persons proposing and seconding such List or Lists of Candidates as upon the said Show of Hands shall be declared to be in the Minority, or any Person or Persons on their Behalf, being duly authorized by the said Proposer and Seconder, and qualified to vote as herein-before mentioned, to demand a Division or counting of the Numbers of the Persons present, according to the List for which they vote, and which Division or counting of the Numbers and Votes present at the Meeting the Chairman thereof is hereby required immediately to grant, and to declare the Result thereof accordingly to the said Meeting, with the Names of the Persons or List for whom the greatest Number of Votes shall have been given; and when and so soon as the Result of such Division shall have been declared by the Chairman, it shall be lawful for the Persons proposing and seconding the List or Lists of Candidates for the Appointment of Commissioners which shall be declared to be in the Minority, or any Person or Persons duly qualified to vote as herein-before mentioned, to demand, for or on behalf of such last-mentioned List of Candidates, a Poll of the inhabitant Rate-payers duly qualified to vote within the Limits of the said Acts, and which Poll shall be decided and determined by open voting; and such voting shall commence on the next following Morning, at the Hour of Eight in the Forenoon, and close at the Hour of Seven in the Afternoon, after which no more voting shall be allowed; and immediately upon closing the Poll Books the Inspectors of Votes shall take charge of the same, and count over the Votes for the Names contained in the said Lists of Candidates; and so soon as the said Inspectors shall have ascertained the Numbers which have voted for the several Names contained in the said Lists of Candidates, the Poll Books shall be deposited, under their Hands and Seals, with the Clerk to the said Commissioners, who is hereby required to take charge of the same, and deposit them in the Strong Room of the Office of the said Commissioners; and the said Clerk is hereby required to produce the said Poll Books to the Inspectors the next following Morning, if required; and such Poll Books, after the Return is duly made and declared as herein-after mentioned, shall be considered public Records of the Trust; and the said Inspectors, or any Two or more of them, are hereby required to make their Return in Writing of the Number of Votes given for each Candidate to the Chairman of the Meeting, or, in his Absence by Sickness or any other Cause, to the said Clerk, at the Place of Nomination, on or before the Hour of Four in the Afternoon of the *Wednesday* next following the said Day of Nomination, under a Penalty of Fifty Pounds for every Neglect or Omission in so doing (to be recovered and applied as other Penalties under the said recited Acts); and in default of the said Inspectors making such Return then it shall be lawful for the Clerk, and he is hereby required, to produce the Poll Books to the Chairman of the said Meeting, who shall make the said Return, and in case of the Absence of the said Chairman by Sickness or otherwise, then the said Clerk shall and he is hereby required to make such Return; and at the Hour of Four in the Afternoon of the said *Wednesday* next after the Day of Nomination the Chairman of the preceding Meeting, or the Clerk, (as the Case may be,) who is hereby required to give his personal Attendance for

delivered in, a Poll may be demanded.

for such Purpose, shall, at the same Place where such Meeting was holden, publicly declare the final State of the Poll according to the Return made, with the Names of the Forty-one Persons for whom the greatest Number of Votes shall have been given, who shall be thereupon declared to have been duly elected Commissioners for carrying the said Acts and this Act into execution during the ensuing Year; and the Forty-one Persons so from Time to Time to be elected and declared Commissioners as aforesaid shall be Commissioners for putting in execution the Powers and Authorities granted by the said several in part recited Acts and this Act, either together with or without the Owner or Owners, or Person or Persons, entitled to the Freehold of the several Pieces or Plots of Ground in the same Acts mentioned, for and during the succeeding Year next after they shall have been so elected as aforesaid, with the same Power of supplying and filling up Vacancies in the event of any of the said Commissioners becoming disqualified or dying, or being disabled from acting during the Course of the Year, as is contained in the said recited Act of the Forty-first Year of His Majesty with respect to the Commissioners acting under that Act, and with the same Obligation of making the Declaration prescribed by the Act of the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, Cap. 62., in lieu of the Oath therein contained: Provided always, that if any List containing the Names of more than Forty-one Male Persons so qualified as aforesaid shall be delivered in, such List shall be rejected by the Inspectors.

Collectors required to attend whenever a Poll takes place.

V. Provided always, and be it enacted, That the said Clerk, and the Collector or Collectors of the Rates arising under the said Acts, shall give his or their personal Attendance at the Time and Place of Nomination, and also, in the event of a Poll taking place, the Collector or Collectors is or are hereby required to give his or their personal Attendance at the Poll during all the Hours of polling, in order to identify the Voters, and give Notice to the Chairman or Inspectors (as the Case may require) of any unqualified Person tendering his or her Vote at such Election.

If an Equality of Votes, then to be decided by Lot.

VI. And be it enacted, That if an Equality of Votes should appear to the aforesaid Inspectors, or any Two or more of them, to be given for any Two or more Candidates for Commissioners, in that Case the Inspectors, or any Two or more of them, shall decide by Lot upon the Person or Persons so to be chosen.

Poll Clerks to enter in Books the Name of every Inhabitant Householder.

VII. And be it enacted, That the Poll Clerks to be nominated and appointed under this Act shall enter in Books, to be provided by the Clerk to the Commissioners for the Time being, the Name of every inhabitant Householder who shall vote for Commissioners under the said recited Acts and this Act.

Former Acts extended to this Act.

VIII. Provided also, and be it enacted, That the said Three several herein-before in part recited Acts of the Forty-first, Forty-third, and Fifty-fifth Years of the Reign of His said Majesty King *George* the Third, and all the Provisions, Matters, and Things therein respectively contained, shall (except so far as the same, or any of them, are

by this Act repealed, altered, or otherwise provided for, and are not inconsistent with any of the Provisions of this Act,) remain, continue, and be in full Force and Effect, and shall extend and be applicable to all Matters, Persons, and Things to whom this Act doth or shall extend or be applicable, in such and the same Manner, and as fully and effectually, as if the same were repeated and re-enacted in this Act with reference to the Purposes herein provided for.

Repeal of Clause as to Limitation of Actions.

IX. And whereas it is by the said first herein-before recited Act enacted, that no Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act until Twenty-one Days Notice thereof shall be given to the Clerk to the said Commissioners, or after such sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Middlesex*, and not elsewhere; and the Defendant in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuit, or discontinue his or her Action or Suit after the Defendant shall appear, or if, upon Demurrer, Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases of Law: And whereas it is expedient that the said Enactment should be repealed; be it therefore enacted, That the said Enactment shall be and the same is hereby declared to be repealed.

Expences of the Act.

X. And be it enacted, That all 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 any 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.

XI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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