



ANNO QUADRAGESIMO TERTIO

# GEORGI III. REGIS.

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## Cap. 10.

An Act for paving, repairing, lighting, watching, and otherwise improving *Kensington Square*, and *Young Street*, and *James Street* communicating therewith, in the Parish of *Saint Mary Abbots, Kensington*, in the County of *Middlesex*; and for removing and preventing Nuisances, Annoyances, and Encroachments therein. [24th March 1803.]

**W**HEREAS the Pavement of the Foot and Carriage Ways in a certain Square called *Kensington Square*, and in *Young Street* and *James Street* communicating therewith, in the Parish of *Saint Mary Abbots, Kensington*, in the County of *Middlesex*, and the Fence of the said Square are very much out of Repair, and are subject to various Nuisances, Encroachments, and Annoyances: And whereas it would be of great Convenience and Advantage to the Inhabitants of the said Square and Streets, and of the Town of *Kensington*, as well as of publick Utility, if the same were to be properly paved, repaired, lighted, watched, and improved, and all Encroachments, Nuisances, and Annoyances therein removed and prevented in future: But as the same cannot be effectually done without the Authority of Parliament; 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

[Loc. & Per.] E e the



Commission-  
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Upon Death  
of any Com-  
missioner,  
how new one  
to be ap-  
pointed.

Also on Re-  
fusal to act,  
or removing  
Residence,  
or neglecting  
to attend.

Qualification  
of Commis-  
sioners.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Payne M. D.*, Major *John Samuel Torriano*, *John Walker*, the Reverend *Robert Hamilton D. D.*, *John Hollingworth*, Colonel *Robert Rayne*, *John Kendal*, *Thomas Hardwick*, *Henry Grimstone*, *Jonathan Hamston*, and *Barton Parkinson Hall*, being Occupiers of Houses within the said Square and Streets, and their Successors, to be appointed in Manner herein-after mentioned, shall be and are hereby appointed Commissioners for putting this Act in Execution; and upon the Death of any Person or Persons appointed or to be appointed a Commissioner or Commissioners in pursuance of this Act, it shall be lawful for the surviving or remaining Commissioners, or any Six or more of them, at a Meeting to be appointed for that Purpose, of which Seven Days Notice shall be given, from Time to Time, to elect and appoint One other Person inhabiting within the said Square and Streets, to be a Commissioner in the Room and Stead of the Commissioner so deceased, so that the Person so to be elected and appointed resides in the Square or Street wherein the Person so dying resided at the Time of his Decease.

II. Provided always, and be it further enacted, That in case any of the Persons herein-before appointed or to be appointed a Commissioner as aforesaid, shall refuse to act, or shall remove his Residence out of the said Square or Streets, or shall neglect to attend at Twelve successive Meetings of the said Commissioners, it shall and may be lawful for the remaining Commissioners, and they are hereby authorized to elect, choose, and appoint, in Manner aforesaid, One other Person inhabiting within the said Square and Streets, in the Room and Stead of the Commissioner so refusing to act, removing his Residence, or neglecting to attend as aforesaid, provided the Person so to be elected and chosen resides in the Square or Street wherein the Person in whose Place or Stead he was appointed did reside.

III. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, in any Case wherein he shall be personally interested, or during the Time he shall hold any Place of Profit arising out of the Rates herein-after mentioned; and that no Person (other than the Persons herein-before named), shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be resident and an Householder in the said Square or Streets, or One of them, and shall be assessed to and pay his Share of the Rates to be made by virtue of this Act, and shall also be possessed of a Real or Personal Estate, or both, of the clear Value of One thousand Pounds, and be rated to the Rates by virtue of this Act, at or after the Rate of Twenty Pounds *per Annum* at the least, or shall be rated to the said Rates at or after the Rate of Forty Pounds; or until he shall have taken and subscribed an Oath to the Effect following; that is to say,

I do swear, That I am possessed of a Real, [or, Personal Estate, or, Real and Personal Estates], of the clear Value of One thousand Pounds, and am rated or liable to be rated at Twenty Pounds [or, am rated or liable to be rated at Forty Pounds, as the Case may be], *per Annum* at the least, by virtue of an Act of Parliament of the Forty-third Year of the Reign of King George the Third, intitled, [here set forth the Title of this Act].

Which



Which Oath any One of the said Commissioners is hereby empowered to administer; and if any Person not being qualified, or being disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act, he shall, for every such Offence, forfeit and pay to the said Commissioners the Sum of Fifty Pounds, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty without any other Proof or Evidence being given on the Part of the Plaintiff, than that such Person hath acted as a Commissioner in the Execution of this Act; and every such Penalty, when recovered, shall be applied to the Purposes of this Act.

IV. Provided always, and be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the Commissioners hereby constituted as aforesaid, shall and may, from Time to Time, be exercised by the major Part of them who shall attend any Meeting pursuant to the Directions of this Act (the Number of Commissioners at such Meeting not being less than Five); except in such Cases where any other Number of Commissioners are hereby required or authorized to act; and all the Acts, Orders, and Proceedings of the major Part of the Commissioners present at such Meeting, shall have the same Force and Effect as if done, made, or executed by all the Commissioners constituted by this Act; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote), the Chairman shall have the casting Vote.

A major Part of Commissioners at their Meetings.

V. And be it further enacted, That the said Commissioners shall meet at the House of Master *John Wren*, in *Kensington Square* aforesaid, upon the Second *Monday* next after the passing of this Act, and proceed to the Execution thereof; and they, or any Two or more of them, being the whole or major Part of the Commissioners appearing at such Meeting, may then, and from Time to Time afterwards, adjourn to such Time and Place within the said Square or Streets, or either of them, as they shall think proper; and if at any Meeting so appointed there shall not appear a sufficient Number of Commissioners to act or to adjourn, or in case of any Neglect or Omission to adjourn, then the Clerk to the said Commissioners shall appoint a Meeting to be held at the Place where the last Meeting was held, or such intended Meeting was appointed to have been held, by publick Notice in Writing, to be affixed at least Seven Days before such Meeting on One of the Doors of the Parish Church of *Kensington* aforesaid; and in case the said Clerk shall die, or become incapable of acting, before the Appointment of such Meeting, or shall refuse or neglect to make such Appointment when required by any Two or more of the said Commissioners, then any Two or more of the said Commissioners shall and may, by the like publick Notice, appoint the said Commissioners to meet at the Place where the last Meeting was held, or such intended Meeting was appointed to have been held; and the said Commissioners at all their Meetings shall defray their own Expences.

Meetings.

VI. And be it further enacted, That the said Commissioners shall and may, from Time to Time, appoint a Clerk and a Collector of the Rates to be made as herein-after mentioned, and also a Treasurer, and may employ such other Persons as they shall think proper in the Execution of this Act,

Appointing Officers.

Act,

Act, and allow such Salaries or Rewards to the said Clerk, Collector, and other Persons, as the said Commissioners shall think proper, and may from Time to Time remove any such Clerk, Collector, Treasurer, and other Persons, whenever they think proper; and every such Collector and Treasurer, and also every other Person who shall be concerned in the Receipt or Expenditure of any Money to be raised by virtue of this Act, shall, from Time to Time, (when thereto required by the said Commissioners), make out and render to them a true, exact, and perfect Account in Writing under his Hand, upon Oath, (which Oath the said Commissioners are hereby empowered to administer), of all Monies which shall at that Time have been received, paid, and disbursed by him, by reason of his Office, with proper Vouchers for the same; and in case any Money so received shall remain in his Hands, the same shall be paid according to the Order of the said Commissioners; and in case any such Collector, Treasurer, or other Person, shall not make and render, or shall refuse or neglect to verify upon Oath any such Account, or to make such Payment as aforesaid, then any Justice of the Peace for the County of *Middlesex* shall, and he is hereby empowered, to make Enquiry concerning such Default, in a summary Way, as well by Confession of the Party, as by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer); and upon Conviction such Justice shall commit such Collector, Treasurer, or other Person, to the Common Gaol, there to remain, without Bail or Mainprize, until he shall render and make such Account and Payment as aforesaid, or until he shall have compounded for such Money with the said Commissioners, and shall have paid such Composition to their Order; which Composition the said Commissioners are hereby empowered to make; but no such Person shall remain in Gaol for a longer Space of Time than Twelve Calendar Months.

Officers to  
account.

On Neglect  
or Refusal,

to be com-  
mitted.

Commission-  
ers may com-  
pound.  
Limitation of  
Imprison-  
ment.

Officers to  
deliver up  
Papers and  
Writings to  
Commission-  
ers.

VII. And be it further enacted, That if any such Clerk, Collector, or Treasurer, shall refuse or neglect to deliver up to the said Commissioners, within Fourteen Days after being thereunto required, by Writing under their Hands, all the Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, it shall be lawful for any Justice of the Peace for the County of *Middlesex*, upon Complaint thereof made to him, by Warrant under his Hand and Seal, to commit the said Clerk, Collector, or Treasurer, to the Common Gaol of the said County, there to remain, without Bail or Mainprize, until he shall deliver or cause to be delivered to the said Commissioners, or to their Order, all such Books, Papers, and Writings, or shall have given Satisfaction to the said Commissioners concerning the same.

Officers to  
give Security.

VIII. And be it further enacted, That the said Commissioners shall, and they are hereby required, to take such Security from every Collector and Treasurer to be by them appointed, for the due Execution of their respective Offices, as the said Commissioners shall think proper.

Vesting  
Lamps, Pave-  
ments, &c. in  
the Commis-  
sioners.

IX. And be it further enacted, That the Property of the Lamps, Lamp Irons, and Lamp Posts, to be erected and fixed as herein-after mentioned, and all the Materials of the same to them respectively belonging, and the Property of the present and the future Pavements, as well in the Foot Ways as in the Carriage Ways in the said Square and Streets, and every of them, and also the present and future Fence or Railing of the Area  
of



of the said Square, and the Land or Ground contained within the same, and also all Watch Boxes, Coach Footsteps, and Guard Posts, now fixed or set up in the said Square and Streets, or which may hereafter be fixed or set up therein, and all other Materials, Implements, and Things, which shall be erected, set up, fixed, purchased, or provided, by virtue of or for the Purposes of this Act, and all the Sewers and Drains for conveying Water through and from the said Square and Streets, shall be and the same are hereby vested in the said Commissioners, and they are hereby authorized and empowered to bring Actions in the Name of their Clerk or Treasurer, or to prefer and prosecute with Effect Bills of Indictment against any Person or Persons who shall steal, injure, or damage the same, or any of them, or shall disturb the said Commissioners in the Possession thereof; and the said Commissioners shall have full Power and Authority to sell and dispose of, or to work up, from Time to Time, all or any Part of the old Pavements and other Materials of the said Square and Streets, and the old Fence or Railing of the said Area of the said Square, to such Person or Persons as shall be willing to purchase the same, and to apply the Purchase Money to the Purposes of this Act.

Power to sell  
old Materials.

X. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, from Time to Time, and at all Times, when and so often as they shall think proper, to order and direct all or any of the Pavements in the said Square and Streets, or any Part or Parts of the said Square and Streets, as well those used for Carriages as those used by Foot Passengers, to be taken up, and (except the Part of *James Street* after mentioned), to be paved, relayed, repaired, raised, lowered, or altered, and the Part of *James Street*, from the North West Angle thereof, being the publick House in the Occupation of *Mistress Mary Plowman*, as far as the Pump near the South End of a House in the Occupation of *Joshua Lawrence*, to be paved or gravelled, repaired, raised, lowered, or altered; and to make, dig, sink, and build proper Drains, Gutters, and Sewers, to be made for the conveying of Water under Ground, and to place and put proper Iron Gratings thereon or otherwise, when and in such Manner as the said Commissioners shall think proper; and also to repair and keep in Repair the Fence or Railing of the Area of the said Square; or to take down the same, and to erect, place, and set up, and keep in Repair, a new Fence or Railing, of the like or of any other Materials, and otherwise to improve the said Area and Railing when and in such Manner as the said Commissioners shall think proper.

Commissioners to perform Works.

XI. And be it further enacted, That if any Person shall, without Authority from the said Commissioners, or (in case of Exigency), from any Two or more of them, although not assembled at a Meeting in pursuance of this Act, take up or alter the Pavement of the said Carriage Ways or Foot Ways, or erect or set up any Inclosure, Scaffold, Post, Bar, or Rail, or other Matter or Thing, for the Purpose of making Mortar and depositing Bricks, Lime, or other Materials, for building or repairing any Houses, Buildings, or other Works, upon the said Carriage Ways or Foot Ways, or for any other Purpose whatsoever, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, and also the Expences of relaying the said Pavement, according to the Directions of the said Commissioners, and a Sum not exceeding

Penalty on taking up Pavements, or setting up Inclosure, &c.

[Loc. & Per.]

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Twenty



Twenty Shillings *per* Day, for every Day such Inclosure, Matter, or Thing as aforesaid, shall remain and continue:

Inhabitants to  
cleanse the  
Pavement:

XII. And be it further enacted, That the Occupier or Tenant of every House or Tenement in the said Square and Streets, shall, Once in every Day (if necessary), before the Hour of Ten of the Clock in the Forenoon (*Sundays* excepted), sweep and cleanse the Footway before their respective Houses or Tenements, and in Default thereof shall, for every such Offence, forfeit and pay the Sum of Two Shillings and Sixpence.

Empowering  
Commission-  
ers to erect  
Lamps, and  
appoint  
Watchmen  
and Inspector.  
Number of  
Lamps.

XIII. And be it further enacted, That the said Commissioners shall cause to be erected or fixed to any Houses or other Buildings, or otherways, within the said Square and Streets, such Number of Lamp Posts, Lamp Irons, and Lamps, as they shall think proper, so that the Number of Lamps in the said Square shall not be less than Sixteen, nor in the said Street called *Young Street* less than Six, nor in the said Street called *James Street* less than Two, between *Michaelmas Day* and *Lady Day*, nor less than Eight in the said Square, nor less than Three in *Young Street*, nor less than One in *James Street*, between *Lady Day* and *Michaelmas Day* in every Year (making good any Damage that may be done thereto); and may appoint and employ a competent Number of fit and able-bodied Watchmen by Night, and an Inspector by Day, in the said Square and Streets, and give such Directions concerning the Duties of the said Watchmen and Inspector, and how they shall be armed and stationed, and what Allowances shall be made to them, as the said Commissioners shall think reasonable and proper; and it shall be lawful for the said Watchmen and Inspector, or any of them, during the Time of their being upon Duty, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons, who shall be found loitering, wandering, or misbehaving themselves, or who shall be committing any Disorders or Offences against this Act, or whom the said Watchmen, or any of them, shall have reason to suspect of any evil Designs; and the Person or Persons so apprehended, shall be secured by such Watchmen and Inspector, or any of them, as soon as conveniently may be, in the Watch House of the Parish of *Kensington*, or delivered into the Custody of a Constable or other Peace Officer, who is hereby required to secure such Person or Persons, and as soon as conveniently may be to convey him, her, or them, before some Justice of the Peace for the County of *Middlesex*, to be examined and dealt with according to Law.

How Watch-  
men to be  
armed.

Rates.

XIV. And be it further enacted, That the said Commissioners shall and may, from Time to Time, by Writing under their Hands and Seals, make such Rate or Rates as they shall think fit, upon all Houses, Shops, Warehouses, Stables, Coach Houses, Cellars, Vaults, and other Tenements already or hereafter to be built, and also upon all Lands and other Hereditaments within the said Square and Streets, which by the Laws in being are liable to be rated towards the Relief of the Poor, in such respective Sums of Money as they the said Commissioners shall, from Time to Time, judge necessary for the Purposes of this Act, so as such Rate or Rates, do not in any One Year exceed in the Whole the Sum of Sixpence in the Pound for paving and repairing the said Square and Streets, to be a Charge on the Owners; One Shilling in the Pound for lighting and watching



watching the same, to be a Charge on the Occupiers, and Sixpence in the Pound for repairing and keeping in Repair the Fence of the said Square, or new fencing and otherways improving the same, to be a Charge on the Owners and Occupiers of Houses in the Square only in equal Moieties; of the yearly Rent or yearly Value of such Houses, Shops, Warehouses, Stables, Coach Houses, Sheds, Cellars, Vaults, and other Tenements, Lands, and Hereditaments respectively, such yearly Rent or yearly Value to be ascertained by such Ways and Means as the said Commissioners shall think proper; and the said Commissioners shall cause the several and respective Sums so rated, to be charged to the Names of, and to be collected Quarterly or otherwise from the Tenant and Tenants, Occupier and Occupiers, of such Houses, Shops, Warehouses, Stables, Coach Houses, Sheds, Cellars, Vaults, and other Tenements, Lands, and Hereditaments who are hereby required to pay the same: Provided always, that each and every such Tenant and Tenants, Occupier and Occupiers, not being the Owner or Owners, who shall pay such Rates or Assessments, or from whom the same shall be recovered in the Manner herein-after directed, shall and may deduct the Whole of the Paving Rate, and (being an Inhabitant of the said Square), One equal Moiety of the Square's Fence Rate, from and out of the Rent due or to become due and payable from him, her, or them, to the respective Landlord or Owner; and the Receipt for the Payment of such Rates shall be a sufficient Discharge to such Tenant or Tenants, or Occupiers, to his, her, or their said Landlord or Owner, for so much Money as he, she, or they shall so pay, or shall be levied on him, her, or them in the Manner directed by this Act: Provided also, that where any House or other Premises liable to be rated by virtue of this Act, is let out to Two or more Tenants, the said Commissioners shall and may rate the Landlord of every such House and other the Premises aforesaid; and such Landlord shall bear the Whole of such Rates, but the same shall be paid by One or more of such Tenants: Provided also, that all such Tenants may, and they are hereby empowered, to deduct and retain out of the Rents payable to the Landlords or Owners of the said Houses and Premises, all such Money as they shall respectively pay for or towards the said Rates on Behalf of such Landlords or Owners; and the Landlords or Owners are hereby required to allow such Deductions accordingly, upon Receipt of the Remainder of the Rent.

Rates to be collected from the Occupiers.

Tenants to deduct out of Rent.

Houses let to Two or more Tenants, Landlords to be rated.

Tenants to pay, and to deduct.

XV. And whereas the Two Houses at the North East and North West Corners of *Young Street* and the *High Street* of the Town of *Kensington*, are, by virtue of an Act made and passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for keeping in Repair the Footways in the High Street of the Town of Kensington, in the County of Middlesex, and for lighting and watching the said Street, and also certain Courts and Alleys communicating therewith; and for removing and preventing Encroachments, Nuisances, and Annoyances therein*, rated or assessed to the Rates made by virtue of the said recited Act; be it therefore enacted, That the Tenants of the said Two Houses, for the Time being, and the respective Landlords or Owners thereof, shall, from Time to Time, be rated and assessed to the Rate and Rates to be made by virtue of this Act, and be liable to the Powers and Remedies hereby given for the receiving, levying, and recovering thereof; any Thing in the said recited Act of Parliament contained to the contrary thereof in anywise notwithstanding: Provided

Two Houses, Corners of *Young Street* and *High Street*,

to be rated by this Act.



Provided always, that the said Commissioners do and shall abate and allow unto the said Tenants of the said Two Houses respectively, out of the respective Rates to be made and levied upon them by virtue of this Act, the Rate and Rates to be from Time to Time made and levied by virtue of the said recited Act of the Thirty-fifth Year of His present Majesty.

Commissioners may empower Persons to inspect Books of Assessment.

XVI. And be it further enacted, That it shall and may be lawful for the Clerk to the said Commissioners, or such other Person or Persons as the said Commissioners shall for that Purpose appoint, at all convenient Times, to inspect the Books of Assessments to the Land Tax and Poors' Rates of the said Parish of *Saint Mary Abbotts, Kensington*, in order to ascertain the Rates to be made by virtue of this Act, and to take Copies of such Assessments without paying any Thing for the same.

Money arising from Rates, vested in the Commissioners, and Manner of Recovery.

XVII. And be it further enacted, That the Money arising by the Rates to be made by virtue of this Act, is hereby vested in the said Commissioners for the Purposes of this Act; and the said Commissioners shall and may cause the said Rates (after Demand thereof made, and Refusal or Neglect to pay the same); to be levied by virtue of a Warrant under the Hands and Seals of any Five or more of them, directed to such Person or Persons as they shall appoint for that Purpose, by Distress of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, wheresoever the same may be found, and to detain and keep the same until such Rates, with the reasonable Charges of such distraining and keeping, shall be paid; and it shall be lawful for such Person or Persons so distraining, after the Space of Five Days next after such Distress taken, to sell the Goods and Chattels so distrained, returning the Overplus (if any), after such Rate or Rates, and the reasonable Charge of such distraining and keeping, and selling the Distress, shall be deducted, to the Owner or Owners upon Demand.

Empty Houses, how to be rated.

XVIII. Provided always, and be it further enacted, That when and for so long Time as any of the said Houses, Lands, Tenements, Hereditaments, and Premises, shall remain unoccupied, only One Half Part of the said Paving Rate and Square Fence Rate and Assessments, shall be payable or collected; and such One Half Part, in Default of Payment thereof by the respective Owners or Proprietors, shall be paid by and recoverable from any Tenants or Occupiers who shall afterwards come into the Possession or Occupation of such Houses, Lands, Tenements, or Hereditaments respectively, and such Tenants or Occupiers may, and are hereby authorized and empowered, to deduct and retain, out of their respective Rents, all the Money which they shall have so paid in respect of the said Houses, Buildings, Tenements, or Hereditaments, during the Time the same shall have been so unoccupied as aforesaid; and their respective Landlords shall, and are hereby required, to allow such Deduction, upon Receipt of the Residue of their respective Rents; and such Tenants or Occupiers shall be and are hereby acquitted and discharged respectively, of and from so much of their Rents as the Money they shall so pay will amount unto.

Persons rated not to pay to any other

XIX. And be it further enacted, That no Person who shall be an Occupier, charged towards any of the Rates to be raised by virtue of this Act,



Act, shall be liable to or charged with any other Rate made or to be made for or towards the paving, lighting, or watching any Square, Street, or Place, other than the said Square, *Young Street*, and *James Street* (save and except only the Occupiers of the said Two Houses, as rated by the said recited Act only); any Law or Usage to the contrary notwithstanding.

Rate for paving, etc. in *Kensington*.

XX. And be it further enacted, That true and fair Accounts of all the Monies which shall be rated, levied, and received, and which shall be laid out and expended by virtue of this Act, and of all Orders, Acts, and Proceedings of the said Commissioners in the Execution of this Act, shall, from Time to Time be regularly entered in Books to be kept for that Purpose; which Books, together with the Books of the Rates and Assessments herein-before directed to be made, may be perused at all reasonable Times by any Person or Persons chargeable to the said Rates; and such Books, or any of them, shall and may be produced and read in Evidence in all Cases of Appeal, and in any Suits or Actions touching any Thing done in pursuance of this Act.

Accounts to be kept, and Proceedings to be entered.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, upon the Credit of the said Rates, collectively and separately, as after mentioned, to borrow and take up at Interest such Sum or Sums of Money as they shall think needful, so that the whole Principal Money to be due at any One Time upon the Credit of the said Rates shall not exceed the Sum of Two thousand Pounds; that is to say, upon the Credit of the said paving, lighting, and watching Rates collectively, any Sum not exceeding the Sum of One thousand two hundred Pounds; and upon the said Square's Fence Rate separately, any Sum not exceeding the Sum of Eight hundred Pounds; and to mortgage or assign over the said Rates, collectively and separately as aforesaid, or any Part thereof, or of any of them, to any Person or Persons, for any Term or Number of Years, as a Security for the Money so to be borrowed, and the Interest thereof; and Copies of all such Securities shall be entered at Length in a Book to be kept by the Clerk to the said Commissioners; and every Assignment or Transfer of any such Security shall be produced and notified to the said Clerk, within Three Months after the Date thereof, who shall cause an Entry or Memorial thereof to be made, for which Entry he shall be paid the Sum of Two Shillings and Sixpence, and no more; and every such Book shall be perused at all reasonable Times by any Person interested, without Fee or Reward.

Power to borrow Money upon Credit of Rates.

XXII. And be it further enacted, That out of the First Money arising by the Rates which shall be collected by virtue of this Act, or to be borrowed upon the Credit thereof, the said Commissioners shall, in the First Place, pay and defray the Charges and Expences incident to and attending the obtaining and passing this Act, in the following Proportions; that is to say, Three Fourth Parts thereof out of and from the Money so arising from and to be borrowed upon the paving and watching and lighting Rates, and the other One Fourth Part thereof out of and from the Money so arising from and to be borrowed upon the Square's Fence Rate; and after Payment thereof, all the Money which shall arise or come to the Hands of the said Commissioners or their Treasurer, by virtue of this Act, from or to be borrowed upon the said paving and

Application of Money.

[*Loc. & Per.*]

G g

watching



watching and lighting Rates, shall, from Time to Time, be applied in paving, gravelling, repairing, lighting, and watching the said Square and Streets, and in defraying all other Charges and Expences incident thereto, and attending the Execution of this Act (excepting only the Charges and Expences herein-after particularly mentioned to be paid out of the Square's Fence Rate), and in paying the Interest of the Money to be borrowed thereon as aforesaid, and also in paying off such Money; and all the Money which shall arise or come to the Hands of the said Commissioners or their Treasurer, by virtue of this Act, from or to be borrowed upon the said Square's Fence Rate, after paying thereout as aforesaid, shall, from Time to Time, be applied in repairing the Fence or Railing of the Area of the said Square, and in erecting and setting up, and keeping in Repair, any new Fence or Railing of the like or of any other Materials, and in otherways improving the said Area and Railing, when and in such Manner as the said Commissioners shall see fit, and in paying the Interest of the Money to be borrowed thereon, separately as aforesaid, and also in paying off such Money.

Penalty on  
wilfully  
breaking  
Lamps.

XXIII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, take away, spoil, or otherwise damage any Lamp, Lamp Iron, or Lamp Post, vested in the said Commissioners by virtue of this Act, it shall be lawful for any Person or Persons whomsoever, who shall see such Offence committed, to apprehend; and also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant to keep him, her, or them, in safe Custody, and with all reasonable Dispatch to convey him, her, or them, before some Justice of the Peace for the said County, and such Justice shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit and pay any Sum not exceeding the Sum of Twenty Shillings for every Lamp, Lamp Iron, or Lamp Post so broken, thrown down, or damaged; and shall also make full Satisfaction for the Damage which shall have been done thereby, and One Moiety of such Forfeiture shall be paid to the Person or Persons apprehending the Offender, and the other Moiety to be applied for the Purposes of this Act; and in case any such Offender shall not on Conviction pay the said Forfeiture and Satisfaction, such Justice is hereby required to commit him, her, or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, unless such Forfeiture and Satisfaction shall be sooner paid; and if any Person shall carelessly or accidentally break or damage any of the said Lamps, Lamp Posts, or Lamp Irons, and shall not upon Demand make Satisfaction to the said Commissioners for the Damage to be done thereby, it shall be lawful for any Justice of the Peace for the said County, upon Complaint thereof made to him, to summon the Party complained of, and upon hearing the Parties on both Sides, or Non-appearance of the Party complained of, to examine the Matter of Complaint, and award such Sum of Money by Way of Satisfaction to the said Commissioners for such Damage, as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, then the same, and all Expences attending the Recovery thereof, may be levied and recovered

Or accident-  
ally breaking  
Lamps.



as any Penalty or Forfeiture is by this Act directed to be levied and recovered.

XXIV. And be it further enacted, That the respective Occupiers of Houses and other Buildings within the said Square and Streets, shall at their own Costs and Charges, within such Time and in such Manner as the said Commissioners shall from Time to Time, (by Notice in Writing under the Hands of a Majority of the Commissioners present at any of their Meetings, to be delivered to such Occupiers or left at their Dwelling Houses), direct, cause all Trees, Sign Irons, Sign Posts, and other Posts, Penthouses, Spouts, Steps encroaching upon the Footways, Shop Windows, and Cellar Windows, and other Encroachments, Obstructions, and Annoyances, which now or hereafter shall belong to the respective Houses or other Buildings, or be within the said Square and Streets, to be cut down, removed, or altered, and the Water to be conveyed from the Roofs, Cornices, and Penthouses of such Houses or other Buildings, by proper and sufficient Pipes or Trunks to be affixed to the Sides of such Houses and other Buildings, and from thence by proper Drains under the said Foot Pavements, or otherwise into the Common Drains or Sewers; and in case the Occupier of any such House or other Building shall neglect or refuse so to do, it shall and may be lawful for the said Commissioners to cause the same to be done, and to cause all the Costs and Charges attending the same, to be levied by Distress and Sale of the Goods and Chattels of such Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for the said County, rendering the Overplus (if any) when demanded, to the Person whose Goods and Chattels shall be so distrained and sold; and if the Occupier of any such House or other Building, (not being the Owner) shall remove or alter any such Encroachment, Obstruction, or Annoyance as aforesaid, according to the Directions of the said Commissioners, (except such as shall be put up or occasioned by such Occupier, being a Tenant), it shall be lawful for every such Occupier, being a Tenant, to deduct and retain the Charges and Expences thereof out of his or her Rent; and the Landlord is hereby required to allow the same accordingly.

XXV. And be it further enacted, That no Person shall carry, run, or drive any Wheelbarrow, or any Wheel, whether affixed to any Carriage or not, or shall wilfully ride, drive, or lead any Horse, or other Beast or Cattle, along any Part of the said Footways, or suffer any Horse or Cattle to stand upon any Part of the said Footways, or suffer any Swine to wander upon the said Footways or Carriage Ways in the said Square and Streets, or any of them; or shall set or place any Goods, Wares, or other Things, upon any Part of the said Footways or Carriage Ways, so as to obstruct or incommode the Passage thereof, or exercise in the said Square or Streets any Horse or Horses, whether in or out of any Carriage, for breaking in of Horses; or shall beat any Carpets, or play at any Games, or commit any Trespass, either upon the Land or Ground within the Fence of the said Square, or in or upon the Foot or Carriage Ways of the said Square and Streets, or throw or place any Dirt, Dust, Ashes, or any Timber, Stone, Log of Wood, or other Thing, within or on the said Square and Streets, or any of them; and that no Person other than the Person employed by or under the said Commissioners, shall go about to collect

Encroachments.

Penalty on occasioning Nuisances.

No Person, other than the Person employed by



the Commis-  
sioners, to  
carry away  
Dust, etc.

collect or gather, or shall take or carry away, any Dust, Cinders, or Ashes, out of the said Square or Streets, or use or employ any Cart or other Carriage in carrying any Dust, Cinders, or Ashes out of the same; and if any Person shall offend in any of the Cases aforesaid, it shall be lawful for any Person or Persons who shall see such Offence committed, to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender, and by the Authority of this Act, and without any other Warrant, to convey him or her before some Justice of the Peace for the said County, and such Justice shall examine upon Oath the Person or Persons apprehending the Offender, or any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party accused shall be convicted of such Offence, either by his or her own Confession, or upon Information as aforesaid, he or she so convicted shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings nor less than Ten Shillings, and One Half of every such Penalty shall be paid to the Person or Persons who shall apprehend the Offender, and One Half to the said Commissioners; and in case the Person who shall take or carry away any such Dust, Cinders, or Ashes, contrary to the Directions of this Act, cannot be apprehended, the Owner of the Cart in which the same shall be carried, shall be subject to the said Penalty; and in case any such Offender shall not upon Conviction pay the said Penalty, such Justice is hereby required to commit him or her to the House of Correction, there to be kept to hard Labour for any Time not exceeding One Month, nor less than Seven Days, unless such Penalty shall be sooner paid: Provided nevertheless, that nothing in this Act contained shall extend to prevent or hinder the Owners of any such Dust, Cinders, or Ashes, to carry away the same for their own Use, but not for Sale.

Hours for col-  
lecting Dust,  
&c.

XXVI. And be it further enacted, That the Person or Persons contracting with the said Commissioners for the said Dust, Cinders, and Ashes, shall Once in every Week at the least, between the Hours of Six in the Morning and Six in the Evening, attend in the said Square and Streets, (of which Attendance he or they shall give Notice by ringing a Bell), and shall, upon Request of any of the Inhabitants, or their Servants or Lodgers, go into all and every the Houses and other Places where any Dust, Cinders, or Ashes shall be deposited, and take and put into Carts and carry away the same; and if any Person so contracting, or any Person employed by him, shall neglect or refuse so to do, he shall forfeit and pay for every Neglect or Refusal, any Sum not exceeding Twenty Shillings, nor less than Ten Shillings, and One Half of such Penalty shall be paid to the Inhabitant complaining, and the other Half to the said Commissioners.

Commission-  
ers may con-  
tract.

XXVII. And be it further enacted, That the said Commissioners may from Time to Time, if they think proper, contract and agree with any Person or Persons for the doing and performing all or any of the Works by this Act authorized or directed to be done; and in case any of the Works to be done and performed by any such Contractor shall not be well and sufficiently done and performed according to such Contract, the said Commissioners may cause an Action to be brought in any of His Majesty's Courts of Law at *Westminster*, against any such Contractor, for any Penalty contained in his Contract; and on Proof of the signing such Contract,



tract and Non-performance thereof, the said Commissioners shall be entitled to, and shall recover the Penalty contained in such Contract: Provided always, that it shall be lawful for the said Commissioners (if they shall see fit) to compound and agree with such Contractor for any Penalty incurred by him for the Breach or Non-performance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of such Contract, and of all Costs, Charges, and Expences, which shall be occasioned thereby.

XXVIII. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk; and that no Action to be brought or commenced by or against the said Commissioners, or any of them, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Commissioners; but the Clerk for the Time being to the said Commissioners shall always be deemed the Plaintiff or Defendant in such Action, as the Case shall be: Provided always, that every such Clerk in whose Name any Action of Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of other Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

Commissioners may sue and be sued in the Name of their Clerk.

XXIX. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed, (the Manner of levying and recovering whereof is not herein before directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offender shall be or reside, which Warrant such Justice is hereby empowered to grant, upon the Information of any credible Witness upon Oath; and the Overplus, (if any) after deducting the Charges of such Distress and Sale, shall be rendered upon Demand to the Party whose Goods and Chattels shall be so distrained and sold; and such Penalties and Forfeitures when recovered, shall (unless otherwise directed to be disposed of by this Act), be paid to the Treasurer to the said Commissioners, and applied to the Purposes of this Act; and in case sufficient Distress cannot be found, it shall be lawful for such Justice, and he is hereby required, by Warrant under his Hand and Seal, to commit the Offender to the Common Gaol, for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all Expences attending the Recovery thereof, shall be sooner paid; and in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, any Inhabitant of the said Square and Streets shall be admitted to give Evidence, notwithstanding his or her being rated or assessed by virtue of this Act; any Law, Custom, or Usage to the contrary notwithstanding.

Mode of levying and Application of Penalties.

Inhabitants may give Evidence.

XXX. And be it further enacted, That any of the said Commissioners, who are or shall be in the Commission of the Peace for the County of *Mid-diesex*, may act as Justices of the Peace in the Execution of this Act, notwithstanding

Justices being Commissioners may act as such.

[Loc. & Per.]

Hb

withstanding



withstanding their being Commissioners, except in Cases where they shall be personally interested.

Application of  
Compensation  
where exceed-  
ing 200 l.

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall 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 there *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, 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 or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting other Lands or Hereditaments standing settled therewith, 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 Lands 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 Lands or 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 mean Time and until such Purchase shall be made, the said Money shall, by Order of the said 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 mean Time 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 Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
where the  
Money does  
not exceed  
200 l. nor less  
than 20 l.

XXXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 or 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



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 Five or more of the said Commissioners (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 Dividends thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XXXIII. Provided also, and be it further enacted, That where such Money, so agreed or awarded to be paid as next before mentioned, shall be less than 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 or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five 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 where Money is less than 20 l.

XXXIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate which shall be made in pursuance of this Act, he, she, or they may apply to the said Commissioners at their First Meeting to be holden after the Expiration of Five Days after the demanding of such Rate; and the said Commissioners are hereby authorized and empowered, if they shall think such Person and Persons aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any such Person or Persons shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person or Persons shall think himself, herself, or themselves aggrieved, by any other Matter or Thing to be done in pursuance of this Act, every such Person or Persons may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Middlesex*, or any Petty Session of the Peace to be holden within the said Town of *Kensington*, within Six Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof to the Clerk to the said Commissioners, and within Five Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session; and the Justices at such Quarter or Petty Session shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they shall think proper; and their Determination therein shall be final, binding, and conclusive.

Persons aggrieved by the Rates, may appeal to Commissioners;

and if dissatisfied, may appeal to Quarter or Petty Sessions.

XXXV. And be it further enacted, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be

No Proceedings removable by *Certiorari*.



Distress not  
unlawful for  
Want of  
Form.

Limitation of  
Actions.

had touching the Conviction of any Offender against this Act, shall be removed or removeable, by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record, at *Westminster*; and that where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any subsequent Irregularity in the Proceedings of the Person or Persons making such Distress; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage, in an Action upon the Case.

XXXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person for any Thing done in pursuance of this Act, until Thirty-one Days Notice thereof shall be given to the Clerk to the said Commissioners, or after sufficient Satisfaction or Tender thereof shall have 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 have been so done, or if such Action or Suit shall be brought before such Notice thereof shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time 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 or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, or Suit, after the Defendant shall appear, or if upon Demurrer Judgement shall be given against the Plaintiff, the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

XXXVII. And be it further enacted, That this Act shall be deemed a publick Act, and adjudged and taken to be so, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.

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