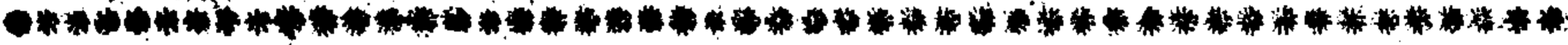




ANNO QUADRAGESIMO PRIMO

GEORGI III. REGIS.



Cap. 131.

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*.

[2d July 1801.]

WHEREAS the Right Honourable *Ann Dowager Baroness Southampton* is seized of or entitled as Tenant for Life to the Pieces or Parcels of Ground situate in the Parish of *Saint Pancras* in the County of *Middlesex*, herein-after mentioned; (that is to say), all that Piece or Plot of Ground lying on the South Side of the Road called *The New Road*, leading from *Paddington* to *Islington*, and bounded thereby towards the North, and by the Lands of the Most Noble the Duke of *Bedford* in Part, and the Lands of *William Paxton*

[*Loc. & Per.*]

28 F

Esquire

Esquire in other Part towards the South, and by the Land of the Skinners, Company towards the East, and *Tottenham Court Road* towards the West, on Part of which Piece of Ground are erected Houses and Buildings, fronting in Part on the said *New Road*, in other Part on the said *Tottenham Court Road*, and in the other Part on a Street called *Tottenham Place*; and all those several Pieces or Plots of Ground abutting towards the South on the said *New Road*, towards the North on the Ground of the Duke of *Bedford* in Part, and the Ground of the Right Honourable Lord *Somers* in other Part, towards the West on the Road called *The Hampstead Road*, and towards the East on the Ground of the said Lord *Somers*, on Part of which Ground various Houses and Buildings are erected, fronting in Part on the said *New Road*, in Part on the said *Hampstead Road*, and in the remaining Part on a Street called *George Street*; and all those several Pieces or Plots of Ground abutting towards the South on the said *New Road*, towards the North on the Lane called *Slip Shoe Lane*, towards the West on Land belonging to the Crown, and towards the East in greatest Part on the said *Hampstead Road*, on which Ground various Houses and Buildings are erected, fronting chiefly on the said *New Road*, on the said *Hampstead Road*, and the Streets or Places called *Brooks Street*, *Mary Street*, *Henry Street*, *Fitzroy Place*, *Charles Street*, *Little Charles Street*, and *Little Henry Street*: And whereas it is intended to make several Squares, Streets, and public Passages and Places on the said Pieces or Plots of Ground: And whereas it would contribute to the Benefit and Safety of all Persons who shall be Inhabitants of the said intended Streets, Squares, Passages, and Places, and to all Persons who shall have Occasion to pass along the same, if Provision was made for forming, paving, repairing, and keeping in Repair such intended Streets, Squares, Passages, and Places; and also for cleansing, lighting, watching, and watering the same, and for removing and preventing Nuisances, Annoyances, and Encroachments therein; but although the several Purposes aforesaid, if carried into Execution, would evidently be to the Advantage of all Persons concerned, the same cannot be effected without the Aid 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 the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Owner or Owners of the Freehold and Inheritance of the said Pieces or Plots of Ground, his, her, and their Heirs and Assigns, together with *John Birch*, *John Hanson*, *Daniel Beaumont*, *Thomas Bannister Senior*, *William Francis*, *Thomas Rhodes*, *Paul Barbot*, *Edward Lecch*, *George Young*, *John Hughes*, Gentlemen; *Joseph Hodskinson*, *Henry Smallpiece Fox*, *James Gubbins*, *Samuel Pepys Cockerell*, Surveyors; *James Adam*, *Joshua Brooks*, *Alexander Hendy*, *John Hall*, Builders; *Lancelot Burton* Plumber, *William Braithwaite*, and *John Braithwaite*, Engine Makers, shall be, and they are hereby appointed Commissioners for carrying this Act into Execution, for and during the Term of Five Years, to be computed from the Twenty-fourth Day of June One thousand eight hundred and one; and that from and after the End or Expiration of such Term of Five Years, the several other Persons from Time to Time to be elected and appointed in the Manner herein-after-mentioned, shall be, and are hereby appointed Commissioners for carrying this Act into Execution.

Commissioners.

II. Provided always, That no Person or Persons, herein-before named and appointed Commissioner or Commissioners for the said Term of Five Years as aforesaid, shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act, except to administer the following Oath, until he shall have taken and subscribed the same; (*videlicet*),

Commissioners for Five Years to be sworn.

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the Trust reposed in me, and hear and determine all such Matters and Things as shall be brought before me as a Commissioner by virtue of an Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled [*set forth the Title of this Act*].

So help me GOD!

Which Oath it shall be lawful for any of the said Commissioners to administer.

III. And, for appointing and continuing a sufficient Number of Commissioners to carry this Act into Execution after the Expiration of the said Five Years, be it further enacted, That the Owner or Owners, or Person or Persons for the Time being entitled to the Freehold of the said Pieces or Plots of Ground, shall be, and she, he, or they is and are hereby for ever thereafter appointed Commissioner and Commissioners for putting in Execution the Powers and Authorities given and granted by this Act; and 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 from thenceforth, unless the same shall happen to be on a *Sunday*, and then and in every such Case such Meeting shall be held on the next or subsequent Day, the inhabitant Householders residing within the Limits of this Act, who shall have paid up their Rates to the preceding Quarter Day immediately before every such Meeting as herein-after is mentioned, (to be convened for that Purpose by a Notice to be affixed on the Door of the Church of the said Parish of *St. Pancras*, under the Signature of the Clerk to the Commissioners for the Time being, acting under and by virtue of this Act), are hereby authorized and required to meet at such Place as shall be expressed in such Notice, and there to elect Twenty-one Male Persons (each of whom shall be then, either in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of some Building, Land, Tenement, or Hereditament, situate and being within the Limits of this Act, of the clear yearly Value of Forty Pounds, or a Lessee or Occupier of some House, Building, Tenement, or Land within such Limits rated or liable to be rated by virtue or for the Purposes of this Act, at or for the clear yearly Value of Fifty Pounds, or resident within the said Limits, and possessed of a Personal Estate of the Amount or Value of Two thousand Pounds, over and above what shall be sufficient to satisfy and discharge his just Debts), to be Commissioners for carrying this Act into Execution; and such Twenty-one Persons so from Time to Time to be elected Commissioners, or any Five or more of them, shall be, and they are hereby appointed Commissioners for putting in Execution the Powers and Authorities given and granted by this Act, either together with or without the Owner or Owners, or Person or Persons entitled to the

Appointment of Commissioners after the Expiration of the said Five Years.

the Freehold of the said several Pieces or Plots of Ground, for and during the succeeding Year next after they shall have been so elected as aforesaid.

Commissioners for Five Years to act after that Time, if there shall not be a sufficient Number of qualified Inhabitants.

IV. Provided always, and be it further enacted, That if at the Expiration of the said Five Years, there shall not be a sufficient Number of Persons who shall be qualified as aforesaid, to act as Commissioners in the Execution of this Act, that then and in such Case the said Commissioners hereby first appointed shall be deemed and considered competent to act in the Execution of the same, without such Qualifications for the next succeeding Year, after the Expiration of the said Five Years, and so from Year to Year, until there shall be a sufficient Number of Persons qualified to act in the Execution of this Act as aforesaid.

How Commissioners are to be appointed to Vacancies between General Elections.

V. And be it further enacted, That in case any of the Commissioners appointed or to be appointed under or by virtue of this Act (except the Owner or Owners or Person or Persons entitled to the Freehold of the said Pieces or Plots of Ground, or any of them, for the Time being), shall, either before or after the said Twenty-fourth Day of *June* One thousand eight hundred and six, become disqualified or die, or be disabled from acting as a Commissioner by virtue of this Act, then and so often it shall be lawful for the surviving or remaining Commissioners under this Act, or any Five or more of them, assembled at their then next or some subsequent Meeting, which shall be held by virtue of this Act, (the Disqualification, Death, or Disability of such Commissioner or Commissioners as last aforesaid, and the intended Election of his or their Successor or Successors, being expressed in the Notice or Summons for such Meeting) to elect and appoint a Commissioner qualified as aforesaid, in the Room of every such Commissioner disqualified, dying, or becoming disabled to act as aforesaid; and every such Commissioner so from Time to Time elected and appointed as last herein-before directed, shall be joined with the other Commissioners, and shall have the like Power and Authority in all Respects whatsoever, to act with them in and about the Execution of this Act, for and during the Time that such Person so dying or becoming disqualified or disabled would have remained a Commissioner under or by virtue of this Act, if he had not so died or become disqualified or disabled as aforesaid.

Commissioners to take an Oath.

VI. Provided always, That no Person after the Expiration of the said Term of Five Years (except the said several Commissioners hereby first appointed, in case they shall act in the Execution of this Act, after the Expiration of the said Five Years as aforesaid), shall be capable of acting as a Commissioner in the Execution of this Act, (otherwise than in administering the Oath herein-after mentioned, which Oath any One of the said Commissioners is hereby empowered to administer), unless at the Time of his acting he shall be qualified in Manner herein-before mentioned, and until such Person shall have taken and subscribed an Oath to the Effect following; (that is to say),

Oath.

‘ I DO swear, That I am in my own Right [*or in the Right of my Wife*]
 ‘ in the actual Possession and Enjoyment, or Receipt of the Rents and
 ‘ Profits of some Building, Land, Tenement, or Hereditament of the clear
 ‘ yearly Value of Forty Pounds, situate and being within the Limits of an
 ‘ Act

Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act*], [*or that I am Lessee or Occupier of some Building, House, Tenement, or Land, rated or liable to be rated at or for the Value of Fifty Pounds per Annum at the least, by virtue or for the Purposes and within the Limits of the said Act, or that I am resident within the Limits aforesaid, and am possessed of Personal Estate of the Amount or Value of Two thousand Pounds, over and besides what is sufficient to satisfy and discharge my just Debts.*]

So help me GOD.

And if any Person not being so qualified (except the said Commissioners hereby acting in the Execution of this Act, after the Expiration of the said Five Years as aforesaid, or any of them), or if any Person so qualified during such Time as he shall hold any Place or Office of Profit, or be any way interested or concerned in any Contract to be made by virtue of this Act, or any Work or Business to be done under the same, shall presume to act as a Commissioner in the Execution of this Act, he shall for every such Offence forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or otherwise; and the Person so sued shall prove that he is qualified as aforesaid, or that he did not hold any such Place or Office of Profit, or was not interested or concerned in any such Contract, Work, or Business as aforesaid (as the Case may be), 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 had acted as a Commissioner in the Execution of this Act, not being qualified as aforesaid, or whilst holding any such Place or Office, or being interested or concerned in any such Contract, Work, or Business as aforesaid.

VII. And be it further enacted, That the said Commissioners appointed by this Act shall meet at such Time and Place as any Five or more of them shall appoint, by Notice to be signed by them, and affixed on the Church Door of the said Parish, at least Ten Days before such Meeting, in order to put this Act in Execution; and shall and may then, and from Time to Time afterwards, adjourn themselves to any Place within or near the Limits of this Act; and if at any Time there shall not appear at any such Meeting a sufficient Number of the said Commissioners appointed or to be appointed by virtue of this Act, to act in the Execution of the same, any One of the said Commissioners present may adjourn the Meeting to another Day; and in case of any Neglect or Omission to adjourn, any Three of the said Commissioners, or their Clerk, shall and may call a Meeting at the Place where the last Meeting of the said Commissioners was appointed to be held, or was held, by Notice or Summons to be delivered at the usual Places of Abode of all such Commissioners, at least Three Days before such Meeting; and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences, (except for the Use of the Room or Apartment where such Meetings shall be held, which shall be paid out of the Rates or Assessments herein-after directed to be made and levied); and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act, (except the Calling of Meetings

Meeting of
Commission-
ers.

as aforesaid), and that all the Powers and Authorities by this Act granted to or vested in the Commissioners appointed or to be appointed by or by virtue thereof, shall and may from Time to Time be exercised by the major Part of them present at their respective Meetings to be holden as aforesaid, the Number of Commissioners present at such Meeting not being less than Seven, for the Purpose of borrowing Money, granting Annuities, or making Contracts, and not being less than Five in any other Case, unless where herein otherwise particularly provided; 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; and at every Meeting to be held under or in pursuance of this Act, the First Business shall be the Election of a Chairman to preside at the same.

Special Meetings may be held.

VIII. Provided nevertheless, and be it further enacted, That it shall be lawful for the Commissioners appointed and to be appointed by or by virtue of this Act, and they are hereby authorized, to hold any Special Meeting between their then last Meeting and the Day to which any subsequent Meeting shall be adjourned, so as that such Meeting shall be required by Three or more of the said Commissioners, and Notice thereof given as last aforesaid, at least Seven Days before the Time to be appointed for the same, and so as that such Notice shall be signed by the Clerk of the said Commissioners, and specify the Cause or Causes of such Special Meeting.

Restrictions as to revoking Orders.

IX. And be it further enacted, That no Order made by the said Commissioners appointed or to be appointed by virtue of this Act, shall be revoked or altered, unless at some General Meeting to be holden as aforesaid, or at some Special Meeting to be required as aforesaid, and unless a greater Number of Commissioners shall attend such Meeting to revoke or alter the same than were present when such Order was made.

Proceedings of Commissioners to be entered.

X. And be it further enacted, That Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, and Proceedings of the said Commissioners, and of the Names of the Commissioners who shall be present at the respective Meetings; and at every Meeting a Chairman shall be chosen, who shall subscribe his or their Name or Names at the End of the Proceedings of the respective Meetings, and all such Entries being so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Causes, Suits, and Actions, touching any thing done in pursuance of this Act, and that such Book shall, at all seasonable Times, be open to the Inspection of all Persons rated or assessed for the Purposes of this Act.

Officers to be appointed to give Security.

XI. And be it further enacted, That the said Commissioners shall from Time to Time, by Writing under their Hands, appoint a Treasurer, Clerk, and Surveyor, and also a Collector of the Rates or Assessments to be made as herein-after mentioned, and such other Officers and Persons as they shall think necessary, and may remove any such Officers or other Persons as they shall think proper, and appoint others in their Stead, and pay such Salaries, and make such Allowances to all such Officers and Persons, as they the said Commissioners shall think reasonable; and the said Commissioners

sioners are hereby required to take such Security from every such Treasurer and Collector as they shall think proper.

XII. And be it further enacted, That every such Treasurer and Collector shall, under their respective Hands, (at such Time or Times and in such Manner as the said Commissioners shall direct), deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account in Writing of all such Matters and Things as may be committed to their Charge, and also of all Monies which have been by them received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Money as shall remain in their Hands, to such Banker or Bankers as the said Commissioners from Time to Time shall direct or appoint, the Receipts of which Banker or Bankers shall be a sufficient Discharge to such Treasurer and Collector for the same; and if any such Collector as aforesaid shall at any Time or Times hold or keep in his own Hands for the Space of Three Days together, any larger Sum of Money to be received by him under this Act, than the Sum of One hundred Pounds, he shall for every such Offence forfeit and pay unto the said Commissioners for the Purposes of this Act, any Sum not exceeding Five Pounds, within the Space of Ten Days next after he shall be called upon by them or their Treasurer to pay such Penalty; and every such Collector shall, when thereunto required by the Commissioners assembled at any such Meeting as aforesaid, produce a Book containing an Account of the Rates and Assessments laid by virtue of this Act, which will be in Arrear and unpaid, and the Names of the Persons by whom the same ought to be paid, with the Sums by them respectively owing and the Times when the same shall become due; and every such Treasurer and Collector so accounting, shall verify such their respective Accounts upon Oath, (which Oath any One of the said Commissioners is hereby empowered to administer); and if any such Treasurer or Collector shall refuse, or wilfully neglect to make and render, or shall refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or in case the Clerk of the said Commissioners, or any Treasurer or Collector, shall not deliver to the said Commissioners, or to such Person as they shall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, signed by the said Commissioners, or any Five or more of them, and given to or left at the last or usual Place of Abode of such Treasurer, Clerk, or Collector, all Books, Papers, and Writings in their respective Custody or Power relating to the Execution of this Act, or Duplicates thereof respectively, or give Satisfaction to the said Commissioners respecting the same, and Complaint shall be made thereof on the Behalf of the said Commissioners, to any Justice of the Peace for the County of *Middlesex*; such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Treasurer, Clerk, or Collector, to be brought before him, and, if upon his appearing, or not being to be found, or not making a sufficient Excuse, to hear and determine the Matter of such Complaint in a summary Way; and, upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected and raised

Treasurer and
Collector to
account.

raised by virtue of this Act shall be in the Hands of any such Treasurer or Collector, such Justice is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Person; and if no such Goods or Chattels can be found sufficient to answer and satisfy the Money and the Charges of distraining and selling the Distress; or if it shall in Manner aforesaid appear to such Justice, that any such Treasurer or Collector had refused, or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, shall be in the Custody or Power of any such Treasurer, Clerk, or Collector, and he shall have refused or neglected to deliver up or give Satisfaction respecting the same as aforesaid, then such Justice shall commit him to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, until such Person, being Treasurer or Collector, shall make and give a true and perfect Account and have paid such Money as aforesaid, or shall have compounded for such Money with the said Commissioners, and have paid such Composition, in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive), and until such Person, being Treasurer, Clerk, or Collector, shall deliver up all such Books, Papers, and Writings, or Duplicates of the same as aforesaid; but no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid, shall be detained in Prison for any longer Term than Six Calendar Months.

Commissioners to pave and repair Streets, &c.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to cause the several Streets, Squares, and other public Passages and Places to be made and set out within the Limits of this Act, both in the Carriage and Foot Ways, to be paved, and such Pavements to be from Time to Time amended and kept in good Repair, upon such Levels, and in such Manner, and with such Sorts and Kinds of Materials, as they shall judge necessary and proper; and also to cause all the Streets, Squares, and other public Passages and Places already made and set out, or to be made and set out, within the Limits of this Act, to be cleansed, lighted, watched, and watered, and the Sides thereof, or other Places which shall be made or set out, to be fenced or inclosed with Iron or other Rails in such Parts and Places, and in such Manner, as the said Commissioners shall think proper; and all Encroachments, Obstructions, Nuisances, and Annoyances therein, to be removed, and Drains, Sinks, Gutters, or Watercourses to be made for conveying the Water off and from the said Streets, Squares, and other public Passages and Places, in such Manner as they shall think proper; and that no Person shall, without the Consent of the said Commissioners, alter the Form or break up the Ground or Pavement of the Carriage or Foot Ways within any of the said Streets, Squares, and other public Passages or Places, or make the same otherwise than as shall be directed by the said Commissioners, upon Pain of forfeiting any Sum not exceeding Five Pounds nor less than Ten Shillings, for every such Offence; and such Person so offending shall also pay all the Expences of restoring such Ground or Pavement to its former State.

XIV. Pro-

XIV. Provided always, and be it further enacted, That the inclosing, forming, making, ornamenting, and embellishing the Centre or Area of such Squares as shall be set out or formed upon the aforesaid Pieces or Parcels of Ground of the said *Ann Dowager Baroness Southampton*, shall be wholly under the Management and Direction of the said *Ann Dowager Baroness Southampton*, or the Person or Persons for the Time being entitled to the Freehold or Inheritance thereof.

The Area of Squares to be made under the Direction of Lady Southampton.

XV. And be it further enacted, That the said Commissioners may, and they are hereby authorized and empowered; either to purchase, take, or hire any Piece or Pieces of Ground, for the Purposes of digging Gravel for the better paving such Streets, Squares, and other public Passages and Places as aforesaid, and for the Purpose of depositing Materials thereon, for or on account of such Paving, or for the Purpose of erecting a Watch-house thereon, or to rent any Building to be made use of as such, or for any other of the Purposes of this Act, as shall appear to them to be necessary, for such Sum or Sums of Money, yearly Rent or Rents, and for such Time, as to them shall appear reasonable, which Sum or Sums of Money, yearly Rent or Rents, shall be respectively paid out of the Monies to arise by virtue of this Act; and also to erect any Watch-house or Watch-houses, and any Number of Watch Boxes, for the Purposes of this Act, in such Place or Places as they may think proper, and likewise to buy or hire such Horses, Carts, Teams, or Carriages, as may be necessary for the Purposes of carting such Gravel, or for cleansing or watering such Streets, Squares, Passages and Places as aforesaid, or for any other Purpose directed by this Act; and also to hire such Persons, buy such Materials, and make such Regulations for the better Execution of any such Purposes, as they the said Commissioners shall in their Discretion think proper.

Commissioners may purchase or hire Ground for getting Materials, &c.

XVI. And be it further enacted, That the Property of and in all the Pavements of the Carriage Ways and Foot Ways, and also the Ballast or Gravel to be brought or laid within the several Streets, Squares, or other public Passages and Places already or hereafter to be set out or made upon the said Pieces or Plots of Ground; and of and in the Iron Rails, Walls, Materials, and Things of and belonging to the Inclosure or Fencing of such Squares; and of and in all Lamps, Lamp Irons, Posts, Watch Houses, Watch Boxes, Pumps, and Wells, which shall be erected, fixed, sunk, or made; and all Materials, Implements, and other Things, which shall be purchased or gotten by virtue or for any of the Purposes of this Act, are hereby vested in the said Commissioners, appointed and to be appointed by or by virtue of this Act; and they are hereby empowered to cause an Action to be brought, or to cause to be preferred any Indictment or Information against any Person who shall take, steal, carry away, injure, or destroy any Part or Parts thereof.

Property of Pavements to be vested in Commissioners.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time to cause such Lamp Irons and Lamp Posts to be put up or fixed upon or against the Walls or Pallisadoes of any of the Houses, Tenements, or Buildings, and Inclosures, or in such other Manner within the said intended Streets, Squares, and other public Passages and Places, as they shall

Lamps to be set up, and Streets, &c. to be named, and Houses numbered.

shall think proper; and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed, or put upon such Lamp Irons and Lamp Posts as they shall think necessary, for lighting all or any of the said Streets, Squares, and other public Passages and Places to be numbered, and also to cause to be painted, engraved, or described, in or upon Stone, Wood, or otherwise, and to be fixed in a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of such Streets, Squares, and other public Passages and Places, the Name by which each respective Street, Square, Lane, Court, Yard, Mews, Passage, and Place, is to be properly called or known, in such Manner as they shall judge most proper for distinguishing the same; and if any Person shall wilfully break, throw down, take away, spoil, or damage any Watch-house or Watch-box, Lamps, or any of the Iron Posts, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, or deface or obliterate any such Name or Number, or any Part thereof, every Person or Persons so offending, and not being otherwise sued or prosecuted for the same, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings, whereof One Moiety shall go to the Informer, and the other Moiety to the Commissioners acting under and by virtue of this Act, to be by them applied for the Purposes thereof; and such Offender shall also pay to the said Commissioners, or to such Person as they shall appoint to receive the same, such Sum of Money as shall be a full Satisfaction for the Damage done; and in case any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise spoil or damage any of the said Lamps, or the Irons, Posts, or other Furniture thereof, and shall not, upon Demand, make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the County of *Middlesex*, upon Proof thereof by the Oath of any credible Witness, or on the Confession of the Party, to award such Sum of Money by way of Satisfaction for such Damage, as such Justice shall think reasonable, not exceeding Twenty Shillings for every such Lamp, Lamp Iron, or Lamp Post; and in Default of Payment thereof upon Demand, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person who shall have done such Damage, rendering the Overplus (if any) after deducting the Charges of prosecuting such Complaint, and of such Distress and Sale, to the Owner of such Goods and Chattels upon Demand.

Commissioners may water Streets.

To make Wells.

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to cause all or any of the Streets, Squares, Passages, and public Places within the Limits of this Act, to be watered, when they or any of their Surveyors for the Time being shall think proper; and for that Purpose to cause such Number of Wells and Pumps to be dug, sunk, and made in any of the said Streets, Squares, Passages, and Places, as they shall think necessary, and from Time to Time to alter and repair the same as there shall be Occasion, and to defray the Expences thereof out of the Monies to be raised by virtue of this Act; provided that no such Well or Pump shall be sunk or made so as to injure any House or other Building in, or any Vault or Cellar under any of the said Streets, Squares, or other public Passages or Places.

XIX. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered from Time to Time, at any of their said Meetings, as Occasion shall require, to contract and agree with any fit Person or Persons, for the doing and performing of all or any of the Works by this Act authorized or directed to be done and performed by them, or for supplying any of the Materials for the same, or for watering the said Streets, Squares, or Places, or any of them, which Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the same Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by Five or more of the said Commissioners, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts, or a Copy or Copies thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; but previous to the making of any such Contract, Fourteen Days Notice at the least shall be given in One or more of the public Newspapers published in *London* or *Westminster*, expressing the Intention of entering into such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners, at a certain Time and Place in such Notice to be mentioned.

Commissioners may contract for performing Works.

XX. And be it further enacted, That the said Commissioners shall cause all and every the Works to be done in pursuance of this Act, to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall for that Purpose appoint; and in case the same shall not be well and sufficiently performed, according to the Terms, Intent, and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times specified in such Contract or Contracts, then 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 of the said Contract or Contracts, and Non-performance thereof at the Time or Times for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, which when recovered shall be applied for the Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners (if they think fit) to compound and agree with any 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 all Costs, Charges, and Expences that shall be occasioned thereby.

Commissioners may employ Surveyors, and sue and compound for Breach of Contracts.

XXI. And be it further enacted, That the said Commissioners shall, at their Second Meeting in every Year, cause an Account of the Monies received and disbursed in the preceding Year, and the Amount of the Arrears of Rates then due, and of the Balance of Cash in Hand, to be made out, which Account it shall be lawful for all Persons rated or assessed under and by virtue of this Act, and all Persons interested therein, at all seasonable Times to inspect.

Commissioners annually to make out Account of Receipts and Disbursements.

XXII. And

Householder making Complaint of defective Pavement or Lighting, Surveyor to view it, and if defective to give Notice to Contractor.

XXII. And be it further enacted, That if any Householder within the Limits of this Act shall, by Writing under his or her Hand, to be left at the usual Place of Abode of the Surveyor or Inspector for the Time being to the said Commissioners, make Complaint of any Defect of lighting or cleansing, or Want of Repair in the Pavement in any of the said Streets, Squares, or other public Passages or Places, the said Surveyor or Inspector in every such Case shall enquire into and examine the Matter of Complaint, and report thereupon to the said Commissioners at their next Meeting; and if by such Report it shall appear that the Pavement complained of is bad and defective, unless it shall arise from a Defect relating to the Water Pipes lying under such Pavement, the said Commissioners shall give Notice to their Contractor or Pavior to repair the same within such Time as the said Commissioners shall judge necessary, which Time shall be specified in such Order; and if the Contractor or Pavior to whom such Order shall be given, shall not repair and amend such Pavement within the Time directed by such Order, he shall in every such Case forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, for every Day that the said defective Pavement shall remain unrepaired after the Time limited by such Order; and One Moiety of every such Penalty shall be paid to the Inhabitant so making Complaint, and the other Moiety shall be paid to the said Commissioners, to be applied by them for the Purposes of this Act; and if it shall appear by such Report that the Contract for cleansing or lighting shall not be duly performed, the said Commissioners shall forthwith give Directions for recovering the Penalty under such Contract.

For preventing Encroachments.

XXIII. And be it further enacted, That all Signs, Sign Posts, Gutters, Screens, and Close Fences, which now are, or at any Time hereafter shall be placed against any of the Houses or other Buildings now erected and erecting, or hereafter to be erected or built, within the several Streets, Squares, and other public Passages and Places aforesaid, shall be fixed close to the Fronts of the Houses, Shops, Warehouses, and Buildings to which they shall respectively belong, and not otherwise; and that the respective Occupiers of any such Houses or other Buildings as aforesaid shall, at their own 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 any Three or more of them, to be delivered to such respective Occupiers, or left at their respective Dwelling Houses), order and direct, cause all Signs which may belong to, and shall not be fixed or placed upon such respective Houses or other Buildings in Manner aforesaid, to be taken down and fixed, or placed flat on the Fronts thereof; and all Sign Irons, Sign Posts, and other Posts, Pent Houses, Screens, Close Fences, Spouts, Steps, Shop Windows, and Cellar Windows, and other Encroachments, Obstructions, Projections, and Annoyances, which may hereafter be made by any such Occupiers or other Persons, in, upon, or near, or attached to any such respective Houses or other Buildings, contrary to the Meaning of this Act, to be removed, altered, or reformed; and also to cause the Water to be conveyed from the Roofs, Cornices, and Pent Houses, which belong to such respective Houses or other Buildings, by proper and sufficient Pipes or Trunks to be affixed to the Sides of such Houses and other Buildings respectively, and

and from thence by proper Drains into the Common Drains or Sewers; and in case any such Occupier shall neglect or refuse so to do; it shall be lawful for the said Commissioners to cause the same to be done; and if such Occupier shall refuse to pay the Costs and Charges attending the same, the said Commissioners shall cause such Costs and Charges 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 County of *Middlesex*, (which Warrant such Justice is hereby required and authorized to grant), rendering the Overplus (if any) when demanded; to the Person whose Goods and Chattels shall be so distrained and sold; and if the Tenant in Possession of any such House or other Building shall remove, alter, or reform any such Encroachments, Obstructions, Projections, or Annoyances as aforesaid, according to the Directions of the said Commissioners, (except such as shall be put up or occasioned by such Tenant), it shall be lawful for every such Tenant to deduct and retain the Charges and Expences thereof out of his or her Rent; and the Landlord of every such House or other Building is hereby required to allow the same accordingly: Provided always, that nothing herein contained shall extend to authorize the said Commissioners to stop any Cellar Window where there shall be no other Way from the Street or other public Passage or Place into such Cellar, unless the said Commissioners shall make or provide some other commodious Way into such Cellar; and in case the Pallisado, Fence, or Railing for separating the Area of any House or other Building from the Way or Passage, shall be broken down or out of Repair, or any such House or other Building shall otherwise be dangerous for Passengers, and the Owner or Occupier of such House or other Building shall not forthwith (being thereunto required by Writing, signed by the Surveyor or Clerk of the said Commissioners for the Time being) set up, amend, or repair such Pallisado, Fence, or Railing, it shall be lawful for the said Commissioners from Time to Time to cause the same to be set up, amended, and repaired, or altered, in such Manner as they shall judge necessary, and to levy the Charges and Expences attending the same upon or from the Owner or Occupier of every such House or other Building, by Distress and Sale, in like Manner as any Penalty or Forfeiture is by this Act authorized to be levied.

XXIV. And be it further enacted, That if any Person shall 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 this Act, or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle along or upon any of the said Foot Pavements, or shall, within any Street, Square, or other public Passage or Place within the Limits of this 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 Foot Ways or Carriage Ways belonging or to belong to any of the said Streets, Squares, or other public Passages or Places, every Person so offending in any such Cases shall, for every such Offence, forfeit and pay any Sum

Penalties on
occasioning
Nuisances.

[*Loc. & Per.*]

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not

not exceeding Twenty Shillings, and also, that if any Person or Persons shall sift, screen, or slack any Lime, (except within such Hoard or Inclosure as herein-after is mentioned), in any such Street, Square, Passage, or Place, or cause the same to be so done, he and they shall forfeit and pay any Sum not exceeding Forty Shillings, nor less than Five Shillings, for every such Offence.

Hoads may
be erected.

XXV. Provided always, and be it further enacted, That nothing herein-before contained shall hinder or prevent any Person from erecting or building any Hoard or other Thing by way of Inclosure, for the Purpose of making Mortar, or depositing Bricks or Stone, or making or working up any Lime, Sand, or other Materials for making, building, altering, or repairing any House, Wall, or other Building within the Limits of this Act, to subject him to any Penalty on account thereof, but so nevertheless as that every such Person shall previously have and obtain a Licence for that Purpose under the Hand of the Surveyor to the said Commissioners, which Licence such Surveyor is hereby required forthwith to grant to any Person applying for the same, and for which he shall receive the Sum of One Shilling, and no more; and which Licence shall specify the Length and Breadth of every such Hoard, and the Time it is to continue for such Purposes aforesaid; and if any Person shall erect any Hoard or Inclosure of greater Dimensions than shall be specified, or shall suffer such Hoard or Inclosure to remain for any longer Time than shall be allowed by such Licence, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings for every Day of Twenty-four Hours that such Hoard or Inclosure, or any Part thereof, shall be continued, after Notice shall have been given by the Surveyor to take down and remove the same.

Penalty on
leaving Car-
riages, &c. in
the Streets.

XXVI. And be it further enacted, That if any Waggon, Cart, or other Carriage, shall be left to stand or remain in any of the said Streets, Squares, or other public Passages or Places, with or without Horses, for any longer Time than shall be necessary for the loading and unloading thereof; or if any Stage Coach, Post Coach, Post Chaise, or other Carriages let to Hire, (except Hackney Coaches), shall be left to stand or remain in any such Street, Square, Passage, or Place, with or without Horses, for any longer Time than shall be reasonable and necessary for taking up or setting down Passengers, or for loading or unloading their Baggage or other Loading, (except for Repair in case of Accident); or if any Horse or other Cattle shall be suffered to stand at the Door or House of any Person, so as to obstruct or incommode the Passage of any of the said Foot Ways, or if any Timber, Bricks, Stones, Wood, Goods, or other Things, shall be laid or placed, and left to remain in any of the said Streets, Squares, and other public Passages or Places, for any longer Time than shall be necessary for removing or housing the same; or if any Dung, Ashes, Dust, Dirt, (except in case of Frost), or other Nuisance or Annoyance shall be thrown, cast, or laid in any of the said Streets, Squares, or other public Passages or Places, and suffered to remain for any longer Time than shall be necessary for removing the same, then and in every such Case the Owner or Driver of every such Carriage, and the Owner of such Timber or other Things aforesaid, and the Person who shall throw, cast, or lay any Dung, Ashes, Rubbish, Dust, Dirt, (except as before excepted), or other Nuisance or Annoyance as aforesaid, or otherwise offend

in the Premises, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings; and if any such Timber or other Things, or such Dung, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, shall be suffered to remain in any of the said Streets, Squares, or other public Passages or Places, longer than shall be necessary as aforesaid, the Surveyor to be employed by the said Commissioners is hereby authorized and empowered to cause the same to be removed to such Place as he shall think proper; and the Expence thereof shall be paid by the Person liable to the Payment of the said Penalty, and shall and may, in case of Non-payment on Demand, be recovered in like Manner as any Penalty is herein-after authorized and directed to be recovered.

XXVII. And be it further enacted, That no Scavenger or other Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Rubbish, Ashes, Filth, or Soil, to be found in any of the said Streets, Squares, or other public Passages or Places, or brought therein, into any Common Sewer, Drain, or Tunnel thereunto belonging, but every such Person shall place, sweep, or rake the same together, so as to lie at the Distance of Ten Feet at the least from each of the Grates to belong to, or to be placed over such Common Sewers, Drains, or other Tunnels, and at the Distance of Three Feet at the least from the Channel where the Width of the Street, Lane, or Place will admit thereof; and that no Person other than the Scavengers to be employed by or under the said Commissioners, shall collect, gather, take, or carry away any Dirt, Dust, Cinders, or Ashes out of any such Streets, Squares, or other Passages or Places; and that no Person shall use or employ any Cart or other Carriage in or about the cleansing or watering of any of the said Streets, Squares, or other Passages or Places, or in carrying any Dirt, Dust, Cinders, or Ashes out of the same, unless the Fellies of the Wheels of such Cart or other Carriage shall be of the Breadth or Gauge of Six Inches at the least, or cause the same to be done; and if any Person shall offend in any of the Cases aforesaid, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, One Moiety thereof to go and be paid to the Informer; provided nevertheless, that nothing in this Act contained shall extend to prevent or hinder the Owners of any such Dirt, Dust, Cinders, or Ashes, to carry away the same for their own Use, but not for Sale.

Dirt not to be swept into any Common Sewer, or within a certain Distance of any Gutter or Channel.

Scavengers only to carry Dirt out of the Streets.

XXVIII. And be it further enacted, That no Person shall begin to empty any Privy, or to take or carry away any Night Soil, or bring or place any Carts for removing the same, from any House, Place, or Building already erected, now erecting, or hereafter to be erected, built, or made within the Limits of this Act, before the Hour of Twelve in the Night, or shall continue to take away the same after the Hour of Five in the Morning, between *Michaelmas* and *Lady-day*, or after the Hour of Four in the Morning between *Lady-day* and *Michaelmas*; and that no Person shall, without the Licence of the said Commissioners, put or cast any such Night Soil out of any Cart, Tub, or otherwise, within the Limits of this Act, or within Half a Mile thereof; and if any Person shall offend herein he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer.

Regulations as to Night Soil.

XXIX. And

Scavenger's
Duty.

XXIX. And be it further enacted, That all Persons contracting with the said Commissioners for cleansing the said Streets, Squares, and other public Passages or Places as aforesaid, shall once in every Fortnight, or oftener if the said Commissioners shall so direct, between the Hours of Three in the Morning and Eight in the Evening, attend in all and every the Streets, Squares, and other public Passages and Places within the Limits of this Act, and shall give One Day's Notice at least in Writing to the Surveyor to the said Commissioners, specifying the particular Day in every Week when they are to attend in each of the said respective Streets, Squares, public Passages or Places, for the Purposes aforesaid, of which the said Surveyor shall make an Entry in a Book, and such Surveyor shall on that Day inspect the said Streets and other Places, to see if the Work is properly performed, and shall make an Entry thereof in the same Book; and the Persons so contracting shall also, upon the Request of any of the Inhabitants, or their Servants or Lodgers, go into all and every the Houses and other Places where any Dirt, 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 to be 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; One Moiety whereof shall be paid to the Person so complaining.

Inhabitants
exempted
from the Of-
fice of Sca-
venger, and
from hanging
out Lights.

XXX. And be it further enacted and declared, That all and every the Inhabitants and Occupiers of Houses, Buildings, Tenements, and Hereditaments, within the Limits of this Act, who may and shall be rated to and pay any of the Rates or Assessments herein-after directed to be rated and assessed, shall be absolutely freed, exempted, exonerated, discharged, and indemnified, of, from, and against the Execution and Service of the Office of Scavenger within the Limits of this Act, and of and from the hanging out of Lights in any of the said Streets, Squares, and other public Passages and Places; and all Presentments and Returns of Annoyances, Jurors, Constables, and other Officers, for or in respect of dangerous and defective Pavements, Defaults of Lighting, and all Annoyances, Obstructions, and Encroachments, within the said Streets, Squares, Passages, and Places, and all Pains, Penalties, Duties, and Services, for or concerning any such dangerous or defective Pavements, or Defaults of Lighting, Annoyances, Obstructions, and Encroachments, under or by virtue of any Act or Acts of Parliament heretofore made, and also that so much and such Part or Parts of all and every Act or Acts of Parliament, as directs or vests the Power of paving, repairing, lighting, watching, watering, or cleansing of all or any of the Streets, Squares, Passages, and Places hereby made subject to the Powers of this Act, to be in the Commissioners appointed by and in pursuance of such Act or Acts, or vest in them the Property of all or any Stones or other Materials, of or in any of the said Squares, Streets, Passages, and Places last mentioned, shall from henceforth be, and the same are and is hereby repealed, and made absolutely null and void.

Regulations
for repairing
Water Pipes.

XXXI. And be it further enacted, That when and as often as any Pipe belonging to any of the Water Companies who now furnish or shall hereafter furnish any of the Inhabitants within the Limits of this Act with Water shall happen to burst or be out of Repair, in any of the Streets, Squares,

Squares, Passages, or Places within the Limits of this Act, the Surveyor to the said Commissioners, or any other Person or Persons to be by them appointed for that Purpose, shall forthwith cause the Pavement to be taken up, and open the Ground at or near the Place where the Water shall or may issue by reason of the bursting or breaking of any such Pipe; and when upon taking up the Pavement and opening the Ground, it shall appear to what Water Company such Pipe shall belong, then the Surveyor to the said Commissioners, or such other Person or Persons appointed as aforesaid, shall give Notice to the Pavior of such last-mentioned Company, or leave the same at his last or usual Place of Abode; and the Pavior of the Company to whom such Pipe shall belong is hereby required to repair or cause to be repaired such Water Pipe, and to fill in the Ground over the same, in such Manner as the Surveyor to the said Commissioners for the Time being shall direct, within Two Days next after such Notice shall be so given or left as aforesaid; and in case the Pavior of the Company to whom such defective Pipe shall belong shall refuse or neglect to amend or repair such Pipe, and fill in the Ground in such Manner as the said Surveyor shall direct as aforesaid, for the Space of Two Days next after such Notice shall be given or left as aforesaid, then and in every such Case the Person guilty of such Neglect shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Ten Shillings, and if any Pipe (other than such as shall belong to any such Water Companies) shall happen to break or burst in any of the said Streets, Squares, Passages, or Places, the Owner or Owners thereof shall cause the Ground to be opened, and such Pipe to be repaired within the Time herein-before respectively limited for such Purposes; and also shall forthwith give Notice to the Surveyor of the said Commissioners, or such other Person or Persons so appointed by them as aforesaid, to relay the Pavement so broken or taken up, on pain of forfeiting for every such Neglect or Refusal any Sum not exceeding Forty Shillings nor less than Five Shillings; or if any Pavement shall be broken or taken up by the Commissioners of Sewers, or any other Person or Persons, for the Purpose of making, repairing, or altering any Sewer or Drain, or for any other Purpose whatsoever, the Surveyor for the Time being to such Commissioners of Sewers, or any other Person or Persons so breaking or taking up the said Pavement, shall forthwith give Notice thereof to the Surveyor or Paving Contractor or Contractors appointed or employed by the said Commissioners, to relay or repair the Pavement so broken or taken up as aforesaid, upon pain of forfeiting for every such Neglect or Refusal any Sum not exceeding Forty Shillings nor less than Five Shillings; and if the said Surveyor, to or for whom such Notice shall be given or left as aforesaid, shall neglect or refuse to acquaint the Paving Contractor or Contractors appointed by the said Commissioners with such Notice, or if such Contractor or Contractors shall not, within Two Days next after such Notice from such Surveyor or other Person or Persons respectively, relay or repair the same, then and in every such Case the Person or Persons so respectively offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings nor less than Five Shillings, and the Sum of Twenty Shillings for every Day such Pavement shall continue without being relayed or repaired after the Expiration of the said Two Days.

XXXII. And be it further enacted, That whenever the Pavement of any of the said Streets, Squares, Passages, or Places shall be taken up

[*Loc. & Per.*]

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Pavement taken up for repairing Water Pipes to be relaid.

for the Purpose of laying, altering, or repairing any Water Pipe or Plug, the said Pavement shall with all convenient Speed be relaid and repaired by the Pavior or Paviers contracting with or employed by the said Commissioners; and the Expence of taking up, relaying, and repairing such Pavement shall be borne and paid by the Company or Companies, Person or Persons to whom such Pipe or Plug shall belong; but if for the Purposes of this Act it shall at any Time be found necessary to raise, sink, or otherwise alter the Position of any of the Pipes or Plugs laid down or placed by any of the said Companies, or to alter any Sewers, Drains, Gully Holes, or Grates within the Limits of this Act, the same shall be done with as little Detriment or Inconvenience to the Company or Companies, Person or Persons to whom the same shall belong, as the Circumstances of the Case will admit of, and the Expences thereof shall be defrayed by the said Commissioners out of the Monies arising by virtue of this Act.

Paviors and Turncocks to give Notice of their Abodes to the Surveyors.

XXXIII. And be it further enacted, That the Person and Persons who now are appointed Pavior or Paviers, Turncock or Turncocks to the said respective Water Companies within the Limits of this Act, shall, and they are hereby required, within the Space of Forty Days after the passing of this Act, to give Notice in Writing to the Surveyor or Surveyors of the said Commissioners for the Time being, or to such other Person or Persons as shall be by them appointed for that Purpose; which Notice shall contain the Name and Place of Abode of every such Pavior or Turncock, as also to what Company or Companies he is Pavior or Turncock, and in what District he has the Care of the Pipes belonging to such Company or Companies; and that every Person who shall or may hereafter be appointed such Pavior or Turncock as last aforesaid, shall, within Seven Days next after such his Appointment, give such Notice as aforesaid; and in the like Manner the Surveyor or Surveyors for the Time being to the said Commissioners, shall, within the respective Times aforesaid, give Notice in Writing to the respective Paviers or Turncocks of the said several Water Companies, and also to the Surveyor or Surveyors to the Commissioners of Sewers of his or their own Place or Places of Abode, and likewise of the Names and Places of Abode of such Paving Contractor or Contractors, or Person or Persons employed as Pavior or Paviers by the said Commissioners; and every Person neglecting or refusing to give such Notice as aforesaid, within the Times before respectively specified, shall forfeit any Sum not exceeding Forty Shillings, nor less than Five Shillings, for every such Offence.

Commissioners of Sewers to repair Drains, &c. and Owners of Pipes to pay Expences.

XXXIV. And be it further enacted, That when and so often as any Sewer, Gully Hole, or Drain, which shall or may be under the Direction of the Commissioners of Sewers, in any of the said Streets, Squares, Passages or Places within the Limits of this Act, shall require to be repaired, altered, cleansed, or emptied; or any new or additional Sewer, Gully Hole, or Drain shall be necessary to be made, or any new or additional Grate to be put and placed over any Sewer, Gully Hole, or Drain in any of the said Streets, Squares, Passages, or Places, or on any old Grates over the same, shall require to be repaired, removed, or altered; then and in every such Case the said Commissioners of Sewers shall, within Three Days next after Notice shall be given to or left for

their Surveyor for the Time being, at his last or usual Place of Abode, signed by the Surveyor to the Commissioners for putting this Act into Execution, cause such Sewer, Gully Hole, or Drain to be begun to be made, repaired, altered, cleansed, or emptied, and such new and additional Grates to be made and put down, and such old Grates to be repaired, removed, or altered, and shall complete all such Works respectively within a reasonable Time, and in Default thereof it shall and may be lawful for the said Commissioners for putting this Act into Execution, or the Surveyor, to cause such Sewer, Gully Hole, or Drain to be made, repaired, altered, cleansed, or emptied, or such new and additional Grates to be made and put down, or such old Grates to be repaired, removed, or altered, as the Case may require, or so much of the said Works to be completed as shall remain unfinished: Provided always, that the Charges and Expences of relaying or repairing the Pavement which shall be broken or taken up for the Purpose of repairing or amending any Pipe, shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and that the Charges and Expences of making, repairing, altering, cleansing, or emptying any such Sewer or Drain, and of making or putting down any such new or additional Grates, and altering or repairing such old Grates, and of relaying and repairing the Pavements so broken or taken up for any of the Purposes aforesaid, shall be paid to the said Commissioners, or to such Person or Persons as they shall at any such Meeting as aforesaid appoint to receive the same, by the Treasurer or Clerk to the said Commissioners of Sewers, or by the Person or Persons who shall take or cause the said Pavement to be taken up for the Purposes aforesaid; and in case the Owner or Owners of such Pipe as aforesaid, or the Treasurer or Clerk of the said Commissioners of Sewers, or other Person or Persons as aforesaid, shall neglect or refuse to pay what shall have been so laid out or disbursed for the Purposes aforesaid, within Ten Days next after Notice thereof in Writing, signed by the Clerk to the Commissioners for putting this Act in Execution, and left at their respective Dwelling Houses, or last or usual Place of Abode, together with a Bill annexed thereto, (which Bill shall contain an Account of such Charges and Expences), then and in every such Case it shall and may be lawful for the said Commissioners for putting this Act in Execution, and they are hereby authorized and empowered to bring or cause to be brought an Action against any or either of the respective Persons aforesaid, for the Recovery of such Sum or Sums of Money as the said Commissioners shall have so laid out and expended for the Purposes aforesaid.

XXXV. And be it further enacted, That the said Commissioners for putting this Act in Execution may and are hereby authorized and empowered from Time to Time to appoint such Number of Watchmen and Patroles to be employed within the Limits of this Act, for so long Time in the Night, under such Regulations, and for such Wages as they shall think proper, and to provide them with proper Arms, Ammunition, Weapons, and Cloathing, for the Discharge of their Duty; and if any Watchman or Patrol appointed as aforesaid shall refuse or neglect to perform his Duty, or shall in anywise misbehave himself in the Execution of his Office, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence. Watchmen to be appointed.

XXXVI. And

Duty of
Watchmen.

XXXVI. And be it further enacted, That the Watchmen to be appointed and employed as aforesaid, shall, during the Time of their being upon Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also any Burglaries, Robberies, Affrays, and other Outrages and Disorders within the Limits of this Act; and that it shall be lawful for the said Watchmen, or any of them, and they are hereby respectively authorized and required, while on Duty, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons within the Limits of this Act, who shall disturb the public Peace, or whom they shall have Cause to suspect of any evil Design, and to secure and keep in safe Custody every such Person, in order that he or she may be conveyed as soon as conveniently may be before some Justice of the Peace for the County of *Middlesex*, to be examined and dealt with according to Law; and if any Person or Persons shall assault or resist, or shall promote or encourage the assaulting or resisting any of the Watchmen in the Execution of their Duty, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and if any Victualler, or Keeper of any Public House, shall knowingly harbour or entertain any Watchman to be employed within the Limits of this Act, or permit or suffer any Watchman to be and remain in his House during any Part of the Time appointed for his being on Duty, every such Victualler, or Keeper of such Public House, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Rates to be
laid on
Houses, &c.

XXXVII. And for raising Money to enable the said Commissioners appointed and to be appointed by or by virtue of this Act, to carry the several Purposes of this Act into Execution, be it further enacted, That One or more Rate or Rates, Assessment or Assessments, shall, for the Purpose of repairing, cleansing, lighting, watering, and watching of the said Streets, Squares, and other public Passages and Places which shall be within the Limits of this Act, be laid and assessed by the said Commissioners once in every Year, if they shall judge it needful, upon all Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, and Tenements, in any of the said Streets, Squares, and other public Passages and Places, in such Sum or Sums of Money as the said Commissioners shall order and direct; and that One or more Rate or Rates, Assessment or Assessments, shall, for the Purpose of forming, making, inclosing, planting, ornamenting, and embellishing the said Centres or Areas of the said Squares, be in like Manner laid and assessed on the Houses and Buildings to be erected and built and encompass the said Squares, in such Sum or Sums of Money as the said Commissioners shall order and direct; but so nevertheless, as that such Rate or Rates, Assessment or Assessments, do not exceed in the Whole, in any One Year, the several Sums of Money next herein-after mentioned; (that is to say), for paving, repairing, cleansing, and lighting the said several Streets, Squares, and other public Passages and Places, the Sum of Two Shillings in the Pound, according to the yearly Rent or Value of such Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, and Tenements, which are or shall be situate within the Limits of this Act, for forming, making, inclosing, ornamenting, and embellishing the Centres, Areas, or Middle Spaces of the said Squares which shall be laid out and made within the Limits of this Act, the Sum of

One

One Shilling in the Pound, according to the yearly Rent or Value of such Houses and Buildings as shall be erected and built in such respective Squares or Places; for watching the said Streets, Squares, and other public Passages and Places, the Sum of Sixpence in the Pound, according to the yearly Rent or Value of such Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, private Buildings, and Tenements, which are or shall be situate within the Limits of this Act; and for watering of such Streets, Squares, and other public Passages and Places, the Sum of Sixpence in the Pound, according to the yearly Rent or Value of such Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, private Buildings, and Tenements, which shall be situate within the respective Streets, Squares, and other public Passages and Places, from Time to Time to be watered in pursuance and according to the Directions of this Act; in the making of which said several Rates or Assessments, the Stables, Coach Houses, Erections, and other Buildings which shall belong to or be respectively held and occupied with any of the Houses erected or situate in any of the said Streets, Squares, and other public Passages and Places, shall be respectively rated together and along with such Houses, and not as separate Buildings; and that the said Commissioners shall cause separate and distinct Accounts to be kept of the Produce of the said respective Rates and Assessments, and of the Application of the same respectively.

XXXVIII. And be it further enacted, That the annual Value of all such Houses, Stables, Cellars, Vaults, Buildings, and Tenements so to be respectively rated and assessed as aforesaid, shall be settled and ascertained according to the real Rack Rent, or full yearly Value thereof; and the First Year for which such Rates or Assessments as aforesaid shall be made, shall commence for or in respect of such Houses or other Buildings as now are or shall be then erected, built, and tiled in, within the Limits of this Act, and the Pavements be made in the Front thereof, as far as the Middle of the Street, Square, or Place, on which they shall respectively abut, from the Twenty-fourth Day of *June* One thousand eight hundred and one, and for and in respect of all such Houses or Buildings hereafter to be erected or built within the Limits of this Act, which shall not be tiled in, and paved in Front thereof as aforesaid, on the said Twenty-fourth Day of *June* One thousand eight hundred and one; the First Year shall commence from the next Quarter Day after the same shall be so tiled in, and the Pavements made in Front thereof as aforesaid; and the Money so rated and assessed under or in pursuance of this Act shall from Time to Time be paid to the Collectors to be appointed as aforesaid, at such Time and Times in every Year, and in such Manner as the said Commissioners shall order and direct, and shall be paid over by such Collectors into the Hands of the Treasurer to the said Commissioners, or such Banker or other Person or Persons as they shall order or direct for that Purpose.

How the yearly Value of Houses, &c. is to be ascertained. Commencement of Rates.

XXXIX. Provided always, and be it further enacted, That when any of the said Houses or other Buildings shall, at the Time of making any of the said Rates or Assessments, be empty or unoccupied, then and in every such Case it shall be lawful for the said Commissioners to rate and assess such Premises respectively at One Half of such Rates or Assessments, and no more, during the Time only such Premises shall be empty and unoccupied;

Empty Houses to be charged with Half Rates.

cupied; and also in case any such Premises, after the making of any such Rate or Assessment, shall become empty or unoccupied, One Half only of such Rates or Assessments shall be charged on such Premises respectively, for and during so long Time as the same shall continue empty or unoccupied; and then and in every such Case the said Rates or Assessments, and all Arrears due thereon, shall be paid by the Person or Persons for the Time being entitled to such Premises, or by the First or any other Tenant or Occupier thereof; and every such Tenant or Occupier shall and may and is hereby authorized to deduct and retain the same out of his or her Rent, and the Person or Persons for the Time being entitled to such Premises is and are hereby required to allow such Deductions; and that where any House, Building, or Tenement, in respect whereof any Rate or Assessment shall be made as aforesaid, shall be let to more than One Tenant, any One or more of such Tenants shall be deemed the Occupier or Occupiers thereof, for the Purposes of this Act.

Public Buildings to be rated according to the Number of Square Yards of Paving belonging thereto.

XL. Provided always, and be it further enacted, That the Rates or Assessments to be made and laid by virtue of this Act, upon or in respect of any Chapel, Meeting House, Hospital, School, or other public Building, or any Wall, Garden, Yard, or void Space of Ground, shall be ascertained according to the Number of Square Yards of Pavement, paved or repaired, cleansed, lighted, watched, or watered, under or by virtue of this Act, belonging to such Chapel, Meeting House, Hospital, School, or other public Building, Wall, Garden, Yard, or void Space of Ground, measuring the same from such Chapel, Meeting House, Hospital, School, Building, Wall, Garden, Yard, or void Space of Ground, to the Middle of the Street, Square, or Place on which the same shall respectively abut, and the same shall never exceed in any one Year the Sum of Sixpence for every such Square Yard; and such Rates or Assessments to be made and laid upon such Chapel, Meeting House, Hospital, School, or other public Building, Wall, Garden, Yard, or void Space of Ground, shall be paid by the Chapel Wardens, Trustees, or Owners or Proprietors thereof respectively; but so nevertheless as that no Rate or Assessment shall by virtue of this Act be laid upon or collected or received for or in respect of any Wall, Garden, Yard, or void Space of Ground, unless the same shall abut upon or front some Street, Lane, or Place, to be paved, cleansed, or lighted as aforesaid.

Rates of Houses let to Ambassadors, &c. to be paid by Landlords.

XLI. And be it further enacted, That every Rate or Assessment which shall be laid or assessed by virtue of this Act, for or in respect of any House, Building, Coach House, Stable, or Tenement, which any Ambassador, Resident, Agent, or other public Minister of any Foreign Prince or State, or the Servant of any such Ambassador, Resident, Agent, or other public Minister, or any other Person not liable by Law to pay such Rates or Assessments, shall hereafter inhabit, shall be paid by and recoverable from the Landlord or Proprietor of every such House, Building, Coach House, Stable, or Tenement, who shall for that Purpose be deemed the Occupier thereof.

Lessees, &c. subject to Rates of

XLII. And be it further enacted, That the Lessee, Landlord, or Owner of every House within the Limits of this Act, which is or shall

or may be let out ready-furnished to a Lodger or Lodgers, shall be deemed and taken to be the Occupier thereof, and shall be liable and subject to the Rates or Assessments directed by this Act to be made, raised, and levied, according to the yearly Value of the Premises; and that every Person renting or occupying any such ready-furnished House as aforesaid, shall be liable and compellable to the Payment of the said Rates or Assessments, to be recovered in manner aforesaid; and that every such respective Occupier or Occupiers who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them, to such respective Lessee, Landlord, or Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or as shall be levied on him or them by virtue of this Act.

Houses let
to Lodgers.

XLIII. Provided always, and be it further enacted, That if any House or Premises shall be situate partly within the Limits of this Act, and partly in any Street not within such Limits, such House or Premises shall be assessed to the Rates to be raised by virtue of this Act, for a proportionable Part only of the Rent thereof; and it shall be lawful for the said Commissioners, or any Person appointed by them, at some Meeting to be holden for that Purpose, and they or he are or is hereby respectively authorized and required to apportion and settle at how much, and what Part of the Rent of such House and Premises the same shall be assessed.

Houses
partly within
and partly
without the
Limits of
this Act, how
to be rated.

XLIV. And for the better enforcing the Payment of the Rates or Assessments to be made by virtue of this Act, be it further enacted, That if any Person or Persons liable to pay any of the said Rates or Assessments to be made by virtue of this Act, shall refuse or neglect to pay the Money rated or assessed upon him, her, or them, and all Arrears due thereon, or if any Person or Persons liable to pay any of the said Rates or Assessments shall at any Time begin to remove his, her, or their Goods or Furniture from the House or Premises in his, her, or their Occupation, within the Limits of this Act, or to sell or dispose of such Goods or Furniture therein by public Auction, or sell, dispose of, or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due or rated in respect of such House (in which the Current Quarter shall be considered as due), that then and in any of the said Cases it shall be lawful for the Collector for the Time being to the said Commissioners to collect and levy such Rates or Assessments, and all Arrears due thereon, and the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid (although previous to the Time for Payment of the Rate or Assessment for such Quarter), by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County of *Middlesex*, by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, or beginning to remove, take away, or sell any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made, the said Rates or Assessments, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall

Arrears of
Rates how to
be recovered.

cause

cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates or Assessments, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively.

Commissioners may bring Actions for Rates.

XLV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, if they shall think more expedient, to bring or cause to be brought, in the Name of the Treasurer or Clerk, 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 all or any of the Rates or Assessments to be made by virtue of this Act; 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; in which Action or Actions, no Essoign, Protection, or Wager at Law, or more than one Imparance shall be allowed.

Poor Rates may be inspected.

XLVI. And be it further enacted, That it shall be lawful for any Person or Persons, having an Order under the Hands of any Three or more of the said Commissioners, to inspect or take Copies or Extracts of any Rates made for raising Money for the Relief and Maintenance of the Poor within the said Parish; which Inspection, Copies, and Extracts, the Person or Persons having the Custody of such Rates respectively are hereby required to permit and suffer to be made without Fee or Reward, upon the producing of such Order; and in case any Person having the Custody of any such Rates shall neglect or refuse so to do within Three Days after such Order shall have been produced and shewn to him, or a Copy thereof left at his usual Place of Abode, he shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Forty Shillings.

Rate Books to be admitted Evidence.

XLVII. And be it further enacted and declared, That the Book of Rates to be delivered by the Collectors or other Officers to the said Commissioners, and all Entries afterwards made therein, or examined Copies thereof respectively, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such Rates, or such of them, or any Part thereof, as shall by such Entries appear to have been paid to such Collectors.

Power for reimbursing Lady Southampton.

XLVIII. And whereas it will require a very considerable Sum of Money to form, inclose, rail in, make, ornament, and embellish the Centers or Areas of the said Squares, which are intended to be made and completed under the Direction of the said Lady *Southampton*, or the Person or Persons for the Time being entitled to the Freehold and Inheritance of the same Premises; be it therefore enacted, That the said Commissioners shall and they are hereby authorized and directed, from and out of the Monies which shall be raised and received under and by virtue of this Act, by the Rate upon the Houses that shall encompass such Squares, to reimburse and repay the said Lady *Southampton*, or the Person

Person or Persons for the Time being entitled to the Freehold and Inheritance of the said Premises as aforesaid, her or their Heirs or Assigns, such Sum and Sums of Money as he, she, or they shall or may expend or lay out in forming, inclosing, railing in, making, ornamenting, and embellishing the said intended Squares, or any or either of them, or any Part thereof respectively, as to the said Commissioners shall appear fair and reasonable, with lawful Interest for the same.

XLIX. Provided always, and be it further enacted, That none of the Houses and Buildings to be erected and built in and encompass the said Squares, shall be rated to or liable to pay any Sum or Sums of Money towards the Discharge of the Interest of the Monies to be advanced, laid out, and expended by the said Lady *Southampton*, or the Person or Persons entitled to the Freehold and Inheritance of the said Premises as aforesaid, until such Houses and Buildings shall respectively be tiled in, and paved in Front thereof, and then only in such Proportions as the same shall bear to the Houses and Buildings then built or to be built in and encompass the said Squares (for which Purpose all the said Houses and Buildings shall be considered as built), and that the same shall only be rated and contribute to the Payment of the Interest to accrue due from the Time they shall respectively become rateable as aforesaid.

Rates on the Houses encompassing the new Squares not to take place till the same are tiled in and paved in Front.

L. And whereas several Persons have already paved, and may hereafter at their own Expence pave certain Squares, Passages, and Places within the Limits of this Act, for which it is reasonable some Allowance should be made, be it therefore enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered from and out of the Monies to arise under and by virtue of this Act, to make and pay to such Persons, as to the said Commissioners shall appear to be entitled thereto, such Payments or Allowances for or in respect of such Pavement made and done by them as aforesaid, as to the said Commissioners shall appear fair and reasonable.

Commissioners may make Allowances to such Persons as may have paved at their own Expence.

LI. And for more speedy raising Money for the Purposes of this Act, be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments herein-before granted, and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Monies, or his, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (*videlicet*),

Commissioners may borrow Money.

BY virtue of an Act made in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled [*set forth the Title of this Act*] We being of the Commissioners appointed by virtue of the said Act, in Consideration of the Sum of advanced and lent by *A. B.* to *C. D.* [the Treasurer appointed in pursuance of this Act], upon the Credit and for the Purposes of this Act; do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the

Form of Assignment.

Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Act, to be had and holden from this Day, until the said Sum of with Interest at *per Centum per Annum* for the same, to be paid Half-yearly, shall be repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals, this Day of

And every such Assignment shall be good, valid, and effectual in the Law.

Money may be raised by Annuities.

LII. Provided always, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money necessary for the Purposes 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 during the natural Life of each such Contributor, or the natural Life of every such Person who shall 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 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.

LIII. 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 Assigns respectively, shall 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 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 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 herein-before mentioned, and shall be made payable and be paid Quarterly, during the natural Lives of such Contributors respectively, for the natural Life or Lives of such other Person or Persons as shall be nominated by 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 Annuitant or his *Cestui que vie*, and none of the said Annuities shall be subject to any Tax or Deduction whatsoever.

Annuities charged upon the Rates.

LIV. Provided nevertheless, That no greater Sum in the Whole than Fifty thousand Pounds shall be raised by Loan, or Mortgage, and by the Sale or granting of Annuities as aforesaid; and that before any such Money shall be borrowed, or Annuity granted, Fourteen Days Notice at the least shall be given in some Newspaper published in *London* or *Westminster*, signifying the Intention of borrowing such Money, or granting such Annuities.

Money borrowed not to exceed 50,000*l*.

LV. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities or Orders for the Money borrowed, or for the Annuities granted or ordered to be paid as aforesaid, by Writing under their Hands indorsed thereon, to transfer the same respectively to any Person or Persons, according to the Form following:

Mode of transferring Securities.

I *A. B.* do hereby assign the within Mortgage, (or Grant or Order for the Payment of the within Annuity), and all my Right and Title in and to the Principal Money and Interest, or Annuity, and all Arrears now due thereon, by virtue of the within written Order, thereby secured unto *C. D.*, his Executors, Administrators, and Assigns. Dated the
Day of

Form of Transfer.

And Entries or Memorials of all Mortgages, or Assignments, and Grants or Orders for the Payment of Annuities, which shall be made in pursuance of this Act, and all Transfers thereof, expressing in Words at Length the Names, Additions, Places of Abode, and other proper Descriptions, of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid Two Shillings and Sixpence, and no more; and every such Transfer or Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his; her, or their Executors, Administrators, and Assigns, to the Benefit of the Security or Order thereby transferred; and all Persons to whom such Mortgages or Assignments, or Grants of or Orders for any Annuities shall be made, or who shall be entitled to the Money or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages, Assignments, Grants, or Orders respectively.

Entries or Memorials of all Mortgages, &c. to be entered in a Book.

LVI. And be it further enacted, That all the Money to arise by or from the said Rates or Assessments, and which may be borrowed or advanced upon, or received for the Purchase of any Annuities on the Credit or Security thereof, shall be applied in paying and discharging the Expenses attending the obtaining and passing this Act, and from Time to Time in paying the Interest of the Principal Money to be borrowed, and the Annuities to be granted as aforesaid, and in reimbursing and repaying the said *Ann Dowager Baroness Southampton* such Sum and Sums of Money as she shall advance, expend, or lay out in forming, inclosing, making, railing in, ornamenting, and embellishing the said Centers or
Areas

Application of the Money.

Areas of the said Squares, with Interest as aforesaid, and making such Allowances to the several Persons who shall have paved any Part of the said Streets, Squares, Passages, and Places as aforesaid, and in defraying the Expences of forming, making, inclosing, ornamenting, and embellishing the said Centers or Areas of the said Squares, and of paving, repairing, cleansing, lighting, watching, and watering the said Streets, Squares, and other public Passages and Places, and of carrying this Act into Execution, and in paying off the said Principal Money in such Manner as the said Commissioners shall think proper.

Creditors to
be paid by
Ballot.

LVII. And in order that no undue Preference may be given to any of the Persons entitled to Principal Money which shall be borrowed and secured on the Credit of the said Rates or Assessments, in discharging such Principal Money in pursuance of this Act, be it further enacted, That when and so often as the Money to be raised by the said Rates or Assessments shall amount to the Sum of One hundred Pounds, (over and above what shall be necessary to pay the growing Interest upon the said Principal Money, and the Annuities which may be secured or granted in pursuance of this Act, and the Expences herein-before provided for), the said Commissioners shall cause the Number of all the Mortgages, Assignments, or Securities to be granted or made, and then in force, for securing the Principal Monies borrowed, of which Part shall then be intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size; and all such Papers to be rolled up in the same Manner, as near as may be, and put into a Box or Glass, and One Number of the said Mortgages, Assignments, or Securities, shall be drawn out of the said Box or Glass by the Clerk to the said Commissioners, in the Presence of Three or more of the said Commissioners: Provided always, that if it shall happen that any Mortgage, Assignment, or Security, the Number whereof shall be drawn out as aforesaid, shall be for a greater Sum than One hundred Pounds, no more than One hundred Pounds shall be discharged in consequence of such Number being drawn.

Notice shall
be given to
the Persons
whose As-
signments are
to be paid
off.

LVIII. And be it further enacted, That the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the usual Place of Abode of the Person or Persons whose Principal Money shall be intended to be paid off, which Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid at the Place to be mentioned in such Notice, at the Expiration of Six Calendar Months from the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be paid off shall, from and after the End of the said Six Calendar Months, cease and be no longer paid or payable, unless such Principal Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Six Calendar Months, shall nevertheless be payable on Demand.

Power to bor-
row Money at
lower Interest
to discharge
Securities at
higher.

LIX. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages, Assignments, or Securities, which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments

ments in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof, at such lower Rate as aforesaid, and to pay off and discharge the Assignment or Securities bearing a higher Rate of Interest.

LX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of recovering which is not hereby otherwise directed, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the County or Place wherein the Offender or Offenders shall be or reside, which Warrant such Justice or Justices is and are hereby empowered to grant upon the Confession of the Party, or upon the Information of any credible Witness upon Oath; and such Penalties and Forfeitures shall (if not directed to be otherwise applied by this Act) be paid to the Treasurer to the said Commissioners, and applied for such of the Purposes of this Act as the said Commissioners shall think proper; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol, or House of Correction, within such County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Recovery of Penalties.

LXI. And be it further enacted, That all such Commissioners as are or shall be Justices of the Peace, may act as Justices in all Matters under the Authority of this Act, notwithstanding their being Commissioners; and that in all Cases where any Justice or Justices of the Peace is or are authorized by this Act to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Justice or Justices, and he and they is and are hereby required to administer such Oath, or to take such Affirmation; and that in all Cases where any Parties, Witnesses, Officers or Commissioners, or other Persons, are to be heard and examined by, before, or in the Presence of the said Commissioners in any Case, Matter, or Thing relating to this Act, it shall be lawful for such Commissioners to administer an Oath, or take the Affirmation of such Parties, Witnesses, or Persons.

Commissioners in Commission of the Peace may act as Justices.

LXII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, any Person residing within the Limits of this Act shall be admitted and allowed to give Evidence, notwithstanding such Person shall be charged with and liable to pay any Rate or Assessment by virtue of this Act; and that the said Commissioners may sue or be sued in the Name of their Treasurer or Clerk, and that no Action to be brought by or against the said Commissioners, or any of them, by virtue of this Act, shall abate or be discontinued by the Death or Removal of any such Treasurer or Clerk, but that the Treasurer or 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.

Inhabitants may give Evidence.

Commissioners to sue or be sued in the Name of the Treasurer or Clerk.

[*Loc. & Per.*]

28 N

LXIII. And

To enable Lady Southampton to place Walls, &c. at the End of the Streets adjoining the Estates of other Persons where no Communication of Way or Passage at the Time of passing this Act.

LXIII. And be it further enacted, That nothing herein contained shall extend or be construed, adjudged, deemed, or taken to extend to prevent or preclude the said *Ann Dowager Baroness Southampton*, or the Person or Persons for the Time being entitled to the Freehold and Inheritance, or being Owner or Owners of the said Pieces or Plots of Ground, at her, his, or their own Expence, to erect, build, fix, put, and place any Wall, Fence, Posts, Pales, or Rails at the End or Extent of any of the said Streets, Squares, Passages; or Places intended to be made in pursuance of this Act, which shall lead into or upon the Estates of any other Person or Persons whomsoever, where at the Time of passing this Act no Communication of Way or Passage is now open, or to prevent any Persons, Horses, Carts, or Carriages from passing or repassing by and through the said Streets, Squares, Passages, and Places, into, upon, or from the said Estates of any other Person or Persons, or to prevent or hinder the said *Ann Dowager Baroness Southampton*, or other Person entitled, or the Owner or Owners of the said Pieces or Plots of Ground for the Time being, from removing, taking, and carrying away the said Walls, Fences, Posts, Pales, and Rails or any of them, at his or their free Will and Pleasure, nor shall any Matter or Thing herein contained be construed or held to exonerate or relieve the said most Noble the Duke of *Bedford*, his Heirs or Assigns, from the making and completing any Sewer or Sewers, Road or Roads, by him or them agreed or engaged to be made, by or under any Treaty with the said *Ann Dowager Baroness Southampton*; or to entitle the said Duke, his Heirs, Executors, or Administrators, for any reimbursing or Payment in respect thereof, by or out of the Money that shall be raised by virtue of this Act.

Appeal.

LXIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or she having first paid the said Rate or Assessment, may appeal to the said Commissioners at their next Meeting to be holden after the Payment of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any such Person shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person shall think himself or herself aggrieved by any other Matter or Thing to be done in pursuance of this Act, every such Person may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Middlesex*, within Four Calendar Months next after the Cause of the Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least in Writing, of his or her Intention to make 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 pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions 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 thereon shall be final, binding, and conclusive to all Parties, to all Intents and Purposes.

LXV. And be it further enacted, That no Rate or Assessment, or any Proceeding to be had touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable into any of His Majesty's Courts of Record by *Certiorari*, or any other Writ or Process whatsoever; any Law, Statute, or Usage to the contrary notwithstanding.

Rates or Proceedings not to be quashed for Want of Form; or removed by *Certiorari*.

LXVI. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings made or committed in the Execution of this Act, if sufficient Tender of Amends shall be made by, or on Behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff shall not recover after Tender of sufficient Amends.

LXVII. And be it further enacted, That where any Distress shall be made for 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 any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Distress not unlawful for Want of Form.

LXVIII. And be it further 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

Limitation of Actions.

against

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.

Public Act. LXIX. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, 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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