



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 76.

An Act to alter, explain, amend, and enlarge, the Powers of an Act, passed in the Tenth Year of His late Majesty *to enable the Proprietors and Inhabitants of the Houses in Red Lion Square, in the County of Middlesex, to make a Rate on themselves for raising Money sufficient to inclose, pave, watch, clean, and adorn the said Square.* [20th June 1806.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King George the Second, intituled, *An Act to enable the present and future Proprietors and Inhabitants of the Houses in Red Lion Square, in the County of Middlesex, to make a Rate on themselves for raising Money sufficient to inclose, pave, watch, clean and adorn the said Square*: And whereas it is found necessary that the said Act should be altered, explained, and amended, and the Powers thereof enlarged; 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, from and after the Twenty-fourth Day of June One thousand eight hundred and six, all the Powers and Authorities by the said Act given to and vested in the Trustees, or any Eight or more of them, shall and may from Time to Time be exercised and carried into effect by the major Part of

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Altering the Quorum of Trustees to execute the Acts.

[Loc. & Per.]

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the Trustees present at any Meeting to be assembled and holden as in the said Act directed, the Number of Trustees present at every such Meeting not being less than Five for the Purpose of borrowing Money, and not being less than Three in any other Case.

The Area of the Square, and other Property, vested in the Trustees.

II. And be it further enacted, That from and after the passing of this Act the absolute Property and Ownership of and in the Area of the said Square, and the Pleasure Ground thereof, the Pavements of the Carriage and Footways thereof, and of and in the Iron Rails, Gates, Lamps, Lamp-irons, Posts, Watchboxes, Pumps, and Wells, which are and shall be erected, fixed, sunk, and made; and of and in all Trees, Shrubs, and other Things which now are and shall hereafter be planted and set within the said Square; and of and in all Materials, Implements, and other Things which shall be purchased or gotten by the Trustees for the Time being of the said Act and of this Act, for the Purposes thereof, shall be and are hereby vested in the Trustees appointed and to be appointed for carrying into Execution the said Act and this Act, and the said Trustees are hereby empowered to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of them, or in the Name of their Treasurer or Clerk, or to prefer or order to be preferred any Bill or Bills of Indictment against any Person or Persons who shall injure or deface the Pleasure Ground of the said Square, or break, cut, or destroy any of the Trees or Shrubs therein at any Time planted and set, or there growing and being, or shall steal, take, or carry away any of such Iron Rails, Gates, Lamps, Lamp-irons, Posts, Watch-boxes, Pumps, Trees, Shrubs, Materials, Implements, or other Things as aforesaid.

Lamps, &c. may be provided.

III. And be it further enacted, That it shall be lawful for the said Trustees 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 Palisadoes of any of the Houses, or in such other Manner within the said Square as they 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 the said Square; and if any Person or Persons shall wilfully break, throw down, take away, spoil, damage, or deface any Watch Box, Lamp, or any of the Iron, Posts, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, 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 Forty Shillings, whereof One Moiety shall go to the Informer, and the other Moiety to the Trustees acting under and by virtue of the said recited Act and this Act, to be by them applied for the Purposes thereof; and such Offender or Offenders shall also pay to the said Trustees, 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 so by him, her, or them done; and in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise spoil or damage any of the said Lamps or the Lamp-posts, or other Furniture thereof, and shall not upon Demand make Satisfaction for the Damage by him, her, or them done thereto, it shall be lawful for any One or more Justice or Justices 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 or Parties, to award and order to be paid to

to the Trustees for the Time being, or to such Person as they shall appoint, such Sum of Money by way of Satisfaction for such Damage as to such Justice or Justices shall seem reasonable in that Behalf, and in Default of Payment upon Demand of such Sum as shall be so awarded and ordered to be paid, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have committed or occasioned such Damage, rendering the Overplus (if any) after deducting the Charges of prosecuting such Complaints and of levying such Distress and making such Sale, to the Owner or Owners of such Goods and Chattels upon his, her, or their Demand of the same.

IV. And be it further enacted, That if any Person or Persons shall from and after the passing of this Act run, roll, drive, or cause to be run, rolled, driven, or drawn upon or over any of the Foot Pavements in and within the Limits of the said Square, any Cask, or any Wheel or Wheels, Sledges, Brewer's Pully, or Coach, Cart, Waggon, Dray, Truck, Wheelbarrow, or other Carriage whatsoever; or if any Horse, or other Beast or Cattle shall be ridden, driven, led, or placed along or upon any of the said Foot Pavements of the said Square, the Owner or Owners of every such Waggon, Cart, or other Carriage, Cask, Wheel or Wheels, Brewer's Pulley, or of any such Coach, Dray, Truck, Sledge, Wheelbarrow, or other Carriage, Cask, Wheel or Wheels, or Brewer's Pulley, shall be deemed to be guilty of an Annoyance within the Meaning of the said recited Act, and this Act, and each and every of the Offenders shall thereupon for each Offence forfeit and pay to the said Trustees, for the Purposes of the said Act and of this Act, any Sum not exceeding Forty Shillings, over and above all such Costs, Charges, Damages, and Expences in the Prosecution of such Offender, to be ascertained by the Justice or Justices before whom such Offender or Offenders shall be convicted, the said Offender or Offenders to be taken and carried before such Justice or Justices of the Peace, and to be by him or them convicted; and the Sum of Money to be levied in Manner and Form as any Penalty in the said recited Act, not exceeding Twenty Shillings, is directed to be levied and recovered; and in Default of Payment thereof, then the said Offender or Offenders to be dealt with in the Manner in which by the said Act any Offender thereby made liable to a Penalty, not exceeding Forty Shillings, for certain Offences therein specified, is by the said Act directed to be dealt with on Non-payment thereof.

For preventing
ing Nuisances
and Annoy-
ances.

V. And be it further enacted, That if any Person or Persons shall in the said Square drive any Carriage or Carriages for the Purpose of breaking, exercising, or airing Horses, or riding any Horse or Horses for any of the above Purposes (other than passing through the said Square,) he or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalties on
exercising
Horses in the
said Square.

VI. And whereas the Rates by the said Act authorized to be raised for carrying the same into Execution are insufficient for the Purposes of the said Act; be it therefore further enacted, That in addition to the Rates and Assessments by the said Act authorized to be imposed and levied on the Proprietors and Inhabitants of the Houses and Buildings in the said Square, from and after the said Twenty-fourth Day of June One thousand eight hundred and six, One or more further or additional Rate or Rates,

Additional
Assessment

Assessment or Assessments, shall be laid and assessed by the said Trustees Once in every Year, or oftener if they shall think fit, upon the Houses and Buildings in the said Square, for raising such competent Sum or Sums of Money as the Trustees, shall order and direct for the Purposes of the said Act and this Act, and carrying the same into Execution, so as such additional Rate or Rates, Assessment or Assessments to be raised under this Act do not in the Whole, in any one Year, exceed the Sum of Two Shillings and Sixpence in the Pound, such Rates to be made according to the Assessment of the Land Tax for the Year One thousand seven hundred and thirty-six, which Rates and Assessments shall be paid, levied, collected, settled, and recovered by such respective Persons in such Proportions, with such Powers, and in such Manner in all respects, as by the said Act the Rates and Assessments thereby authorized to be imposed are directed to be paid, levied, collected, settled; and recovered; and that the additional Rates and Assessments to be imposed and levied by virtue of this Act shall be subject and chargeable with such Sums of Money as are hereinafter authorized to be borrowed, and the Interest of the same Sums of Money, and subject thereto, such Rates and Assessments shall be applied for the Purposes of inclosing, paving, watching, lighting, cleaning, and adorning the said Square, and for the other Purposes in the Manner for and in which the Rates and Assessments by the said Act authorized to be imposed and levied are thereby directed to be applied, and also in defraying the necessary Charges and Expences of passing this Act, and of the Trustees in the Execution thereof.

Rates may
be recovered
by an Action
at Law.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, if they shall think it more expedient, in lieu of levying and recovering the Rates or Assessments hereby authorized to be imposed, or any of them, by the Ways and Means in the said recited Act in that Behalf directed, to bring or cause to be brought, in the Name or Names of any One or more of them the said Trustees, or in the Name of their Treasurer or Clerk for the Time being, any Action or Actions of Debt, or Special Action on the Case, to be commenced by Bill or Writ in any of His Majesty's Courts of Record at *Westminster*, for all or any of the same Rates or Assessments, in which Action or Actions it shall and may be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to the Plaintiff or Plaintiffs in such Sum of Money as the Plaintiff or Plaintiffs shall suppose to be due; and if the Plaintiff or Plaintiffs shall recover such Sum so declared for or any Part thereof, he or they shall have full Costs, to be levied and recovered as other Monies upon Judgements are now by Law levied or recovered; in which Action or Actions no *Essoin*, Protection, or *Wager of Law*, nor more than One *Impar lance* shall be allowed, and which said Action or Actions shall not abate or be discontinued by the Death, Resignation, or Removal from Office of the said Trustee or Trustees, or any of them, or of the said Clerk or Treasurer in whose Name the same shall have been commenced, but the said Action or Actions shall and may be prosecuted and continued to Judgement and Execution in the Name of such Trustee or Trustees, Clerk or Treasurer, in whose Name the same shall have been commenced, as if he or they had remained alive or had continued in Office.

For borrow-
ing Money.

VIII. And whereas it will be necessary to borrow and take up at Interest

terest a Sum of Money for the Purpose of defraying the Expences of this Act, and carrying the same into complete Execution; be it therefore further enacted, That it shall be lawful for the said Trustees and they are hereby empowered from Time to Time to borrow, take up, and raise any Sum or Sums of Money as they shall think proper, not exceeding in the Whole the Sum of One thousand Pounds, and to mortgage, charge, convey, or incumber the Rates or Assessments hereby authorized to be imposed as aforesaid for the Purposes of this Act, with and for the Re-payment of the Sum so borrowed, with Interest at and after the Rate of Five Pounds *per Centum per Annum*, and at such Times, and with such Provisions and Conditions of Redemption as shall be agreed on, which Sum or Sums of Money shall and may be so raised at Interest in such Manner as by the said Act any Money is authorized to be borrowed and taken up.

IX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of the said recited Act or of this Act, such Distress 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 making the same be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; and that 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 to be unlawful for Want of Form.

X. And be it further enacted, That no Rate or Assessment, nor any Proceeding to be had touching the Conviction of any Offender or Offenders against the said Act or this Act, or any Order made, or any other Matter or Thing to be done and transacted in or relating to the Execution of the said Act or this Act, shall be vacated or quashed for Want of Form only, or be removed by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

XI. Provided always, and be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of the said Act, or this Act, such Person or Persons may appeal to the said Trustees at their First or Second Meeting to be holden next after the Cause of Complaint shall have arisen, and if such Person or Persons shall not be satisfied with the Determination of the said Trustees therein, then such Person or Persons may appeal to the Justices of the Peace at their General or Quarter Sessions to be holden for the County of *Middlesex*, within Three Calendar Months next after such Determination, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer of the said Trustees, and within Six Days next after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Securities conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the said Justices at the next General or Quarter Sessions of the Peace to be held in and for the said County, or any Adjournment thereof, or at any Adjournment of the then last General or Quarter Session of the Peace in and

Appeal

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for

for the said County which shall first happen next after the Expiration of One Calendar Month from the Day of giving such Notice; and the said Justices at such Sessions or Adjournment, due Proof of such Notice being given, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary way, and award such Costs to the Appellant or Appellants, or Respondent or Respondents, as the said Justices shall think proper; and the Determination of such Justices shall be final, binding, and conclusive to and upon all Parties concerned.

No Writ to be sued out without Notice.

XII. And be it further enacted, That from and after the Twenty-fourth Day of June One thousand eight hundred and six, no Writ shall be sued out against, nor any Copy of any Process at the Suit of a Subject shall be served on, any One or more of the said Trustees for any Thing by him or them done in the Execution or by virtue of the said Act, until Notice in Writing of such intended Writ or Process shall have been delivered to him or them, or left at his or their usual Place or Places of Abode, at least One Calendar Month before the suing out or serving the same, in which Notice shall be clearly and explicitly contained the Cause of Action which such Party hath or claimeth to have against any One or more of the said Trustees; on the Back of which Notice shall be indorsed the Name of the Attorney or Agent suing out such Writ or Process, together with the Place of his Abode, who shall be entitled to have the Fee of Twenty Shillings for preparing and serving such Notice, and no more.

Plaintiff not to recover if Tender of sufficient Amends hath been made.

XIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespas, or wrongful Proceedings made or committed in the Execution of the said Act or 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, Trespas, or wrongful Proceedings after the Service of such Notice and 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 Judgement shall be had, made, or given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Publick Act.

XIV. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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