



ANNO QUINQUAGESIMO SECUNDO

# GEORGI II. REGIS.



## Cap. 48.

An Act for empowering the Commissioners of Sewers for the City and Liberty of *Westminster*, and Part of the County of *Middlesex*, to purchase a Messuage and Premises for holding their Meetings; and for enlarging the Powers of the said Commissioners.

[20th April 1812.]

**W**HEREAS in the Twenty-third Year of the Reign of His Majesty King *Henry* the Eighth, one general Act concerning Commissioners of Sewers, intituled *The Bill of Sewers, with a new Proviso, &c.* to be directed into all Parts within His said Majesty's Realm, was enacted, and made to continue and endure for Twenty Years then next following; and the said Act, and all the Clauses, Articles, and Provisions in the same, were, by an Act of the Third and Fourth Years of the Reign of His Majesty King *Edward* the Sixth, intituled *An Act for the Continuance of the Statute of Sewers*, made perpetual, subject to certain new Regulations expressed and contained in the last-mentioned Act: And whereas by an Act passed in the Thirteenth Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Commission of Sewers*; and an Act passed in the Third Year of the Reign of King *James* the First, intituled *An Act for the Explanation of the Statute of Sewers*; and an Act passed in the Second Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for paving and cleansing the Streets in the Cities of London and Westminster, and Suburbs and Liberties thereof, and Out Parishes in the County of Middlesex, and in the Borough of Southwark, and other Places within the Weekly Bills of Mortality in the County of Surrey, and for* [Loc. & Per.]

23 H. 8. c. 5.  
3 & 4 E. 6. c. 8.  
13 Eliz. c. 9.  
3 James.  
2 W. & M. c. 8.

regulating

7 Anne, c. 10. *regulating the Markets therein mentioned*; and an Act passed in the Seventh Year of the Reign of Queen Anne, intituled *An Act for rendering more effectual the Laws concerning Commissioners of Sewers*; and an Act passed in the Forty-seventh Year of the Reign of His present Majesty King George the Third, intituled *An Act to enlarge the Powers and extend the Jurisdiction of the Commissioners of Sewers for the City and Liberty of Westminster, and Part of the County of Middlesex*; the Provisoes and Provisions contained in the said Acts of the Twenty-third Year of the Reign of His Majesty King Henry the Eighth, and the Third and Fourth Years of the Reign of His Majesty King Edward the Sixth, have been varied, altered, enlarged, and extended: And whereas by His Majesty's Letters Patent, one under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing Date the Twenty-ninth Day of March in the Forty-sixth Year of the Reign of His present Majesty, and the other under the Seal of the Duchy of Lancaster, bearing Date the Twenty-eighth Day of April in the said Forty-sixth Year of the Reign of His said present Majesty, the Right Honourable Thomas Lord Erskine, then Lord High Chancellor of that Part of Great Britain and Ireland called Great Britain, Charles Duke of Norfolk, George Duke of Marlborough, Edward Lord Ellenborough, Sir William Grant Knight, Sir James Mansfield Knight, and others therein named, have been appointed Commissioners of Sewers for the City and Liberty of Westminster, and Part of the County of Middlesex: And whereas on Account of the great Increase of Building, and the extensive Projects for Building now in contemplation or carrying into Effect, within the City and Liberty of Westminster, and the Part of the County of Middlesex subject to the said Commissions, it is rendered necessary and expedient that the said Commissioners should be enabled to purchase a Messuage and Premises for holding their Meetings, and for keeping the Records, Books, and Papers of the said Commission, or for any other Concern relating thereto, and that the Powers of the said Commissioners should be 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 it shall be lawful for the Commissioners of Sewers for the Time being for the Limits aforesaid, and they, or any Six or more of them, are hereby authorized and empowered to sell a certain Messuage and Premises, with the Appurtenances, where the Business of the said Commissioners has been carried on, situate in *Carlisse Street, Soho Square*, in the Parish of *Saint Ann*, within the Liberty of *Westminster*, in the County of *Middlesex*, for all such Estate, Term, and Interest therein, as the said Commissioners have, and the Goods, Furniture, and Fixtures therein, belonging to the said Commissioners, and to apply the Produce thereof in or towards the Payment of the Purchase Money for the Premises herein-after mentioned, or for or towards any of the Purposes authorized to be done and executed by the said Commissioners under or by virtue of the said Commissions; and also to treat and agree with all and every the Owner or Owners, Proprietor or Proprietors, Trustee or Trustees, or other Person or Persons whomsoever interested therein, for the Purchase of the Fee Simple and Inheritance of a certain Messuage or Tenement, situate the Corner House on the South Side of *Soho Square*, and at the North End on the East Side of *Greek Street*, in the Parish of *Saint Ann*, within the Liberty of *Westminster*, in the said County

Commissions of Sewers for Westminster and Part of the County of Middlesex.

Increase of Buildings renders it necessary to enlarge the Powers of the Commissioners.

Commissioners may treat and agree with Owners for Purchase of a Messuage, &c. in Greek Street, Soho.

of

of *Middlesex*, with the Coach-houses, Stables, Outbuildings, and Appurtenances thereto belonging, late the Property of *Thomas Slack* Esquire, deceased, and now in the Occupation of the said Commissioners, and more particularly mentioned in the Schedule to this Act annexed, for the Purpose of holding their Meetings, and for keeping the Records, Books, Writings, and Papers of the said Commissioners, or for any other Concern relating thereto; and it shall be lawful for the said Commissioners to hold such Messuage and Premises so to be purchased, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever to the contrary thereof in anywise notwithstanding: Provided always, that no greater or larger Sum shall be given for the Purchase of the said Messuage and Premises than the Sum of Five thousand Pounds.

II. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the Whole the Sum of Five thousand five hundred Pounds on the Credit of the Rates, Taxes, Lots, and Wains, to be made, levied, set, and collected by virtue of the said recited Acts, or some or One of them; and by Writing under their Hands and Seals, or of any Six or more of them, to assign all or any Part of the said Rates, Taxes, Lots, and Wains, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignment (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Commissioners out of the Money so to be borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say,)

Power to borrow Money.

WE, being \_\_\_\_\_ of the Commissioners of Sewers for  
 the City and Liberty of *Westminster*, and Part of the County of  
*Middlesex*, acting in pursuance of an Act passed in the Fifty-second Year  
 of the Reign of King *George* the Third, intituled [*here set forth the*  
*Title of this Act,*] in Consideration of the Sum of \_\_\_\_\_  
 advanced and lent by \_\_\_\_\_ of \_\_\_\_\_ in the County  
 of \_\_\_\_\_ on the Credit and for the Purposes of the said Act,  
 do hereby grant and assign unto the said \_\_\_\_\_ [or, to his  
 Trustee or Trustees, *as the Case may be*] his [or, her] Executors, Ad-  
 ministrators, and Assigns, such Proportion of the Rates, Taxes, Lots,  
 and Wains, to be raised, levied, set, and collected by virtue of the said  
 recited Acts, or some or One of them, as the said Sum of \_\_\_\_\_  
 doth or shall bear to the whole Sum which may at any Time be bor-  
 rowed or become due and owing, or be charged upon the Credit of the  
 said Rates, Taxes, Lots, and Wains; to be had and holden from this  
 \_\_\_\_\_ Day of \_\_\_\_\_ until the said Sum of \_\_\_\_\_  
 with Interest after the Rate of \_\_\_\_\_ *per Centum per Annum*  
 for the same, shall be fully paid and satisfied. In Witness whereof, we  
 the said Commissioners have hereunto set our Hands and Seals, the  
 \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord

Form of Assignment.

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, according to the true Intent and Meaning of this Act.

Power for  
Commiss-  
ioners to  
raise Money  
by Annuities.

III. And be it further enacted, That in case the said Commissioners shall think it adviseable to raise all or any Part of the Money for the Purposes aforesaid, by granting Annuities for Lives instead of Assignments as aforesaid, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered so to do, and by Writing under their Hands and Seals, or of any Six or more of them, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers of 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 or natural Lives of such Contributor or Contributors; and the Life of the Survivor, or the natural Life of such Person, or the natural Lives of such Persons; and the Life of the Survivor, as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money; so as that no such Annuity do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, or the Lives of such Persons, and the Life of the Survivor; and the Expence of every such Annuity shall be paid by the said Commissioners out of the Monies so contributed; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of  
Grant of  
Annuity.

WE, being of the Commissioners of Sewers for the City and Liberty of *Westminster*, and Part of the County of *Middlesex*, acting in pursuance of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*], in Consideration of the Sum paid by to the Treasurer to the said Commissioners, do hereby grant unto the said an Annuity or yearly Sum of to be paid out of the Rates, Taxes, Lots, and Wains, to be raised, levied, set, and collected by virtue of the said recited Acts, or some or One of them; which Annuity or yearly Sum of shall be paid to the said or his or her Assigns, during the term of his or her natural Life, [*or, as the Case may be,*] to the said his or her Executors, Administrators, or Assigns, during the natural Life of or during the natural Lives of and and the Life of the Survivor of them, on the Day of the Day of the Day of in every Year, during the natural Life or Lives of him, her, or them, the said at the the first Payment thereof, to be made on the Day of next ensuing the Date hereof. In Witness whereof, we the said Commissioners have hereunto set our Hands and Seals, the Day of in the Year

And every such Grant shall be good, valid, and effectual in the Law, without any Inrolment or Registry of the Memorial thereof in the High Court of Chancery, or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid, shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Commissioners, out of the said Rates, Taxes, Lots, and Wains respectively, according to the Grant of such Annuity; and that the said Commissioners shall and may, if they think it most advisible, by and out of any Monies in the Hands of the said Commissioners, or their Treasurer, pay the said

faid Purchase Money of Five thousand Pounds, and the Costs and Charges of repairing and fitting up the Premises, as well as all other usual and reasonable Expences that may be incurred by the Commissioners in carrying the said Commissions into Effect.

IV. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed on legal Interest as aforesaid, or to be raised by granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, [*as the Case may be.*] at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following :

‘ I *A. B.*, being entitled to the Sum of \_\_\_\_\_ or an Annuity  
 ‘ of \_\_\_\_\_ secured to \_\_\_\_\_ and his Assigns,  
 ‘ [*as the Case may be.*] by virtue of an Assignment [*or, Grant of an*  
 ‘ Annuity], bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ and Seals of the Commissioners of Sewers for the City and Liberty of  
 ‘ *Westminster*, and Part of the County of *Middlesex*, acting in the Exe-  
 ‘ cution of an Act passed in the Fifty-second Year of the Reign of King  
 ‘ *George* the Third, intituled [*here set forth the Title of this Act*] on the  
 ‘ Credit of the Rates, Taxes, Lots, and Wains, charged and made  
 ‘ chargeable by the said Act, do hereby transfer all my Right and Interest  
 ‘ in and to the same Sum [*or, Annuity, and all Interest and other Money*  
 ‘ now due and arising thereon] unto \_\_\_\_\_ his or her Executors, Admi-  
 ‘ nistrators, and Assigns. Dated the \_\_\_\_\_ Day of \_\_\_\_\_

And a Copy of every such Security or Assignment, and of every Grant of Annuity which shall be made in pursuance of this Act; and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners; which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred; 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 entering of every such Transfer, the Clerk to the said Commissioners shall be paid, by the Person to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any Registry or Inrolment thereof.

V. And, in order that no Preference may be given to any of the Persons who shall have advanced and lent Money on the Credit of the said Rates, Taxes, Lots, or Wains, be it further enacted, That the said Commissioners (if there shall be more Creditors than One) shall cause the Number or Numbers of all Assignments or Securities granted, in case more than the Sum of One hundred Pounds shall be lent and advanced upon any such Assignment or Security as aforesaid, and then in force for securing the Principal Monies lent and advanced on the Credit of the said Rates, Taxes, Lots, or Wains, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, each Piece of Paper to contain only one Number in respect of every One hundred Pounds so borrowed as aforesaid, and all such Papers shall be

[*Loc. & Per.*]

117

rolled

Power of transferring Assignments and Annuities in a prescribed Form.

Copy of Assignment, &c. to be entered in a Book for Inspection.

Provision for Payment of the Creditors by Ballot.

rolled up in the same Form, as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel, by the Clerk to the said Commissioners; and after every such Ballot, the said Commissioners shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off, either in full or part Payment of their respective Assignments or Securities as aforesaid, pursuant to such Ballot; and where there is only One Creditor, to give Six Calendar Months Notice to such Creditor of the Intention of the said Commissioners to pay him or her as aforesaid, and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notices as aforesaid; and the Interest of the Principal Money to be so paid off, shall, from and after the Day so specified, cease and be no longer paid or payable, unless such 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 Day so specified, shall nevertheless be payable on Demand; but nothing herein contained shall extend or be construed to extend to require the said Commissioners to pay off and discharge any Monies lent on the Credit of the said Rates, Taxes, Lots, and Wains, by way of Annuity, until all other the Creditors on the said Rates, Taxes, Lots, and Wains, shall be paid off and discharged, and the several Parties so lending Money by way of Annuity, shall agree to accept the Sum or Sums of Money offered by the said Commissioners for the Re-purchase of such his, her, or their Annuity or Annuities.

Power to borrow Money at lower Interest, to discharge Securities at higher Rate.

VI. Provided always, 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 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, Taxes, Lots, and Wains, in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations therein prescribed for paying off Assignments or Securities.

Commissioners authorized by their Clerk to inspect Books of Rates of all Parishes within their Limits.

VII. And whereas great Difficulty has arisen to the Commissioners of Sewers for the Limits aforesaid, in laying an equal Rate from Time to Time upon the several Inhabitants within the Limits of the said Commissions, occasioned by their not being authorized, under any of the Statutes now in force concerning Sewers, to call for and inspect the Pools Rates of the several Parishes within the Limits aforesaid; be it therefore further enacted, That it shall be lawful for the said Commissioners of Sewers for the Limits aforesaid from Time to Time, as the said Commissioners shall see Occasion, by an Order in Writing, to direct the Clerk for the Time being of the said Commissioners, or any other Person on their Behalf, to inspect and take a Copy of the last Rate or Assessment for the Relief of the Poor of any Parish or Parishes within the Jurisdiction of the said Commissioners of Sewers, and on Production of such Order, by the Clerk of the said Commissioners or other Person as aforesaid, to the Vestry Clerk or other Person

Person entrusted with the Custody of the several Rates aforesaid, such Vestry Clerk, or other Person entrusted with the Custody of the said Rates of every such Parish, shall produce the same forthwith to the said Clerk of the said Commissioners, and permit him to inspect and take a Copy thereof from Time to Time; or otherwise shall furnish, with all convenient Speed, to the Clerk of the said Commissioners for the Time being, a true Copy of the Book of Rates of such Parish or Parishes as aforesaid, on being paid for the same such Fees as are directed by an Act of the Seventeenth Year of King George the Second, intituled *An Act to oblige Overseers of the Poor to give publick Notice of Rates made for the Relief of the Poor*, and to produce the same, in order to enable the said Commissioners of Sewers to lay an equal Rate or Assessment on the several Inhabitants within the Limits of the said Commissions, or any Portion thereof.

VIII. And be it further enacted, That when any Distress shall be made for any Sum of Money, to be levied by virtue of the said recited Acts, or this Act, or any of them, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be considered a Trespasser or Trespassers on Account of any Default or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or in any other Proceeding relating thereto, nor shall the said Party or Parties distraining be considered a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall afterwards happen to be committed by the Party or Parties so distraining; but the Person, or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage which he, she, or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass, or on the Case.

Distress not  
unlawful for  
Want of  
Form,

IX. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of the said recited Acts or this Act, or any of them, unless Notice in Writing shall have been given to the Defendant or Defendants; Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, 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, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and Judgement, shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not  
to recover  
without No-  
tice, or after  
Tender of  
Amends.

X. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said recited Acts or this Act, or any of them, after the Expiration of Six Calendar Months next after the Fact committed; and every such Action shall be brought and tried in the County of *Middlesex*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-eight Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time

Limitation  
of Actions.

limited for bringing the same as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and if upon such Verdict the Plaintiff or Plaintiffs shall be nonsuited, or discontinued his, her, or their Action or Suit after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and shall have such Remedy for Recovery of the same, as any Defendant hath for Costs of Suit in other Cases by Law.

Former Acts  
to remain in  
force.

XI. And be it further enacted, That the said recited Acts, and all the Powers, Authorities, Provisions, Clauses, Matters, and Things therein contained, shall remain and be in force as fully and effectually in all Respects, and to all Intents and Purposes, as if the same were repeated and re-enacted in this present Act, except only as the same are hereby varied or altered.

Costs and  
Charges of  
Act.

XII. And be it further enacted, That all Costs, Charges, and Expences of obtaining and passing this Act, and of carrying the same into Execution, (except as herein otherwise provided for,) shall be paid out of the Rates, Taxes, Lots, and Wains, to be levied, collected or let, by virtue of the said recited Acts, or some or One of them.

Publick Act.

XIII. 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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The SCHEDULE to which this Act refers;

So far as relates to the Premises in Greek Street, Soho.

A CAPITAL Messuage or Tenement, with the Stables, Coach-houses, Outbuildings, and Appurtenances, situate on the South Side of Soho Square, and at the North End and on the East Side of Greek Street, in the Parish of Saint Ann, in the Liberty of Westminster, and County of Middlesex.

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The SCHEDULE to which this Act refers,

So far as relates to the Premises in Carlisle Street, Soho.

A MESSUAGE or Tenement, with the Appurtenances, situate on the North Side of Carlisle Street, in the Parish of Saint Ann, Westminster, aforesaid, lately in the Occupation of the said Commissioners of Sewers.