



ANNO SEXTO

# GEORGIIV REGIS.

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## *Cap. cxxxiv.*

An Act for paving, draining, cleansing, lighting, watching, and improving the Streets and public Places which are or shall be made upon certain Grounds in the Parishes of *Saint Margaret* and *Saint John the Evangelist* in the City of *Westminster*, commonly called *Tothill Fields*.

[10th June 1825.]

**W**HEREAS the Dean and Chapter of the Collegiate Church of *Saint Peter Westminster* are seised of or entitled to Grounds situate in the several Parishes of *Saint Margaret* and *Saint John the Evangelist* in the City of *Westminster*, commonly called or known by the Name of *Tothill Fields*: And whereas several Streets, Roads, Ways, Passages, and Places have been made, laid out, and formed, and other Streets, Roads, Ways, Passages, and Places are intended to be formed on certain Parts of the said Grounds, and Houses and Buildings have been erected, and many more are in Progress on Parts of the said Grounds; and it would contribute to the Benefit and Security of the Persons who shall be Inhabitants of the said Streets and Places, and of Persons who shall have occasion to pass along the same, if proper Provision were made for paving, draining, and keeping in repair the said Streets and Places, and for cleansing, watering, lighting, and watching the same, and for pre-

[Local.]

43 U

venting

Trustees appointed.

venting Nuisances, Annoyances, and Encroachments therein; but as the same cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Alexander Copland, Henry Rowles, Andrew Mann, William Tart, Horatio Robson, Philip Palmer, Thomas Moorman, Alexander Copland the younger, John Wakeman Long, William Copland, John Houseman, James Wake*, or the Steward for the Time being of the Courts of the said Dean and Chapter, *John Henry Gell*, or the Receiver General for the Time being of the said Dean and Chapter, *George Giles Vincent*, or the Chapter Clerk for the Time being of the said Dean and Chapter, and *Henry Hake Seward*, or the Surveyor of Houses for the Time being of the said Dean and Chapter, *Richard White, Thomas Maude, Joseph Bennett, George Henry Malme, James Watts, John Elliot, William Stephenson, and Thomas Green*, and their Successors, to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Trustees for carrying this Act into execution, and shall be called "The Trustees of *Tothill Fields*."

Limits of this Act.

II. And be it further enacted, That the Jurisdiction, Power, and Authority of the Trustees for carrying this Act into execution, and all Regulations, Enactments, and Provisions in this Act contained, shall extend over and apply to all Lands, Grounds, Houses, and Buildings, and to all Streets, Roads, Ways, Passages, Courts, and Places whatsoever, already made, laid out, and formed, or hereafter to be made, laid out, and formed, comprised within a Line commencing on the West Side of a Dwelling House and Grounds belonging to Earl *Grosvenor*, and now in the Occupation of Mr. *James Watts*, and from thence proceeding in a Southerly Direction along the open Sewer called *The Open Sewer of Tothill Fields*, where the said Sewer separates *Tothill Fields* from Lands belonging to the said Earl *Grosvenor*, and from Lands belonging to His Majesty in right of His Crown, and then turning towards the West, crossing the *Vauxhall Bridge Road*, following the said open Sewer where the same separates the said Fields from other Lands belonging to His said Majesty, and from Lands belonging to *John White* Esquire, then turning towards the North, also following the said open Sewer where the same separates the said Fields from other Lands belonging to the said *John White*, and from Lands belonging to the Reverend *Christopher Wise*, then re-crossing the said *Vauxhall Bridge Road*, and continuing Northward down a Street or Place called *Willow Street*, also along the Line of the said open Sewer where the same separates other Parts of the said Fields from Lands belonging partly to *Peter Barlow* Esquire, partly to Mr. *Andrew Mann*, and partly to *John Elliot* Esquire, then continuing round towards the East, following the Boundary Line of the said Fields next Lands belonging to the said *John Elliot*, and Lands belonging to or in the Occupation of *Francis Wilcox*, then turning in a South-easterly Direction down *Green Coat Place*, then turning to the North-east by a Right Angle down the open Passage leading from *Green Coat Place* along the South-east Side of the *Green Coat Hospital* to the Entrance of the Prison known by the Name of *The Tothill Fields*

*Fields Bridewell*, then following the Wall of the said Prison to a Point exactly opposite to the Centre of that Part of the *Horseferry Road*, which there runs towards the South-east nearly by a Right Angle; thence proceeding up the Middle of the said Road in a direct Line to the Wall in front of the *Grey Coat Hospital*, thence running West along the Wall of the said Hospital, then turning South along the Line which separates the Grounds belonging to the said Hospital from Grounds leased by the said Dean and Chapter of *Westminster* to the Representatives of the late *Henry Lewer*, then turning West into *Grey Coat Street*, and from this Point in *Grey Coat Street* running South along the Line which separates the Lands leased by the said Dean and Chapter of *Westminster* to *Henry Rowles* Esquire, from other Lands belonging to the said Dean and Chapter leased to *Peter Taylor* and the said *Francis Wilcox* respectively, and from Freehold Lands belonging to *Paul Storr* Esquire; then turning to the North-east following the Line which separates the Lands leased by the said Dean and Chapter to the said *Henry Rowles* from other Parts of the said Freehold Lands belonging to the said *Paul Storr*, thence turning Northward along the Line of *Regent Street* up and home to the *Horseferry Road*, and thence running East along the Line of the said Road up and home to the said West Side of the Dwelling House in the Occupation of the said *James Watts*, and so ending where this Description first began.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to include or comprise within the Jurisdiction, Power, or Authority of the Trustees for carrying this Act into execution, all or any of the Houses or Buildings anciently and now called *Rochester Row*, which do at present abut upon that Part of the North-west Side of the Highway or Street leading from the *Horseferry Road* to the *Vauxhall Bridge Road*, which is situate between the *Horseferry Road* aforesaid and the Hospital belonging to His Majesty's First or Grenadier Regiment of Foot Guards, inclusive of such Hospital with its Appurtenances, or all or any Part of the Footway or Carriageway in front of the said Houses, Hospital, and Buildings respectively, which is at present paved under the Provisions of an Act of Parliament of the Twenty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending the Pavement in and for lighting some of the Streets, Lanes, Ways, and Places in the Parishes of Saint Margaret and Saint John the Evangelist, Westminster, which are at present excluded from the Provisions of an Act passed in the Eleventh Year of His present Majesty, intituled 'An Act to amend and render more effectual several Acts made relating to paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places within the City and Liberty of Westminster and Parts adjacent,' and for preventing Nuisances and Annoyances in or near the same; and for making an Opening from Orchard Street, and widening some Part of Wood Street and of Little Peter Street; but that all and every the said Houses, Hospital, and Buildings respectively, and also all such Parts of the Footway and Carriageway in front thereof respectively as are at present paved as aforesaid, shall be completely and entirely exempted from all the Enactments and Provisions in this Act contained, any thing*

Act not to extend to Rochester Row.

22 G. 3. c. 44.

thing in this Act to the contrary notwithstanding: Provided also, that all other Parts of the said Highway or Street leading from the *Horseferry Road* to the *Vauxhall Bridge Road* shall be paved, and for ever hereafter maintained, by the Trustees for carrying this Act into execution, so as to form, with that Part of the said Highway or Street which is at present paved as aforesaid, one open uniform public Highway or Street, with a regular and uniform paved Footway on each Side thereof.

Trustees to  
be sworn.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, until he shall have taken an Oath, or, being a Quaker, an Affirmation, to the following Effect; (that is to say,)

Oath.

‘ I *A.B.* do swear [*or affirm*], That I will truly and faithfully, impartially and honestly, according to the best of my Skill and Knowledge, execute the several Trusts, Powers, and Authorities reposed in me, and judge and determine all Matters and Things which shall be brought before me as a Trustee of *Tothill Fields*, without Favour or Affection. So help me GOD.’

[*Or being a Quaker, omit the Words ‘So help me God.’*]

Which Oath or Affirmation it shall be lawful for any of the Trustees for the Time being to administer.

Regulations  
of Meetings  
of Trustees.

V. And be it further enacted, That the said Trustees appointed by this Act, or any Three or more of them, shall meet at the House known by the Name of *The Regent’s Arms* in *Regent Street, Tothill Fields*, on the *Third Monday* in the next Month after the passing of this Act, between the Hours of Twelve of the Clock at Noon and Two of the Clock in the Afternoon, and proceed to put this Act in execution, and shall 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 Trustees appointed or to be appointed by virtue of this Act to act in the Execution of the same, any One of the said Trustees present may adjourn the Meeting to another Day; and in case of any Neglect or Omission to adjourn to a future Day, any Three of the said Trustees or their Clerk may call a Meeting at the Place where the last Meeting was appointed to be held or was held, by Notice or Summons to be delivered at the usual Places of Abode of all such Trustees at least Four Days before such Meetings; and at all Meetings to be held in pursuance of this Act the Trustees shall defray their own Expenses (except for the Use of the Room or Apartment where such Meeting shall be held, which shall be paid out of the Monies to be received by virtue of this Act); and no Act of the said Trustees shall be valid unless made or done at some Meeting to be held by virtue of this Act (except the calling of Meetings as aforesaid); and all the Powers and Authorities by this Act granted to or vested in the Trustees 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 Meetings to be holden as aforesaid, the Number of Trustees present at any such Meeting  
not

not being less than Five for the Purpose of borrowing Money, granting Annuities, or making Contracts, and not being less than Three in any other Case (unless 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: Provided nevertheless, that it shall be lawful for the Trustees 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 have been adjourned, so that such Meeting shall be required by Three or more of the said Trustees, 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 Trustees, and specify the Cause or Causes of such Special Meeting.

Special Meetings may be held.

VI. And be it further enacted, That no Order made by the said Trustees appointed or to be appointed by virtue of this Act shall be revoked or altered, unless at some Special Meeting to be required as aforesaid (of which Seven Days Notice shall be given as last aforesaid, expressing the Occasion of such Meeting), at which a greater Number of Trustees shall attend than were present when such Order was made.

Restrictions as to revoking Orders.

VII. And be it further enacted, That all Acts, Orders, and Proceedings of the said Trustees at any of their Meetings shall be entered in a Book or Books to be kept by their Clerk or Clerks for the Time being for that Purpose, and shall be signed by the Chairmen of such Meetings respectively; and all such Acts, Orders, and Proceedings shall then be deemed and taken to be original Acts, Orders, and Proceedings, and such Book or Books shall and may be produced and read as Evidence of all such Acts, Orders, and Proceedings upon any Appeal or Trial or Information, or any Proceeding, Civil or Criminal, and in any Court or Courts of Law or Equity whatsoever.

Proceedings at Meetings to be entered in Books, which shall be good Evidence.

VIII. And be it further enacted, That when and so often as any of the Trustees herein-before appointed or to be appointed under or by virtue of this Act shall die, or refuse or neglect to act, or become incapable of acting for the Space of Two Years, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, assembled at their next or any subsequent Meeting (the intended Election of a new Trustee or Trustees being expressed in the Notice or Summons for such Meeting), by Writing under their Hands and Seals to appoint one other Person to be a Trustee in the Room of every such Trustee dying, refusing, neglecting, or becoming incapable to act as aforesaid; and every Trustee so from Time to Time to be elected and appointed as lastly herein-before directed is hereby invested with the same Powers and Authorities as if he had been one of the Trustees named in this Act; and no Person who shall neglect to act for the Space of Two Years shall after that Time be capable of

Appointment of new Trustees.

[Local.]

43 X

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acting as a Trustee, unless he shall be re-elected and appointed at any Special or General Meeting by the remaining Trustees, or any Five or more of them.

Qualifica-  
tions.

IX. Provided always, and be it further enacted, That no Person (other than the said Officers of the said Dean and Chapter) shall act as a Trustee in the Execution of this Act unless, if an Inhabitant Householder residing within the Limits of this Act, he be either in his own Right or in the Right of his Wife in the actual Possession or 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 Fifty Pounds, and also assessed to the Rates hereby directed to be made for the Purposes of this Act at the Rate of Thirty-five Pounds *per Annum* or upwards, or be an Occupier or Lessee of some House, Building, Tenement, or Land within such Limits rated or liable to be rated by virtue of or for the Purposes of this Act at or for the clear yearly Value of Fifty Pounds, and possessed of a Personal Estate of the Value of One thousand Pounds over and above what will satisfy his just Debts; or, if resident out of the said Limits, he be either in his own Right or in the Right of his Wife possessed of an actual Interest, either Freehold, Leasehold, or by way of Mortgage, in Lands, Tenements, or Hereditaments within the said Limits of the clear yearly Value of One hundred Pounds, or be possessed of a Personal Estate of the Value of Five thousand Pounds over and above what will satisfy his just Debts, and until he shall have taken and subscribed the Oath hereinbefore directed, and also the following Oath or Affirmation, which any Trustee herein-before appointed, or any Trustee hereafter to be appointed, is hereby empowered to administer; (that is to say,)

‘ I do swear [*or affirm*], That I am an In-  
 ‘ habitant Householder within the Limits of an Act passed in the  
 ‘ Sixth Year of the Reign of King George the Fourth, intituled [*here*  
 ‘ *set forth the Title of the Act*], and am in my own Right [*or in the*  
 ‘ Right of my Wife] in the actual Possession and Enjoyment or Re-  
 ‘ ceipt of the Rents and Profits of some Building, Land, Tenement, or  
 ‘ Hereditament situate and being within the Limits of the said Act  
 ‘ of the clear yearly Value of Fifty Pounds at the least, and assessed  
 ‘ to the Rates to or for the Purposes of the said Act at the Rate of  
 ‘ Thirty-five Pounds per Annum or upwards; *or*, that I am an Occu-  
 ‘ pier or Occupier and Lessee of some Building, House, Tenement,  
 ‘ or Land rated or liable to be rated by virtue of or for the Purposes  
 ‘ and within the Limits of the said Act at or for the clear yearly  
 ‘ Value of Fifty Pounds at the least, and possessed of a Personal  
 ‘ Estate of the Value of One thousand Pounds over and above what  
 ‘ will satisfy my just Debts; *or*, that I am not resident within the said  
 ‘ Limits, but that I am possessed in my own Right [*or in the Right*  
 ‘ of my Wife] of an actual Interest in Lands, Tenements, or Here-  
 ‘ ditaments within the said Limits of the clear yearly Value of  
 ‘ One hundred Pounds; *or*, that I am possessed of a Personal Estate  
 ‘ of the Value of Five thousand Pounds over and above what will  
 ‘ satisfy my just Debts. So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

And

And if any Person (other than as aforesaid) not being qualified as aforesaid, or not having taken and subscribed the Oaths herein-before mentioned, or holding any Place or Office of Profit, or being 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 Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, and not more than One Impar lance, shall be allowed; and the Person so sued shall prove that he was at the Time of acting 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 the Case may happen), 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 Trustee in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid previously to his or their being convicted of the said Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Trustee or Trustees according to the Directions of this Act.

Acts of Trustees good before Conviction.

X. And be it further enacted, That every Trustee appointed or to be appointed as aforesaid (except the said Officers of the said Dean and Chapter) shall at the first General Meeting in *January* or *February* in each and every Year, or at the first Meeting that such Trustee shall attend in that Year subsequent to such first Meeting, take and subscribe the Oaths or Affirmations herein directed to be taken and subscribed, which Oaths or Affirmations any One or more of the said Trustees are hereby empowered to administer; and no such Trustee (except as aforesaid) shall presume to act until he shall have taken and subscribed such Oaths or Affirmations respectively.

Trustees to take Oaths annually.

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

Trustees to appoint Officers.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or the Clerk or other Person in the Service or Employ of the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed

Clerk restrained from acting as Treasurer and vice versa.

appointed Treasurer, or the Partner or Clerk or any Person in the Service or Employ of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act; or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner or Clerk or other Person in the Service or Employ of any such Treasurer, or being the Clerk or other Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

Security to  
be taken  
from Treas-  
urer and  
Collectors.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby required to take Security from the Treasurer, and also from all and every Collectors or Collector to be appointed by virtue of this Act, for the due Execution of their respective Offices of Treasurer and Collector, according to the true Intent and Meaning of this Act, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Treasurer and Collectors respectively at any one Time; and in case any such Treasurer or Collector shall neglect or refuse, for the Space of Six Weeks next after his Appointment, to give or offer such Security to the Satisfaction of the said Trustees, then the Appointment of every such Person so neglecting or refusing shall be null and void to all Intents and Purposes, and the said Trustees shall within Six Weeks then next assemble and appoint some other fit and proper Person to the Office of Treasurer or Collector (as the Case may be), instead of the Person so refusing or neglecting as aforesaid, and shall so assemble and appoint from Time to Time until Security shall be given to their Satisfaction as aforesaid, and also in all Cases of Vacancies happening by Death or otherwise in either of the aforesaid Offices shall fill up the same as often as Occasion shall require.

Treasurer,  
Collector,  
Clerk, and  
Officers to  
account.

XIV. And be it further enacted, That every such Treasurer, Clerk, Collector, and other Officer appointed by virtue of this Act shall, under his respective Hand, and at such Time or Times and in such Manner as the said Trustees direct, deliver to the said Trustees, or such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such Officer received by virtue or for the Purposes of this Act, and how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and also a List of the Names of all such Persons who shall have neglected or refused to pay their respective Rates, and of the Monies due from them respectively, and shall pay all such Monies as shall remain due  
from



from him to the Treasurer for the Time being, or to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Treasurer, Clerk, or Collector, Officer, or other Person, shall refuse or neglect to make and render such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Three Days after being thereunto required by the said Trustees, by Notice in Writing under the Hands and Seals of any Three or more of the said Trustees, given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Trustees, or such other Person or Persons as aforesaid, respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons under his Hand and Seal for the Officer so refusing or neglecting to appear before such Justice, and upon the said Officer appearing, or having been so summoned and not appearing, without some sufficient or reasonable Excuse, or not being found, it shall be lawful for the said Justice to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice that any Monies remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment 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 Officer; and if no Goods or Chattels of such Officer shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer had refused or wilfully neglected to render and give such Accounts, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Officer, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in any or every such Case such Justice shall and he is hereby required to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof, to the said Trustees, or to such other Person or Persons as aforesaid; but no such Offender shall be kept or detained in such Common

Gaol or House of Correction for Want of sufficient Distress, by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Commitment of Offender not to discharge his Sureties.

XV. And be it further enacted, That no Prosecution or Commitment under the Provisions of this Act of any Treasurer, Clerk, Collector, or other Officer or Person to be appointed under the Powers of this Act shall acquit or discharge any Surety or Security that shall or may have been taken by or given to the said Trustees for the due and faithful Execution of his or their Office, or the Payment of the Monies received or to be received by him or them respectively.

Collector not to retain above 100*l.* at one Time.

XVI. And be it further enacted, That if any Collector to be appointed as aforesaid shall at any Time keep or retain in his Hands more than the Sum of One hundred Pounds for any longer Space of Time than Two Days (provided that the Treasurer for the Time being shall within that Time be ready to receive the same), he shall forfeit and pay a Sum not exceeding Five Pounds for every Day that he shall retain any Sum exceeding the same Sum of One hundred Pounds beyond the said Two Days.

Officers taking any Fee or Reward besides the Salary or Fees appointed, to forfeit 50*l.*

XVII. And be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Collector, or any other Officer or Servant who shall be in anywise employed by the said Trustees for putting this Act or any of the Powers thereof in execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, and Rewards as are appointed by this Act, or shall be appointed, allowed, and approved of by the said Trustees, for or on account of anything done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act in execution, or shall in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Trustees, every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall over and above forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same.

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

XVIII. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks for the Time being, or in the Name of any One of the Trustees; and all Actions or Suits that may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name or Names of their Clerk or Clerks, or in the Name of any One of the said Trustees; and no Action or Suit which may be brought, commenced, or prosecuted by or against the said Trustees, or any of them, by virtue or on account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk or Clerks, or by the Death of such Trustee, or by any Act or Default of such Clerk or Clerks done or suffered without the Consent or Direction of the said Trustees, but the Clerk or Clerks to the said Trustees for the Time being, or such Trustee, shall be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action or Suit, as the Case may be, except such Action or  
Actions

Actions as shall be prosecuted between the said Trustees and their Clerk or Clerks for the Time being: Provided also, that in all Cases in which the Clerk or Clerks for the Time being, or any One such Trustee as aforesaid, shall, in pursuance of this Act, be the Plaintiff or Plaintiffs, Defendant or Defendants, on the Record in any Action or Actions, Suit or Suits, in which in effect the said Trustees shall be suing or sued in the Name of such Clerk or Clerks, or of such One Trustee as aforesaid, the said Clerk or Clerks for the Time being, or such One Trustee as aforesaid, (although appearing as the Plaintiff or Plaintiffs, Defendant or Defendants, on the Record,) may and shall nevertheless (if not otherwise interested or objectionable) be a good, examinable, and competent Witness in every Action or Suit either for or against the said Trustees; and all Affidavits of Debt or Service which may be necessary or expedient to be made preparatory to or in the Prosecution or Defence of any and every such Action, Suit, or Proceeding shall and may be lawfully made by such Clerk or Clerks, or such One Trustee, (as the Case may be,) notwithstanding he or they shall be nominal Plaintiff or Plaintiffs, Defendant or Defendants, on the Record as aforesaid: Provided also, that every such Clerk or Clerks or Trustee in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expenses as he or they shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Defendant or Defendants therein, and shall not be personally answerable or liable for the Payment of the same, or any Part of them, unless such Action or Suit shall arise in consequence of his or their own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Direction of the said Trustees.

Clerk to be  
a competent  
Witness.

Clerk to be  
indemnified.

XIX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees and every Creditor on the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made, or otherwise affected thereby, without Fee or Reward; and the said Trustees, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying anything for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Accounts to  
be kept.

XX. And

Accounts to  
be made out  
annually.

XX. And be it further enacted, That in the Month of *February* in every Year a true Account shall be made in Writing of all Monies received and paid by virtue of this Act during the preceding Year, ending upon the Thirty-first Day of *December* in every Year, and a Copy or Duplicate of such Account shall be deposited with the Clerk of the said Trustees, and shall be open to the Inspection of all Persons interested.

Committees  
may be  
appointed.

XXI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time, at any General Meeting, to appoint any Five or more of the said Trustees to be a Committee or Committees for superintending the making of any Rate or Rates, or for ascertaining the Value of Property to be rated, or for executing or superintending the Execution of any Works, Proceedings, or Matters relating to the Execution of this Act; and every such Committee shall or may be altered, removed, or discontinued when and as the Trustees for executing this Act at any General Meeting shall from Time to Time order or direct, but no such Committee shall continue to act for any longer Space of Time than Six Calendar Months from the Time of their Appointment, unless such Committee shall be re-appointed by the said Trustees at a General Meeting to be held at the Expiration of that Period; provided always, that any Three of the Members of any such Committee shall be sufficient to act at the Meetings of such Committee; and at all Meetings of any such Committee one of the Members present shall be appointed Chairman, and all Questions, Matters, and Things which shall be proposed, discussed, or considered at any such Meeting shall be decided by the Majority then present, except in Cases where there shall be an Equality of Votes, when the Chairman (in addition to his own Vote as a Member of such Committee) shall have a casting Vote; and every such Committee shall report their Proceedings from Time to Time to the Trustees for executing this Act, as the said Trustees shall from Time to Time order and direct.

Repeal of  
certain Local  
Acts affecting  
Westminster.

9 G. 2. c. 17.

14 G. 3. c. 90.

2 G. 3. c. 21.

XXII. And be it further enacted, That from and after the passing of this Act an Act of Parliament passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better regulating the Nightly Watch and Bedels within the Parishes of Saint Margaret and Saint John the Evangelist within the City and Liberty of Westminster*; and also an Act of Parliament passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the Nightly Watch and Beadles within the City and Liberty of Westminster and Parts adjacent, and for other Purposes therein mentioned*; and also an Act of Parliament passed in the Second Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for paving, cleansing, and lighting the Squares, Streets, and Lanes within the City and Liberty of Westminster, the Parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that Part of the Parish of Saint Andrew Holborn which lies in the County of Middlesex, the several Liberties of the Rolls and Savoy, and that Part of the Duchy of Lancaster which lies in the County of Middlesex, and for preventing Annoyances therein, and for other Purposes therein mentioned*; and also an Act of Parliament passed in the Third Year of the Reign of His said

late Majesty King George the Third, intituled *An Act to explain, amend, and render more effectual an Act made in the last Session of Parliament, intituled 'An Act for paving, cleansing, and lighting the Squares, Streets, and Lanes within the City and Liberty of Westminster, the Parishes of Saint Giles in the Fields, Saint George the Martyr, Saint George Bloomsbury, that Part of the Parish of Saint Andrew Holborn which lies in the County of Middlesex, the several Liberties of the Rolls and Savoy, and that Part of the Duchy of Lancaster which lies in the County of Middlesex; and for preventing Annoyances therein, and for other Purposes therein mentioned;*' and also an Act of Parliament passed in the Fourth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to explain, amend, and render more effectual Two several Acts of Parliament, made in the Second and Third Years of His present Majesty, for paving, cleansing, and lighting the Squares, Streets, and Lanes within the City and Liberty of Westminster, and other Places therein mentioned, and for preventing Annoyances therein, and for other Purposes therein mentioned;* and also an Act of Parliament passed in the Fifth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to enlarge the Powers of and to render more effectual the several Acts passed in the Second, Third, and Fourth Years of His present Majesty's Reign, for paving, cleansing, lighting, and otherwise regulating the Squares, Streets, and other Places within the City and Liberty of Westminster, and other Parts in the said Acts mentioned; and for extending the Provisions of the said Acts to the Surrey Side of Westminster Bridge, and for enlarging the Powers of the said Acts with respect to Squares;* and also an Act of Parliament passed in the Eleventh Year of the Reign of His said late Majesty King George the Third, intituled *An Act to amend and render more effectual several Acts made relating to paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places within the City and Liberty of Westminster and Parts adjacent;* and also an Act of Parliament passed in the Twenty-second Year of the Reign of His said late Majesty King George the Third, intituled *An Act for amending the Pavement in and for lighting some of the Streets, Lanes, Ways, and Places in the Parishes of Saint Margaret and Saint John the Evangelist in Westminster, which are at present excluded from the Provisions of an Act passed in the Eleventh Year of His present Majesty, intituled 'An Act to amend and render more effectual several Acts made relating to paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places within the City and Liberty of Westminster and Parts adjacent,' and for preventing Nuisances and Annoyances in or near the same; and for making an Opening from Orchard Street, and widening some Part of Wood Street and of Little Peter Street;* and also an Act of Parliament passed in the Thirtieth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to alter, explain, amend, and render more effectual several Acts made for paving, cleansing, and lighting the Squares, Streets, Lanes, and other Places within the City and Liberty of Westminster and Parts adjacent; and for putting certain Streets therein mentioned, commonly called Optional Streets, under the Management of Parochial Committees, subject to the Control of the Commissioners appointed by or in pursuance of the said several Acts; and for removing and preventing Nuisances, Annoyances, Obstructions, and*

*Encroachments in the said Streets and other Places, and for other Purposes*; so far as the said Acts of Parliament respectively do in anywise relate to or concern the paving, repairing, cleansing, lighting, or watching the several Streets and Places within the Limits or Operation of this Act, or any of them, or any Part or Parts thereof, or the removing or preventing Nuisances, Annoyances, and Obstructions therein, and also every other Act of Parliament and Enactment now in force, which doth in anywise relate to or concern the paving, repairing, cleansing, lighting, or watching the several Streets and Places within the Limits or Operation of this Act, or any of them, or any Part or Parts thereof, so far as the same Acts and Enactments respectively do in anywise relate to or concern the several Streets and Places within the Limits or Operation of this Act, or any of them, or any Part or Parts thereof, other than and except an Act of Parliament passed in the Fifty-seventh Year of the Reign of His said late Majesty King George the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, shall be and the same are hereby repealed save and except only so far as the same may have repealed any prior Act or Enactment.

57 G. 3. c. 29.

To form  
Footways and  
Carriageways  
and keep the  
present and  
new Foot and  
Carriage  
Ways in  
repair;

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time to form or cause to be formed the Footways and Carriageways within the Limits of this Act upon such Levels and in such Manner as they shall think proper, and also to cause as well the Footways next the Turnpike Road, and other Streets and Roads not within the Limits of this Act, on the Side of which Houses and Buildings within the Limits of this Act are or shall be erected, as the Footways of all other Streets, Roads, and other public Places made and set out or to be made and set out within the Limits of this Act, to be properly paved or made sound with Gravel or other Materials, and to cause the Carriageways within the Limits of this Act to be paved, or the Channels thereof paved, or the Whole or the Remainder thereof to be made sound with Gravel or other Materials, as they shall judge proper, and to cause as well the Footways and Carriageways within the Limits aforesaid, already formed and paved or made good, as the Footways and Carriageways to be formed or paved or made sound as aforesaid, to be from Time to Time amended and kept in good Repair; and to cause such Sewers, Drains, Cesspools, Gutters, Gullyholes, Watercourses, and Vaults (with the Consent of the Commissioners of Sewers) to be dug and made for conveying the Water and Soil from the said Streets, Roads, and public Places, and the Houses, Buildings, and Tenements within the Limits of this Act, in, along, under, or across any of the said Roads, Streets, or Places, in such Manner and according to such Dimensions as the Commissioners of Sewers for the Time being shall direct; and also to cause the said Roads, Streets, and other public Places to be cleansed, watered, lighted, and watched, in such Manner as they shall think proper.

and make  
Sewers and  
Drains.

No Person to  
alter Foot or  
Carriage

XXIV. And be it further enacted, That no Person shall, without the Consent of the said Trustees, alter the Form, or damage, break,  
or

or take up the Ground or Pavement of the Carriage or Foot Ways, or the Gravel or any Materials thereof, within any of the Roads, Streets, and other public Places, or make the same otherwise than as shall be directed by the said Trustees, nor shall any Person without such Consent, except the Commissioners of Sewers or Persons acting under their Authority, and also except any Water Company or Companies, alter any Sewer or Drain running into any Sewer or Drain made by virtue of this Act, or branch or make any Drain running out of such Sewer or Drain, upon pain of forfeiting any Sum not exceeding Ten Pounds for every Offence; and every such Person so offending shall also pay all the Expenses of restoring such Ground or Pavement to their former State.

Ways or  
make Drains  
without the  
Consent of  
the Trustees.

XXV. And whereas Drains or Sewers have been and may be made on certain Parts of the said Streets, Roads, and Places within the Limits of this Act, and certain Parts have been and may be paved by Persons at their own Expense, for which it is reasonable some Allowance should be made: Be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from and out of any Monies to be received by virtue of this Act, to make and pay to such Persons respectively such Payments or Allowances for or in respect of such Sewers, Drains, Roads, and Pavements made or to be made by them as aforesaid, as shall be fair and reasonable; and in every Case where the said Trustees and any Person or Persons entitled to or claiming to be entitled to any such Payment or Allowance as aforesaid shall not forthwith settle, agree upon, and determine the same, it shall be lawful for the Person or Persons entitled to or claiming to be entitled to any such Payment or Allowance, or any Person or Persons on his, her, or their Behalf, to complain to any Two Justices of the Peace in and for the said City, Borough, or Town of *Westminster*, or in or for the said County of *Middlesex*, and such Justices are hereby authorized and required thereupon to summon before them the Clerk or Clerks for the Time being to the said Trustees, and to inquire into the Matter of such Complaint, and to ascertain and determine whether any and if any what Payment or Allowance ought to be made to the Person or Persons by whom or on whose Behalf the Complaint shall have been made; and the Decision of such Justices shall be final, binding, and conclusive upon all Parties; and in case the full Amount of any such Payment or Allowance, when ascertained and determined as aforesaid, shall not be paid within One Calendar Month next after the same shall have been so ascertained and determined, then the full Amount of such Payment or Allowance, so ascertained and determined as aforesaid, may be recovered by the Person or Persons by whom or on whose Behalf the Complaint shall have been made, his, her, or their Executors or Administrators, with full Costs of Suit, either by any Action or Actions in any Court of Law (in which Action or Actions no Essoign, Protection, or Wager of Law, and not more than One Imparlance, shall be allowed), or in the same Manner in which any Penalty or Forfeiture may be recovered by virtue of this Act.

Trustees may  
make Allow-  
ances to Per-  
sons drain-  
ing and pav-  
ing at their  
own Expense.

XXVI. And

Trustees may  
purchase or  
hire or rent  
Ground or  
Buildings.

XXVI. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered either to purchase, take, or hire any Piece or Pieces of Ground for the Purpose of digging Gravel for the better making or gravelling, or paving or repairing such Streets, Roads, and Places as aforesaid, and for the Purpose of depositing Materials thereon for or on account of such paving, gravelling, or repairing, or for breaking Stone for the same, or for or on account of Sewers or Drains, or for the Purpose of erecting a Committee Room or Place of Meeting, or a Watch House or Watch Houses thereon, or to rent or take a Lease for Years, or erect any Building or Buildings to be made use of as or for any 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, or for such Time as to them shall appear reasonable, which Sum or Sums of Money, yearly Rent and Rents, shall be respectively paid out of the Monies to arise by virtue of this Act, in such Place or Places as they may think proper; and likewise to buy or hire such Horses, Carts, Teams, Carriages, and Barges as may be necessary for the Purposes of carting or conveying such Gravel or Materials, or for cleansing or watering such Roads, Streets, and Places as aforesaid, or for any 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 Trustees shall in their Discretion think proper.

Trustees may  
water Streets  
and dig  
Wells.

XXVII. And be it further enacted, That the said Trustees shall and they are hereby authorized and empowered to cause all or any of the Roads, Streets, 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 Roads, Streets, or Places as they shall think necessary, and from Time to Time to alter and repair the same as there shall be Occasion, and also to defray the Expenses 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 made under, any of the said Roads, Streets, or other Places.

To cause  
Lamp Irons  
to be put  
up, Streets  
named, and  
Houses num-  
bered.

XXVIII. 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 or Lamp Posts, or other Posts, Chains, or Rails, to be put or fixed upon or against the Walls or Palisadoes of any Houses, Tenements, Buildings, or Inclosures (doing no Damage or Injury thereto), or to be put up and erected in such other Manner, within all or any of the said Roads, Streets, and Places within the Limits of this Act, as they shall think proper; and also to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed and put upon such Lamp Irons and Lamp Posts as they shall think necessary for lighting all or any of such Roads, Streets, and Places, and to cause the same to be lighted with Gas, Oil, or otherwise, for such Number of Hours in every Twenty-four Hours as they shall think necessary; and also to cause such a Number of Watch Houses  
or



or Watchboxes to be provided, erected, or affixed, as they shall think necessary for watching all or any of the Streets, Roads, and Places within the Limits of this Act; and also to cause the said Lamp Irons, Lamp Posts, and Watchboxes, and also the several Houses and other Buildings within the several Streets, Roads, and Places to be numbered; and also to cause to be affixed on a conspicuous Part of One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of such Streets, Roads, and Places respectively, the Names by which the same respectively are to be called or known, in such Manner as they shall judge most proper for distinguishing the same.

XXIX. And be it further enacted, That the Property of and in the Pavements of the Carriageways and Footways, and the Gravel or Materials to be brought or laid on the said Roads, Streets, and other Places, and of and in all the Lamps, Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Pumps, Wells, Posts, Chains, Pales, and Rails, in, about, or belonging to the said Roads, Streets, and Places within the Limits of this Act, or any of them, and of and in all the Iron, Timber, Stone, Bricks, and other Materials and Furniture and Things of, in, and belonging thereto (except when the same shall be otherwise regulated by Contracts with the said Trustees), shall be and the same are hereby vested in the said Trustees, and may be sold and disposed of from Time to Time as they shall think proper, and the Money arising by such Sale or Sales shall be applied towards the Purposes of this Act; and the said Trustees are hereby authorized and empowered to bring or cause to be brought any Action or Actions, in such Name or Names or Manner as herein-before is provided, or to prefer or order and direct the preferring of any Bill or Bills of Indictment against any Person or Persons who shall steal, take, or carry away (as the Case may be) all or any Part of such Pavements, Lamp Irons, Lamps, Lamp Posts, Watch-houses, Watchboxes, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Chains, Pales, Rails, and other Materials and Things as aforesaid; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of "The Trustees of *Tothill Fields*," without particularly stating or specifying the Name or Names of all or any of the said Trustees.

XXX. And be it further enacted, That if any Person shall wilfully break, throw down, spoil, or damage any Watch-house or Watch-box, or Lamp, Lamp Iron, Lamp Post, Pump, Pale, Rail, Chain, 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, it shall be lawful for any Person or Persons who shall see the Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to keep him, her, or them in safe Custody, and with all reasonable Despatch to convey him, her, or them before any Justice of the Peace for the

[*Local.*]

44 A

City,

Property of  
Carriage-  
ways, Mate-  
rials, Lamps,  
&c. vested in  
the Trustees.

Penalty for  
wilfully de-  
stroying or  
injuring  
Lamps, or  
defacing  
Numbers.

City, Borough, and Town of *Westminster* aforesaid, or County of *Middlesex*, and such Justice shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit or pay any Sum not exceeding Forty Shillings for every Lamp, Lamp Iron, or Lamp Post so broken, thrown down, or damaged, and shall also make full Satisfaction for the Damage which shall have been done thereby, not exceeding Five Pounds for any other such Offence as aforesaid, and shall also make full Satisfaction for the Damage which shall have been done thereby, and One Moiety of such Forfeiture shall be paid to the Person or Persons apprehending such Offender, and One Moiety shall be applied for the Purposes of this Act; and in case any such Offender shall not on Conviction pay the said Forfeiture and Satisfaction, such Justice is hereby required to commit him, her, or them to the House of Correction, there to be kept to hard Labour, if such Justice shall so order, for any Time not exceeding Three Calendar Months, unless such Forfeiture and Satisfaction shall be sooner paid.

How Persons  
accidentally  
breaking  
Lamps are to  
be dealt with.

XXXI. And be it further enacted, That if any Person shall carelessly or accidentally break any of the said Lamps, Lamp Posts, or Lamp Irons, or do any other such Damage or Injury as herein-before is mentioned, and shall not upon Demand make Satisfaction to the said Trustees for the Damage or Injury so done, it shall be lawful for any Justice of the Peace for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, upon any Complaint thereof made to him on Oath, to summon the Party complained of, and upon hearing the Parties on both Sides, or on the Nonappearance of the Party complained of, to examine the Matter of Complaint, and award such Sum of Money by way of Satisfaction to the said Trustees for such Damage as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, then the same, and all Expenses attending the Recovery thereof, may be levied and recovered as any Penalty or Forfeiture is by this Act directed to be levied and recovered in other Cases.

Power for  
the Trustees  
to contract  
for the Works  
directed to be  
done by the  
Act.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to enter into any Contract or Contracts with any Person or Persons, Company or Companies whatsoever, for paving, making, or repairing the Footways or Carriageways within the Limits of this Act, or of any of them, with Stone, Gravel, or other Materials, or for cleansing or for watering the said Streets, Roads, and Ways, and other Places, or any of them, or for taking away the Dirt, Dust, Cinders, and Ashes within the Limits of this Act, or for lighting the same Streets, Roads, and other Places, or any of them, or any Part thereof, either with Oil or with Gas, or with any other Material or in any other Manner whatsoever, or for furnishing Lamps, Lamp Irons, Lamp Posts, Mains, Pipes, Branches, Watchboxes, Posts, Chains, Pales, Rails, and other Things necessary for the Purposes aforesaid, or any Materials for the same, or for doing and performing all or any of the Works by this

Act

Act authorized or directed to be done and performed by them, or for supplying any of the Materials for the same, 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 Three or more of the said Trustees, 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 Trustees; but no Contract above the Value or Sum of Twenty Pounds shall be entered into unless 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 Intent 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 Trustees at a certain Time and Place in such Notice to be mentioned: Provided always, that if the said Trustees shall be of opinion that it will not be advantageous to contract with the Person or Persons offering the lowest Price, it shall be lawful for the said Trustees to contract with such other Person or Persons as they shall think proper.

XXXIII. And be it further enacted, That the said Trustees 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 Trustees 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 his signing of the said Contract or Contracts, or Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the said Trustees 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 Trustees (if they think fit) to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Trustees shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, and Expenses which shall be occasioned thereby; and it shall be lawful for the said Trustees to cancel or make void any Contract with any Person or Persons whomsoever, by mutual Consent, if they shall think proper.

Surveyors  
to inspect  
Works con-  
tracted for,

Trustees may  
compound  
for Penalties,

XXXIV. And be it further enacted, That all and every the Enactments, Provisions, Powers, and Authorities contained in an Act of the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for better paving, improving, and regulating*

Metropolis  
Paving Act  
of 57 G. 3.  
c. xxix. to  
extend to  
this Act.

*the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, which relate to or concern the Appointment of Surveyors of the Pavement in the several parochial and other Districts within the Jurisdiction of that Act, and for the speedy and effectual Reparation of imperfect Pavement in the Streets and public Places within the Jurisdiction of that Act, shall extend and apply to all Footways and Carriageways whatsoever within the Limits of this Act (whether paved in the ordinary Manner, or formed of broken Granite, Flint, Stone, or any other Material whatsoever,) which shall be or ought to be paved, repaired, amended, or kept in repair by the Trustees for putting this Act into execution, and that all other the Enactments, Provisions, Powers, and Authorities contained in the said Act of the Fifty-seventh Year of the Reign of His said late Majesty King *George* the Third shall also extend and apply to all the Streets and Places within the Limits of this Act, so and in such Manner that the Trustees for putting this Act into execution may from Time to Time and at all Times act under and upon all or any of the Enactments, Provisions, Powers, and Authorities in the said Act of the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, in the same Manner as the Commissioners, Trustees, or other Persons vested with the Control or Superintendance of the Pavement of the Streets and public Places in the several parochial or other Districts within the Jurisdiction of that Act may act under and upon the same, but subject and without Prejudice to the Restrictions and Limitations in this Act contained as to the Amount of the Rates to be assessed and imposed within the Limits and under the Authority of this Act.

Gas Pipes not to be laid on private Premises without Consent.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower any Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Trustees for lighting with Gas such Roads, Streets, and public Places, to carry or lay any Pipe or Pipes, Cocks or Branches from any Mains or Pipes, against, into, or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner and Owners, Occupier and Occupiers for the Time being of any such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively, nor to enable any Body or Bodies Politic or Corporate, or Person or Persons, contracting with the said Trustees for lighting such Streets and public Places, to enter into or upon any private Lands or Grounds without the Consent in Writing of the Owners and Occupiers of such Lands or Grounds for that Purpose had and obtained.

Owners of private Grounds may alter the Position of Gas Pipes.

XXXVI. Provided also, and be it further enacted, That in case the said Trustees shall at any Time hereafter permit the Soil, Pitching, or Pavement of any private Road or Way, for the Purpose of laying any Main or Pipe along, under, or across the same, to be broken up with the Consent of the Owner or Owners of the Soil for the Time being, and after the same shall have been so laid and placed such Owner or Owners shall be desirous of having the same removed, it shall be lawful for such Owner or Owners at any Time or Times thereafter,

after, if he, she, or they shall deem it necessary or expedient, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, Main or Mains, and to relay the same, so that no Damage be done thereby to the said Body or Bodies Politic or Corporate, or Person or Persons contracting with the said Trustees, and so that such Body or Bodies Politic or Corporate, or Person or Persons contracting with the said Trustees as aforesaid, be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

XXXVII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by Order of the said Trustees in pursuance of this Act, the Body or Bodies Politic or Corporate or Person or Persons whosoever making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, shall at their own Expense, immediately after receiving Notice by Parol or in Writing, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, from any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Body or Bodies Politic or Corporate or Person or Persons as aforesaid shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way on the Oath or Affirmation of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, and shall and may be recovered with all reasonable Charges by Distress and Sale of the Goods and Chattels of any such Body or Bodies Politic or Corporate or Person or Persons as aforesaid, by the Warrant of any Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act.

For stopping  
the Escape of  
Gas.

XXXVIII. And be it further enacted, That it shall be lawful for the Body or Bodies Politic or Corporate, or other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, to lay Iron Pipes of such Breadth, Depth, and Dimensions and in such Manner as they shall think expedient, under the Roads, Streets, and other public Places within the Limits of this Act, for the Purpose of carrying off the Washings or other waste Liquids which may arise in the Pro-

Power to  
convey  
Washings.

[Local.]

44 B

secution

secution of the Works aforesaid; the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, doing as little Damage as may be in laying the said Pipes, and immediately repairing at their own Expense all such Damage: Provided that no such Washings or other waste Liquids, or any other Matter or Thing made or arising in the Manufacture of such Gas, shall be conducted or conveyed into any River, Brook, or running Stream; and that no such Pipe shall be laid in any Situation where the same can, shall, or may in any Manner interfere with, prejudice, or affect any of the present or future public or private Wells, Sewers, or Drains within the Limits of this Act, or without the Consent of the said Trustees..

Penalty for conveying Washings into any River, &c.

XXXIX. And be it further enacted, That if any Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of the said Gas Works into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in every such Case any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered; together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance shall be allowed, and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be sued for or recovered), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any of them, or other Person or Persons making, furnishing,

furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, and the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Nuisance, Injury or Damage, Act or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

XL. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, or other Place within the Limits of this Act, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, for the Conveyance of Water, in, under, through, along, across, or round any of the said Roads, Streets, or other Places within the Limits of this Act, excepting in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes the said Contractors or other Persons supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds.

To prevent  
Escape of  
Gas and Con-  
tamination of  
Water.

XLI. And be it further enacted, That whenever the Water of any Company of Proprietors for supplying the Inhabitants of any Houses within the Limits of this Act with Water shall be contaminated by any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, the Body or Bodies Politic or Corporate or Person or Persons making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the said Company supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case the said Company or other Persons making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water Company as aforesaid, or by any Person making use of such Water, to be left at the usual Office or Place of transacting Business of the said Body or Bodies Politic or Corporate or other Person or Persons, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water of such Company as aforesaid; and in case the said Body or Bodies Politic or Corporate or other Person or Persons making, furnishing, or supplying Gas shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company as aforesaid, for the Use and Benefit of the same Company, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the said Water Company as aforesaid, or by and in the Name of any One or more of the Directors of the said Company, at the Option of the Parties prosecuting such Information against the said Body or Bodies Politic or Corporate or other Person or Persons making, furnishing, or supplying Gas, before any Justice of the Peace for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate or other Person or Persons making, furnishing, or supplying such Gas, together with



with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer or other Officer for the Time being of such Water Company for the Use of such Company.

XLII. And be it further enacted, That in any Case in which it shall be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Body or Bodies Politic or Corporate or other Person or Persons making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, it shall be lawful for the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Body or Bodies Politic or Corporate or other Person or Persons as aforesaid, and if it shall appear that the said Water has been contaminated by any Escape of Gas as aforesaid, the Costs and Expense of the said Digging, Search, and Examination, and Repair of the Pavement of the Roads, Street or Streets, which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies Politic or Corporate or Person or Persons as aforesaid, which Costs and Expenses shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expenses of such Examination, Repair, and Search, and shall also make good to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavements of the said Streets or other public Places so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

For ascertaining if the Water be contaminated.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Limits of this Act, in respect of any Works or the

Persons supplying Gas liable to be indicted for a Nuisance.

Means which shall be employed by them or any of them in making the said Gas and using the same, in furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Body or Bodies Politic or Corporate, Company of Proprietors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Restrictions  
as to Water  
Companies  
breaking up  
Streets.

XLIV. And be it further enacted, That so often as any Main or Pipe belonging to any Water Company or Gas Company within any of the Streets or other public Places within the Limits of this Act shall require to be repaired, the Surveyor or Clerk of the said Trustees shall forthwith give Notice thereof in Writing to the Water Company or Gas Company or other Person to whom he apprehends the same to belong, which Notice shall be delivered at the Office or Counting House of such Water or Gas Company; and such Water or Gas Company is hereby required, within Twenty-four Hours, to take up the Pavement and open the Ground where any such Repairs shall appear to be wanted, and if it shall appear that such Main or Pipe does not belong to the Water Company or Gas Company to whom such Notice has been given, then the Company so opening the Ground shall, within Twenty-four Hours after the Notice from the said Surveyor or Clerk of the said Trustees shall have been given or left as aforesaid, give Notice thereof in Writing to the Company or other Persons to whom the said Main and Pipe shall appear to belong, and such last-mentioned Company or other Persons are hereby required, upon Demand, to make satisfaction for the reasonable Costs and Charges of taking up such Pavement and opening such Ground to the Company giving Notice as aforesaid; and the Company or other Persons to whom the said Main or Pipe shall belong shall and are hereby required to cause the said Main or Pipe to be, within Forty-eight Hours or with all convenient Expedition, effectually repaired, and afterwards to fill in and ram down the Ground on the same Day that the Repair of such Main or Pipe shall be completed, and within Twenty-four Hours then next to give Notice thereof to the Inspector or Surveyor to be appointed by the said Trustees, by Writing to be delivered to him or left at his usual Place of Abode; and if any Pavement within any of the said Streets or other public Places shall be taken up for the Purpose of making or altering any Vault or Drain, or for any other Purpose, the Person causing the Pavement so to be taken up, shall, as soon as the Nature of the Work shall permit, cause the Ground to be filled in and rammed down, and within Twelve Hours give Notice thereof in manner aforesaid to the Surveyor to the said Trustees, and the Person taking up any Pavement as aforesaid is hereby required, unless the said Works shall be completed during the Day on which the said Works shall be commenced, to cause the Place to be properly lighted in the Night-time, so as to prevent any Accidents happening thereby; and in case any Water or Gas Company or any Person or Persons shall make default in any of the Matters aforesaid, he or they

they shall for every such Default forfeit and pay any Sum not exceeding Five Pounds; and the Surveyor to the said Trustees shall forthwith, upon receiving any such Notice as aforesaid, transmit the same to the Pavior or Person contracting with the said Trustees to repair the Pavements within the said Streets and other public Places.

XLV. And be it further enacted, That the Charges and Expenses of relaying and repairing the Pavement which shall be so broken or taken up for the Purpose of repairing and amending any such Main or Pipe shall be reimbursed and paid to the said Trustees, or to such Person as they shall appoint to receive the same, by the Treasurer or Clerk to the Company to whom such Main or Pipe shall belong, or by the Person or Persons causing any Pavement to be taken up as aforesaid, within Ten Days next after Demand made thereof in Writing, signed by the Clerk of the said Trustees, and left at the last or usual Place or Places of Abode of the Person or Persons liable to pay the same.

Expenses of relaying and repairing the Pavement to be borne by the Gas and Water Companies.

XLVI. Provided always, and be it further enacted, That there shall be annexed to every such Demand an Account of the Charges and Expenses of relaying and repairing such Pavement, and in such Account shall be stated the Number of Square Yards of Pavement which shall have been so relaid and repaired (which shall in all Cases be measured as soon as the Ground shall have been filled in or rammed down), and at what Time such Pavement was relaid and repaired, and whether the same was done by Contract or Day Work.

How to be settled.

XLVII. Provided also, and be it further enacted, That in case such Demand shall not be delivered to or left at the last or usual Place of Abode of the Treasurer or Clerk or any Agent or Officer of the Company to whom the Main or Pipe for the repairing and amending whereof such Pavement shall have been so broken or taken up shall belong, or left at the Office of such Company, or delivered to the Person or Persons who shall have caused any Pavement to be taken up as aforesaid, within Six Calendar Months after the Charge and Expense of relaying and repairing such Pavement shall have been incurred, then the Treasurer or Clerk to such Water Company or Gas Company, or other Person or Persons aforesaid, shall not be liable to reimburse or pay any of the Charges or Expenses so demanded or comprised in such Bill, anything herein-before contained to the contrary thereof notwithstanding: Provided also, that no such Treasurer or Clerk or other Person shall be subject or liable to pay any greater Sum for relaying and repairing any such Pavement as aforesaid, than the said Trustees shall pay or be liable to pay for relaying and repairing the like Quantity of any similar Pavement within the Limits of this Act; and it shall be lawful for the Treasurer or Clerk or other Person or Persons on whom such Demand shall be made as aforesaid (such Treasurer or Clerk or other Person having an Order from the Governors, or any Two of the Directors of such Company for that Purpose), to inspect all the Papers, Proceedings, and Accounts of the said Trustees relating to such Bill or Demand at all seasonable Times, and to take Copies thereof, without paying anything for the same.

Demand to be made within Six Months.

XLVIII. And

Surveyors or  
Inspectors to  
give Notice  
of their  
Abode to the  
Trustees.

XLVIII. And be it further enacted, That the several and respective Surveyors or Inspectors for the Time being belonging to any Water Companies who shall supply Water within the Limits of this Act shall and they are hereby required, within the Space of Forty Days after any Pipes belonging to such Company shall be laid down within the Limits of this Act, or within the Space of Seven Days next after he or they shall be appointed Surveyor or Inspector to such Company or Companies, to give Notice in Writing to the Surveyor or Surveyors of the said Trustees 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 any such Surveyor or Inspector, as also to what Company he is Surveyor or Inspector, and in what District he has the Care of the Pipes belonging to such Company or Companies; and in like Manner the Surveyor or Surveyors for the Time being to the said Trustees shall within the respective Times aforesaid give Notice to the respective Secretaries or Clerks, Surveyors or Inspectors, of the said several Water Companies, 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 Trustees; and every Person neglecting or refusing to give such Notice as aforesaid, within the Times before respectively specified, shall forfeit any Sum not exceeding Twenty Shillings for every such Offence.

Holes dug to  
be fenced  
round.

XLIX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall dig or make or cause to be dug or made any Hole, or leave or cause to be left any Hole, in or adjoining to any Street or public Place formed or to be formed or forming within the Limits of this Act, for the Purposes of making any Area or Areas, Vault or Vaults, or the Foundation or Foundations to or for any House or Houses or other Buildings, or for any other Purpose whatsoever, and shall not forthwith enclose the same in a good and sufficient Manner to the Satisfaction of the Surveyor of the said Trustees for the Time being, or shall keep up or cause to be kept up and continued any such Inclosure for any longer Time than shall be absolutely necessary in the Opinion of the said Trustees or their Surveyor, or shall not (when thereunto required by such Surveyor) well and sufficiently fence or enclose such Hole or Holes, Area or Areas, or Space or Spaces open or left open and intended for an Area or Areas, Foundation or Foundations, or for any other Purpose whatsoever, in or adjoining to any such Street or public Place formed or to be formed or forming as aforesaid, within Six Hours after he or they shall be required so to do by the said Surveyor, and in the Manner and with such proper or sufficient Materials as he shall direct and to his Satisfaction, then and in every such Case he or they so offending shall forfeit and pay for every such Offence, and for every such Refusal or Neglect, any Sum not exceeding Five Pounds, to be recovered in the same Manner in which other Penalties are herein-after directed to be recovered by virtue of this Act: Provided always, that nothing herein contained shall extend to compel any Water Company to fence in or enclose any Trench or Opening which may be made by them during the Progress of any Works which they are by Law authorized to do or perform, provided such Works shall be completed during the Day on which the same shall be commenced.

L. And

L. And be it further enacted, That no Person or Persons shall erect or place, set up or build, in any Street or public Place within the Limits of this Act, at any Time or Times hereafter, any Hoard or Scaffolding or Place, or erect any Posts, Bars, Rails, Boards, or other Thing, by way of Inclosure, for the Purpose of making Mortar, or of depositing or sifting or screening or slacking any Brick, Stone, Lime, Sand, or other Materials for building or repairing any House, Tenement, or Building, or for other Works, or for any other Purpose, without Leave or Licence first had and obtained under the Hand or Hands of the Surveyor or Surveyors for the Time being of the said Trustees, who is and are hereby required to grant the same forthwith, for the Purpose of making Mortar, and depositing or screening, sifting or slacking, any Brick, Stone, Lime, Sand, or other Materials for building or repairing any House or other Tenement or Erection, specifying therein the Length of Time for which the same when so erected and set up may be continued, and giving such other Directions respecting the same as he may think necessary, on being paid by every Person so applying for such Licence the Sum of One Shilling; and if any Person or Persons shall erect, place, set up, or build, or cause or permit to be erected, placed, set up, or built, any such Hoard, Scaffolding, or any Inclosure, Posts, Bars, or Rails, or any other Matter or Thing, for the Purposes aforesaid, or for any other Purpose, without the Leave or Licence of such Surveyor signed as aforesaid so had and obtained, or shall erect, set up, or build the same, or cause or permit the same to be set up or erected in any other Manner or to be continued for any longer Time than shall be allowed or expressed in such Licence, or in some Renewal thereof for a Time to be therein specified (and for which Renewal no further Fee or Reward shall be demanded or taken), then and in either of the said Cases such Person or Persons; or the Person or Persons by whom he or they shall or may be employed, shall forfeit and pay a Sum not exceeding Ten Shillings for every Day that the same shall have been and shall be set up and continued; and also that it shall be lawful for the said Trustees, or for the said Surveyor for the Time being, to cause the same to be pulled down and removed, and the same, and all the Materials thereof and of every Part thereof, to be kept and detained until such Person or Persons shall pay to the said Surveyor, or to the Person or Persons in whose Custody the same shall be, all the Penalties incurred by such Person or Persons, together with the Charges of pulling down, removing, and keeping the same, to be ascertained and determined by the said Surveyor or Surveyors; and in case the same shall not be claimed, and the Penalties and Charges shall not be paid, within the Space of Five Days next after the pulling down and Removal thereof, then it shall be lawful for the said Trustees or their Surveyor to order or cause the same to be appraised and sold, and the Money arising therefrom (after deducting all the said Charges) shall be paid to the Treasurer of the said Trustees, or to such other Person or Persons as they shall in that Behalf direct.

Scaffolds not to be erected without Licence.

LI. And be it further enacted, That no Door, Gate, or Shutter of any Building, Yard, or Inclosure within the Limits of this Act shall open into or towards any Road, Street, Footpath, or Way, or be suffered to continue so to open, except the Hanging Post thereof shall

Gates opening outwards to be altered.

[Local.]

44 D

be

be fixed or placed so far from the Centre of any Part of such Road, Street, Footpath, or Way as that no Part of such Door, Gate, or Shutter shall in opening or when open project over any Part of such Road, Street, Footpath, or Way; and the Occupier or Occupiers of any Building, Yard, or Inclosure, having any Door, Gate, or Shutter opening outwards, contrary to the Meaning of this Act, shall, within Fourteen Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Trustees for the Time being, cause such Door, Gate, or Shutter to be hung so that no Part of the same in opening or when open shall project over any Part of such Road, Street, Footpath, or Way; and in default thereof the said Surveyor is hereby authorized to cause the Door, Gate, or Shutter to be hung according to the Intent of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expenses of making the Alteration and hanging of such Door, Gate, or Shutter, and shall also forfeit and pay a further Sum, not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Slaughter-houses, &c. may be removed.

LII. And be it further enacted, That in case any Slaughter-house, Hog-stye, Necessary House, or other noisome or offensive Building or Place whatsoever, within or near to any of the Roads, Streets, or public Places within the Limits of this Act, shall by the said Trustees be deemed a Nuisance to any of the Inhabitants or Persons residing within the said Limits, it shall be lawful for the said Trustees, upon Complaint thereof made by any Inhabitants or other Person or Persons, by Notice under the Hand of their Clerk, to order such Nuisance or Offence to be removed; and in case the same shall not be removed within Three Days after such Notice given to the Person or Persons who ought to remove the same, or left at his, her, or their last or usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice, unless an Appeal as herein-after mentioned shall be prosecuted with Effect against such Order of the said Trustees; and in case Notice of any such Appeal shall be given, the said Penalty shall not be inflicted until after the said Appeal is decided.

Footways to be swept daily during Frost and Snow.

LIII. And be it further enacted, That every Occupier of any House, Tenement, Warehouse, Shop, Shed, Coach-house, Stable, Chapel, Meeting House, or other public or private Building in any of the Streets and Places within the Limits of this Act, during the Continuance of Frost or after or during the Fall of Snow, from Time to Time and at all Times hereafter, shall once in every Day, before the Hour of Ten of the Clock in the Forenoon of each Day, except *Sunday*, sweep and cleanse, or cause to be swept and cleansed, the Footway all along the front, side, or back Walls of their respective Houses, Tenements, Warehouses, Shops, Sheds, Coach-houses, Stables,

Stables, Chapels, Meeting Houses, or other public or private Buildings; and that every Occupier who shall neglect so to do shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, to be levied, recovered, and applied in such and the same Manner in which other Penalties are by this Act herein-after directed to be recovered and applied; and also that the Owner or Owners of any House or other Tenement within the Limits of this Act which may be let furnished or in divided Apartments shall be deemed and taken for the Purpose of this Provision to be the Occupier or Occupiers of every such House or other Tenement respectively.

LIV. And be it further enacted, That if any Person or Persons at any Time or Times hereafter shall empty or begin to empty any Bog-house or Bog-houses, or take away any Night-soil from any House or Houses or Premises within the Streets or other public Places within the Limits of this Act, or shall come with any Cart or Carriage for that Purpose, (save and except between the Hours of Twelve of the Clock in the Night and Four of the Clock in the Morning from *Lady Day* to *Michaelmas* in every Year, and between Twelve of the Clock at Night and Five of the Clock in the Morning from *Michaelmas* to *Lady Day* in every Year,) or if any Person or Persons shall put or cast or spill, or cause or suffer to be spilt or cast, out of any Cart or Tub or otherwise, any Night-soil or other Filth, in or near any of the Roads, Streets, Ways, or other public Places within the Limits of this Act, it shall be lawful for any Constable, Headborough, Patrole, Beadle, or Watchman, (and they are hereby strictly charged, required, and directed so to do,) or for any other Person or Persons whomsoever, without any Warrant or other Authority than this Act, to apprehend and carry any Person or Persons guilty of the said Offences or any of them to any Watch-house or other Place of Confinement or Security, and from thence to convey him, her, or them, as soon as convenient may be, before some One of His Majesty's Justices of the Peace for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*; or in case such Person or Persons shall not be so apprehended, then and in such Case it shall be lawful for any One of His Majesty's Justices of the Peace to issue his Warrant to apprehend such Person or Persons, and the said Justice (upon Oath or Affirmation made of such Offence or Offences as aforesaid) shall commit every such Offender or Offenders to the Common Gaol or House of Correction for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, for any Time not exceeding Thirty Days, to be computed from the Day of Commitment; and the Owner of every Cart, Carriage, Horse, or Beast so employed, with his or her Cart, Carriage, Horse, or Beast, in and about the emptying or removing such Night-soil, or coming for that Purpose, (save and except within the Hours hereby allowed,) or the Employer or Employers of any Person or Persons who shall so put, spill, or cast out any such Night-soil, shall forfeit the Sum of Five Pounds for every such Offence; and any Person or Persons may seize such Carts or Carriages, or the Horses or Beasts drawing the same, with the Gears and Harness, and remove and take such Carts or Carriages, Horses or Beasts, Gears and Harness, to such Places within the Limits of this Act, or as near thereto as may be appointed by  
the

Time for  
emptying  
Necessaries,  
&c.

the said Trustees, there to be detained until the Owner or Owners, Employer or Employers, shall pay the said Penalty, together with all Costs, Charges, and Expenses incurred in or about or relating to the Seizure, removing, or keeping of the said Carts or Carriages, Horses or Beasts, or in any Manner incidental thereto; and in case the said Penalty, and all Costs, Charges, and Expenses, shall not be paid within Five Days next after such Seizure, then and in every such Case all such Carts, Carriages, Horses, Beasts, and Harness shall be appraised and sold, and the Money arising therefrom shall be applied in Payment of such Penalty, Costs, Charges, and Expenses, and after deducting the same the Overplus (if any) shall be paid to the Owner or Owners thereof, when he, she, or they shall apply for the same; and the whole of such Penalty shall belong and be paid to or among the Person or Persons giving Information of such Offences or any of them, and apprehending the Offender or Offenders, and seizing, removing, and detaining such Carts or Carriages, and Horses or Beasts, Gears and Harness.

Further  
Powers for  
preventing  
Nuisances.

LV. And be it further enacted, That if any Person or Persons shall, within the Distance of Five hundred Yards from any Dwelling House situate in or upon any Road, Street, or Place within the Limits of this Act, burn any Rags or Bones, or other offensive Substance, for making Manure, Ivory or other Black or Ammonia, or for any other Purpose of Trade, Manufacture, or Commerce, or place, deposit, or keep any Night-soil, or the Emptyings, Cleansings, or Filth taken from any Privy, Drain, or Cesspool, or the Refuse, Offal, Garbage, Filth, or Sweepings of any Slaughter-house, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground, Place, or Wharf within the aforesaid Distance from any such Dwelling House as aforesaid, otherwise than in the covered Cart or other Carriage wherein the same may be brought or carried, or shall empty or discharge any Cart or other Conveyance containing the same otherwise than at once from and out of the same into some other Cart or Conveyance directly or by means of a Shoot, or some other similar Contrivance; or shall detain or permit such Cart or other Conveyance to remain within the Distance aforesaid from any Dwelling House more than Twelve Hours after any such offensive Matter as aforesaid shall have been placed therein, or if any Person or Persons shall use any such Cart or Conveyance for the Reception of any of the offensive Matters above enumerated; the same not being properly constructed to prevent as much as may be the Escape of any noisome or offensive Smell or any Gas or Effluvia tending to the Injury of the Health or the Annoyance of any of the Inhabitants of the Neighbourhood, or any of His Majesty's liege Subjects, every Person so offending as aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and the further Sum of Twenty Shillings shall be forfeited and paid by every Person detaining any such Cart or other Conveyance as aforesaid, contrary to the Directions herein-before contained, for every Hour that the same shall be so detained beyond Twelve Hours; and the Occupier or Occupiers of any such Place or Wharf at, in, or upon which, or the Owner or Owners of any such Cart or Conveyance by means of which,



which, or the Employer or Employers of any Person by whom any such Offence shall be committed, shall be taken and deemed to be each and every of them a principal Offender also, and for each such Offence forfeit and pay as herein-before is mentioned.

LVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to order and direct any Alteration they shall think fit to be made by the Owners or Occupiers of any Public House, Alehouse, or other public Place licensed for the Sale of Ale, Beer, and Wine, or Spirituous Liquors, in the Form and Situation of the Boxes, Screens, Shades, and other Conveniences used or to be used as Depositories for Urine, or for the easing of Nature, now or at any Time hereafter to be placed in Front of any of the Public Houses abutting upon any of the Streets and Places within the Limits of this Act; and it shall be lawful for the said Trustees to order and direct the Owners or Occupiers of any Public House, Alehouse, or other Place licensed for the Sale of Ale, Beer, Wines, or Spirituous Liquors, as have no such Box, Shade, Screen, or Convenience aforesaid, to erect, at the Expense of such Owner or Occupier, a Box, Shade, Screen, or Convenience for the Purposes aforesaid, according to a Plan to be laid down by the said Trustees, and in such Situation as they the said Trustees shall direct; and no such Convenience shall be hereafter constructed, erected, and made, without the Consent in Writing of the Surveyor or of the said Trustees for that Purpose first had and obtained; and the Trustees are hereby empowered to direct the Owners or Occupiers of any House at or near the Door of which any such Box, Shade, Screen, or other Convenience for the Purposes aforesaid may be placed, to alter or pull down and rebuild such Box, Shade, Screen, or other Convenience, and place them where the said Trustees shall direct; and in case such Owner or Occupier shall not, within Twenty-one Days after having received Notice in Writing signed by the Clerk of the said Trustees, and left at the Dwelling House of the said Owner or Occupier, alter or pull down and rebuild such Box, Shade, Screen, or Convenience as aforesaid, or erect such Box, Shade, Screen, or other Convenience where there shall be none, agreeably to a Plan to be furnished by the said Trustees, the Owner or Occupier so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and a Sum not exceeding Five Shillings for each Day so long as the Nuisance shall be continued, or such Convenience shall not be erected, to be recovered in like Manner as other Penalties under this Act may be recovered; and the said Trustees are hereby authorized and empowered to cause such Alterations to be forthwith made, under the Direction of a Surveyor to be appointed by them for that Purpose.

Power to alter the Form and Position of Watering Places.

LVII. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall place or put out, or cause or permit to be placed or put out, any Garden or other Pots (except the same shall be perfectly secured from falling, to the Satisfaction of the said Trustees), or any other Matter or Thing, from or on the Outside of the Front or any other Part of any House or Houses, Buildings or Premises over or next unto any such Road, Street, or

For preventing dangerous Annoyances.

[Local.]

44 E.

other

other public Place, and shall not immediately remove all such Matters or Things on being thereunto required by the said Trustees, or their Surveyor, Inspector, or other Person or Persons employed by them, or shall at any Time leave the Coal Plate or other Covering of or belonging to any Hole or Funnel leading to any Cellar unfastened, or without being properly fastened and secured from moving, or shall leave open after Sunrise and before Sunset the Aperture of any Coal or other Cellar, Door or Window of or opening or leading to any Area, Cellar, or other underground Room or Apartment, without having placed or left a sufficient Fence round the same to warn and prevent Persons passing in the Roads, Streets, and public Places within the Limits of this Act from falling into such Apertures, Coal-holes, Areas, Cellars, or other underground Rooms, Apartments, or Openings, or leave open after Sunset and before Sunrise the Aperture of any Coal or other Cellar, or the Door or Window of or Opening leading into any Area, Cellar, or other underground Room or Apartment, without having sufficiently guarded or protected the same, and placed or left a sufficient Light therein to warn and prevent Persons passing in the Roads, Streets, and public Places within the Limits of this Act from falling into such Apertures, Areas, Cellars, or other underground Rooms, Apartments, or Openings, then and in every such Case the Owner or Occupier of every such House, Building, Area, or Cellar, Tenement, Shop, or Place, to whom the same shall belong, shall be deemed and taken to be a principal Offender, and shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing various Obstructions and Nuisances on Pavements.

LVIII. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footways or Foot Pavements within the Limits of this Act, run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or any other Carriage whatsoever, or roll any Cask or Tub, except to or from any Carriage or Cart for the necessary loading or unloading thereof; or shall wilfully ride, lead, or drive any Horse or other Beast or Cattle whatsoever on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading to go thereupon; or shall tie or fasten any Horse or other Cattle to any House, Wall, or Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements; or hang up, place, or expose to Sale any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, Offal, or other Matter or Thing, in or upon or so as to project over or upon the Footway or Carriageway of any such Roads, Streets, or public Places, or beyond the Line, or on the Outside of the Window or Windows, or in or on the Area or Areas of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale; or set any Cask, Tub, Pail, Bucket, Stool, Bench, Show Board, Chopping Block, Basket, or Stall on or in any of the Footways or Foot Pavements, or erect, set up, put or place, or continue any Blind, Shade, Coverlid, Awning, or any other Matter or Thing so as in any way to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall in any Road, Street, Yard, Mews, or public Place within the

6.

Limits

Limits of this Act hang out or cause to be hung out any Linen or Clothes; or shall hoop, fire, cleanse, wash, or scald any Cask or Tub; or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, which cannot conveniently be removed for that Purpose); or shall sift, screen, wet, slack, or mix any Lime, or wet, mix, or make any Mortar, except with the Consent of the said Trustees or of their Surveyor for the Time being, and also having previously erected a Hoard, according to the Regulations herein-before contained in that Behalf; or shoe, bleed, or farry any Horse or other Beast, unless in case of any sudden Accident, or clean, dress, drive, or turn loose any Horse or other Beast or Cattle; or if any Person shall permit or suffer his or her Dog to go at large after public Notice given by any Beadle or Crier within the Limits of this Act, during such Time as such Notice shall direct Dogs to be confined on Suspicion of the Existence of canine Madness within or near the Limits of this Act; or shall show or expose any Stallion or Stone Horse, (except only in such Place as the said Trustees shall direct), or show or expose, or exercise or expose to Sale any Horse or other Beast; or kill, slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part; or beat or dust any Carpet, Hearth Rug, or Mat; or shall drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses, otherwise than by passing through such Road, Street, or other public Place, or shall leave any Cart, Waggon, Truck, or other Carriage or Obstruction in any Street, Road, Path, or Causeway, otherwise than during a reasonable Time necessary for loading or unloading the same; or shall throw, cast or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or to remain, any Ashes, Dust, Dirt, Rubbish, Offal, or Vegetables, or any other Offal, Dung, Soil, Blood, or other Filth or Annoyance, or any other Matter or Thing, in or upon the Carriageway, Footway, or Pavement of any such Road, Street, or other public Place within the Limits of this Act, to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers; or shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building; or make or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss or other Fire-arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or play at Football or any other Game or Games, to the Annoyance of any Passenger or Traveller; or shall make or cause any unnecessary Stoppage of any Coach, Cart, Waggon, or Carriage, or otherwise occasion any kind of Obstruction or Annoyance in or upon any such Road, Street, or public Place; or shall obstruct or incommode, hinder or prevent the free Passage of any Carriageway, Footway, or Causeway, or prejudice or annoy in any manner whatsoever any Person or Persons travelling, passing, or going thereon; or if the Driver of any sort of Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage  
under

under his or her Care; within such Road, Street, or public Place, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage or of His Majesty's Subjects within any such Road, Street, or Place; or if any Person shall affix any Posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material whatsoever; then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Trustees, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before such Justice or Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, in order to his, her, or their Conviction of such Offence.

Further Powers for the like Purpose.

LIX. And be it further enacted, That not only shall the said Penalties herein-before enacted become payable and be recovered, but that it shall be lawful for any Person or Persons appointed or to be appointed by the said Trustees, without any Warrant or other Authority than this Act, to seize any such Truck, Wheel, Sledge, Wheelbarrow, or Carriage, Horse, Beast, or Cattle, Cask, Tub, Pail, Bucket, Stool, Bench, Show Board, Chopping Block, Stall, Basket, Blind, Shade, Coverlid, or Awning, or other Thing, Stone, Wood, or Timber, Coach, Chaise, Waggon, or other Carriage, together with the Horse or Horses, Ass or Asses, Mule or Mules (if any) thereunto belonging, with the Harness, Gears, and Accoutrements thereof, or any such Goods, Wares, Merchandize, Fruit, Vegetables, or Garden Stuff, Butcher's Meat, or other Things, or any of them; and in case any of the Goods or Things so seized shall be perishable or shall be Articles of Food, then the same shall be immediately forfeited, and such Person or Persons who shall make such Seizure shall deliver or cause to be delivered the Goods so seized to the Churchwarden, or to the Master or Matron of the Workhouse of the said Parishes of *Saint Margaret* and *Saint John the Evangelist*, or one of them, and the same shall and may be given and distributed by them, him, or her unto or among the poor Inhabitants of the same Parishes, but otherwise such Person or Persons shall cause the Goods, Carriages, Horse or Horses, Ass or Asses, Mule or Mules, or any Materials or Things so seized, to be removed to any Place appointed for the Reception thereof within the Limits of this Act (if any such there be), or otherwise to such Place or Places as he or they shall judge convenient, giving parol or written Notice of such Place or Places whereunto the same shall be removed unto the Owner, Driver, or other Person having any Interest in the Goods, Carriages, Horse or Horses, Ass or Asses, Mule or Mules, Materials or other Things so seized or removed, if he, she, or they shall be then and there present or otherwise known to the Person or Persons so seizing the same; and the same shall be there kept and detained until such Owner, Driver, or other Person interested as aforesaid shall cause to be paid the said Penalty, together with the Charges for taking or removing the same, and of keeping such Horse or Horses, Ass or Asses,

Asses, Mule or Mules (if any); and in case the Goods, Carriage, Horse or Horses, Ass or Asses, Mule or Mules, Materials, or other Things so removed, not being perishable or Articles of Food, shall not be claimed, and the said Penalty and Charges paid, within Five Days next after such Removal thereof, then and in every such Case it shall be lawful for the said Trustees, or their Surveyor or Inspector, or other Person appointed by the said Trustees, to order the same to be appraised and sold, and the Overplus of the Money arising by such Sale to be returned to the Owner or Owners thereof, after deducting the said Penalty, and such Costs, Charges, and Expenses attending such seizing, removing, keeping, appraising, and selling the same, as the said Trustees shall ascertain and allow.

LX. And be it further enacted, That if any Drover or other Person shall, from and after the passing of this Act, conduct or drive in, upon, or through any of the Roads, Streets, or other Places, or on or over any of the Footpaths which now are or hereafter may be within the Limits of this Act, any Oxen, Sheep, Swine, or other Cattle on any *Sunday* between the Hours of Ten of the Clock in the Forenoon and Five of the Clock in the Afternoon, he shall for every Offence forfeit and pay a Sum not exceeding Five Pounds, to be recovered before any Justice of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, one Moiety of which shall be paid to the Informer and the other Moiety to the said Trustees.

Droves of Cattle not to be driven through Tot-hill Fields on Sundays between Ten in the Morning and Five in the Afternoon.

LXI. And be it further enacted, That if any Sheep, Horse, Cow, or other Beast shall at any Time be found wandering about any of the Streets or public Places within the Limits of this Act, it shall be lawful for any Person or Persons appointed by the said Trustees to seize and impound such Sheep, Horse, Cow, or other Beast in the Common Manor Pound of the said Dean and Chapter, situate in *Rochester Row*, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every such Sheep, Horse, Cow, and other Beast so impounded, pay a Sum of Five Shillings to the Person impounding the same, together with the Fees and the reasonable Charges and Expenses of impounding and keeping the same; and in case the said Sum, Charges, and Expenses shall not be so paid within Five Days after such impounding, it shall be lawful for the said Trustees to sell or cause to be sold the same, and the Money arising from such Sale, after deducting the said Sum and Sums of Money, and the Charges and Expenses of impounding, keeping, and selling such Sheep, Horse, Cow, or other Beast, shall be paid, on Demand, to the Owner or Owners of the said Sheep, Horse, Cow, or other Beast.

Cattle wandering to be seized.

LXII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or any other Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release any Distress or

Punishment of Persons guilty of Pound-Breach.

Levy which shall be made under the Authority of this Act until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty for  
blowing  
Horns, &c.

LXIII. And be it further enacted, That if any Person shall, within the Limits of this Act, blow, use, or make to sound any Horn, Trumpet, or other noisy Instrument for the Purpose of hawking, selling, or distributing any Article, or for the Purpose of calling or collecting Passengers, Parcels, or Goods, or for any other Purpose whatsoever, it shall be lawful for any Constable, Beadle, or other Officer, and to and for any other Person or Persons whomsoever, without any other Warrant or Authority than this Act, to seize and apprehend every Person so offending, and convey such Offender before any Justice of the Peace, who shall examine upon Oath any Witness or Witnesses appearing to give Evidence touching such Offence; and if the Party accused shall be convicted of such Offence then and in every such Case he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and in case the Offender shall not, upon Conviction, forthwith pay the Penalty, such Justice is hereby required to commit such Offender to the House of Correction, there to be kept to hard Labour for any Time not exceeding Fourteen Days nor less than Twenty-four Hours, unless the Penalty shall be sooner paid.

Scavengers  
Duty.

LXIV. And be it further enacted, That all Persons contracting with the said Trustees for cleansing the said Roads, Streets, and other public Places shall once in every Fortnight, or oftener if the said Trustees shall so direct, between the Hours of Three in the Morning and Eight in the Evening, attend in all and every the Roads, Streets, and other public Places within the Limits of this Act, and shall give One Day's Notice at least in Writing to the Surveyor to the said Trustees, specifying the particular Day in every Week when they are to attend in each of the said respective Roads, Streets, or other public 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 of the Houses and other Places where any Dirt, Dust, Cinders, or Ashes shall be deposited, and take and carry away the same; and if any Person so contracting, or any Person employed by him, shall neglect

or refuse so to do, he shall forfeit and pay for every such Neglect or Refusal any Sum not exceeding Twenty Shillings, one Moiety whereof shall be paid to the Person complaining; and any Sum or Sums of Money to be paid by Persons so contracting for or in respect of such Contracts shall be applied towards the Purposes of this Act.

LXV. 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 Roads, Streets, or other public Places, or brought therein, into and upon the Channels on the Sides of the said Carriageways, or into any Common Sewer, Drain, or Tunnel, but every such Person shall place, sweep, or rake the same together, so as to lie at a Distance of Ten Feet at the least from each of the Grates to belong or be placed over such Common Sewers, Drains, or 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 of it.

Dust, Dirt, &c. not to be swept into Channels.

LXVI. And be it further enacted, That if any Person or Persons other than the Scavenger employed by or contracting with the said Trustees to collect and retain the Dust, Cinders, or Ashes within the Limits of this Act, or those employed under such Person or Persons, shall on any Pretence whatsoever go about to collect or gather, or shall ask for, receive, or carry away, any Dust, Cinders, or Ashes; it shall and may be lawful for any Justice of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, upon Complaint to him made, to grant a Warrant to bring before him, or any other Justice of the Peace for the said City, Borough, and Town, such Offender or Offenders, and also for any Person or Persons who shall see any such Offence committed to seize, and also for any other Person to assist in seizing, the Offender or Offenders, together with the Horses, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages, Gears, Harness, Implements, Sacks, or Bags made use of for carrying the same away, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before such Justice of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*; and such Justice is hereby authorized and required to examine upon Oath the Person or Persons apprehending such Offender, or any Witness or Witnesses who shall appear to give Information or Evidence touching such Offence; and if the Party or Parties shall be convicted of going about to collect or gather, or of asking for, receiving, or carrying away, any Dust, Cinders, or Ashes from any House or other Premises within the Limits of this Act, not being the Person or Persons employed or appointed by or contracting with the said Trustees to collect the Dust, Cinders, and Ashes from the Houses and Premises therein, or not acting with or under his, her, or their Authority, he, she, or they shall forfeit and pay for every Offence the Sum of Ten Pounds; and one Moiety thereof shall be paid to the Informer or Informers, or to the Person or Persons who shall apprehend the Offender or Offenders, and the other Moiety shall be paid and belong to the Person or Persons so employed by or contracting with the said Trustees as aforesaid;

Persons unauthorized not to take Dust and Cinders.

said; and if such Offender or Offenders shall not on Conviction pay the said Penalty such Justice is hereby required to direct such Horses, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages, Gears, Harness, Implements, Sacks or Bags, which shall have been so seized, to be appraised and sold, and after deducting out of the Monies to arise by such Sale the Penalty incurred, together with the reasonable Charges and Expenses of such Warrant; and of such Distress, Appraisement, and Sale, the Overplus thereof (if any) shall be returned, upon Demand, to the Party or Parties whose Horses and other Things shall be appraised and sold; and in case there shall have been no such Seizure as aforesaid, or if the Horses, Asses, Cattle, Carts, or other Things which shall be appraised and sold shall not produce a sufficient Sum of Money to pay the said Penalty, Charges, and Expenses, then such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, nor less than Twenty Days, unless such Penalty, Charges, and Expenses, and every Part thereof, shall be sooner paid and satisfied.

Watchmen  
to be ap-  
pointed.

LXVII. And be it further enacted, That the said Trustees shall from Time to Time appoint and employ such Number of able-bodied Watch-house Keepers, Sergeants of the Night, Watchmen, Patroles, Street Keepers, and other Persons as they shall think sufficient for the proper Protection of the Inhabitants, Houses, and Property, Streets, and other Places within the Limits of this Act by Day and by Night, and provide all such Watchmen, Watch-house Keepers, Sergeants of the Night, Patroles, and Persons as aforesaid with such Clothing, Arms, Ammunition, and Weapons, and shall assign to them such Beats or Rounds and Duties, and appoint such Hours for them to be on Duty, and also such Wages, Rewards, and Gratuities or Remunerations for their Services, and also make such Rules, Orders, and Regulations relative to such Watch-house Keepers, Sergeants of the Night, Watchmen, Patroles, Street Keepers, and other Persons, and their Duties, as to the said Trustees shall seem meet, and also shall and may offer and give, as well to the said Persons as to any others not specially employed by them, such Gratuities and Rewards for apprehending Felons and other Offenders within the Limits of this Act as to them shall seem proper, and shall and may defray the Expenses of prosecuting any such Felons and Offenders for the Protection of the Inhabitants within the Limits of this Act, or in defending any of the said Persons or other Officers of the said Trustees in the Execution of their Duty, as they shall think proper; and the said Wages, Rewards, Gratuities, and the Costs of such Prosecutions or Defences, and all other Expenses that may be incurred by the said Trustees for the Protection and Guard of the Inhabitants, shall and may be paid by the said Trustees or their Treasurer out of the Monies arising from the Rates directed to be raised by this Act.

Regulations  
as to Watch-  
men, &c. to

LXVIII. And be it further enacted, That a true Copy or Transcript of all Nominations, Appointments, Acts, Rules, Orders, and Regulations respecting or relating to the Watchmen or Constables, which shall



shall from Time to Time be made by the said Trustees in pursuance of this Act, shall be affixed in some conspicuous Part of the Watch House of the said Trustees; and as soon as conveniently may be after the passing of this Act, one or more of the said Constables for the Time being shall attend every Night by Turns, and shall keep Watch and Ward within the Limits of this Act, from the Hours of Nine in the Evening till Seven the next Morning from the Twenty-ninth Day of *September* till the Thirtieth Day of *March*, and from the Thirtieth Day of *March* till the Twenty-ninth Day of *September* from Ten o'Clock in the Evening until Five o'Clock in the Morning.

be hung up  
in Watch  
House.

LXIX. And be it further enacted, That the Watchmen, Serjeants of the Night, Patroles, and other Persons to be appointed by virtue of this Act, shall, during the Time of their being on Duty, use their utmost Endeavours to prevent any Mischief by Fire, and also all Robberies, Burglaries, and other Felonies and Misdemeanors, Affrays, and other Outrages, Disorders, and Breaches of the Peace, within the Limits of this Act; and it shall be lawful for the said Watchmen, Serjeants of the Night, Patroles, or other Persons, while on Duty, to stop and prevent all Persons from removing Goods from any of the Houses and Premises within the Limits of this Act, and to apprehend and secure all Felons, Rogues, Vagabonds, and disorderly Persons who shall disturb the public Peace, or any Person or Persons wandering, secreting, or misbehaving himself or themselves, or whom they shall have reasonable 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 One of His Majesty's Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, to be examined and dealt with according to Law; and it shall and may be lawful to and for the said Watchmen, Serjeants of the Night, Patroles, and other Person or Persons so appointed as aforesaid to call and require any Person or Persons to aid and assist them in taking such Felons, Rogues, Vagabonds, and all disorderly or suspected Persons as aforesaid; and in case any Person or Persons shall assault or resist, or shall promote or encourage the assaulting or resisting of any of the Watchmen, Serjeants of the Night, Patroles, or other Person or Persons so appointed as aforesaid in the Execution of their Duty, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Watchmen,  
&c. to pre-  
vent Disturb-  
ances.

LXX. And be it further enacted, That all Watchmen, Serjeants of the Night, and Patroles shall be sworn in as Constables before any Justice or Justices of the Peace for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, and act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with, and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with or shall or may have and enjoy by Law.

Watchmen,  
&c. to be  
sworn in and  
to have the  
Power of  
Constables.

LXXI. And be it further enacted, That if any Victualler, Retailer of Spirits or Beer, Coffee House Keeper, or Keeper of any Public House, shall knowingly harbour or entertain any Watchman, Serjeant

Penalty for  
harbouring  
Watchmen.

[Local.]

44 G

of

of the Night, Patrole, or any other Person or Persons employed as aforesaid by virtue of this Act, or permit or suffer any Watchman, Sergeant of the Night, Patrole, or other Person so appointed as aforesaid to be and remain in his House during any Part of the Time of his or their being on Duty, every such Victualler, Retailer of Spirits or Beer, Coffee House Keeper, or Keeper of such Public House, shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Rates.

LXXII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it further enacted, That One or more Rate or Rates, for the Purpose of forming and paving, making Drains and Sewers, in repairing and keeping in repair, watering, lighting, cleansing, and watching the several Roads, Streets, and Places within the Limits of this Act, and also for securing, raising, and paying any Monies which shall or may be borrowed, and any Annuity or Annuities which shall or may be granted, under the Authority of this Act, and the Interest of such Monies, and also for answering and satisfying the other Purposes of this Act, shall be made, levied, or assessed by the said Trustees, at yearly or half-yearly or quarterly Periods, or oftener if they shall think necessary, upon all and every Persons or Person who shall inhabit, hold, use, occupy, possess, enjoy, or be entitled to any Chapel, Meeting House, Market, or other public Building, House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Building, Workshop, Manufactory, Garden Ground, Land, Tenement, or Hereditament whatsoever, or any Part or Portion of any House, Building, Land, Tenement, or Hereditament, being a separate Tenement, situate, lying, and being in any of the Roads, Streets, or Places, or within the Limits of this Act, according to the yearly Value thereof respectively, to be ascertained in manner herein-after mentioned; and the said Rate or Rates shall from Time to Time be collected and paid yearly, half-yearly, or quarterly, or oftener if the said Trustees shall think proper, in every Year, and shall commence from such Time after the passing of this Act as the said Trustees shall think proper; and every future Rate shall commence from the Time the last Rate ended, and not otherwise.

Rate not to exceed Five Shillings in the Pound per Annum.

LXXIII. Provided always nevertheless, and be it further enacted, That no Rate or Rates to be levied or assessed as aforesaid shall exceed in any One Year the Sum of Five Shillings in the Pound upon the Amount of the Rent or Value of the Property rated or assessed.

How the Value is to be ascertained.

LXXIV. And be it further enacted, That the annual Value of all such Chapels, Meeting Houses, Markets, public Buildings, Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Workshops, Manufactories, Gardens, Grounds, Lands, Tenements, or Hereditaments, or Part or Parcel thereof, so to be respectively rated and assessed as aforesaid, except as herein-after mentioned, shall be settled and ascertained according to the real Rack Rent or full yearly Value thereof, as the said Trustees shall think proper and direct; 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

as the said Trustees shall order and direct, and shall be paid over by such Collectors into the Hands of the Treasurer to the said Trustees, or such Banker or other Person or Persons as they shall order or direct for that Purpose.

LXXV. And in order to enable the said Trustees to form a proper Judgment of any Rate or Rates to be made in pursuance of this Act, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at all seasonable Times, to inspect, or by Writing signed by them, or any Three of them, to grant Authority to their Clerk or Collector for the Time being, at such Times as aforesaid, to inspect any of the Rates made towards the Relief of the Poor within the Parishes of *Saint Margaret* and *Saint John the Evangelist* aforesaid, and to be raised or collected within the Jurisdiction of this Act, or the Books wherein the Assessment thereto shall be entered, they the said Trustees paying to the Vestry Clerk, or other Officer having the Custody of such Rates or Books for the Time being, the Sum of One Shilling for every such Inspection of the same; and also, by Writing signed as aforesaid, to require a Copy of such Rate or Books, or any Extracts therefrom, paying for such Copies or Extracts at and after the Rate of Sixpence for every One hundred Words, and so in proportion for any greater or less Number; and if any Person or Persons in whose Custody or Power any of the said Rates or Books shall be, shall, when thereunto required in manner aforesaid, refuse or neglect to produce the same to the said Trustees, or their Clerk or Collector for the Time being, as the Case may be, or to make and deliver or cause to be made and delivered such Copies or Extracts, on being paid for the same at and after the Rate aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may inspect Rate Books, and obtain Copies or Extracts.

LXXVI. And be it further enacted, That where any House, Building, or Tenement, in respect whereof any Rate shall be made, shall be let out in Apartments by the Lessee, Tenant, or Landlord, any One or more of such Lodgers may be deemed the Occupier or Occupiers thereof for the Purposes of this Act; and every such Lodger, who shall pay any such Rate or any Part thereof, or from whom the same or any Part thereof 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, Tenant, or Landlord, and the Receipt for such Payment shall be a sufficient Discharge for such Lodger or Lodgers to his, her, or their Landlord for so much Money as he, she, or they shall pay, or shall be levied on him, her, or them by virtue of this Act: Provided always, that no such Lodger or Lodgers shall at any Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or any of them, or the Arrears thereof, than the Amount of the Rent actually due and payable by such Lodger or Lodgers to the Lessee, Tenant, or Landlord of the Premises occupied by him, her, or them.

Lodgers of Houses let out in Apartments to be deemed the Occupiers.

LXXVII. Provided always, and be it further enacted, That the Lessee, Landlord, or Owner of any House, Building, or Tenement which

Rates on Houses furnished or let

out in Count-  
ing Houses  
may be reco-  
vered from  
the Land-  
lords.

which shall be let out ready-furnished to a Lodger or Lodgers, or furnished or unfurnished in separate Apartments for Counting Houses or other Purposes, at a Rent or Rents exceeding in Amount the yearly Sum of Twenty Pounds, may be assessed and rated for the same for the Purposes of this Act; and that the Rate to be payable in respect of any such House, Building, or Tenement may be recovered either from the Lodger or any Person occupying or renting the same, as herein-before is mentioned, or from the Lessee, Landlord, or Owner of the said Premises, and the same may be levied by Distress and Sale of the Goods and Chattels of such Lessee, Landlord, or Owner, wheresoever the same may be found: Provided always, that no such Lodger shall be subject or liable to pay any greater Sum for or towards the Discharge of such Rates or any of them, or the Arrears thereof, than the Amount of the Rent actually due and payable by such Lodger to the Lessee, Landlord, or Owner of the Premises occupied by him or her.

Houses  
partly within  
and partly  
without the  
Limits of  
this Act to be  
assessed.

LXXVIII. Provided always, and be it further enacted, That if any House or Premises shall appear to be situate partly within the Limits of the Jurisdiction of the Trustees under this Act and partly in any Street or Place 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 Trustees for executing this Act, 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.

Power to  
compound  
for Rates in  
certain Cases.

LXXIX. And be it further enacted, That when the yearly Rent or Value of any House, Tenement, or Hereditament within the Limits of this Act shall not exceed Twenty Pounds, or where any House, Tenement, or Hereditament shall be let to any weekly or monthly Tenants, or in separate Apartments furnished or unfurnished, and the Rents thereof shall become payable and be collected at any shorter Period than quarterly, then and in every such Case (but subject to the Proviso herein-after contained) it shall and may be lawful to and for the said Trustees to compound (if they shall think proper) with the Landlord or Landlords, Owner or Owners, Lessee or Lessees, of all and every or any such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, within the Limits of this Act, for the Payment of the Rate or Rates to be made by virtue of this Act, or any of them, at such a reduced yearly Rental as the said Trustees shall think reasonable, so that no such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, be rated at less than Two-thirds or more than Four-fifths of the Rack Rent at which the same respectively shall be then let, or of the annual Value of the said Premises respectively; and the Landlord or Landlords, Owner or Owners, Lessee or Lessees of all such Houses, Tenements, or Hereditaments as shall not exceed the yearly Rent or Value of Twenty Pounds, or as shall be let to any weekly or monthly Tenants, or in separate Apartments furnished or unfurnished as aforesaid, and the several Rents whereof shall become due and be collected at any shorter

shorter Period than quarterly, is and are hereby required to enter into such Composition with the said Trustees; and in case such Landlord or Landlords, Owner or Owners, Lessee or Lessees, shall refuse to enter into such Composition, he, she, or they shall from thenceforth be rated to and from Time to Time shall pay or cause to be paid the Rates charged upon their respective Premises by virtue of this Act unto the Collector or Collectors for the Time being, who is and are hereby authorized to receive and to collect the same; and upon Non-payment thereof, or of the Amount of such Composition, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Landlord or Landlords, Owner or Owners, Lessee or Lessees of the respective Premises aforesaid, wheresoever they may be found, or of the Person or Persons inhabiting the same respectively, or the same may be sued for and recovered in such other Manner as by this Act is provided for the Recovery of the Rates in other Cases: Provided always, that no such Landlord, Owner, or Lessee shall be charged with or be liable to pay for any increased Rent reserved or made payable to him for or on account of such Landlord or Owner having agreed to pay the Rates heretofore chargeable upon the several Occupiers of such Premises; and provided also, that the Goods and Chattels of all and every Persons or Person renting or occupying any such House, Tenement, or Hereditament, or any Part or Parts thereof, the Rate or Rates whereof the Landlord or Landlords, Owner or Owners, is and are hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment of such of the said Rates, and of all Arrears thereof, as became due upon the said Premises during the Time of his, her, or their Occupancy only; but no such Occupier or Occupiers shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rates or any of them, and the Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners, Lessee or Lessees of the Premises so occupied by him, her, or them: Provided also, that each and every Occupier who shall pay any such Rate or Rates, or any Arrears thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the same from the Rent due and payable from him, her, or them to the respective Landlords, Owners, or Lessees of the Premises, unless there shall be some Agreement to the contrary between the Landlord and Tenant, and the Receipt for such Payment shall be a sufficient Discharge to such Occupier or Occupiers, and to his, her, or their Landlord or Landlords, for such Money as he, she, or they shall pay in the Manner directed by this Act: Provided also, that where the yearly Rent or Value of any House which shall be let out furnished, either altogether or in separate Apartments, shall exceed Twenty Pounds *per Annum*, it shall not be lawful for the said Trustees, upon such Composition being made as aforesaid, to take less than the full Amount of the Rate or Rates which shall be assessed in respect of such House, but nevertheless such Composition shall be made in manner aforesaid for Payment of the whole of such Rate with and by the Landlord, Owner, or Lessee of the said Premises.

LXXX. And be it further enacted, That from and after any Composition at a reduced Rate shall be made with the said Trustees as  
 [Local.] 44 H herein-

Houses compounded for to be rated afterwards.

herein-before mentioned in Cases where such Composition at reduced Rates is authorized, the House or Houses, Tenement or Tenements, and Hereditaments therein comprised, shall be rated and assessed according to the said reduced Rental, until the said Trustees shall think proper otherwise to rate and assess the said Premises, and without any Notice to be given to the Landlord, Owner, or Lessee of the same.

Landlord  
how to be  
ascertained.

LXXXI. Provided always, and to prevent Dispute touching the Designation of Landlord or Owner, Lessee or Lessees, intended to be made in certain Cases liable to Rates by this Act, be it enacted, That the Person or Persons receiving or claiming to be entitled to the Rent of every House, Tenement, or Hereditament, or Part of a Tenement, immediately payable by the Tenant or Occupier thereof, shall be deemed or taken to be the Landlord or Owner, Lessee or Lessees of the same for the Purposes of this Act, and shall continue to be rated and liable to the Payment of all and every such Rates as therein and herein-before mentioned, until some other Person or Persons shall be rated to or pay the same, unless the real Landlord, Owner, or Lessee shall compound for the same with the said Trustees: Provided, that nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any Agreement made between any Landlord and Tenant in any Lease now granted or hereafter to be granted pursuant to any Contract or Agreement now existing; anything in this Act contained to the contrary thereof notwithstanding.

Empty  
Houses to be  
assessed at  
Half the  
Rates.

LXXXII. And be it further enacted, That where any of the Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments shall at the Time of making any of the said Rates be empty and untenanted or unoccupied, then and in every such Case it shall be lawful for the said Trustees to rate and assess such Premises respectively at One Half of such Rates; and also in case any such Premises after the making of such Rate or Rates shall become empty, untenanted, or unoccupied, One Half only of such Rates shall be charged on such Premises respectively for and during so long a Time as the same shall continue empty, untenanted, and unoccupied; and then and in any of the said Cases the said Rate or Rates, and all Arrears due thereon, shall be paid by the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, or by the first or any other Tenant or Occupier thereof, and in which last Case such Tenant or Tenants, Occupier or Occupiers, shall and may and is and are hereby authorized to deduct and retain the same out of his, her, or their Rent or Rents respectively, and the Landlord or Landlords, Owner or Owners of such Premises is and are hereby required to allow such Deduction and Payment upon Receipt of the Residue of his, her, or their respective Rents, and the said Tenant or Tenants, Occupier or Occupiers, shall be and is and are hereby acquitted and discharged of and from so much of his, her, or their Rent as the Rate or Rates and all Arrears due thereon, and so paid by him, her, or them, shall amount to.

Recovery of  
Rates from  
Persons  
removing.

LXXXIII. And whereas it may happen that many Persons liable to and who may be rated and assessed for the Purposes of this Act

may, before the Payment of the Sums which may be rated to them respectively, quit and leave their Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Lands, Grounds, Tenements, or Hereditaments, and remove to any Place beyond the Limits of this Act: Be it therefore further enacted, That when any Person or Persons who hath or have been so rated and assessed shall quit or shall be about to quit his, her, or their Lands, Grounds, Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments before he, she, or they shall have paid such Rate or Rates, and shall afterwards refuse or neglect to pay the same when due and demanded by the Collector or Collectors authorized to receive the same, then and in every such Case it shall be lawful for the said Collector or Collectors, or any of them, (Oath being made by him or them that he or they hath or have Cause to suspect that such Person or Persons is or are removing, or hath or have removed his, her, or their Goods and Chattels,) by Warrant under the Hand and Seal or Hands and Seals of any One or more of His Majesty's Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, to collect and levy such Rates and all Arrears due thereon for the Quarter of a Year, Half Year, or other Period for which a Rate shall be assessed, wherein such Removal or Sale shall begin to be made as aforesaid, to be considered as due, although previously to the Time for Payment of the Rate for such Period, by Distress and Sale of the Goods and Chattels of the Party so beginning to quit, remove, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made, the said Rates, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector or Collectors shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates, 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.

LXXXIV. And be it further enacted, That in order to avoid the Loss which frequently happens by Tenants or Occupiers of Houses, Tenements, or Hereditaments, or Parts of Tenements, removing from the same before the Quarter Day on which the Rates charged on the said Houses, Tenements, or Hereditaments, or Parts of Tenements, shall become due and payable, it shall be lawful for the Collector or Collectors to be appointed as aforesaid, Twenty-eight Days before every such Quarter Day, or at any other subsequent Time before such Quarter Day, to demand and receive the respective Rates to be made by virtue of this Act, and which would be due and payable on such Quarter Day, and in case of Nonpayment thereof to enforce the Payment of such Rates in the same Manner and with the same Powers as in case of Nonpayment of such Rates upon or after the Quarter Day on which the same would have become due and payable.

Collectors may anticipate Receipts from Persons about to remove.

LXXXV. And

Persons removing and others coming in to pay Rates in proportion.

LXXXV. And be it further enacted, That in case any Person or Persons shall remove out of or from, or quit the Possession of any House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, before any Rate or Rates to be charged thereon by virtue of this Act shall be paid and discharged, and if any Person or Persons shall enter into the Occupation of any House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, out of or from which any Person or Persons shall have removed, before such Rate or Rates shall have been paid and discharged, then and in every such Case the Person or Persons so removing out of or from, or quitting Possession of, and the Person or Persons entering into the Occupation of any such House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, shall be respectively subject and liable to the Payment of all such Rates, in proportion to the Time that such Person or Persons respectively shall have possessed or occupied the same respectively, in the same Manner as if the Person or Persons so removing or quitting as aforesaid had remained in the Possession and Occupation of such House, Building, Land, Tenement, or Hereditament, or Part of a Tenement, or the Person or Persons so entering into the Occupation thereof had been originally rated and assessed in such Rates, which Proportion shall, in case of Dispute, be settled by any Two Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, whose Determination shall be final.

For rating unfinished Houses.

LXXXVI. And whereas it has happened and may happen that the Houses and other Buildings within the Limits of this Act have been or may be begun to be built, but not finished nor let, and it is reasonable that such Houses and Buildings should be rated and assessed for the Purposes of this Act: Be it therefore further enacted, That until such Houses or other Buildings which now are or hereafter may be built or in building shall be finished and tenanted (if the Street or other Place wherein such House or other Building is or shall be situated shall be paved, repaired, cleansed, and lighted by virtue and in pursuance of this Act), it shall be lawful for the said Trustees to rate and assess all such Houses and other Buildings situate within the Limits of this Act as are or shall be erected and covered in, but not finished nor let, either by One or more distinct Assessment or Assessments, or by including them in any other Assessment or Assessments, at a Rate not exceeding Sixpence for every Square Yard of Ground paved or to be paved belonging to or lying before the Fronts or Sides of such Houses or other Buildings; and in like Manner and for the like Purposes to rate and assess all such Houses or other Buildings as last mentioned, which are or shall be erected but not covered in, at a Rate not exceeding Four-pence for every square Yard paved or to be paved by virtue of this Act, and belonging to or lying before the Fronts or Sides of such Houses or other Buildings, until the same shall be covered in as aforesaid, and then at a Rate not exceeding Sixpence for every Square Yard until the same shall be let or occupied; which last-mentioned Rates shall be paid by and recoverable from the Proprietor or Proprietors, Lessee or Lessees, Owner or Owners of such House or Houses, Building or Buildings respectively,



respectively, and shall be charged and chargeable on the said Premises; and if the said Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, shall refuse or neglect to pay the same, upon Demand, then and in every such Case such Rate or Rates, and all Arrears due thereon, shall and may be levied on the Goods and Chattels of the Person or Persons so required to pay the same, in manner herein directed; and in case the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of such House or Houses, Building or Buildings, shall not be known or cannot be found, then the Rate or Rates made thereon shall be and remain charged and chargeable on the said Premises, until the Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, can be found, when the same and all Arrears due thereon may be levied and recovered upon the said Premises in like Manner as other Rates made by virtue of this Act are recoverable.

LXXXVII. And be it further enacted, That it may be lawful to and for the said Trustees from Time to Time to rate and assess any Chapel, Meeting House, Place for Religious Worship, Hospital, public School, and all other public Buildings within the Limits of this Act which now are or hereafter may be built, or any of them, at a Rate not exceeding in any One Year the Sum of One Shilling for every Square Yard of the Foot and Carriageway and other Pavements contained in One Half of the entire Width of as much of any and every Street or public Place as shall or may lay before or at the Sides or Rear of or abut upon or adjoin to such Chapels, Meeting Houses, Places for Religious Worship, Hospitals, public Schools, and other public Buildings respectively, or before, upon, or to the Areas or Ground in front of or surrounding or belonging to the same, or any Part or Parts thereof, or the Entrance to the same, and also to rate and assess thereby all and every the Burying Places, dead Walls, and void Spaces of Ground within the Limits of this Act, and which are not charged to such Rate or Assessment in respect of any Messuage or other Building whereunto they may be appurtenant, at a Rate not exceeding in any One Year the Sum of One Shilling for every Square Yard of the Foot and Carriage Way and other Pavements contained in One Half of the entire Width of as much of any and every such Street or public Place as shall or may lay before or at the Sides or Rear of or abut upon or adjoin to such Burying Places, dead Walls, and void Spaces of Ground, or any Part or Parts thereof; and that every of the said Rates or Assessments so made from Time to Time shall be paid for such Chapels, Meeting Houses, Places for Religious Worship, Hospitals, public Schools, and other public Buildings, Burying Places, dead Walls, and void Spaces of Ground, by the Persons following; (that is to say,) the Rates or Assessments of or for any Hospitals by the Stewards or Housekeepers of such Hospitals for the Time being, and the Rates or Assessments of or for any public Schools by the Masters or Mistresses of such public Schools for the Time being, and the Rates or Assessments of or for any other public Buildings by the Housekeeper or other Keepers or other Person or Persons having the Care of such other public Buildings as aforesaid for the Time being; and that such Rates or Assessments of or for any Burial Places shall be paid by the Owners or Proprietors

Public Buildings, void Spaces of Ground, &c. to be rated.

[Local.]

44-I

thereof

thereof respectively, or by the Persons who for the Time being shall receive the Money which shall be paid for the Interment of the Dead therein; and such Rates or Assessments of or for any Chapels or Meeting Houses, and Places for Religious Worship, shall be paid by the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers thereof respectively, or any Person or Persons who shall receive or collect any Money for the Seats or Pews therein, or any other Money arising therefrom; and such Rates or Assessments of or for such dead Walls or void Spaces of Ground shall be paid by the Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers thereof respectively, or the Person or Persons claiming to be the Owner or Owners, Proprietor or Proprietors of any void Spaces of Ground, when there shall be no actual Occupier or Occupiers thereof respectively, as the said Trustees shall from Time to Time direct; and that all and every such Persons respectively shall be charged with and shall pay such Sums of Money as shall from Time to Time be rated, assessed, or imposed on or in respect of or for the said Premises respectively, and that the same Rates and Assessments may be recovered from all and every such Persons respectively, and be applied in such Manner, as other Rates and Assessments are directed to be recovered and applied in and by this Act.

Buildings adjoining, though not within the Limits, may be rated.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Trustees to include in any Rate or Assessment, and thereby to rate or assess, all Houses, Buildings, and Ground abutting upon or adjoining to and communicating with any Street, Road, Way, Passage, Court, or Place which shall be paved, repaired, cleansed, lighted, or watched under the Provisions of this Act, although such Houses, Buildings, or Ground may not be comprised within the Limits herein-before described, save and except the Hospitals called or known by the Names of *The Green Coat Hospital* and *The Grey Coat Hospital*, and also save and except the Houses, Hospital, and Buildings in *Rochester Row* which are herein-before excepted out of the Provisions of this Act respectively, which are not to be included in any Rate or Assessment to be made by the said Trustees under this Act.

Vincent's Square not to be assessed by this Act.

LXXXIX. Provided always, and be it further enacted, That no Rate shall be charged or payable under this Act in respect of a certain Field or Piece of Ground called *Vincent's Square*, containing Ten Acres or thereabouts, Part of the said Grounds herein-before mentioned and described, as the same is now inclosed, and that the same shall be totally exempted from the Operations of this Act.

Omission and Errors in Rates may be rectified.

XC. And be it further enacted, That whenever it shall appear to the said Trustees that there shall be any Omission or Error in any Rate or Assessment of or in the Name of any Person or Persons, or of any House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Tenement, or Hereditament liable to be rated for the Purposes of this Act, it shall be lawful for the said Trustees to cause to be added or corrected in the said Rate or Assessment the Name or Names of the Person or Persons omitted or erroneously stated, and a Description of the Property in respect of which he,  
she,

she, or they ought to be rated ; and every such Addition or Correction made in any of the said Rates shall be as valid and effectual as if the same had been Part of the original Rate at the Time when it was first made.

XCI. And be it further enacted, That in case any Person or Persons charged with any such Rate or Rates shall refuse or neglect, after Demand made by the Collector or Collectors for the Time being, to pay the Money rated or assessed upon him, her, or them respectively, and all Arrears thereof, it shall be lawful for any One of His Majesty's Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*, and he is hereby authorized and required, to summon, by Writing under his Hand, each and every Person so charged, and who shall have so refused or neglected as aforesaid, (on Oath being made before such Justice by the Collector for the Time being of his having attended at the Place of Abode of each and every such Person having so refused or neglected to pay the same,) to appear at a Time and Place to be mentioned in such Summons before such Justice, or before any Justice or Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex* who shall be then and there present ; and it shall be lawful for any Person appointed to collect and receive such Rates, or for any other Person, to serve all and every such Summons upon all and every Persons and Person so refusing or neglecting to pay as aforesaid, either by delivering the same to the Persons or Person thereby intended to be summoned, or by leaving the same at their or his last or usual Places or Place of Abode, or at or on the Premises for or in respect whereof the Rate or Rates mentioned in such Summons shall remain due and owing ; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they do or shall attend, and shall not make it appear to such Justice that he, she, or they is or are not chargeable with such Rate or Rates under this Act, then all and every the Persons and Person who shall have been so summoned shall pay as well such Rate as the reasonable Costs and Charges of such Summons ; and in all Cases where the said Rate, Costs, and Charges shall not be paid upon the Return of such Summons it shall be lawful to and for such Justice who shall have issued the same, or any other Justice of the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, and he is hereby authorized and required, (on Oath being made before him of the due Service of such Summons as aforesaid, or in case such Person or Persons so refusing to pay as aforesaid shall have removed out of the said District, then on Proof of such Summons having been duly issued as aforesaid,) to grant a Warrant or Warrants under his Hand and Seal, authorizing and directing such Collector, or any Constable or Constables, Headborough or Headboroughs, Beadle or Beadles, to levy such Rate or Rates respectively, and all Arrears thereof, and the Expenses of the Summons and of the Warrant, by Distress of the Goods and Chattels of the Party so neglecting or refusing ; and if within Five Days after such Distress or Distresses shall be made the said respective Rates and all Arrears thereof shall not be paid, together with the Costs and Charges of taking and keeping.

Rates how to  
be recovered.

keeping the same; it shall be lawful for such Collector, Constable or Constables, Headborough or Headboroughs, Beadle or Beadles, to cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the said Person or Persons the Overplus (if any), after deducting the said Rates or Assessments and all Arrears thereof, and the reasonable Costs and Charges attending such Distress and Sale, which Costs and Charges, in case of Dispute, shall be settled and ascertained by One of His Majesty's Justices of the Peace for the said City, Borough, and Town of *Westminster* or County of *Middlesex*; and in default of such Distress it shall be lawful for any Justice or Justices to commit such Person or Persons to the Common Gaol or House of Correction for the said City, Borough, and Town, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expenses attending the Recovery thereof, such Costs, Charges, and Expenses to be ascertained and determined by the said Justice or Justices respectively.

Trustees under this Act may recover Arrears due on Rates made under the Acts repealed.

XCII. And be it further enacted, That where any Rates or Assessments made under the said recited Acts of the Ninth Year of the Reign of King *George* the Second, the Fourteenth, Second, Third, Fourth, Fifth, Eleventh, Twenty-second, and Thirtieth Years of the Reign of His late Majesty King *George* the Third, or any of them, shall at the passing of this Act be in arrear and unpaid by any Person or Persons, it shall and may be lawful for the said Trustees for executing this Act and they are hereby authorized to recover, demand, and receive all such Arrears by and under the same Powers and Authorities as any Rate or Assessment made by the Trustees under the Authority of this Act may be demanded and recovered.

XCIII. And be it further enacted, That every Warrant of Distress for the Nonpayment of any such Rates or Composition to be made under this Act shall be in the Words or to the Effect following; (that is to say,)

Form of Distress.

City, Borough, and Town of } To the Collectors of the Rates for Tothill  
 Westminster in the County } Fields, and to all Constables and other  
 of Middlesex, or County } Peace Officers of the same District:  
 of Middlesex, to wit,

WHEREAS the under-mentioned Persons, now or late Inhabitants, Holders, Landlords, Tenants, Occupiers, or Enjoyers of Lands, Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, or other Buildings, Tenements, or Hereditaments, or Parts of Buildings or Tenements, within the Limits of an Act for the Improvement of Tothill Fields aforesaid, made in the Sixth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], were and are truly rated or liable to the under-mentioned Rate or Rates by virtue of the said Act: And whereas the said Persons have refused or neglected to pay the several Sums of Money at and against their Names hereunder respectively set down for Money due from them for or towards the Purposes in the said Act mentioned, and the said several Sum and Sums are still remaining due, in arrear, and unpaid,

‘ unpaid, as appeareth upon Oath to me One of His Majesty’s Justices  
 ‘ of the Peace for the said City, Borough, and Town of Westminster,  
 ‘ or County of Middlesex (*as the Case may be*); and the said several  
 ‘ Persons having been summoned to appear before me to answer the  
 ‘ Premises, as also appeareth to me the said Justice upon Oath, and the  
 ‘ said several Persons so summoned, or either of them, not having shown  
 ‘ sufficient Cause why such Sum or Sums of Money should not be  
 ‘ paid; These are therefore in His Majesty’s Name to will and require  
 ‘ you, or either of you, forthwith to levy the said several Sums due  
 ‘ from the said Persons, and hereunder joined to or set against their  
 ‘ Names respectively, by Distress and Sale of their respective Goods  
 ‘ and Chattels, such Goods and Chattels being kept for the Space of  
 ‘ Five Days before the same are sold, rendering to them the Overplus  
 ‘ (if any be), the reasonable Charges of such Distress, Sale, and  
 ‘ Keeping being first deducted; and if no sufficient Distress can be  
 ‘ had or taken, that then you certify the same to me, to the end such  
 ‘ further Proceedings may be had therein as to the Law doth apper-  
 ‘ tain: And we do hereby strictly charge and command all and  
 ‘ singular the Constables and other His Majesty’s Peace Officers for  
 ‘ the said City, Borough, and Town of Westminster, or County of  
 ‘ Middlesex (*as the Case may be*), to be aiding and assisting in all  
 ‘ Things relating to the Premises. Given under our Hands and Seals  
 ‘ this            Day of            in the Year of our Lord            .’

Sums due.  
 £   s.   d.

‘ A.B.	-	-	-	-	-
‘ C.D.	-	-	-	-	-
‘ E.F. (the Landlord for divided Premises)	-	-	-	-	-
‘ G.H.	Houses in		compounded for		
‘ E.I., Landlord (or Receiver, &c, as the Case may be)	-	-	-	-	-
‘ K.L., Tenant	-	-	-	-	-

And One or more Rate or Rates may be included in each and every or any such Warrant as aforesaid.

XCIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, if they shall think it more expedient, to bring or cause to be brought, in the Name of their Treasurer or Clerk, or of any One or more of them the said Trustees, any Action or Actions of Debt, or any special Action on the Case, in any of His Majesty’s Courts of Record at *Westminster*, or to proceed in any Court of Requests or other Court whatever for the Recovery of Debts above or under Five Pounds, within the Jurisdiction of which the Person or Persons, or either of them, against whom any such Action or Actions or other Proceedings may be brought shall reside, for all or any of the Rates to be made or Composition to be paid 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 such Sum of Money as the Plaintiff shall suppose to be due; and if the Plaintiff 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 Judgments are now by Law levied and recovered, in which Action or Actions no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

Actions may be brought for Rates.

[Local.]

44 K

XC.V. And

Rate Books  
to be received  
as Evidence.

XCV. And be it further enacted, That the Books of Rates to be delivered by the Collector or Collectors, or other Officers, to the said Trustees, and all Entries afterwards made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Trustees may  
release poor  
Persons from  
Rates.

XCVI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees from Time to Time or at any Time or Times to exonerate and release any poor Householder or Householders, or Occupier or Occupiers of any Land, Tenement, Building, or Apartment, from the Payment of all or any Part of the Rate or Rates by virtue of this Act, for and during such Time or Times and in such Proportion or Proportions as the said Trustees shall think him, her, or them incapable of paying.

Trustees may  
borrow Mo-  
ney on Mort-  
gage or Bond.

XCVII. And for the more speedily raising Money for carrying the Purposes of this Act into execution, be it further enacted, That it shall be lawful for any Five or more of the said Trustees from Time to Time to borrow and take up at Interest, by way of Mortgage or on Bond, such Sum or Sums of Money as they shall judge necessary for all or any of the Purposes of this Act, upon the Credit of the Rates to be made, levied, and collected by virtue of this Act, or upon the Credit of or by way of Charge upon any Lands, Tenements, or Hereditaments, or other Property which shall or may be vested in the said Trustees for any of the Purposes of this Act, and by Writing under their Hands and Seals to assign or convey all or any Part of the said Rates or Assessments, or any such Messuages, Lands, Tenements, or Hereditaments, or other Property whatsoever, 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 Expenses of such Assignment or Conveyance, to be made as herein-after mentioned, shall be from Time to Time defrayed by the said Trustees out of the Money so borrowed: Provided nevertheless, that the said Rates and Assessments shall not at any one Time be charged with a greater Sum than Thirty thousand Pounds.

Form of  
Mortgage.

XCVIII. And be it further enacted, That every such Assignment or Conveyance by way of Mortgage shall be in the Words or to the Effect following; (that is to say,)

WE Five of the Trustees  
of Tothill Fields, acting in pursuance of an Act passed in the  
Sixth Year of the Reign of King George the Fourth, intituled [*here*  
*set forth the Title of this Act*], in consideration of the Sum of  
advanced and lent by  
of in the County of upon the Credit and  
for the Purposes of the said Act, do hereby grant and assign or convey  
unto the said [or his Trustee or Trustees, as the Case  
*may be*], his or her Executors, Administrators, and Assigns, [*or Heirs*  
*and Assigns, as the Case may require,*] such Proportion of the Rates to  
be raised, levied, and collected by virtue of the said Act as the said  
Sum of doth or shall bear to the whole Sum which may  
at any Time be borrowed, or become due and owing, or be charged  
upon

‘ upon the Credit of the same Rates [or all that Messuage, *et cetera*,  
‘ *describing the Messuages, Lands, Hereditaments, or other Property to*  
‘ *be conveyed*], 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 Trustees have hereunto  
‘ set our Hands and Seals the Day of in the Year of  
‘ our Lord

And every Bond to be given by the said Trustees for securing any Sum  
or Sums of Money to be borrowed as aforesaid shall be in the Form  
and to the Effect following; (that is to say,)

‘ **KNOW** all Men by these Presents, That the Trustees of Tothill  
‘ Fields, appointed by and acting under an Act passed in the Sixth  
‘ Year of the Reign of King George the Fourth, intituled [*here set*  
‘ *forth the Title of this Act*], and their Successors, are held and firmly  
‘ bound to in the Sum of to  
‘ be paid to him [or her] the said or to his [or her]  
‘ certain Attorney, Executors, Administrators, or Assigns. In witness  
‘ whereof we the undersigned, being Five of the said Trustees, have  
‘ hereunto set our Hands and Seals this Day of  
‘ in the Year of our Lord The Condition  
‘ of the above-written Bond or Obligation is such, that if the above-  
‘ named his [or her] Executors, Administrators, or  
‘ Assigns, shall, under and according to the true Intent and Meaning  
‘ of the above-mentioned Act of Parliament, be well and truly paid  
‘ the full and just Sum of this Day advanced and  
‘ lent by him [or her] the said upon the Credit of the  
‘ said Act, together with the Interest of such Sum of  
‘ whilst the same shall remain unpaid, after the Rate of  
‘ per Centum per Annum, by quarterly Portions or Payments, then  
‘ this Obligation to be void. Signed and sealed in the Presence  
‘ of

Form of  
Bond.

And all such Assignments and Bonds shall be numbered in regular  
arithmetical Order (but the Assignments to be numbered in one Series  
and the Bonds in another); 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, Ad-  
ministrators, and Assigns, to the Payment thereof, and to all Profit  
and Advantage thereof, according to the true Intent and Meaning of  
this Act.

XCIX. And be it further enacted, That in case the said Trustees  
shall think it advisable to raise all or any Part of the Money autho-  
rized to be raised for the Purposes of this Act, by granting Annuities  
for Lives or for Terms of Years, or by way of Tontine, instead of such  
Mortgages or Bonds as aforesaid, then and in such Case it shall be  
lawful for the said Trustees, or any Five or more of them, and they are  
hereby authorized and empowered so to do, and in such Case by  
Writing under their Hands and Seals to grant an Annuity or Annuities  
to or in trust for any Person or Persons who shall contribute, advance,  
and pay into the Hands of the Treasurer of the said Trustees any Sum  
or

Trustees may  
raise Money  
by Annuity or  
Tontine.

or Sums of Money for the Purchase of such Annuity or Annuities, which Annuity or Annuities shall be granted and made payable during the Life or Lives either of the Purchaser or Purchasers thereof, or the Life or Lives of any Person or Persons whomsoever to be nominated by or on the Behalf of such Purchaser or Purchasers at the Time of the Payment of his or their Purchase Money, and shall be charged upon and made payable out of the Rates to be made under the Powers of this Act, or upon or out of any Messuages, Lands, and Hereditaments, or any Property for the Time being vested in the said Trustees by virtue of this Act, as in the Grant or Grants of such Annuity or Annuities shall be expressed; and so often as any Money for the Purposes of this Act shall be raised by way of Tontine, then such Tontine shall be in such Classes at Interest, and with such Benefit of Survivorship, and subject to such Rules, Orders, and Regulations as the said Trustees shall make respecting the same (which shall be binding and conclusive upon all the Contributors thereto); and the Grant of every such Annuity shall be in the Words or to the Effect following, with such Additions, Omissions, and Variations as Circumstances may require; (that is to say,)

‘ **WE** Five of the Trustees of  
 ‘ Tothill Fields, acting in pursuance of an Act passed in the  
 ‘ Sixth Year of the Reign of His Majesty King George the Fourth,  
 ‘ intituled [*here set forth the Title of this Act*], in consideration of the  
 ‘ Sum of                    paid by                    to the Treasurer appointed  
 ‘ in pursuance of the said Act (the Payment whereof is hereby acknow-  
 ‘ ledged), do hereby grant unto the said                    an Annuity or yearly  
 ‘ Sum of                    to be paid out of the Rates to be raised, levied,  
 ‘ and collected by virtue of the said Act, or to be payable out of and  
 ‘ charged upon all that, *et cetera*, [*here describe the Messuages, Lands,*  
 ‘ *Hereditaments, or other Property to be charged*]; which Annuity or  
 ‘ yearly Sum of                    shall be paid to the said  
 ‘ or his [*or her*] Assigns during the Term of his [*or her*] Life [*as*  
 ‘ *the Case may be*] to the said                    his [*or her*] Executors, Ad-  
 ‘ ministrators, or Assigns, during the Life of                    or during the  
 ‘ Lives of                    and the Life of the Survivor, upon the  
 ‘ Day of                    the                    Day of                    the                    Day of  
 ‘ and the                    Day of                    in every Year during the Life or  
 ‘ Lives of him, her, or them the said                    at the                    ; the first  
 ‘ quarterly Payment thereof to be made upon the                    Day of  
 ‘                    next ensuing the Date hereof. In witness whereof we the  
 ‘ said Trustees have hereunto set our Hands and Seals, the  
 ‘ Day of                    in the Year of our Lord                    .’

And every such Grant of Annuity shall be good, valid, and effectual in the Law; 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 Trustees, or any other Person or Persons in that Behalf concerned, out of the Rates or Assessments or other Property charged therewith, according to the Grant of such Annuity.

Securities  
 may be trans-  
 ferred.

C. And be it further enacted, That it shall be lawful for the several Persons entitled to any of the Securities for the Money to be borrowed  
 at



at legal Interest as aforesaid, or to be raised by granting 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; (that is to say,)

‘ I *A.B.* being entitled to the Sum of \_\_\_\_\_ [or Annuity of \_\_\_\_\_] Form of  
 ‘ \_\_\_\_\_ ] secured to \_\_\_\_\_ and his or her Assigns, or Transfer.  
 ‘ his or her Executors, Administrators, and Assigns [*as the Case may*  
 ‘ *be*], by virtue of an Assignment [or Bond, or Grant of Annuity],  
 ‘ bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ under  
 ‘ the Hands and Seals of Five of the Trustees of Tothill Fields,  
 ‘ acting in the Execution of an Act passed in the Sixth Year of  
 ‘ the Reign of His Majesty King George the Fourth, intituled [*here*  
 ‘ *set forth the Title of this Act*], upon the Credit of the Rates or As-  
 ‘ sessments granted or payable by the said Act, or charged upon or  
 ‘ payable out of [*here state the Property charged with the Debt or*  
 ‘ *Annuity to be assigned*], 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, Administrators, or Assigns. Dated the \_\_\_\_\_  
 ‘ Day of \_\_\_\_\_

And a Copy or an Extract of every such Mortgage, Bond, or Security as aforesaid, and of every such Transfer as aforesaid, together with the Number or Numbers thereof, and of every Grant of Annuity and every Transfer thereof made in pursuance of this Act, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, which Extract or Memorial shall specify and contain the Dates, Names of the Parties, and Sums of Money thereby secured or transferred, to which Books 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 Security or Transfer, the said Clerk shall be paid by the Person or Persons to whom such Security or Transfer shall be made the Sum of Five Shillings and no more; and every such Transfer after the entering thereof as aforesaid shall entitle the Person to whom such Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any Registry or Enrolment thereof.

CI. And for preventing any improvident Grants of Annuities, be it Restrictions  
 further enacted, That the Amount of every Annuity to be granted by as to Grants  
 virtue of this Act shall be regulated according to the Price of the of Annuities.  
 Three Pounds *per Centum* Consolidated Bank Annuities at the Time of  
 granting the same, in the Manner and at a Rate not exceeding by more  
 than One Fifth the Rate prescribed by Two several Acts, one passed in  
 the Eighteenth Year of the Reign of His late Majesty King George  
 the Third, intituled *An Act to enable the Commissioners for the Reduc-*  
*tion of the National Debt to grant Life Annuities*, and the other passed  
 in the Fifty-second Year of the Reign of His said late Majesty,  
 intituled *An Act for amending Two Acts passed in the Forty-eighth*  
 [Local.] 44 L and

*and Forty-ninth Years of His late Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.*

Monies borrowed to be paid off by Ballot.

CII. And in order that no Preference may be given to any of the Persons who shall have advanced or lent Money upon the Credit of the said Rates or Assessments or other Property; be it further enacted, That the said Trustees (if there shall be more Creditors than One) shall cause the Number or Numbers of all Assignments or Securities granted and then in force, for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments or Property, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, or as near as possible, 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 Trustees; and after every such Ballot the said Trustees 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 pursuant to such Ballot, and when there is only One Creditor, to give Notice to such Creditor of the Intention of the said Trustees 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 will be paid on a Day and at a Place specified in such Notice, such Day not being sooner than Six Days after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money to be so paid off shall from 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 specified, shall nevertheless be payable on Demand: Provided always, that nothing herein contained shall extend or be construed to extend so as to require the said Trustees to pay off and discharge any Monies lent on the Credit of the said Rates or Assessments or other Property by way of Annuity, until all other the Creditors on the same Fund or Funds 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 Trustees for the Repurchase of such his, her, or their Annuity or Annuities.

Trustees to make a Rate for Sinking Fund.

CIII. And be it further enacted, That in order to discharge the Principal Money of any such Sum or Sums of Money as shall or may be borrowed for any of the Purposes aforesaid, it shall be lawful for the said Trustees, and they are hereby authorized and required yearly and every Year, to appropriate, set apart, and apply, out of the Rates, such a Sum of Money as shall be in proportion to One Thirtieth Part of the Money borrowed, and at that Time due and secured as aforesaid, upon the whole of the Rates and Funds vested in the said Trustees by virtue of this Act, as and for a Sinking Fund to be applied in paying off and discharging the Principal Monies so respectively borrowed; and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Stock, in the Three Pounds *per Centum* Consolidated

dated or Three Pounds *per Centum* Reduced Bank Annuities, in the Names of any Four of the said Trustees; and to be increased by Accumulation, in the Way of Compound Interest or otherwise, until the same shall be of sufficient Amount to pay off the said Principal Debts, or any One of them, at which Time the same shall be so applied in paying any One of the said Debts, to be determined by Ballot as aforesaid.

CIV. Provided always, and be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money, for any of the Purposes of this Act, at a lower Rate of Interest than any Security or Securities which shall then be in force shall bear, it shall be lawful for the said Trustees from Time to Time to charge the said Rates or other Funds or Property, or any Part thereof, in such Manner and with such Restrictions as herein mentioned, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate as aforesaid, to pay off and discharge any Security or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Securities.

Trustees may borrow Money at a lower Rate to pay off Securities at a higher Rate of Interest.

CV. And be it further enacted, That the Monies to be produced from the said Rates, and to be borrowed or advanced upon Mortgage, or at Interest, or paid for the Purchase of any Annuities upon the Credit or Securities of this Act, and all other Monies to be received by the said Trustees by virtue of this Act, shall be applied in the first place in paying and discharging the Expenses attending the obtaining and passing of this Act, and in the next place in paying from Time to Time the Interest of the Principal Money to be borrowed, and the Annuities to be granted as aforesaid, and in carrying into execution the several Purposes of this Act, and the Residue thereof shall from Time to Time be applied in paying off the Principal Monies to be borrowed, and in re-purchasing the Annuities to be granted in manner aforesaid.

Application of the Monies borrowed under this Act.

CVI. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind soever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, or under the Authority of this Act, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices

In case of Nonpayment of Compensation for Damage done by the Trustees, the same to be levied by Distress.

Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expenses of such Distress and Sale, then and in such Case such Overplus shall be returned upon Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be.

Damages, &c.  
in case of  
Dispute to  
be settled by  
Justices.

CVII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, which Justice or Justices is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Recovery and  
Application  
of Penalties.

CVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance hereof (the Manner of levying and recovering which, and the Appropriation whereof, is not herein particularly directed), may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath or Affirmation of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expenses of recovering and levying the same (if any such there be), shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the said Trustees or their respective Treasurer or Clerk, to be applied for the Purposes of this Act, as the said Trustees shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Trustees, and then the same shall be paid to the Informer; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe

Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress; such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction in the said City, Borough, and Town, there to remain, without Bail or Mainprize, for any Time not exceeding Twelve Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties; and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases when the Penalty imposed by this Act shall exceed the Sum of Five Pounds no Proceeding before Justices shall be had and taken for the Recovery thereof before a less Number than Two Justices.

CIX. And for the more easy Prosecution and Conviction of Offenders against this Act, be it further enacted, That all and every Justices and Justice of the Peace before whom any Person or Persons shall be convicted or prosecuted of or for any Offence against this Act shall and may cause the Information and Conviction respectively to be drawn in the Forms following, or in other Words to the same Effect; (that is to say,)

Forms of Information and Conviction.

City, Borough, and Town  
 of Westminster in the  
 County of Middlesex,  
 or County of Middlesex, to wit.

BE it remembered, That on the  
 Day of A. B. of  
 informeth me, One of His Majesty's Justices of  
 the Peace for the said City, Borough, and Town  
 of Westminster, or County of Middlesex, [as the Case may be,]  
 that of in the County of  
 [here describe the Offence, with the Time and Place, and follow the Act  
 as near as may be,] contrary to the Statute made in the Sixth Year  
 of the Reign of King George the Fourth, for [insert the Title of  
 the Act], which hath imposed a Forfeiture of for the  
 said Offence. Taken the Day of  
 before me

[Local.]

44 M

City,

‘ City, Borough, and Town } BE it remembered, That on the  
 ‘ of Westminster in the } Day of                      in the  
 ‘ County of Middlesex, } Year of the Reign of                      and in  
 ‘ or County of Middle- } the Year of our Lord                      A. B.  
 ‘ sex, to wit.                      }  
 ‘ is convicted before me, One of His Majesty’s Justices of the  
 ‘ Peace for the said City, Borough, and Town of Westminster, or  
 ‘ County of Middlesex, [*as the Case may be,*] for [*here specify the*  
 ‘ *Offence, and when and where committed*], contrary to the Form of  
 ‘ the Statute made in the Sixth Year of the Reign of King George  
 ‘ the Fourth, intituled [*here set forth the Title of this Act*]; and I  
 ‘ do hereby declare and adjudge that the said                      hath  
 ‘ forfeited for the said Offence the Sum of                      [*or*  
 ‘ shall be committed to                      for the Space of                      as  
 ‘ *the Case may be*]. Given under my Hand and Seal, the Day and  
 ‘ Year first above written.’

Justices may  
 proceed by  
 Summons in  
 the Recovery  
 of Penalties.

CX. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

Distress not  
 to be unlaw-  
 ful for Want  
 of Form.

CXI. And be it further enacted, That where any Distress shall be made for any Money to be raised by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceeding 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 by an Action on the Case.

Trustees be-  
 ing Justices  
 may act.

CXII. And be it further enacted, That all such Trustees 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 Trustees; and 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 and Justices, and he and they is and are hereby required, to administer such Oath or to take such Affirmation; and in all Cases where any Parties, Witnesses, Officers, or Trustees, or other Persons, are to be heard or examined by, before, or in the Presence of the said Trustees, in any Case, Matter, or Thing relating to this Act, it shall be lawful for such Trustees

Trustees to administer an Oath or to take the Affirmation of such Parties, Witnesses, or Persons.

CXIII. And be it further enacted, That no Inhabitant of any Place within the Limits of this Act shall be deemed an incompetent Witness in any Action, Suit, or Information, Complaint, Appeal, Prosecution, or Proceeding, to be had, made, prosecuted, or carried on under the Authority of this Act, by reason of such Person being rated or liable to be rated by virtue of this Act.

Inhabitants  
may be Wit-  
nesses.

CXIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved or over-rated by any Rate or Assessment, or any other Matter or Thing to be made or done under or in pursuance of this Act, he, she, or they may appear and complain thereof to the said Trustees at One of their Meetings, provided that such Appeal be made within Four Calendar Months next after such Rate or other Cause of Complaint shall have been made or shall have arisen, who may examine the Appellant or Appellants or any Witnesses upon Oath touching or concerning the Matter of such Appeal, and relieve the Person or Person appealing, or not, and make such Order therein as to them shall seem meet.

Appeal to  
the Trustees.

CXV. Provided also, and be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the said Trustees, or by means of any Rate to be made under or in pursuance of this Act, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall be lawful for such Person or Persons to appeal to any General or Quarter Sessions of the Peace to be held in and for the said City, Borough, and Town of *Westminster*, or County of *Middlesex*, within Three Calendar Months next after the same shall have arisen, or, if such Sessions shall be held before the Expiration of One Calendar Month then next, then such Appeal shall be made to the secondly succeeding Sessions, either of which Courts of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Clerk for the Time being to the said Trustees, or other the Respondent or Respondents, and within Five Days after such Notice shall enter into a Recognizance before some Justice of the Peace for the same City, Borough, and Town of *Westminster*, or County of *Middlesex*, with sufficient Securities, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace, whichever shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination in or concerning

Appeal to the  
Quarter Ses-  
sions.

cerning the Premises shall be conclusive and binding on all Parties, to all Intents and Purposes whatsoever.

Rates may be amended without quashing.

CXVI. Provided always, and be it further enacted, That on Appeal from the said Rates or Assessments, or any of them, for the Purposes of this Act, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned in the same; but if upon Appeal from the whole of any Rate it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Rates and Proceedings not to be quashed for Want of Form.

CXVII. Provided always, and be it further enacted, That no Rate, nor any Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing done or transacted in or relative to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever; into any of His Majesty's Courts of Record at *Westminster*.

Plaintiff not to recover in any Action after Tender of sufficient Amends.

CXVIII. Provided also, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for any Irregularity, Trespass, or other Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no 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 before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Adjudication shall be made, had, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for anything done in pursuance of or under the Authority of or colour of this Act until Twenty-one Days Notice has been given thereof in Writing to the Clerk to the said Trustees, nor after sufficient Satisfaction, or Tender thereof, has been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant or Defendants in such Actions or Suits may plead the General Issue, or give this Act and every special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction



Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find a Verdict or Verdicts for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuit, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Double Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law.

CXX. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed to affect or interfere with any of the Powers, Rights, or Duties of the Trustees of any Turnpike Roads within the Limits of this Act. Rights of Trustees of Turnpike Roads not to be affected.

CXXI. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster*, and Part of the County of *Middlesex*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made. Saving the Rights of Commissioners of Sewers.

CXXII. Provided always, and be it further enacted, That nothing herein contained shall operate or extend to place under the Jurisdiction of the Trustees for executing this Act all or any Part of the Highway or Road called *The Vauxhall Bridge Road*, but the same and every Part thereof shall remain, continue, and be subject to the Powers and Provisions of an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Bridge across the River Thames from or near Vauxhall Turnpike in the County of Surrey to the opposite Shore in the County of Middlesex, and for making convenient Roads thereto*. Vauxhall Bridge Road not to be under the Jurisdiction of the Trustees of this Act.

CXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, or take away any Right, Power, Interest, Privilege, Advantage, or Authority which by Law is now vested in the Governor and Company of *Chelsea Waterworks*, or in the *Grand Junction Waterworks Company*, but that all and every the Rights, Powers, Interests, Privileges, Advantages, and Authorities so vested in the said Companies respectively may be exercised and enjoyed in as full and ample a Manner to all Intents and Purposes as the same were or was exercised or enjoyed by the said Companies respectively immediately before the passing of this Act. Saving Rights of Water Companies.

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CXXIV. And

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Public Act.

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

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