



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. xlv.

An Act for paving, lighting, cleansing, and otherwise improving such Parts of *Great Dover Street, Trinity Street, Trinity Square*, and the Highways, Roads, Streets, Markets, and other public Passages and Places leading out thereof or abutting thereon or adjacent thereto, all within the Parishes of *Saint Mary Newington* and *Saint George the Martyr, Southwark*, in the County of *Surrey*, as do not fall within the Powers and Provisions of any existing Acts of Parliament.

[29th May 1830.]

WHEREAS many of the Roads, Streets, Markets, and other public Passages and Places in *Great Dover Street, Trinity Street, Trinity Square*, and Places leading out thereof or abutting thereon or adjacent thereto, all within the Parishes of *Saint Mary Newington* and *Saint George the Martyr, Southwark*, in the County of *Surrey*, as do not now fall within the Powers and Provisions of the several Acts of Parliament hereafter mentioned, or some or One of them; (that is to say,) an Act passed in the Sixth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey, and* 6 G. 3. c. 24.
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- for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein; an Act afterwards passed in the Forty-fourth
- 44 G.3. c.86. Year of the Reign of His said late Majesty, intituled *An Act for altering and amending an Act passed in the Sixth Year of His present Majesty, for paving the Streets and Lanes within the Borough of Southwark, and certain Parts adjacent, in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein, so far as the same relates to the West Division thereof as therein mentioned*; also another Act passed in the Fifty-
- 52 G.3. c.111. second Year of the Reign of His said late Majesty, intituled *An Act for paving the Footpaths, and for lighting and watching that Part of the Kent Street Road which leads from Kent Street End unto the Bridge next immediately below the Green Man Turnpike, situated within the Parish of Saint George the Martyr, Southwark, in the County of Surrey, and certain public Streets, Squares, Lanes, Passages, and Places communicating therewith, respectively situated within the said Parish, or within the Parishes of Saint Mary Magdalen, Bermondsey, and Saint Mary Newington, adjoining thereto, and for removing and preventing Encroachments and Annoyances therein*; also an Act passed in the
- 49 G.3. c.186. Forty-ninth Year of the Reign of His said late Majesty, intituled *An Act for making and maintaining a Road from the Borough of Southwark to the Kent Road in the County of Surrey*; also another
- 51 G.3. c.175. Act passed in the Fifty-first Year of the Reign of His said late Majesty, intituled *An Act to amend and render more effectual an Act of His present Majesty for making and maintaining a Road from the Borough of Southwark to the Kent Road in the County of Surrey*; and an Act passed in the Tenth Year of the Reign of His present
- 10 G.4. c.113. Majesty, intituled *An Act for continuing certain Powers to the Trustees of the Road leading from the Borough of Southwark to the Kent Road in the County of Surrey, called Great Dover Street, for the Purposes therein mentioned*; are insufficiently lighted and cleansed, and are subject to various Annoyances, Nuisances, and Encroachments therein, and the Carriage and Foot Ways thereof are in general very ill paved, and are in great Want of Repairs and Amendment: And whereas it would be attended with great Benefit to the Public, and the Convenience and Comfort of the Inhabitants of the said Roads, Streets, Squares, Highways, Carriage and Foot Ways, Lanes, Courts, Markets, Passages, and Places, if Provision were made for effectually lighting, cleansing, regulating, watering, and improving the same, and for removing and preventing Annoyances, Nuisances, and Encroachments therein, and for paving, repairing, and amending the Carriage and Foot Ways thereof, and for preserving the Pavement thereof for the future; but the Purposes aforesaid 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 the Deputy Master and the Secretary of the Corporation of Trinity House of Deptford Strond, the Treasurer of Saint Thomas's Hospital and the Treasurer of Saint Bartholomew's Hospital respec-
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ers.
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tively for the Time being, together with *John Williams Davies, Samuel Penfold Thomas, Abraham Barber, Benjamin Taylor, John Dicker, Robert Main, George Winter, William Hill, Abel Taylor, James Devies Ireland, William Gover, Joseph Hoole, George Liversidge, James Hopkins, Charles Cleeve, Charles Rice, Thomas Rossiter, John Firminger, Thomas Fleming, James Nottage, William Firmin, William Clarke, Nathaniel Clarke, Arthur Rose, James Phillips, William Chadwick, William Henry Humpleby, John Crawford, Thomas Johnson, John Becket, Henry Tyler, William Pugh, Ralph Morton, Cornelius Ruck, John Goble, James Boatwright, John Tombs, John Allsop, Thomas Smith, William Clavill Dyer, William Joseph Williams, John Lyon, John Claxton, William Hodges, Henry Lawson, James Newton, John Brown, Samuel James, Robert Thomas Parnell, William Ward, John Swaine, Henry Rose, Joseph Tapson, William Hall, James Blackett, Hugh Bisshopp, John Stanbury, J Spencer Knowles, James Metcalfe, Thomas Tombs, Thomas Rider, Thomas Rider the younger, Samuel Cooper, Storer Smith, and George Robson, shall be, and they and their Successors, to be elected as herein-after mentioned, are hereby appointed the Commissioners for putting this Act and the several Powers and Authorities hereby given and granted into execution.*

II. And be it further enacted, That for the Purposes of this Act the District to be comprised within the true Intent and Meaning hereof shall commence at or near *Saint George's Church* in the Borough of *Southwark*, and from thence along *Great Dover Street* to the End thereof, from thence along *Warner Street*, from the Public House known by the Sign of the *Bull* to the End thereof; and shall include and comprise the Roads, Streets, Squares, Lanes, Markets, Passages, and public Places immediately communicating with and adjoining the *New Kent Road*, on the North Side thereof, to *Newington Causeway*, or abutting thereon; also including the several Roads, Streets, Squares, Lanes, Markets, Passages, and public Places immediately communicating with and adjoining *Newington Causeway* aforesaid and *Blackman Street*, on the East Side thereof, to *Saint George's Church* aforesaid, or abutting thereon; together also with the several Roads, Streets, Squares, Lanes, Markets, Courts, Yards, Alleys, public Passages and Places already or hereafter to be built within the Limits aforesaid, all within the Parishes of *Saint George the Martyr* and *Saint Mary Newington* in the County of *Surrey*.

Limits of
this Act.

III. And be it further enacted, That all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to and directed to be done or executed by or before the said Commissioners, shall and may be exercised, had, and done by or before any Five or more of them (except only where some other Number is appointed by this Act); and all such Articles, Matters, and Things shall be of as full Force and Effect as if done or executed by or before all the said Commissioners.

Quorum of
Commission-
ers.

IV. And be it further enacted, That at every Meeting which shall be held to put this Act into execution One of the Commissioners present thereat shall be appointed Chairman; and in all Cases where there

Chairman of
Commission-
ers.

there shall arise at any Meeting a Difference of Opinion upon any Question, the Question shall be decided by a Majority of Votes of the Commissioners then present, and if upon any Question there shall be an equal Number of Votes, including the Chairman's Vote, then the Chairman shall give another or a casting Vote.

Majority of Commissioners to concur in the making or revoking of Orders.

V. And be it further enacted, That no Act, Order, or Determination to be made or done at any of the said Meetings shall be good or valid unless a Majority of the Commissioners then present shall concur therein; and that no Order made by the said Commissioners as aforesaid shall be revoked or altered unless a Majority of the Commissioners present at a subsequent Meeting to be held for that Purpose (of which subsequent Meeting Seven Days previous printed or written Notice shall be given to each of the said Commissioners, or left at his usual Place of Abode within the said District comprised within the Limits of this Act, by the Clerk to the said Commissioners,) shall concur in such Revocation or Alteration.

Election of Commissioners.

VI. And be it further enacted, That when any Commissioner appointed by this Act shall die, or by Writing under his Hand delivered to the Clerk to the said Commissioners shall decline to act, or shall neglect to attend at some public Meeting of the Commissioners for the Space of Twelve Calendar Months at any one Time, without a reasonable Cause, to be allowed by the said Commissioners, it shall and may be lawful for the surviving or remaining Commissioners from Time to Time, by Writing under their Hands, to elect some other Person, being an inhabitant Householder, or Owner or Proprietor of Property within the true Intent and Meaning of this Act, to be a Commissioner in the Place of every Commissioner so dying, removing, declining or neglecting to act; but Notice in Writing or Printing or partly written and partly printed, of the Time and Place for such Election, shall be given by the Clerk to the said Commissioners, by leaving such Notice at their respective Dwelling Houses Seven Days at the least before such Election; and every Person so after elected, and being duly qualified as herein-after mentioned, is hereby vested with the same Powers for putting this Act into execution as if he had been specially named a Commissioner in and by this Act.

If Commissioners neglect to elect new Commissioners, Inhabitants may elect.

VII. Provided always, and be it further enacted, That in case the said Commissioners shall omit, neglect, or refuse to nominate, elect, and appoint such new Commissioner as herein-before mentioned, for the Space of Six Months next after every such Vacancy shall have happened, then and in every such Case of Omission, Neglect, or Refusal, it shall be lawful for the rated Inhabitants, who shall have been rated for the Year preceding the Day or respective Days appointed for such new Election and Elections as aforesaid, to proceed to elect a Commissioner in the Room, Place, or Stead of the Commissioner so dying, removing, or declining to act as aforesaid, Notice being given by the Clerk to the said Commissioners in Two or more public Newspapers circulated in the County of *Surrey*, at least Ten Days before such Meeting, of the Time and Place thereof, and which said Notice such Clerk is hereby required to give; and
every

every such Commissioner so to be elected and appointed as last aforesaid, and being duly qualified as herein-after mentioned, shall be and is hereby empowered to act in the Execution of this Act to all Intents and Purposes, in as full and ample Manner as the said Commissioners hereby nominated are hereby empowered to act.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless at the Time of his acting therein he shall be seised and possessed, in his own Right or in the Right of his Wife, and in the actual Enjoyment or Receipt, of the Rents and Profits of a Real Estate in Law or Equity, in the District comprised within the Limits of this Act, of the clear yearly Value of Fifty Pounds, over and above all Incumbrances, or Leasehold Property within the said District, and rated to the Poor to the Amount of Eighty Pounds *per Annum* at the least, over and above all Incumbrances, or shall be an Inhabitant and actual Occupier of Premises within the said District comprised within the Limits of this Act which shall be rated hereunder in his own Name to the Poor to the Amount of Thirty Pounds at the least; and no such Person shall take on himself to act as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned to the other Commissioners) until he shall have taken and subscribed the Oath or Affirmation in the Words or to the Effect following (which Oath or Affirmation the said Commissioners or any Five or more of them at any of their Meetings to be holden in pursuance of this Act are hereby required and empowered to administer); that is to say,

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I truly and *bonâ fide* am in my own Right [*or if married, in Right of my Wife,*] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of a Real Estate, in the District comprised within the Limits of this Act, of the clear yearly Value of Fifty Pounds, over and above all Incumbrances, *or* possessed of a Leasehold Property in the District comprised within the Limits of this Act, and rated to the Poor to the Amount of Eighty Pounds *per Annum* at the least, over and above all Incumbrances, *or* that I am an Inhabitant and actual Occupier of Premises within the District comprised within the Limits of this Act which shall be rated hereunder in my own Name to the Amount of Thirty Pounds *per Annum*; and that I will discharge the Duty of a Commissioner without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

‘ So help me GOD.’

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

And if any Person or Persons not being so qualified as aforesaid, or not taking such Oath or Affirmation as aforesaid, or being disqualified for any of the Reasons herein-after mentioned, shall presume to act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to be recovered 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, or

[*Local.*]

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Wager

Qualification
of Commis-
sioners.

Oath of Com-
missioners.

Penalty on
Persons act-
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qualified.

Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of so acting qualified as aforesaid, or otherwise shall pay the said Penalty or respective Penalties, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person so sued or prosecuted had acted as a Commissioner in the Execution of this Act; and the Money so to be recovered and received shall, after Payment of all Costs and Expences attending the Recovery thereof, be applied in the Manner following, one Moiety to the Informer or Prosecutor, and the other Moiety to the Purposes of this Act: Provided always, that all Acts and Proceedings of all and every Person and Persons so acting as a Commissioner in the Execution of this Act (although not duly qualified previously to his or their being convicted of such Offence) shall, notwithstanding such Conviction, be as valid and effectual as if such Person or Persons had been duly qualified according to the Directions of this Act.

Proceedings of Persons not qualified as Commissioners to be valid.

No Person holding any Place of Emolument under this Act to be a Commissioner.

IX. Provided also, and be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act during the Time he shall hold any Office or Place of Profit under the Commissioners appointed for executing this Act, or in any Case where he shall be personally or beneficially interested, directly or indirectly, or in any Manner whatsoever, (except as a Creditor on the Rates or Assessments to be levied or raised by virtue of this Act,) or who shall be concerned or interested, either directly or indirectly, in any Contract or Bargain for furnishing, supplying, or selling any Article, Matter, or Thing to be employed or made use of for the several Purposes of this Act, or who shall sell Ale, Wine, Cyder, or any Spirituous Liquors by Retail, or who shall be a Victualler, or who shall cease to be the Owner or Occupier of any Messuage or Dwelling House, Warehouse, Manufactory, or other Building or Buildings, or other Property rated under this Act, of the yearly Rent or Value of Thirty Pounds as aforesaid.

First and other Meetings of Commissioners.

X. And be it further enacted, That the said Commissioners shall meet together at the *Virginia Plant Inn* in *Great Dover Street* in the Parish of *Saint Mary Newington*, or at some other Inn or Place within the District comprised within the Limits of this Act, within Fourteen Days next after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, and shall then and from Time to Time afterwards adjourn themselves to meet at such Time, and at the same or such other Place upon or within the District comprised within the Limits of this Act, as the said Commissioners shall think proper and appoint, as often as it shall be necessary for putting this Act into execution.

Adjournment of Meetings.

XI. And be it further enacted, That if at any Time or Times it shall so happen that there shall not appear at any adjourned or other Meeting a sufficient Number of such Commissioners as are herein enabled to act at such Meeting, then and in every such Case the Commissioner or Commissioners attending such Meeting shall and

they are hereby required to further adjourn the same; and every such adjourned Meeting shall be and be deemed to be further adjourned to such Time and Place as such Commissioner or Commissioners then present may appoint, and so *toties quoties*; and the Clerk to the said Commissioners shall give Notice thereof in Writing in manner herein-after directed.

XII. And be it further enacted, That the Commissioners shall at all the Meetings held for the Purpose of executing this Act bear and pay their own Charges and Expences. Commissioners Expences.

XIII. And be it further enacted, That if, after any Adjournment of any Meeting of the said Commissioners, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, then and in that Case any Two or more of the said Commissioners, or the Clerk to the said Commissioners, upon an Order in Writing, signed by any Three or more of the said Commissioners, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof by Writing of the Time and Place which shall be mentioned in the Order of the said Commissioners (such Time not being less than Seven Days after such Notice); and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Commissioners present at such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of any Adjournment. Meetings on Emergencies.

XIV. And be it further enacted, That no Act of the said Commissioners shall be or be deemed to be good or valid unless the same be done at some Meeting of the said Commissioners to be holden in pursuance of this Act; and all the Powers and Authorities by this Act granted to or vested in such Commissioners shall and may from Time to Time be exercised by the major Part of them who shall be present at any Meeting to be holden as is herein directed, the Number of such Commissioners present at such Meetings not being less than Five (except in such Cases where a greater or less Number is herein particularly mentioned); and all the Orders and Proceedings of the major Part of such Commissioners present at such Meetings shall have the same Force and Effect as if the same were made and done by all such Commissioners for the Time being. No Act valid except at a Meeting.
Majority present at any Meeting may act.

XV. And be it further enacted, That all such Commissioners as are Justices of the Peace may act as Justices in the Execution of this Act within their respective Jurisdictions, notwithstanding their being Commissioners (except only in such Cases where they shall be immediately and personally interested); and in all Cases where any Justice or Justices of the Peace is or are authorized to examine any Person or Persons, it shall be lawful for such Justice or Justices to examine such Person or Persons on Oath or Affirmation, and he and they is and are hereby authorized to administer such Oath or to take such Affirmation. Commissioners who are Justices may act as such.
Power of administering Oaths.

XVI. And

Treasurer to pay Money as ordered by Commissioners.

Annual Accounts to be laid before Commissioners.

Clerk not to act as Treasurer, and vice versa.

XVI. And be it further enacted, That the Treasurer to be chosen by the said Commissioners shall and may, and he is hereby authorized and required, out of the Monies to be received by him by virtue of this Act, to pay all Sums of Money which the said Commissioners shall from Time to Time, at a Meeting of the said Commissioners, draw upon him for or order him to pay, such Draft or Order being countersigned by the Clerk of the said Commissioners for the Time being; and the said Treasurer shall and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose by him provided and kept of all and singular his Receipts and Payments on account or in pursuance of this Act, and shall on the Twenty-fourth Day of *June* yearly, after the Year of passing this Act, or at the first Meeting of the said Commissioners then next following, lay the said Accounts before the said Commissioners to be audited, passed, and allowed.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners 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 any Person in the Service or Employ of any such Clerk, to be Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed Treasurer or Treasurers, or the Partner of any such Treasurer or Treasurers, or any Clerk or Person in the Service or Employ of such Treasurer or Treasurers or the Partner or Partners of such Treasurer or Treasurers, to be the Clerk to the said Commissioners; 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 any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer or Treasurers, or any Clerk or Person in the Service or Employ of any such Treasurer or Treasurers or of the Partner or Partners of such Treasurer or Treasurers, shall act as Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Office or Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred 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, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

XVIII. And be it further enacted, That the said Commissioners shall and may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act in the Name of their Treasurer or Clerk for the Time being; and no Action or Suit to be brought or commenced by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of
their

their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of such Treasurer or Clerk, or by the Act of such Treasurer or Clerk without the Consent of the said Commissioners, but shall be continued and carried on in the Name of the Treasurer or Clerk for the Time being, who shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided always, that every such Treasurer or Clerk 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 Damages, Costs, and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein: Provided always, that the said Treasurer or Clerk shall not on that account be deemed an inadmissible Witness or Witnesses in any such Action or Suit.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, by Writing under their Hands, to elect and appoint and employ such Clerks, Surveyors, Treasurers, and Collectors of the Rates or Assessments and Duties to be levied and collected by virtue of this Act, and such other Officer and Officers, Person or Persons, for the Execution of this Act, as they from Time to Time shall think proper, and any such Clerks, Surveyors, Treasurers, and other Officers and Persons, from Time to Time to remove or displace as they shall think fit, and to choose and appoint others in the Room of such of them as shall be so removed and displaced, or as shall die or resign their Office, Seven Days Notice being first given of such a Removal, Death, or Resignation, and of the Time and Place of Meeting for filling up the Vacancy or Vacancies thereby occasioned; and the said Commissioners may and are hereby authorized and required, by and out of the Monies to be raised and received by virtue of this Act, to annex and pay such Salaries or Allowances to such Officers, and to all other Persons by the said Commissioners to be employed in the Execution or for the Purposes of this Act, as they shall think reasonable; and the said Commissioners shall and are hereby required to take such Security from their Clerks, Treasurers, Collectors, and other Officers, for the due Execution of their respective Offices, as the said Commissioners shall think proper.

XX. Provided always, and be it further enacted, That all such Officers and Persons so to be appointed as aforesaid shall, under their Hands, (at such Time and Times and in such Manner as the said Commissioners shall direct,) deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers and Person or Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid shall upon

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Oath

For appointing Officers.

Officers to account.

Oath (if thereunto required) verify their said Accounts; and if any such Officer or Person shall not make and render or shall neglect or refuse to verify upon Oath any such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Commissioners by Notice in Writing given to or to be left at the last or usual Place of Abode of such Officers, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or which may have come into his Possession by virtue of his Appointment, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Commissioners, or as they shall direct or appoint, within Ten Days after being thereunto required as aforesaid, then and in either of the Cases aforesaid the said Commissioners may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be or reside, such Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of One or more credible Witness or Witnesses upon Oath, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and required, upon Nonpayment thereof as aforesaid, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall in manner aforesaid appear to such Justice that such Officer or Person shall have neglected or refused to render and give such Account or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall have come or shall be in the Custody or Power of such Officer or Person, and he shall have neglected or refused to deliver the same as aforesaid, then and in any or either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol for the County or Place where such Offender shall be and reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners,

and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make,) and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Officer or Person who shall or may be committed by virtue of this Act for Want of sufficient Distress shall be committed for any longer Space of Time than Six Calendar Months: Provided nevertheless, that no such Commitment of any such Officer or other Person to the Common Gaol as aforesaid shall acquit or discharge any Surety or Security that shall or may have been taken by or given to the said Commissioners for the due and faithful Execution of such Officer in manner herein-before expressed and provided, nor any Action, Suit, or Process commenced or to be brought for the Recovery of any Money so received: Provided always, that as often as any Collector or Receiver of the Monies to be raised by the said Commissioners by virtue of this Act shall die or be incapable of performing his Duty, it shall be lawful for the said Commissioners, though not assembled at a Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect such Monies; and such Person shall continue to collect the same until the said Commissioners shall, at a Meeting to be held in pursuance of this Act, appoint a Collector or Receiver of such Monies; any thing herein contained to the contrary notwithstanding.

Commissioners may appoint Officers occasionally in case of Death or Removal.

XXI. And be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Collector, Receiver, Surveyor, or any other Officer or Servant who shall be any way employed by the said Commissioners in putting this Act or any of the Powers thereof into execution, shall exact, take, or accept any Fee or Reward whatsoever, other than such Salaries, Allowances, or Rewards as shall be appointed, allowed, and approved of by the said Commissioners, for or on account of any thing done or to be done by virtue of this Act, or on any account whatsoever relative to putting this Act into execution, or shall in any way be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners, 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 by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months after the Offence committed, in which said Suit no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers prohibited taking any Fee or Reward besides the Salary.

XXII. And be it further enacted, That the said Commissioners shall cause Books to be provided and kept, and shall cause fair and regular Entries to be made in such Books of the several Meetings, and the Names of the Commissioners attending such Meetings, and of the Nomination of all Officers and Persons, and of all Acts, Orders, and Proceedings relative to the Execution of this Act by the said Commissioners; and the Commissioners present concurring in such Orders and Proceedings relative to the Execution of this Act, or any

Books to be kept.

Five

Five or more of them, shall subscribe his or their Name or Names at the End of the Proceedings of every such Meeting; and all Entries in such Books being signed as aforesaid shall be deemed Originals, and shall be admitted to be read as Evidence in all Causes, Suits, Proceedings, and Actions touching any thing to be done in pursuance or by virtue of this Act; and such Books shall be kept by such Person or Persons and in such Place or Places as the said Commissioners shall from Time to Time direct, and shall at every such Meeting and at all seasonable Times be opened and liable to the Inspection of the said Commissioners, and of all Persons rated to and having paid all and every the Rate or Rates to be made by the said Commissioners for the Purposes of this Act.

Accounts to be kept of Receipts and Disbursements.

XXIII. And be it further enacted, That the said Commissioners 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, laid out, 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 Commissioners, 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 Commissioners, 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 any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, 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.

Penalties under Contract may be compounded for.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, either before or after they shall have brought any Action or Suit for recovering the Penalty or Forfeiture contained or to be contained in any Contract to be entered into by virtue of this Act, to compound for such Penalty or Forfeiture with the Person or Persons liable thereto, for such Sum of Money as they shall think proper.

Names of Streets to be fixed up.

XXV. And be it further enacted, That the said Commissioners shall and may cause to be painted, engraved, or described in Stone, Wood, or otherwise, 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 each of the said Roads, Streets, Squares, Lanes, Markets, Passages, and Places, the Name by which each respective Road, Street, Square, Lane, Market, Passage, and Place is properly and usually called or known, and may also cause every House, Building, Shop, or Warehouse in each of the said Roads, Streets, Squares, Lanes, Markets, Passages, and Places, to be marked
and

and numbered from Time to Time in such Manner as they shall judge proper for distinguishing the same respectively; and in case any Person or Persons shall wilfully destroy, pull down, injure, obliterate, or deface any such Names, Descriptions, Marks, or Numbers, or any Part or Parts thereof, or cause or procure the same to be done, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, as the Commissioners shall direct, which shall be enforced, recovered, and applied as other Penalties under and for the Purposes of this Act.

XXVI. And be it further enacted, That whenever any such Number or Numbers, Figure or Figures, painted or put on any House or Houses or other Building or Buildings as aforesaid, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House or Houses or other Building or Buildings where the Number or Numbers, Figure or Figures, shall have been so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House or Houses or other Building or Buildings, signed by the Clerk to the said Commissioners, cause the same Number or Numbers, Figure or Figures, to be in the same or like Manner painted or put on such House or Houses or other Building or Buildings, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, to be recovered and applied in manner last herein-before mentioned.

Penalty on Owner or Occupier not restoring Numbers when defaced.

XXVII. And be it further enacted, That the Property of and in all the present and future Pavements in or upon the Roads, Streets, Squares, Lanes, Markets, and other public Passages and Places within the Limits of this Act, and the Stones, Gravel, and other Materials of which as well the Footpaths as Carriageways of such Roads, Streets, Squares, Lanes, Markets, and other public Passages and Places do and shall consist, and all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, or collected in or within the Limits of this Act, and also all Stands, Lamps, Lamp Irons, Iron Posts, and other Things which shall be provided by the Commissioners for the Purposes of this Act, shall belong to and be the sole and exclusive Property of, and the same are hereby absolutely and exclusively vested in, the said Commissioners and their Successors, who are hereby authorized to bring or cause to be brought any Action or Actions, or to prefer any Bill or Bills of Indictment, as the Case shall require, against any Person or Persons whomsoever who shall steal, take, or carry away, detain, spoil, injure, damage, or destroy the several Articles or Things herein so mentioned and vested in them the said Commissioners aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively 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 Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for paving, lighting, cleansing, watering, and repairing *Great*

Pavements vested in the Commissioners.

Persons making
Vaults to
reinstate
Pavements.

Dover Street and Trinity Street,” without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, in such Manner, and from Time to Time as they shall think fit: Provided always, that in case the Owner or Proprietor of any Messuage or Tenement, Land, Shop, Warehouse, or other Building, shall be minded and desirous of erecting a Vault or Vaults under the Footpath opposite to such Messuage or Tenement, Land, Shop, Warehouse, or other Building, and shall have obtained the Consent of the said Commissioners for opening the Pavement thereof, as hereby directed, and for which Consent no pecuniary Consideration shall be demanded or received, then and in that Case such Owner or Proprietor shall forthwith, after such Vault or Vaults shall have been so erected as aforesaid, cause the said Footpaths to be reinstated in such Manner as the said Commissioners shall direct; and in case of Neglect or Refusal to comply with such Order or Direction for the Space of Seven Days, it shall be lawful for the said Commissioners to reinstate the same; and the Costs and Charges attending the same shall be borne and paid by such Owner or Proprietor; and in case of Refusal or Neglect in paying or reimbursing to such Person or Persons as they or any of them shall appoint to receive the same, it shall be lawful for the said Commissioners to cause any Action or Actions to be brought, in the Name of the Treasurer or Clerk for the Time being to be appointed by virtue of this Act, for the Recovery thereof, with Costs of Suit.

Proprietors to
pave Streets,
&c. in the
first Instance.

XXVIII. And be it further enacted, That from and immediately after the passing of this Act the Owners or Proprietors of Houses, Buildings, and Premises situated in any of the Roads, Streets, Squares, Lanes, Markets, public Passages and Places within the District comprised within the Limits of this Act, already erected or hereafter to be erected, shall cause the Footpaths and Carriageways of the said Roads, Streets, Squares, Lanes, Markets, public Passages and Places, to be raised, lowered, or altered in such Manner as shall be directed by the said Commissioners, and from and after such raising, lowering, or altering, shall provide and lay a Granite Curb, and pave the said Footpaths with the Stone known by the Name of Whyn Quarry Stone, or with Rock Stone, or with Stone of a flat Surface, and Gravel, and make up the Carriageways thereof in such Manner as shall be directed by and to the Satisfaction of the said Commissioners, or their Surveyor for the Time being; and from and after the same shall have been so paved and gravelled, and made up as aforesaid, the Property of and in the same shall belong to and be the sole and exclusive Property of the said Commissioners, in manner herein-before directed; and it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time thereafter to pitch and pave, gravel and make up, and repair, alter, and amend any of the Footpaths or Carriageways in or upon any of the said Roads, Streets, Squares, Lanes, Markets, public Passages and Places already made or so at any Time or Times hereafter to be made within the District comprised within the Limits of
this

this Act, when and as often as they shall think proper, or to cause all or any of the present or future Pavements in or upon the said several Roads, Streets, Squares, Lanes, Markets, Passages, and Places, already erected or made or which shall hereafter be erected or made in the said Footways or Carriageways, to be taken up, raised, lowered, altered, relaid, pitched, paved, repaired, or amended in such Manner as they the said Commissioners may think proper, and also to cause the said several Roads, Streets, Squares, Lanes, Markets, Passages, and Places to be cleansed, and all Annoyances, Obstructions, Nuisances, and Encroachments therein to be removed, and the present Drains, Sinks, Gutters, and Watercourses for conveying the Water off from the said Footways, Carriageways, Roads, Streets, Squares, Lanes, Markets, Passages, and Places, to be amended, repaired, and scoured, and new ones to be made, in such Manner as the said Commissioners shall from Time to Time think proper; and in case the Owners or Proprietors of any such House or Houses, Building or Buildings, or Premises, shall neglect, for the Space of Fourteen Days after Notice given to him or them by the said Commissioners, or their Clerk or Surveyors for the Time being, for that Purpose, or left at such respective House or Houses, Building or Buildings, or Premises, or refuse so to pave, gravel, or make up as aforesaid, that then and in either of the said Cases it shall and may be lawful to and for the said Commissioners to order and direct such Road, Street, Square, Lane, Market, Passage, or Place to be raised, lowered, or altered, and to pave, gravel, and make up the same in such Manner as they shall direct; and the Costs and Charges attending the same shall be borne and paid by such Owner or Proprietor or Owners or Proprietors respectively; and in case of Refusal or Neglect in paying or reimbursing to such Person or Persons as they or any Five or more of them shall appoint to receive the same, it shall be lawful for the said Commissioners to cause any Action or Actions to be brought, in the Name of the Treasurer or Clerk for the Time being to be appointed by virtue of this Act, for the Recovery thereof, with Costs of Suit: Provided always, that nothing in this Act contained shall extend or be construed to extend to compel the Corporation of *Trinity House of Deptford Strond*, or their Lessees or others deriving Title under them, to raise, lower, or alter any Roads, Streets, Squares, Lanes, Markets, Passages, or Places which have already been paved and completed by or at the Expence of the said Corporation, or to provide and lay Granite Curb on or pave the Footpaths, or gravel and make up the Carriageways of any such last-mentioned Roads, Streets, Squares, Lanes, Markets, Passages, or Places, or to subject the said Corporation, or their Lessees or others deriving Title under them as aforesaid, to the Costs and Charges of any such Alteration as aforesaid.

If Owners refuse, Commissioners may pave, &c.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to order and direct the Footpaths and Carriageways in and upon any Road, Street, Square, Lane, Market, public Passage, and Place hereafter to be made and formed within the Limits of this Act, to be paved or gravelled and made up in manner aforesaid by the Owners or Proprietors of the Houses, Buildings, and Premises therein to be erected in manner aforesaid; and from and after such paving, gravelling,

Commissioners to order new Streets, &c. to be paved.

gravelling, or making up the same, shall become the Property of the said Commissioners, and shall from thenceforth be paved, gravelled, made up, repaired, raised, sunk, altered, or amended by them in such Manner as they the said Commissioners may think proper; and they shall also cause the same to be cleansed, and all Annoyances, Obstructions, Nuisances, and Encroachments therein to be removed, and any Drain, Sink, Gutter, and Watercourse for conveying the Water off from the said Footways, Carriageways, Roads, Streets, Squares, Lanes, Markets, Passages, and Places, to be amended, repaired, cleansed, and scoured, and new ones to be made, in such Manner as the said Commissioners shall from Time to Time think proper.

Persons altering Pavement to reinstate same.

XXX. And be it further enacted, That no Person or Persons shall at any Time hereafter make or cause to be made any Alteration in the Form of the said Pavement or Carriageways by this Act authorized to be paved, gravelled, made up, altered, repaired, or amended, or open, break, damage, or injure the same in any Manner or Form, under any Pretence whatever, without first obtaining the Consent and Approbation in Writing of the said Commissioners, to be signified by Writing under the Hand of their Clerk or Treasurer for the Time being, and reinstating the same in such Manner as they shall order or direct; and in case of Neglect or Refusal to comply with such Order or Direction, every such Person or Persons shall forfeit and pay for every such Offence the Sum of Five Pounds, to be recovered and applied in manner as herein-after directed.

Repairs of Pavements, &c.

XXXI. And be it further enacted, That if any Three Household-ers within the Limits of this Act shall make Complaint in Writing under their Hands to the said Commissioners, or their Clerk or Surveyor, of any Defect or Want of Reparation in any of the Footpaths or Carriageways which shall have been made, laid, repaired, or amended by virtue of this Act, then and in every such Case the said Commissioners shall forthwith cause the Footpaths or Carriageways so complained of to be inspected; and if the same shall be found defective or in want of Repair, and shall be so reported to them, then they shall forthwith cause the same to be repaired by the Persons or Person contracting with or employed by them for repairing the said Footways or Carriageways; and if the Contractor or Person to whom such Order shall be given shall not, within Three Days next after the Receipt thereof, repair the said defective Footways or Carriageways, he shall forfeit and pay to the Persons making Complaint as aforesaid, and who will sue for the same, the Sum of Ten Shillings for every Day that the same shall remain unrepaired after the Expiration of the said Three Days.

Materials may be dug out of or brought into the Streets, &c

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause to be dug, carted, and carried out of or brought into the said Roads, Streets, Squares, Lanes, Markets, public Passages and Places, such Gravel, Stones, and other Materials, and to employ such Artificers, Workmen, Labourers, Carters, and others, and to issue such Money on those Accounts, and to do all and every such other Acts and Things

as

as the said Commissioners shall judge necessary for the Purposes of carrying this Act into execution.

XXXIII. And be it further enacted, That during the Time any Road, Street, Square, Lane, Market, public Passage or Place shall be new paving, flagging, gravelling, making up, or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Road, Street, Square, Lane, Market, public Passage or Place, according to their Discretion, and also to stop up the Way through that or any adjacent Road, Street, Square, Lane, Market, public Passage or Place, so long as shall be necessary for such Purposes, and the said Commissioners are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Materials for paving may be lodged in any adjoining Place.

XXXIV. And be it further enacted, That all Persons inhabiting or residing within the Limits of this Act, or within such Parts thereof as shall be directed by the said Commissioners, shall and are hereby required to cause the said Footpaths before or on the Sides of their respective Houses, Buildings, Walls, and other Fences, as also the Channel all along the respective Fronts thereof, to be swept, scraped, and cleansed, between the Hours of Eight and Ten in the Morning, Four Times or oftener in every Week throughout the Year, and shall be and are hereby required to cause the Dust and Soil arising from such scraping and cleansing to be immediately taken and carried away, and laid in the said Roads, Streets, Squares, Lanes, Markets, public Passages and Places, near to the said Footpaths, without obstructing the Way or Passage; and every Person making Default herein shall for every such Default forfeit and pay any Sum not exceeding Five Shillings to any Person who will sue or prosecute for the same.

Footpaths to be swept.

XXXV. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause the several Roads, Streets, Squares, Lanes, Alleys, Courts, Yards, and other public Passages and Places under their Jurisdiction by virtue of this Act, (or such Part or Parts thereof only as to them the said Commissioners shall seem right,) to be lighted in such Manner as they the said Commissioners shall think fit, and to exercise all such Powers and Authorities as shall be necessary for that Purpose; and it shall be lawful for the said Commissioners to cause such and so many Lamps to be set up in such Places or Situations in the said Roads, Streets, Squares, Lanes, Markets, Alleys, Courts, Yards, and Places, at such Times, in such Manner, and at such Distances as they shall judge necessary and proper with regard to the Public, and may contract or agree with any Person or Persons for such Lamps, or may find and provide the same if they shall think fit, and also may contract or agree with any Person or Persons for the lighting, supplying, maintaining, and repairing such Lamps, or the said Commissioners may find and provide any Oil, Cotton, Burners, or any other Materials for the lighting, supplying, maintaining, and repairing the same, so that the same shall be lighted at Sunset and continue burning until Sunrising for

Power to light the Streets, &c.

[*Local.*]

10 Y

and

and during such Time as the said Lamps shall be ordered or contracted for to be lighted in each Year; and such Contract or Contracts shall be upon such Terms and Conditions, and under such Penalties for the due Performance of such Contract or Contracts, as the said Commissioners shall think fit; and every such Contract shall be good, valid, and binding, as well upon the said Commissioners as upon the other Party or Parties thereto; and in case any such Work shall not be well and sufficiently done and performed, according to such Contract or Contracts, the said Commissioners may cause an Action or Suit, at Law or Equity, to be brought in any of His Majesty's Courts against any such Contractor, either for a specific Performance of such Contract, or for any Penalty contained therein, or for any Damage sustained by reason of the Nonperformance thereof: Provided always, that it shall be lawful for the said Commissioners, either before or after they shall have brought any Action or Suit for recovering the Penalty or Forfeiture contained or to be contained in any Contract to be entered into by virtue of this Act, to compound for such Penalty or Forfeiture with the Person or Persons liable thereto for such Sum of Money as they shall think proper.

Commissioners may contract for lighting with Gas.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any Person or Persons, Company or Companies, in case they shall deem it expedient so to do, to light the said Roads, Streets, Squares, Lanes, Markets, Passages, and other public Places within the Limit of this Act, with Gas or Inflammable Air, and when and as often as it may be necessary to break up the Soil or Pavement of any of the Footways or Carriage-ways of any of the said Roads, Streets, Squares, Lanes, Markets, and other public Passages and Places within the Limits of this Act, and also to cause Mains or Pipes for the Conveyance of Gas to be laid down and carried, altered and removed, as may be necessary, along, through, and under the said Roads, Streets, Squares, Lanes, Markets, and other public Passages and Places, or any of them.

Commissioners not to erect Gas Works.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken to extend, to authorize or empower the said Commissioners hereby appointed, or their Successors, or any of them, to erect or set up, or cause to be erected or set up, within the District comprised within the Limits of this Act, any Gasometer, Retort, Furnace, or other Works for the Manufacture of Gas or Inflammable Air.

Restriction as to breaking up of Pavements, Road, &c. in Great Dover Street.

XXXVIII. And be it further enacted, That it shall not be lawful for the said Commissioners, or any Person or Persons acting by or under their Authority, to break or take up or disturb, or cause to be broken, taken up, or disturbed, the Pavement or Ground in any Part of the Street or Road called *Great Dover Street*, for the Purpose of laying down any Mains or Pipes, (except Service Pipes of a Diameter not exceeding Two Inches in the Bore,) without the Consent in Writing of the Trustees, Surveyors of the Highways, or other Persons having the Controul of the said Street or Road, signified under the Hand or Hands of their Clerk or Clerks or other proper Officer

Officer or Officers, first obtained ; but nothing in this Act contained shall be deemed or construed to prevent the said Commissioners from laying down, repairing, or altering such Main Pipes after such Consent obtained as aforesaid, or from opening, taking up, or removing any Ground, Stones, Soil, or Pavement, or otherwise, in or of any Road, Street, Way, Lane, or other public Passage or Place whatsoever, for the Purpose of laying down, repairing, or altering any Service Pipes or Apparatus leading from such Main Pipes, after such Consent obtained as aforesaid.

XXXIX. And be it further enacted, That after such Consent as aforesaid, it shall not be lawful for the said Commissioners, or any Person or Persons acting by or under their Authority, to break or take up or disturb, or cause to be broken, taken up, or disturbed, any of the Pavements or Ground in any Part of the Street called *Great Dover Street*, for the Purpose of laying down or repairing any Main Pipe or Pipes, (except Service Pipes as aforesaid,) or of altering the Position of any such Main Pipe or Pipes, (except as aforesaid,) unless Notice in Writing of their Intention to break or take up such Pavement or Ground, signed by their Clerk or Inspector, or Surveyor to the said Commissioners, specifying the particular Part of the said Street in which such Pavement or Ground is intended to be broken or taken up, shall have been given to the Surveyor of such Street for the Time being, or shall have been left for him at his Dwelling House or Office, for the Space of Twelve Hours at the least before such Pavement or Ground, or any Part thereof, shall be broken or taken up, except in all Cases of sudden Emergency, in which such Notice as aforesaid shall be given to such Surveyor of Pavements as soon as possible after such Pavement or Ground, or any Part thereof, shall be broken or taken up ; and if the said Commissioners, or any Person or Persons acting by or under their Authority, shall break or take up or disturb, or cause to be broken, taken up, or disturbed, any such Pavements or Ground, without such Consent being obtained as aforesaid, and such Notice being given or left as aforesaid, (except as aforesaid,) or shall break or take up or disturb, or cause to be broken, taken up, or disturbed, any such Pavement or Ground, for the Purpose of laying down any Main or Mains, without such Consent as aforesaid, then and in every such Case the said Commissioners shall pay to the Trustees or other Persons having the Controul of the Pavements or Roads, Ground or Soil, which shall be so broken or taken up or disturbed, or to their Treasurer, Clerk, or Surveyor, or to such other Person as they may appoint, the Sum of Ten Pounds for every Square Yard of Pavement or Ground which shall be so broken or taken up without such Consent and Notice as aforesaid, (except as aforesaid,) to be recovered and levied in such Manner as other Penalties and Forfeitures by this Act imposed are directed to be recovered and levied.

Notice to be given of breaking up Pavement or Road.

XL. And be it further enacted, That when and as often as the said Commissioners shall have broken up or removed the Ground, Soil, or Pavement of the said Street called *Great Dover Street*, the said Commissioners shall and they are hereby required immediately thereafter to reinstate and make good such Street to the Satisfaction of the Surveyors,

Commissioners to reinstate Pavements, &c.

Surveyors, or other Persons having the Controul, Direction, or Superintendence thereof respectively, and the said Commissioners shall cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges; and during the Time that such Works are carrying on, and until such Ground, Soil, or Pavement is reinstated and made good as aforesaid, the said Commissioners shall provide proper Watchmen, with necessary Lights at Night, and otherwise guard the same so as to prevent Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Commissioners shall make Default in any of the Matters aforesaid, it shall be lawful for the said Surveyors, or other Persons having such Controul, Direction, or Superintendence as aforesaid, to reinstate and make good such Ground, Soil, and Pavement, and carry away all Rubbish occasioned thereby, and during the Time such Works are carried on to provide necessary Lights at Night; and the Expences attending the same respectively shall be repaid by the said Commissioners or their Treasurer; and in default of Payment thereof within Ten Days next after Demand thereof in Writing shall have been made by the Clerk of the said Surveyors or other Persons as aforesaid, Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace, all such Sum or Sums of Money so paid, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered, for the Use of such Surveyors or other Persons, by Distress and Sale of the Goods and Chattels of the Treasurer to the said Commissioners, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Surrey*, who, upon due Proof of such Default, is hereby empowered to grant the same; and such Sum or Sums of Money shall be paid to the said Surveyors or other Persons as aforesaid, or their Treasurer.

No Gas Pipes
to be placed
against
Houses with-
out Consent.

XLI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, or lighting any Road, Street, Highway, or Place, or any House, Manufactory, or other Building therein, to carry, lay, or fix or continue any Pipe or Pipes or other Thing for the Conveyance of the said Gas or Inflammable Air into, through, or against any Dwelling House or Houses or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, against the Will of the Owner or Occupier of any such Dwelling House, Building, Lands, Tenements, or Hereditaments respectively, expressed by Writing under his, her, or their Hand or Hands.

Service Pipes
to be kept
fully charged
with Gas.

XLII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting with Gas the said Roads, Streets, Squares, Lanes, Markets, Entries, and other public Passages and Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or

Service Pipes being completely filled with Gas during the Time the same shall be lighted.

XLIII. 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 the said Commissioners, or by any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Street, Square, Lane, Alley, Court, Yard, public Passage or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or him by Parol or in Writing, of any such Escape of Gas from any Inhabitant or Inhabitants within the said Limits, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each 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.

For prevent-
ing the
Escape of
Gas.

XLIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Road, Street, Square, Lane, Market, Alley, Court, Yard, public Passage or Place, or any House, Manufactory, or other Building therein, for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, Square, Lane, Market, Alley, Court, Yard, public Passage or 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 Road, Street, Square, Lane, Market, Alley, Court, Yard, public Passage 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, Squares, Lanes, Markets, Alleys, Courts, Yards, public Passages or Places; (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the 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 Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no

Gas Pipes to
be laid at
least Four
Feet from
Water Pipes.

[*Local.*]

10 Z

Joint

Joint 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 Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Road, Street, Square, Lane, Market, Alley, Court, Yard, public Passage or Place, or any House, Manufactory, or other Building therein, shall in no Case join Two or more Gas Pipes together previously 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 then in such Trench, and not before, properly form and complete with proper and sufficient Materials the Jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Five Pounds.

Commissioners to prevent Contamination of Water.

XLV. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of any Waterworks within the Limits of this Act, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Road, Street, Square, Lane, Market, Alley, Court, Yard, public Passage or Place, or any House, Manufactory, or other Building wherein, the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, Well, or Pond, or the Party or Person using any such Water, and suing for such Penalty; 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 Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of or for the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Party or Person as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Company or Companies of Proprietors,

prietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid 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, then and in every such Case the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to the Party or Parties interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners or Party or Person, over and above the before-mentioned Penalty of Twenty Pounds, the further Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties, Forfeitures, or Payments 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, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid against the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, together 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, Forfeitures or Payments, and Costs, when so levied, shall be paid to the Treasurer or to One of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

XLVI. And whereas it may become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, or for lighting any Road, Street, Square, Highway, or Place, or any House, Manufactory, or Building therein; be it therefore further enacted, That in every such Case it shall be lawful for

For ascertaining if the Water is contaminated.

for the said Company, 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 Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Company or Companies of Proprietors, 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 of the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the said Street or Place which shall be taken up or disturbed, shall be borne and paid by the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; which Costs and Expences 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 Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Company or Companies of Proprietors, 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 Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Street or Place so broken up or disturbed in such Search and 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.

Penalty for
conveying
Washings
into any
Sewer,
Stream, &c.

XLVII. Provided always, and be it further enacted, That if the said Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Road, Street, Highway, or other Place, or any House, Manufactory, or other Building therein, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, 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 making of such Gas, into any River, Brook, or Running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or Running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, whereby the said Water, or any Part thereof, shall or may be soiled,
fouled,

fouled, or corrupted, then and in every such Case the said Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and 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, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or 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 is sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be 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, Aqueduct, Waterway, Feeder, Pond, or Springhead, or any such Annoyance, 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 Company or Companies of Proprietors, or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the 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.

XLVIII. And be it further enacted, That it shall be lawful for any Surveyor or other Person acting by or under the Authority of the Commissioners of Sewers, at any Time or Times in the Day-time, to enter into any Manufactory, Gasometer, Receiver, or other Building from or by which the District aforesaid shall be supplied with Gas, in order to inspect and examine if there be any Escape of Gas, or any Washings or other waste Liquids, Substances, or Things

Surveyor to be at liberty to enter Gas Works.

[*Local.*]

11 A

whatsoever,

whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, in any public Sewer or Drain ; and if such Surveyor or other Person acting by or under the Authority of the said Commissioners of Sewers shall at any such Time or Times be refused Admittance or Entrance into any such Manufactory, Gasometer, Receiver, or other Building, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, the said Commissioners, or any Person acting under their Authority, so offending, shall forfeit and pay for every such Offence the Sum of Twenty Pounds.

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

XLIX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Road, Street, Square, Market, Highway, or Place, or any House, Manufactory, or other Building therein, or any of the Servants, Officers, or Workmen of any such Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or the Means which shall be employed by them in making the said Gas or using the same, or furnishing any such Gas Light, nor from any Action or Actions from any Injury or Damage sustained by reason of any such Works or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty on damaging Pipes.

L. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or shall wilfully or maliciously waste, or beyond his, her, or their Contract, consume, any of the Inflammable Air or Gas supplied by such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of One credible Witness before One or more Justice or Justices of the Peace for the County where the Offence shall be committed, shall forfeit and pay to the Party or Person injured any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices ; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any), on Demand, to the Owner of such Goods and Chattels ; or such Offender shall or may be committed to the Common Gaol or House

House of Correction of the County where the Offence shall have been committed, there to remain for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, or until such Forfeiture, Damage, and Costs shall be paid.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Person or Persons by their Order, from Time to Time and at any Time or Times hereafter to purchase, provide, affix, set up, alter, take down, and renew such and so many Lamps of such Sizes and Sorts, in such Places, and in such Manner, and to cause the same to be lighted at such Seasons of the Year and at such Hours of the Evening, as to them shall seem necessary or proper for the well and sufficiently lighting of all or any of the said Roads, Streets, Squares, Lanes, Markets, Alleys, Courts, Yards, and other public Passages or Places; and if any Person or Persons shall displace or remove, without Leave first obtained, or shall wilfully take away, break, throw down, spoil, or damage any Lamp that shall be set up for the Purpose of lighting any of the said Roads, Streets, Squares, Lanes, Markets, Alleys, Courts, Yards, and other public Passages and Places as aforesaid, or shall wilfully extinguish the Lights within the same, or throw down or damage the Lamp Posts, Lamp Irons, Pipes, or other Furniture thereof, it shall be lawful for any Justice or Justices of the Peace for the said County of *Surrey*, upon Complaint to him or them made upon the Oath of One or more credible Witness or Witnesses, to grant a Warrant to bring before him or them such Offender or Offenders, or to or for any other Person or Persons whomsoever who shall see such Offences committed to seize, and also for any other Person or Persons to assist in seizing, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, convey and deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before such Justice or Justices of the Peace; and such Justice or Justices shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information or Evidence touching such Offence (which Oath the said Justice or Justices is or are hereby authorized and required to administer); and if the Party or Parties accused shall be convicted of any such Offence, either by his, her, or their own Confession, or upon such Information or Evidence as aforesaid, he, she, or they so convicted shall forfeit and pay any Sum not exceeding Sixty Shillings for each Lamp, Lamp Post, Lamp Iron, or Pipe so broken down and damaged, and for every Light so extinguished as aforesaid, and moreover shall make full Satisfaction to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not, on Conviction, pay such Forfeiture and make such Satisfaction as aforesaid, such Justice or Justices is and are hereby required to commit him, her, or them to the Common Gaol or House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Lamps to be set up.

Penalty for wilfully damaging Lamps.

LII. And

Persons accidentally damaging Lamps to make Satisfaction.

LII. And be it further enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, spoil, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners, or the Posts, Irons, or Pipes aforesaid, or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any One Justice of the Peace for the said County, upon Complaint to him made, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or upon the Nonappearance of the Party or Parties so complained of, (no sufficient Ground being stated for such Nonappearance,) to award such Sum or Sums of Money by way of Satisfaction to the Owner or Owners of such Lamp or Lamps, or to the said Commissioners, as the Case may be, for such Damages as such Justice shall think reasonable, and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded within Ten Days after Demand, to cause the same to be levied and applied as Fines, Penalties, and Forfeitures are by this Act directed to be levied and applied.

Notice to be given to the Commissioners, &c. of taking up Pavement or Carriageway.

Pavements and Carriageways to be relaid by Commissioners, and Expences reimbursed by Waterworks.

LIII. And be it further enacted, That when and as often as any Part of the Pavement or Carriageway of any of the said Roads, Streets, Squares, Lanes, Courts, Markets, Yards, Alleys, Passages, or Places, shall be taken up for the Purpose of laying, altering, or amending any Water Pipe or Plug, or for any other Purpose whatsoever, the Person or Persons so taking up such Pavement or Carriageway shall immediately give Notice thereof to the Surveyor to the Commissioners for putting this Act into execution, in order that the same may, with all convenient Speed, be laid down and repaired by them; and the Charges and Expences thereof shall be paid by the said Commissioners, and they shall be reimbursed the same by the Person or Persons, Company or Companies of Waterworks, who shall take up, or cause or procure to be taken up, the said Pavement or Carriageway, or any Part or Parts thereof; and in default of Payment thereof for Ten Days next after Demand thereof in Writing shall have been made by the Clerk of the said Commissioners, such Sum or Sums of Money shall and may be recovered in like Manner as any Penalty can be recovered by this Act.

On Refusal of Payment by them after Ten Days Notice, Action may be brought.

LIV. And be it further enacted, That in case such Person or Persons, Company or Companies of Waterworks respectively, shall neglect or refuse to pay what the said Commissioners shall have so paid and disbursed, within Ten Days next after Notice thereof to be left at the Dwelling House or last Place of Abode of such Person or Persons, or of the Treasurer or Treasurers, Secretary or Secretaries, Clerk or Clerks of such Company or Companies of Waterworks respectively, which Notice shall be in Writing and signed by the Clerk of the Commissioners for putting this Act into execution, by Order of the said Commissioners, and annexed to the Bill containing an Account of the Expences of such Repair, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to bring or cause to be brought any Action or Actions against such Person

Person or Persons, wherein they shall recover reasonable Satisfaction for such Work and Labour and Materials, together with Costs of Suit; but where the Company or Companies of Waterworks, or other Bodies Politic or Corporate, occasion such Damage to the said Pavement or Carriageway, that then the said Commissioners are hereby authorized to commence such Action as aforesaid against any such Treasurer, Secretary, or Clerk, wherein they shall recover a reasonable Satisfaction for such Work, Labour, and Materials, together with Costs of Suit; and such Treasurer, Secretary, or Clerk is hereby authorized and allowed to deduct and retain out of any Monies in his Hands the Monies he shall pay on account of the Premises, or shall be repaid and reimbursed the same by the said Company or Companies of Waterworks, or Bodies Politic or Corporate, together with lawful Interest for the same.

LV. And be it further enacted, That if for the Purposes of this Act it shall at any Time be found necessary to raise, sink, or otherwise alter the Position of any of the Pipes or Plugs laid down or placed by the said Company or Companies, or any of the leaden or other Pipes which shall be laid into or from any of the said Company or Companies Pipes, (which the said Commissioners are hereby empowered to cause to be done as often and in such Places as they shall think proper,) the same shall be paid for out of the Monies arising by virtue of this Act, and shall be done with as little Detriment or Inconvenience to the said Company or Companies, and other Persons, as the Circumstances of the Case will admit.

Commissioners to pay for altering the Position of Pipes.

LVI. And be it further enacted, That when and so often as it shall happen that any Pipe or Pipes within any Part of the District comprised within the Limits of this Act, belonging to any Company or Companies of Proprietors of Waterworks, shall break, burst, or become out of Repair, or the Pavement or Carriageway over or near the Spot where any of the said Pipes may lie shall sink or give way on account of any Defect in the said Pipes, notwithstanding the Water may not ooze through the Surface of the said Pavement or Carriageway in the said Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, Passages, or other Places, or either of them, it shall be lawful for the Treasurer, Surveyor, Clerk, or Pavior to the said Commissioners for the Time being, or such other Person as the said Commissioners shall appoint for that Purpose, to give immediate Notice thereof to the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks to whom he apprehends such Pipe or Pipes does or may belong, and require him or them to cause the Pavement or Carriageway to be taken up and the Ground opened at or near the Place where the Water shall or may issue by reason of such Pipe or Pipes breaking or bursting, or where the Pavement or Carriageway may have given way or sunk as aforesaid, and to cause the said Pipe or Pipes to be substantially repaired and made good, and the Ground properly filled in, within Two Days next after such Notice given to such Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer, or left at his or their last Place of Abode, or at or upon the Premises where the Business of the Waterworks shall be then carried on; and if, upon taking up

For Repair of Water Pipes when broken.

the Pavement or Carriageway and opening the Ground, it shall appear the Pipe or Pipes so broken or burst do not belong to the Company or Companies or Proprietors of Waterworks whose Officer or Servant shall have taken up such Pavement or Carriageway and opened such Ground, then and in such Case the said Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks who shall have opened such Ground shall give immediate Notice in Writing to the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of that Company of Proprietors of Waterworks to whom it shall appear that such Pipe or Pipes doth or do belong, such Notice to be given or left with the said last-mentioned Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer, or at his or their last or usual Place or Places of Abode, at or upon the Premises where the Business of the said Waterworks shall be then carried on; and the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks to whom such Pipe or Pipes shall belong is hereby required substantially to cause the same to be repaired, and the Ground to be properly filled in, to the Satisfaction of the Surveyor of the said Commissioners, within Two Days after such Notice given or left as aforesaid, and also, within Twenty-four Hours after such Pipe or Pipes shall be repaired and the Ground filled in, to give Notice in Writing to the Pavior or Paviers contracted with or employed by the said Commissioners, or to the Treasurer, Surveyor, or the Clerk of the said Commissioners, or other Person as aforesaid, of such Pipe or Pipes being repaired and such Ground being filled in, such Notice to be given to such Pavior or Paviers, Treasurer, Surveyor, Clerk, or other Person, in Writing, or left at his or their last or usual Place or Places of Abode, in order that the Pavement or Carriageway may be forthwith relaid in manner directed by this Act; and in case it shall happen that the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks who first received Notice to take up the Pavement or Carriageway and open the Ground for the Purposes aforesaid, shall cause such Pavement or Carriageway to be taken up, and such Ground opened, and if it shall then be discovered that the Pipe or Pipes which is, are, or shall be burst or broken doth or do not belong to that Company or Proprietors of Waterworks, that then and in such Case the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Proprietors of Waterworks to whom such Pipe or Pipes doth or do belong shall make Satisfaction to the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks who so caused such Pavement or Carriageway to be taken up and Ground opened for such Work; and in case the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer to whom such Notice shall be so given to cause such Pavement or Carriageway to be taken up and Ground opened, shall neglect or refuse to cause the same to be done within Two Days after Notice given as aforesaid, and to give Notice to the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer to whom it shall then appear such Pipe or Pipes does or do belong as aforesaid, he or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LVII. And

LVII. And be it further enacted, That in case the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks to whom such Pipe or Pipes so broken or burst shall belong, shall neglect or refuse to cause the same to be repaired and amended and the Ground filled in as aforesaid for the Space of Two Days next after such Notice given or left, or shall neglect or refuse to give Notice to the Pavior or Paviers contracted with or employed by the said Commissioners, or to the Treasurer, Surveyor, or Clerk to the Commissioners, or to such other Person as aforesaid, such Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if the Pavior or Paviers contracting with or employed by the said Commissioners shall neglect or refuse to relay such Pavement or Carriageway so taken up for the Reasons and Purposes aforesaid, in a good, sufficient, and effectual Manner, within Two Days after such Notice given to him or them as aforesaid, or if the Treasurer, Surveyor, Clerk, or other Person to whom such Notice shall be given shall neglect to acquaint the Pavior or Paviers contracting with or employed by the said Commissioners of such Notice, then and in every such Case the Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Company to whom the Pipes belong neglecting to repair them, or to give Notice thereof to the Pavior.

LVIII. And be it further enacted, That in case the said Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks to whom such Pipe or Pipes so broken or burst does or do belong, or shall have been supposed to belong, shall refuse or neglect to cause the said Pipe or Pipes to be substantially repaired, and the Ground properly filled in, to the Satisfaction of the Surveyor to the said Commissioners, or shall refuse or neglect to give Notice to the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer of the Company or Companies or Proprietors of Waterworks to whom it shall be discovered such Pipe or Pipes does or do actually belong, within the Time aforesaid, it shall and may be lawful for the said Commissioners to cause such Pipe or Pipes to be thoroughly and substantially repaired and amended, or a new Pipe or Pipes laid down in the Place and Stead of such as shall in the Judgment of the Surveyor of the said Commissioners be decayed and worn out, and cause the Ground to be again filled in, in such Manner as the said Commissioners or their said Surveyor shall think proper; and the Charges and Expences attending the same shall be reimbursed by the said Commissioners, and be paid and payable by the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer who shall so refuse or neglect to cause the said Pipe or Pipes to be repaired and the Ground filled in as aforesaid, or to give such Notice as aforesaid, and shall be levied and recovered by virtue of this Act; or it shall be lawful for the said Commissioners to cause any Action or Actions to be brought in the Name of their Treasurer or Clerk against the Treasurer, Clerk, Engineer, Inspector, Turncock, or other Officer, for the Recovery of the said Charges and Expences, with full Costs of Suit.

In case the Waterwork Companies neglect to repair Pipes, Commissioners may do it, and charge them with the Expence.

LIX. And

Commissioners may alter the Course of Gutters and remove Grates if necessary.

LIX. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Licence and Consent of the Commissioners of Sewers for the Limits extending from *East Moulsey* in *Surrey* to *Ravensbourne* in *Kent*, from Time to Time to direct and cause the Course of any Gutter or Channel running in or through the said Roads, Streets, Lanes, Courts, Markets, Alleys, Passages, and Places, or either of them, to be turned or altered in such Manner as they shall think proper, and with the like Licence and Consent, when and so often as there shall be Occasion, to make new or additional Grates over any Sewer or Sewers, or to direct any of the Grates already placed or hereafter to be placed over any such Sewer or Sewers within the District comprised within the Limits of this Act to be removed and replaced in such Manner and at such Place and Places as they shall think most proper, or with the like Licence and Consent to repair or alter any of the Grates now placed or hereafter to be placed over any Sewer or Sewers within such District, all which shall from Time to Time be done at the Expence of the Commissioners of this Act, and paid for out of the Money arising by virtue of this Act, any Law, Usage, or Custom to the contrary notwithstanding; and when and as often as any Sewer or Drain which shall be situate in, under, or adjoining the said Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, Passages, and Places, or either of them, or the Embankments, Wall, or Covering thereof, shall be required by the said Commissioners of Sewers for the Limits aforesaid to be made new, repaired, altered, cleansed, or emptied, then and in every such Case the Commissioners of this Act shall from Time to Time make new, effectually repair, cleanse, or empty such Sewer or Drain, Embankment, Wall, or Covering, as the Case may require, the Charges and Expences whereof shall be paid by the Commissioners for putting this Act into execution out of the Monies arising by virtue of this Act.

Commissioners to repair or cleanse Sewers, if required so to do.

Commissioners may build a Committee Room, with requisite Offices :

LX. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall deem it expedient so to do, to build and keep in repair, or cause to be built and kept in repair, a Committee Room, with all requisite Offices, within the District comprised within the Limits of this Act, for the Purpose of holding their Meetings for carrying into execution this Act, and to purchase from any Person or Persons, Body or Bodies Politic or Corporate, who shall be willing to sell the same, any Buildings, Lands, Tenements, or Hereditaments whatsoever, for the Purpose of erecting thereof; and all the Expences of purchasing the said Buildings, Lands, Tenements, or Hereditaments, or of building and erecting the same, shall be borne and paid out of the Money to be raised by virtue of this Act; and if any Person or Persons shall take down or remove such Committee Room so to be erected or built, or any of the Offices thereunto belonging, or shall wilfully break or damage any Part thereof, he, she, or they shall and may be proceeded against as herein-after mentioned.

or rent Premises for the Purposes thereof.

LXI. And be it further enacted, That it shall and may be lawful for the said Commissioners to rent and take and hold on Lease or otherwise, if they shall deem it expedient so to do, from any Person or Persons, Body or Bodies Politic or Corporate, any Buildings, Lands,

Lands, Tenements, or Hereditaments whatsoever within the Limits prescribed by this Act, for all or any of the Purposes of this Act, and to defray the Rent, Repairs, Outgoings, and Expences incident thereto out of the Rates or Assessments to be made by virtue of this Act.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners to alter, widen, turn, extend, and improve any of the Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, Passages, and Places within the District comprised within the Limits of this Act, and to lengthen, continue, and open the same from the Sides and Ends of any Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, Passages, and Places within the Limits of this Act, into any other Road, Street, Square, Lane, Court, Market, Alley, Passage, or Place, and to raise, level, lower, drain, ballast, and pave such new Part or Parts of any such Road, Street, Square, Lane, Court, Market, Alley, Passage, and Place so altered, widened, extended, opened, or lengthened as aforesaid; and if any Houses, Walls, Buildings, Lands, Tenements, and Hereditaments, or any Part thereof, shall be adjudged by the said Commissioners to project into, obstruct, or prevent them from so altering, turning, widening, extending, lengthening, continuing, and opening or improving the said Roads, Street, Square, Lane, Court, Market, Alley, Passage, and Place within the Limits of this Act, and that the Possession, Occupation, and Purchase of such Houses, Walls, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, will be necessary for that Purpose, it shall be lawful for the said Commissioners, and they shall have full Power and Authority, to treat, contract, and agree, or to employ any Person or Persons to treat, contract, and agree, with the several Owner or Owners, Occupier or Occupiers, and all Persons whomsoever interested in, and who shall be willing to sell or part with their Estate, Right, Title, and Interest of, in, or to all or any such Houses, Walls, Buildings, Lands, Tenements, and Hereditaments, of what Nature, Kind, or Quality whatsoever, for the Purposes aforesaid, and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Commissioners, and the Owner or Owners, Occupier or Occupiers thereof, or other Persons interested therein, out of the Money to arise or be raised by the said Commissioners by virtue of this Act, and to pull down, sell, or dispose of such Houses, Walls, and Buildings, or any Part thereof, and lay the Scites thereof, and all such other Lands, Tenements, or Hereditaments, or so much thereof as they the said Commissioners shall think proper, into the said Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, Passages, and Places; and all such new Part of such Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, Passages, and Places, and the Owners and Occupiers of Houses and Buildings therein and adjoining thereto, shall be subject to all the Rates, Assessments, Powers, Provisions, Orders, Clauses, and Things by virtue of this Act directed to be made, and to which and in the same Manner as the present Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, and Places within the Limits of this Act, and the Owners and Occupiers of Houses, Buildings, and Premises therein and adjoining thereto, are liable and subject.

[*Local.*]

11 C

LXIII. And

Commissioners may alter and widen Streets.

Bodies Politic
empowered
to sell.

LXIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert who are or shall be seised in their own Right, and all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in such Houses, Buildings, Lands, Tenements, and Hereditaments, or any Part thereof, which shall be thought necessary to be purchased for any of the Purposes aforesaid, to treat, contract, and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Commissioners, or to such Persons and their Heirs for ever as the said Commissioners shall direct, in Trust for them the said Commissioners for the Purposes aforesaid; and all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act as aforesaid shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyance or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of and in pursuance of this Act.

On Payment
of Money,
Property to
vest in the
Commission-
ers.

LXIV. And be it further enacted, That upon Payment or legal Tender of any Sum or Sums of Money as shall have been contracted or agreed for between the Parties for the Purchase of any Houses, Buildings, Lands, Tenements, or other Hereditaments, to the Proprietor or Proprietors of such Houses, Buildings, Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money respectively, within One Calendar Month next after the same shall be so agreed for, or upon Payment of the said Sum or Sums of Money, within the said One Calendar Month, into the Bank of *England* as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon such Houses, Buildings, Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Houses, Buildings, Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of

of the said Commissioners, as Freehold of Inheritance, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that in case any Person or Persons shall enter upon any such Premises for any of the Purposes of this Act before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, each and every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he, she, or they shall remain on the said Premises.

LXV. And be it further enacted, That all and every Person and Persons who would be entitled to recover the Mesne Profits of the Premises against the Person or Persons in Possession, in case the same had not been so conveyed to or vested in the said Commissioners as aforesaid, shall be entitled to recover the Sum and Sums to arise from such Interest or Dividends as aforesaid by Action of Debt or otherwise against the Person or Persons who shall receive the same.

Persons entitled to the Mesne Profits may recover against the Persons receiving.

LXVI. And be it further enacted, That all and every such Person and Persons who shall have Mortgage or Mortgages on any such Houses, Buildings, Lands, Tenements, or Hereditaments which shall be purchased in pursuance of this Act, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on Tender of the Principal Money and Interest due thereon, together with Six Calendar Months Interest of the said Principal Money by the said Commissioners, or by such Person or Persons as they shall appoint, immediately assign such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint in Trust for them; or in case such Mortgagee or Mortgagees shall have Notice in Writing given to him, her, or them from the said Commissioners, or any Person authorized by them, that they will pay off and discharge the Principal and Interest Money which, at the Expiration of the said Six Calendar Months, to be computed from such Notice given, shall be due on such Mortgage, that then and at the End of the said Six Calendar Months, on Payment or Tender of the Principal and Interest Money so due, such Mortgagee or Mortgagees shall convey and assign his, her, or their respective Estates and Interests in the said mortgaged Premises to the said Commissioners, or to such Person or Persons as they shall nominate and appoint in Trust for them; and if any such Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Administrators, or Assigns, shall refuse so to do on such Tender or Payment, then all Interest on every such Mortgage shall cease and determine.

Mortgagees to assign on Tender of Principal and Six Months Interest, or on Six Months Notice.

LXVII. And whereas by reason of the Purchases which the said Commissioners are empowered to make by virtue of this Act, they may be possessed of some Piece or Pieces of Ground over and above what

Commissioners may sell any overplus Ground.

what may be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners to sell or dispose of any such Piece or Pieces of Ground, either together or in Parcels, in such Manner as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract, agree for, or purchase the same, giving Preference to the Person or Persons of whom the same shall have been purchased to any other Person offering the same Sum.

Application
of Compen-
sation when
amounting to
200*l.*

LXVIII. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffees in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trusts, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits or the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or
Three

1 G. 4. c. 35.

Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby authorized to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

LXIX. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

If under 200*l.*
and amount-
ing to or
exceeding
20*l.*

LXX. And be it further enacted, That where such Money so agreed to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

If under 20*l.*

LXXI. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments,

In case of
disputed
Titles:

ments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest in any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Exchequer; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Exchequer may order reasonable Expences of Purchases to be paid.

LXXII. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments authorized to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, and be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For appointing Scavengers and Rakers.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to agree by public Action, or by the Acceptance of Tenders made in consequence of public Advertisement, if they think fit, with any Person or Persons to be a Scavenger or Scavengers, Raker or Rakers, Cleanser or Cleansers of the Roads, Streets, Squares, Lanes, Markets, Courts, Yards, and other open Passages, Ways, and Places under the Jurisdiction of the said Commissioners, within the Limits prescribed by this Act; and such Person or Persons so contracted with shall, as often as thereunto required by any Five or more of the said Commissioners, bring or cause to be brought convenient Carriages into all the Parts aforesaid wherein such Carriages can be drawn near or pass unto, and at or before their Approach, by Bell or otherwise, shall give Notice to the Inhabitants of their coming, and give the like Notice in every other Place into which the said Carriages cannot pass and abide; and such Scavenger or Scavengers, Raker or Rakers, Cleanser or Cleansers, shall take and carry away, or cause to be taken and carried away, from their respective Houses and Premises their Soil, Ashes, Cinders, Rubbish, Dust, Dirt, and Filth, all which the said Scavenger or Scavengers, Raker or Rakers, Cleanser or
Cleansers,

Cleasers, shall carry away or cause to be carried away *gratis*, upon pain of forfeiting any Sum not exceeding Five Pounds for every Neglect or Default (except all such Rubbish, Earth, Dust, Filth, and Soil as shall be occasioned by building, repairing, amending, or altering any House or Houses, or any other Building or Buildings, which said Rubbish, Earth, Dust, and Soil thereby occasioned shall, within the Space of Two Days, be carried away by the Owner or Owners, Occupier or Occupiers of such Houses and Buildings respectively as aforesaid, upon pain of forfeiting and paying any Sum not exceeding Five Pounds for every Neglect in removing the same); and if any Person or Persons (except Manufacturers and others as herein-after excepted) shall refuse to permit such Soil, Ashes, Cinders, Rubbish, Dust, Dirt, or Filth to be taken away, every such Person or Persons so offending shall in like Manner forfeit any Sum not exceeding Five Pounds.

LXXIV. And be it further enacted, That if any Person or Persons, other than the Person or Persons so employed by or contracting with the said Commissioners for the cleansing the Roads, Streets, Squares, Lanes, Markets, Passages, and Places under their Jurisdiction within the Limits prescribed by this Act, or those employed by or 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, Ashes, or Breeze within any Part of the Limits prescribed by this Act, and under the Jurisdiction of the said Commissioners, it shall and may be lawful for any Justice or Justices of the Peace for the said County of *Surrey*, upon Complaint to him or them made, to grant a Warrant to bring before him or them such Offender or Offenders, or for any Person or Persons who shall see any such Offence committed to seize, and also for any other Person or Persons to assist in seizing, the Offender or Offenders, together with the Horses, Mules, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages or Implements 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 or Justices of the Peace, or any other Justice or Justices of the Peace for the said County, and such Justice or Justices shall and he or they is and are hereby authorized and required to examine upon Oath the Person or Persons apprehending such Offender or Offenders, and 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, asking for, receiving, or carrying away Dust, Cinders, Ashes, or Breeze, from any House or other Premises within any Part of the Limits prescribed by this Act, not being the Person or Persons so employed by or contracting with the said Commissioners, or acting with or under his or their Authority, he, she, or they respectively shall forfeit any Sum not exceeding Twenty Pounds, one Moiety of which respective Penalties 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 applied for the Purposes of this Act; and if such Offender or Offenders shall not on Conviction pay the said Penalty or Penalties, such Justice or Justices is and are hereby required to direct such Horses, Mules, Asses,

Contractors
only to re-
move Dust.

Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages or Implements 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 or Penalties incurred, together with the reasonable Charges and Expences of such Distress and Sale, the Surplus thereof shall be returned, upon Demand, to the Party or Parties whose Horses and other Things shall be so appraised and sold; and in case there shall have been no such Seizure as aforesaid, or if the Horses, Mules, Asses, Cattle, Carts, and other Things which shall be so appraised and sold shall not produce a sufficient Sum of Money to pay the said Penalty or Penalties, Charges and Expences, then if such Offender or Offenders shall not, upon Conviction, pay the said Penalty or Penalties, or such Part or Parts of the said Penalty or Penalties, Charges and Expences which shall remain over and above the Produce of the Horses, Mules, Asses, Cattle, Carts, and other Things so seized and sold, then such Justice or Justices is and are hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County of *Surrey*, there to be kept to hard Labour for any Time not exceeding Thirty Days, unless such Penalty or Penalties, Charges and Expences, shall be sooner paid and satisfied; and in case the Person or Persons who shall go about to collect or gather or shall take away such Dust, Ashes, Cinders, Dirt, or Filth contrary to the Provisions of this Act, shall not be apprehended, or the said Horses, Mules, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages or Implements shall not be seized, or in case the said Horses, Mules, Asses, Cattle, Carts, Trucks, Wheelbarrows, or other Carriages or Implements, if seized, appraised, and sold, shall not produce a sufficient Sum of Money to pay the said Penalty or Penalties, Charges and Expences, then the Owner or Owners of the Horses, Mules, Asses, Cattle, Carts, Trucks, Wheelbarrows, and other Carriages or Implements employed for those Purposes, shall be subject and liable to the said Penalty or Penalties, and which said Penalty or Penalties shall be levied and recovered by Distress and Sale of his, her, or their Goods and Chattels in manner herein-before mentioned; and if the Money to arise by such Distress and Sale shall not be sufficient to answer and satisfy such Penalty or Penalties, Charges and Expences, or no such Distress can be made, such Justice or Justices is and are hereby authorized and required to commit him, her, or them to the Common Gaol or House of Correction for the said County of *Surrey*, there to be kept to hard Labour for any Time not exceeding Thirty Days, unless such Penalty or Penalties, Charges and Expences, shall be sooner paid and satisfied: Provided always, that nothing herein contained shall extend or be deemed or taken to prevent any Manufacturer from taking, carrying, or sending away, for his own Use or for Sale, any Cinders, Breeze, Ashes, Dust, or other Article or Thing produced in or purchased for any Manufactory occupied by or belonging to him, her, or them within the Limits prescribed by this Act, nor to prevent any Person or Persons from taking, carrying or sending away for his or their own Use only (but not for Sale) any Cinders, Breeze, Ashes, Dust, Dirt, or other Article or Thing from his, her, or their own Dwelling House or Premises within the Limits prescribed by this Act.

Manufacturers and others may have their own Dust, Ashes, &c.

LXXV. Provided always, and be it further enacted, That in case such Person or Persons so employed by or contracting with the said Commissioners for the Purposes aforesaid shall neglect for the Space of Seven Days to bring or cause to be brought Carts or proper Carriages into all the Roads, Streets, Squares, Lanes, Markets, Passages, and other Places under the Jurisdiction of the said Commissioners as aforesaid, where such Carriages can pass, and to give Notice in manner aforesaid to the Inhabitants of their coming for the Purpose of taking away such Dirt, Dust, Soil, Rubbish, Filth, Cinders, and Ashes, and to give the like Notice in every Court, Alley, or Place into which the Carts and Carriages cannot pass, that then it shall and may be lawful for the Inhabitants of such of the said Streets, Squares, and other Places, to give away or sell their Dust, Dirt, Filth, Cinders, or Ashes to any Person or Persons whomsoever; and such Person or Persons who shall take and carry away the said Dust, Dirt, Filth, Cinders, or Ashes as last aforesaid, shall not be subject or liable to any Penalty or Penalties for so doing, until some other Person shall be appointed by the said Commissioners to collect such Dust, Dirt, Cinders, or Ashes, or until a new Contract shall be entered into for that Purpose, any thing herein contained to the contrary thereof notwithstanding; and all Expences occasioned by any Inhabitant so taking or causing such Dust, Dirt, Cinders, or Ashes to be taken and carried away as last aforesaid, shall be paid by the Scavenger or Raker or other Person so contracting with the said Commissioners as aforesaid, and shall and may be recovered from him or them before any Justice or Justices of the Peace acting in and for the said County of *Surrey*, in addition to the Penalty or Forfeiture herein-before imposed upon him, her, or them for such Neglect in carrying away the same as aforesaid, in like Manner as any other Penalty or Forfeiture is in and by this Act imposed and made recoverable before any Justice or Justices as aforesaid.

If Contractor neglect to take away Dust for Seven Days, any other Person to be at liberty to take it.

LXXVI. And be it further enacted, That if any Cellar Door, Trap Door, Hatchway, or Flap Window, leading into or giving Light or Air to or placed over any Cellar, Vault, or Office under Ground, within the Limits of this Act, shall be left open in the Evening or in the Night, or shall not be effectually made and secured so as to prevent Accidents, or if any Grate, Grid, or other Covering placed over any Opening in the Flagging, Pavement, or Footway, and used for putting Coals or other Articles into any Cellar or Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left opened, or not well and effectually fastened down and secured, and made in such Manner so as to prevent Accidents, the Occupier of such Cellar, Vault, Office, or other Place, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Cellar Windows and Gates to be secured.

LXXVII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the Limits of this Act, are hereby respectively required, at his own Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners signed by their Clerk, to cause all the Doors and Gates leading into the several

Doors and Gates to open inwards.

Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations (and not being Cellar Doors or Trap Doors), which now do or shall hereafter open outwards, and when open do or shall project over or upon any of the Roads, Streets, Squares, Lanes, Markets, Highways, Passages, or public Places within the Limits of this Act, to be altered so as that the same Doors or Gates shall thenceforth open inwards and into their said respective Premises; and if any such Occupier shall neglect or refuse to make the Alteration aforesaid according to such Notice, he or she shall forfeit any Sum not exceeding Five Shillings a Day for every Day during which such Neglect or Refusal shall continue: Provided nevertheless, that where any such Occupier shall cause any Door or Gate to be altered in pursuance of Notice as aforesaid, it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent the Charges of altering the same, and his or her immediate Landlord or Landlady is hereby required to allow the same accordingly; and it shall be lawful for the said Commissioners to allow such Occupier or Landlord or Landlady all or any Part of the Expence attending such Alteration, if the said Commissioners shall consider it expedient.

Scaffolds, &c.
not to be
erected with-
out Licence.

LXXVIII. And be it further enacted, That no Person or Persons shall erect or place, set up or build, in any Road, Street, Square, Lane, Market, Passage, 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 or Clerk for the Time being of the said Commissioners, 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 Sixpence; 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 or Clerk, 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, the same being a reasonable Time (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

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 and may be lawful for the said Commissioners, or for their said Surveyor or Clerk 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 Clerk, 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 or Clerk; 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 Commissioners, or their Surveyor or Clerk, 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 Commissioners, or to such other Person or Persons as they shall in that Behalf direct.

LXXIX. 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 away any Truck, Wheel-sledge, Wheelbarrow, Handbarrow, Bier, or any other Carriage or other Vehicle whatsoever, or roll any Cask or Tub (except to or from any Carriage or Cart for the necessary loading or unloading of any Carriage or Cart); 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, Railing, 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 Road, Street, Square, Lane, Market, Passage, or public Place within the Limits of this Act, or beyond the upright 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, Showboard, Chopping Block, Basket, or Stall on or in any of the Footways or Foot Pavements or Carriageways; 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, Square, Lane, Market, Passage, Yard, Mews, or public Place within the Limits of this Act, hang out or cause to be hanged 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 cleanse, any Coach, Chaise, Waggon, Sledge, or other Carriage,

For preventing various Obstructions and Nuisances.

riage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such Part as may want immediate Repair from any sudden Accident on the Spot, and 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 Commissioners, or of their Successors 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 shall shew or expose any Stallion or Stonehorse, or shall exercise or expose to Sale any Horse or Horses or other Beast or Beasts (except only in such Place or respective Places as the said Commissioners or their Surveyor for the Time being shall direct or appoint for any of the above Purposes); or kill, slaughter, or scald, singe, dress, or cut up, any Animal, either wholly or in part; or beat or dust any Carpet or Hearth Rug; or shall drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses; or if any Person shall permit his or her Dog to go at large after public Notice directed by the said Commissioners to be given by any Officer or Servant appointed by the said Commissioners, 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 leave any Cart, Waggon, Truck, or other Carriage or Obstruction in any Road, Street, Square, Lane, Market, Alley, Passage, Place, Path, or Causeway (otherwise than during a reasonable Time necessary for loading or unloading the same); or shall throw, cast, or lay, or 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, on or upon the Carriageway, Footway, or Pavement of any such Road, Street, Square, Lane, Market, 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 shall make or assist in making any Bonfire; or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Firearms; or let off, set fire to, or throw any Crackers, Squib, Rocket, or other Firework; or shall fly any Kite, drive any Hoop, or play at Football, or any other Game or Games to the Annoyance of any Passenger or Inhabitant; 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 and upon any such Road, Street, Square, Lane, Market, 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 his or their Care, within such Road,
Street,

Street, Square, Lane, Market, 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, Square, Lane, Market, 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 Commissioners, 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 some Justice or Justices of the Peace for the said County of *Surrey*, in order to his, her, or their Conviction of such Offence.

LXXX. And be it further enacted, That not only shall the said Penalties herein-before enacted become payable and be recovered, but it shall be lawful for any Person or Persons appointed or to be appointed by the said Commissioners, 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, Showboard, 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 the Person and Persons who shall make such Seizure shall deliver or cause to be delivered the Goods so seized to the Overseer or Overseers of the Poor of the Parishes of *Saint George the Martyr* and *Saint Mary Newington* respectively, the same to be given and distributed by such Overseer or Overseers unto or among the poor Inhabitants of the same Parishes; but otherwise, such Person or Persons making such Seizure 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 or Driver, or other Person interested as aforesaid, shall cause to be paid the said Penalty, together with the

Power for
seizing cer-
tain Articles.

[*Local.*]

11 F

Charges

Charges for taking or removing the same, and of keeping such Horse or Horses, Ass or Asses, Mule or Mules (if any); and in case the Goods, Carriages, Horse or Horses, Ass or Asses, Mule or Mules, Material 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 Commissioners, or their Surveyor or Inspector, or other Person appointed by the said Commissioners, 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 Expences attending such seizing, removing, keeping, appraising, and selling the same, as the said Commissioners shall ascertain and allow.

Power to alter the Form and Position of Watering Places.

LXXXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, 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, Ale House, 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 of Urine or for the easing of Nature, now placed or at any Time hereafter to be placed in front of any of the Public Houses abutting upon any of the said Roads, Streets, Squares, Lanes, Markets, Passages, and Places; and it shall be lawful for the said Commissioners to order and direct the Owner or Occupier of any Public House, Ale House, or other Place licensed for the Sale of Ale, Beer, Wines, or Spirituous Liquors, which has no such Box, Shade, Screen, or Convenience as aforesaid, to erect, at the Expence 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 Commissioners, and in such Situation as they the said Commissioners shall direct; and no such Convenience shall be hereafter constructed, erected, and made without the Consent in Writing of the said Commissioners or their Surveyor for that Purpose first had and obtained; and the said Commissioners are hereby empowered to order and direct the Owner and Occupier of the House at or near the Door of which any such Box, Shade, Screen, or other Convenience for the Purposes aforesaid may be placed, at his own Expence to alter or pull down and rebuild such Box, Shade, Screen, or other Convenience, and place it (if to be replaced) where the said Commissioners shall direct; and if any such Owner or Occupier shall not, within Seven Days after having received Notice in Writing signed by the Clerk of the said Commissioners, and left at the Dwelling House of such 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 Commissioners, every such Owner or Occupier so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and a Sum not exceeding Ten Shillings for each Day so long as the Nuisance shall be continued or such

such Convenience shall not be erected, to be recovered in like Manner as other Penalties under this Act may be recovered; and the said Commissioners are hereby authorized and empowered in such Case to cause such Alterations to be forthwith made under the Direction of a Surveyor to be appointed by them for that Purpose.

LXXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to contract with any Person or Persons for the watering of the several Roads, Streets, Squares, Lanes, Markets, Courts, Yards, and other open Passages, Ways, and Places under their Jurisdiction, within the Limits prescribed by this Act, as often as there shall be Occasion, and in such Manner as the said Commissioners shall direct, and to defray the Expences thereof out of the Money to be raised by virtue of this Act.

Commissioners may contract for watering Streets, &c.

LXXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause to be dug and sunk in such Place or Places in the said Roads, Streets, Squares, Lanes, Markets, Courts, Yards, and other open Passages, Ways, and Places, under their Jurisdiction, within the Limits prescribed by this Act, any Well or Wells, and also to erect any Pump or Pumps on or near the same, and also to remove or alter any Pump now standing in the said Roads, Streets, Squares, Lanes, Markets, Courts, Yards, and other open Passages, Ways, and Places, for the Purpose of watering the same or any or them, in such Manner as the said Commissioners shall direct.

For digging Wells in proper Places.

LXXXIV. And be it further enacted, That if any Person or Persons shall cause any Privy or Necessary House within the Limits of this Act to be emptied at any Time except between the Hours of Twelve of the Clock in the Night and Five of the Clock in the Morning, or shall lay or cause to be laid the Soil thereof in any of the said Roads, Streets, Squares, Lanes, Markets, or other public Passages or Places, or shall wilfully or negligently spill or throw down any such Soil in any of the said Roads, Streets, Squares, Lanes, Markets, or other public Passages or Places, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Cleansing of Privies.

LXXXV. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any of the said Commissioners, or any Surveyor or Surveyors, or other Officer or Officers, Workmen, Person or Persons, who is, are, or shall be employed by virtue of this Act in the Performance or Execution of their Duty, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on Persons interrupting Officers, &c.

LXXXVI. And in order to defray the Expences of paving, lighting, cleansing, watering, and repairing, and otherwise improving the Roads, Streets, Squares, Lanes, Markets, Courts, Alleys, and other public Passages and Places under the Jurisdiction of the said Commissioners within the Limits of this Act, and for removing and preventing

Rates for paving, lighting, &c.

venting Nuisances, Annoyances, and Encroachments therein and incidental thereto, and for other the Purposes of this Act, be it further enacted, That the said Commissioners shall and they are hereby required and authorized Twice in every Year, if they shall deem it necessary, or oftener if they think proper, to make and sign an equal Pound Rate or Assessment upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy any Messuage or Tenement, Land, Shop, Warehouse, or other Building, Wharf, Yard, Storehouse, Ground, Cellar, Hereditament, or Premises within any Part of the District under the Jurisdiction of the said Commissioners by virtue of this Act, or upon such Part or Parts thereof only as to them the said Commissioners shall seem equitable and right, according to the annual Rent or annual Value of such respective Premises, so as such Rates or Assessments do not exceed in the whole in any One Year the Sum of Three Shillings in the Pound on the yearly Rent or annual Value of such Messuages or Tenements, Land, Shop, Warehouse, or other Building, Wharf, Yard, Storehouse, Ground, Cellar, Hereditaments, and Premises, and which said Rate, and the Money to be from Time to Time raised thereby, shall be applied for and towards defraying the Expences of carrying this Act into execution.

Commis-
sioners may
amend Rates.

LXXXVII. And be it further enacted, That the said Commissioners shall and may, if they think proper, at any Meeting, amend any such Rate or Assessment, Rates or Assessments, after the same shall have been made and signed, by inserting the Name of any Person who ought to have been but who has not been rated or assessed, or by striking out the Name of any Person who hath been but ought not to have been rated or assessed, by altering the Sum or Sums charged in any such Rate or Assessment on any Person or Persons, or in any other Manner in which the said Commissioners shall think proper for making the same a just and equal Rate or Assessment, without wholly setting aside or quashing the same.

Meeting
Houses and
Burial
Grounds to
be rated.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, at such Times as the Rates hereby directed shall be made, to rate and assess, for the Purposes aforesaid, the Persons herein-after mentioned, or any of them, for all Chapels, Meeting Houses, and other Places of Public Worship, or intended for that Purpose, with the Ground belonging thereunto, not being Parish or District Churches or District Chapels, and all other public Buildings whatsoever, except the Court of Requests situate in *Swan Street*, and the Sessions House for the County of *Surrey* for the Time being, and all Burial Grounds, except such as may belong to any such Parish or District Churches or District Chapels, which now or hereafter may be situate in, adjoining, or contiguous to or abutting on the said Roads, Streets, Squares, Lanes, Markets, Passages, or Places within the said District, at such Rates, Sum and Sums as aforesaid; and all such Rate or Rates, Assessment or Assessments, so to be from Time to Time made, shall be paid by the Proprietor or Proprietors, Trustee or Trustees, or Treasurer of such respective Places, or by the Minister, Church-
warden,

warden, Deacon, Manager, or Secretary, or other Person officiating therein, or receiving the Dues, Pew Rents, Burial or other Fees, or Contribution Monies for the same, or any of them; and in case any of the Persons aforesaid shall refuse or neglect to pay the said Rate or Rates to the Collector or Collectors thereof, or to the Person or Persons appointed by the said Commissioners to receive the same, upon Demand thereof made either personally, or in Writing left at the usual Place of Abode of the Person or Persons so required to pay the same, or, if that is unknown, at or on the Premises, then and in every such Case the same shall and may be recovered of the Person or Persons so made liable and required to pay the same by Action in any of His Majesty's Courts of Record at *Westminster*, together with Treble Costs of Suit, to be commenced or prosecuted by the said Commissioners, in which Action or Suit no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

LXXXIX. And be it further enacted, That it shall and may be lawful to and for the Receiver or Receivers of any Rate or Assessment to be made by virtue of this Act, or for any other Person or Persons authorized by the said Commissioners, at all convenient Times (first having an Order under the Hands of the said Commissioners for that Purpose) to inspect the Books or Rates made for raising Money for the Relief and Maintenance of the Poor of the Parishes of *Saint George the Martyr* and *Saint Mary Newington*, in which the said District is situate, in order to ascertain the Rates and Assessments to be raised by virtue hereof, as they shall think proper for the Purposes of this Act; which Inspection, Copies, and Extracts, the Vestry Clerk, or other Officer or Person having the Custody of such Book, Assessment, and Rate, Books, Assessments, and Rates, are hereby required to permit and suffer to be made, without Fee or Reward, by such Receiver or Receivers, Person or Persons appointed as aforesaid, on their producing an Order under the Hands of the said Commissioners, or any Three or more of them, for that Purpose, and also on Demand forthwith to give him or them Copies of the same, or any Part or Parts thereof, paying at the Rate of Sixpence for every One hundred Names; and in case any Vestry Clerk, or other such Officer or Officers, Person or Persons, shall neglect or refuse so to do within Ten Days after such Order shall be produced and shewn to him or them, or a Copy thereof left at his or their last or most usual Place of Abode, then and in every such Case he or they so refusing or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Persons authorized by the Commissioners to be allowed to inspect Poor's Rates gratis, and to have Copies at a specific Reward.

XC. And be it further enacted, That where the yearly Rent or Value of any House, Tenement, Hereditaments, or Premises within the Limits of this Act shall not exceed Fifteen Pounds, or where the same shall be let to weekly or monthly Tenants, or to Lodgers, in separate Apartments, furnished or unfurnished, or in any Case where the Rent shall become payable at any shorter Period than quarterly, then and in any and every of such Cases it shall be lawful for the said Commissioners, at any of their General Meetings as aforesaid, (due

For better Recovery of Rates on Tenements let at small Rents or to Lodgers.

[*Local.*]

11 G

Notice

Landlords to
compound.

Notice being first publicly given of such Meeting in manner hereinbefore directed with respect to the Meetings of the said Commissioners,) if they shall think fit, to compound 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, and Premises within the Limits prescribed by this Act, for the Payment of the Rate or Rates, Assessment or Assessments, which shall be made by the said Commissioners for the Purposes of this Act, at such a reduced yearly Rental as the said Commissioners shall think reasonable, so that no such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, and Premises be rated at less than One Half or more than Three Fourths 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 Value of Fifteen Pounds, or as shall be let to any weekly or monthly Tenant, or Lodgers, in separate Apartments, furnished or unfurnished, and in every Case when the Rent thereof shall become payable at any shorter Period than quarterly, is and are hereby required to enter into such Composition with the said Commissioners; and in such 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 deemed and taken to be the Occupier or Occupiers of such Premises, and shall thereupon be rated to, and from Time to Time shall pay or cause to be paid, the several Rates or Assessments charged upon their respective Premises for the Rates to be made in pursuance of this Act, according to a fair and equal Assessment by the said Commissioners as aforesaid; and upon Non-payment thereof, the said Commissioners, and every or any of them, are hereby authorized to levy or cause the same to 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: Provided always, that no such Landlord, Owner, or Lessee shall be charged with or 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 hereinbefore chargeable upon the several Occupiers of the said Premises: Provided also, that the Goods and Chattels of all and every Person or Persons renting or occupying any such House, Tenement, or Hereditament, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments whereof the Landlord or Landlords, Owner or Owners, is or are hereby made liable and subject to as aforesaid, shall be liable to be distrained and sold for Payment of such of the said Rates or Assessments, and of all Arrears thereof, as became due upon the said Premises during the Time of his 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 Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier or Occupiers to the Land-

Occupiers
Goods liable
to be dis-
trained for
Payment of
Rates.

lord or Landlords, Owner or Owners, Lessee or Lessees of the Premises so occupied by him, her, or them, unless such Occupier or Occupiers shall refuse or neglect, for Two Days after Demand made for that Purpose by the Collector or Collectors of the said Rates, to deliver in Writing a true Account of the Christian and Surnames and Place of Residence of his, her, or their Landlord or Landlady, or his, her, or their Receiver or Receivers of the Rent payable by such Occupier or Occupiers: Provided also, that each and every Occupier who shall pay any such Rate or Rates, Assessment or Assessments, or any Arrears thereof, or upon whom the same shall be levied on account of the Landlord as aforesaid, 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 so much Money as he, she, or they shall pay in the Manner directed by this Act.

XCI. And be it further enacted, That every Rate or Assessment which shall be made or imposed by virtue of this Act for or in respect of any House or Tenement, Coach-house, Stable, or Hereditament, which now are or hereafter shall or may be inhabited or occupied by any Ambassador, Agent, or Public Minister of any Foreign Prince or State, or any Secretary, Chaplain, Domestic Servant, or other Officer or Person whomsoever, to whom the Privilege of such Ambassador, Agent, or Minister doth or may extend, shall be paid by the Landlord or Owner, Lessee or Lessees of every such House or Tenement, Coach-house, Stable, or Hereditament, who shall be liable or compellable to the Payment thereof, and the same shall and may be recovered by Action of Debt or on the Case (from such Landlord or Owner, Lessee or Lessees), or by Bill, Plaint, or Information, in any of the Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be made.

Landlords to pay for Ambassadors Houses.

XCII. Provided always, and be it further enacted, That to prevent Disputes touching the Designation of the Landlord or Owner intended to be made liable by this Act, the Person or Persons receiving, claiming, or being entitled to the Rents of every such House, Tenement, Hereditament, or Premises, immediately payable by the Tenants or Occupiers thereof respectively, shall be deemed and taken to be the Landlord or Owner of the same for the Purposes of this Act, and to the Person and Persons required to enter into such Compositions as aforesaid.

Persons to whom the Rents are payable to be deemed the Owners.

XCIII. And be it further enacted, That from and after any Composition shall be made with the said Commissioners as herein-before mentioned, the House or Houses, Tenement or Tenements, and Hereditaments and Premises therein comprised, shall be rated and assessed according to the same reduced Rental in every future Rate

Composition to remain in force till altered by the Commissioners.

or

or Assessment to be made by the said Commissioners, until they shall otherwise rate and assess the Premises.

Exemptions
from Statute
Duty and
Highway
Rate.

XCIV. Provided always, and be it further enacted, That all and every Persons and Person being assessed and paying the full Rates which may be made under this Act shall from and after the Time when the said Roads, Streets, Squares, Lanes, Markets, Passages, and Places shall have been paved, gravelled, and made up in manner herein-before directed for the Purposes of this Act, be and they and every of them are hereby exempted and discharged from the Performance of any Statute Duty, or the Payment of any Highway Rate, or of any Composition in Money in lieu thereof, for any Premises situated within the District of this Act, as also from the Payment of any other Rate or Rates, Assessment or Assessments, on account of the paving, cleansing, or lighting any of the said Roads, Streets, Squares, Lanes, Courts, Markets, Alleys, Passages, and Places within the District of this Act.

Persons may
be relieved
from the
Rates, on
account of
Poverty.

XCV. And whereas it may be reasonable to excuse some Persons from the Payment of the said Rates on account of their real Poverty; be it further enacted, That it shall be lawful for any One or more of His Majesty's Justice or Justices hearing the Summons for Nonpayment of the said Rates as hereafter mentioned, and he and they is and are hereby authorized and empowered, to grant to such Person or Persons such Relief in the Payment of any Rate or Assessment as they the said Justice or Justices shall think reasonable and expedient; or it shall be lawful for the said Commissioners to grant such Relief as they may think proper.

For Recovery
of Rates on
Refusal.

XCVI. And for the better and more effectual raising and levying the Rates and Assessments made by the said Commissioners, which are mentioned in or authorized and directed by this Act; be it further enacted, That in case any of the Landlords or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Lessee or Lessees of any Messuage or Tenement, Land, Shop, Warehouse, or other Buildings, Wharf, Yard, Storehouse, or Ground Cellar, Hereditaments and Premises, within the Limits prescribed by this Act, or either of them, shall refuse or neglect to pay the Money assessed and rated upon him, her, and them respectively, in manner aforesaid, and all Arrears due thereon or upon any former Rate or Rates, or the Amount of any such Composition or Compositions, it shall be lawful for any One or more of His Majesty's Justices acting in and for the County of *Surrey*, and he and they is and are hereby authorized and required, by Writing under his or their Hand or Hands to summon all and every Person and Persons who shall have so refused or neglected as aforesaid, upon Oath (or Affirmation, if made by a Quaker,) being made before him and them by any One or more of the said Commissioners, or by a Collector of the said Rate or Rates for the Time being, of his, her, or their having attended upon or at the Dwelling House or last Place of Abode of all and every Person and Persons then intended to be summoned, and having demanded the Rate or Rates, Composition or Compositions of such Person or Persons, and of such Person or
Persons

Persons having refused or neglected to pay the said Rate or Rates, Composition or Compositions, to appear before such Justice or Justices at a Time and Place to be mentioned in such Summons, or before such other Justice or Justices acting in and for the said County of *Surrey* as shall be sitting upon the Return of such Summons or Summonses; and it shall be lawful for the said Commissioners, Collector or Collectors, or for any One or more of them, or the Constables or Beadles of either of the said Parishes, to serve all and every such Summons and Summonses upon all and every Person and Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or leaving the same at his, her, or their last or usual Place or Places of Abode, or at the Premises for which the Rates or Composition mentioned in such Summons shall remain due and owing; and if he, she, or they shall fail or neglect to attend, or if he, she, or they shall attend and shall not shew good and sufficient Cause to such Justice or Justices that he, she, or they is or are not chargeable with such Rate or Rates, Composition or Compositions, then and in every such Case all and every such Person or Persons who shall have been so summoned shall pay the Rate or Rates in respect of which such Summons was issued, and all reasonable Costs and Charges of such Summons; and in all Cases where the said Rate or Rates, Composition or Compositions, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for such Justice or Justices who shall have issued such Summons or Summonses as aforesaid, or some other Justice or Justices of the Peace acting in and for the said County of *Surrey*, and he or they is and are hereby authorized and required, upon Oath being made before him or them of the due Service of such Summons or Summonses by the Party who shall have served the same as aforesaid, to grant a Warrant or Warrants under his or their Hand or Hands and Seal and Seals, authorizing or directing the said Commissioners, Collector or Collectors, or any Constable or Beadle of either of the said Parishes, or any One or more of them, to collect and levy all and every such Rate or Rates, Assessment or Assessments, Composition or Compositions, and all Arrears thereof, and the Expence of the Summons (if the same shall not have been before paid) and Warrant, and of executing the same, by Distress of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either within the Limits prescribed by this Act or elsewhere, if removed therefrom or if belonging to Landlords who may compound as before mentioned; and if within Five Days next after any such Distress shall be made, the said Rate or Rates, Assessment or Assessments, Composition or Compositions, with all Arrears due thereon, shall not be paid, together with the reasonable Charges of the said Summons (if such Summons shall not have been before paid for) and Warrant, and of making such Distress, and keeping such Goods and Chattels, the said Commissioners, Collector or Collectors, Constable or Constables, Beadle or Beadles, or any One or more of them, shall cause the said Goods to be appraised by One or more Appraiser or Appraisers, and to be sold, or such Part or Parts thereof as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, Composition or Compositions, together with all Arrears

[*Local.*]11 *H*

due

due thereon, and the reasonable Charges aforesaid, and the Charges of appraising and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him, her, or them.

Form of
Warrant of
Distress.

XCVII. And be it further enacted, That every Warrant of Distress for Nonpayment of the said Rates or Assessments to be made in or for the District comprised within the Limits of this Act, or of such Composition or Compositions under or by virtue of this Act, may be in the Words or to the Effect following ; that is to say,

‘ Surrey, } To the Commissioners and Collector or Collectors of
‘ to wit. } the Rates made by the Commissioners for executing
‘ an Act passed in the Eleventh Year of the Reign of His
‘ Majesty King *George* the Fourth, [*here insert the Title of*
‘ *this Act,*] and also to all Constables, Beadles, and other
‘ Peace Officers for the Parish of *Saint George the Martyr*
‘ and *Saint Mary Newington* in the same..

‘ **W**HEREAS the under-mentioned Persons, now or late Inha-
‘ bitants, Householders, Landlords, Tenants, Occupiers, and
‘ Enjoyers of Lands, Houses, Shops, Warehouses, Coach-houses,
‘ Stables, Cellars, Wharfs, Yards, Vaults, or other Buildings, Tene-
‘ ments, or Hereditaments, or Part of some Building or Tenement,
‘ within the Limits prescribed by this Act, were and are rated and
‘ assessed or liable to the Rate or Rates duly made for that Purpose
‘ of an Act made in the Eleventh Year of the Reign of King *George*
‘ the Fourth, intituled [*here set forth the Title of this Act*]: And
‘ whereas the said Persons have refused and neglected to pay the
‘ several Sums of Money at or against their Names hereunder
‘ respectively set down for Money due from them for or towards the
‘ Purposes of and in the said Act mentioned, and the said several
‘ Sum and Sums are still remaining due or in arrear and unpaid, as
‘ appeareth upon Oath to _____ One of His Majesty’s Justices
‘ of the Peace for the said County; and the said several Persons
‘ having been summoned to appear before _____ to answer
‘ the Premises, as also appeareth to _____ the said Justice or
‘ Justices, upon Oath, [*or Affirmation, if a Quaker,*] and
‘ nor either of them, having shewn any 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 Person,
‘ and hereunto joined to and set against their Names respectively, by
‘ Distress and Sale of their respective Goods and Chattels, such
‘ Goods and Chattels being kept before the same are sold until the
‘ Seventh Day after such Distress shall be made, including the Day
‘ on which it shall be made and the Day of Sale, and if such
‘ Seventh Day shall happen to be *Sunday*, then such Sale shall be on
‘ the next or following Day, rendering to them respectively the
‘ Overplus (if any be), the reasonable Charges of such Distress, Sale,
‘ and keeping, and obtaining this Warrant, being first deducted; and
‘ if no sufficient Distress can be had or taken, that then you certify
‘ the same to me [*or us*], to the end such further Proceedings may
‘ be

‘ be had therein as to Law doth appertain; and I [*or we*] do hereby
 ‘ strictly charge and command all and singular the Constables and
 ‘ others, His Majesty’s Peace Officers for the said County to be aiding
 ‘ and assisting in all Things relating to the Premises. Given under
 ‘ my [*or our*] Hand [*or Hands*] and Seal [*or Seals*] this
 ‘ Day of in the Year of our Lord

	• Sums due.		
	£	s.	d.
‘ <i>A. B.</i> - - - - - - -			
‘ <i>C. D.</i> - - - - - - -			
‘ <i>E. F.</i> the Landlord for divided Premises - -			
‘ <i>G. H.</i> the Landlord for Houses in			
‘ Street compounded for - - - -			
‘ <i>I. J.</i> Landlord [<i>or Receiver, &c. as the Case may be</i>]			
‘ <i>K. L.</i> Tenant - - - - - -			

XCVIII. 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, Shop, Building, Tenement, Hereditament, or other Premises within the Limits of this Act, before any Rate or Rates, Assessment or Assessments, charged thereon respectively, shall be paid and discharged, or if any Person or Persons shall enter into the Occupation of any House, Shop, Building, Tenement, Hereditaments, or other Premises within the Limits of this Act, out of or from which any other Person or Persons shall have so removed before such Rate or Rates, Assessment or Assessments, shall have been paid and discharged, then and in every such Case the Person or Persons so removing out of or from or quitting the Possession of, and the Person or Persons entering into the Occupation of any such House, Shop, Building, Tenement, Hereditament, or other Premises, shall be respectively subject and liable to the Payment of all such Rates and Assessments in proportion to the Time that such Person or Persons respectively possessed or occupied the same, in the same Manner as if the Person or Persons so removing or quitting as aforesaid had remained in the Possession or Occupation of such House, Shop, Building, Tenement, Hereditament, or other Premises, or the Person or Persons so entering into the Possession or Occupation thereof respectively had been originally rated or assessed to such Rates or Assessments, or any of them; and such Proportion shall be ascertained by the said Commissioners; and in case of any Dispute respecting the Amount or Proportion thereof, the same shall be settled by any One or more of His Majesty’s Justices of the Peace in and for the said County of *Surrey*.

How Rates may be collected from Parties removing from or coming within the Limits of this Act.

XCIX. And whereas it may happen that many Persons, liable to and who may be rated and assessed as aforesaid, may, before the Payment of the Sum which may be rated on them respectively, quit and leave their Grounds, Dwelling Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, and remove from and out of the Limits prescribed by this Act; be it therefore enacted, That when any Person or Persons who hath or have been so rated and assessed shall quit or be about to quit

For recovering Rates from Persons removing out of the District upon the Eve of their being made.

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 the Rate or Assessment to the Collector or Collectors, or other Person or Persons authorized and appointed to receive the same as aforesaid, then and in every such Case it shall be lawful for the said Collector or Collectors, or other Person or Persons authorized and appointed as aforesaid, or any One of them, 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 County of *Surrey*, (which Warrant such Justice or Justices is or are hereby authorized and required to grant,) upon Oath (or Affirmation, if by a Quaker,) being first made by the said Collector or Collectors, or other Person or Persons authorized and appointed as aforesaid, before such Justice or Justices, 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, to distrain the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the said Rates or Assessments, and to sell the same, rendering the Overplus, if any, after having deducted the reasonable Charges and Expences attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made.

Rates may be recovered by Action at Law.

C. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, where no sufficient Distress can be made, to direct and cause an Action or Actions of Debt to be brought and prosecuted in any of His Majesty's Courts of Record at *Westminster* for the Recovery of any of the said Rates or Assessments, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to the said Plaintiff in such Sum of Money as they shall suppose to be due; and if the Plaintiff shall recover such Sum so declared for, or any Part thereof, he shall have full Costs, to be levied and recovered as other Monies upon Judgments are by Law levied and recovered.

Commissioners empowered to borrow Money upon Credit of the Rates.

CI. And for enabling the said Commissioners to execute the Purposes of this Act in the most beneficial Manner, be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time, when they shall judge it necessary, to borrow and take up at Interest any Sum or Sums of Money, not exceeding Ten thousand Pounds as herein-after provided, upon the Credit of the Rates or Assessments to be made by them by virtue of this Act, and by any Writing or Writings upon Vellum or Parchment, under the Hands and Seals of the said Commissioners, to assign over the said Rates or Assessments, or a competent Part thereof, to such Person or Persons who shall advance or lend such Money thereupon, or his, her, or their Trustee or Trustees, as a Security or Securities for the several Sums so borrowed, with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say,)

BY

‘ BY virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, [*here set forth the Title of this Act,*] we of the Commissioners appointed by virtue of the said Act, in consideration of the Sum of advanced or lent to us by *A.B.* for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which shall be borrowed upon the Credit of the said Rates or Assessments; to be had and holden from this Day until the said Sum of , with Interest at the Rate of *per Centum per Annum* for the same, to be paid shall be fully repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals this Day of .’

Form of Mortgage.

CII. And be it further enacted, That in case the said Commissioners shall think it advisable or advantageous to raise all or any Part of the Money to be borrowed under this Act by granting Annuities for Lives instead of by Mortgage or Assignment as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Commissioners any Sum or Sums of Money, as to the said Commissioners shall seem right and proper, for the absolute Purchase of an Annuity or Annuities to be paid and payable during the natural Life or Lives of such Person or Persons as shall be nominated at the Time of Payment of such Contribution or Purchase Money; and the Expence of every such Grant shall be defrayed by the said Commissioners; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say,)

For borrowing Money on Annuities for Lives.

‘ WE Commissioners acting in pursuance of an Act passed in the Eleventh 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 acknowledged,) 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 [*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, Administrators, or Assigns, during the Life of or during the Lives of and the Life of the Survivor, upon the Day of , the Day of , and the Day of , the Day of , in every Year during the Life of the said .’

Form of Grant of Annuity.

[*Local.*]

11 I

‘ Life or Lives of him, her, or them the said
 ‘ at the ; the first quarterly Payment to be made
 ‘ upon the Day of next ensuing the Date
 ‘ hereof. In witness whereof we the said Commissioners have here-
 ‘ unto set our Hands and Seals the Day of
 ‘ in the Year of our Lord .’

Commission-
 ers not to be
 personally
 liable.

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 Commissioners, or any other Person or Persons in that Behalf; out of the Rates or Assessments, or other Property charged therewith, according to the Grant of such Annuity: Provided always, that nothing herein contained shall be deemed, construed, or taken to extend to make the Commissioners who shall sign, execute, or give any of the Assignments, Bonds, or other Securities hereby authorized or directed to be given, personally, or their respective Estates, Lands, or Tenements, Goods and Chattels, liable to the Payment of any of the Monies to be borrowed or secured or Annuities so to be granted in pursuance of this Act, by reason of their giving or executing any such Assignments, Bonds, or other Securities as aforesaid: Provided nevertheless, that before any such Money shall be borrowed or raised by the said Commissioners for the Purposes of this Act, Fourteen Days Notice at the least shall be given in some Newspaper published in *London* or *Westminster* or the said County of *Surrey*, signifying the Intention of borrowing or raising such Money.

If Annuitants
 die, any Per-
 son may pur-
 chase other
 Annuities,
 till Mortgage
 Money be
 paid off.

CIII. Provided always, and be it further enacted, That the better to enable the Commissioners to pay the Money borrowed by Mortgage of the said Rates in manner aforesaid, it shall be lawful for them at any Time or Times, until the Sum so borrowed, and all Interest due thereon, shall be fully paid and satisfied, and no longer, as any such Annuitant or Annuitants or Nominee shall die, to permit any Person or Persons to purchase of them the said Commissioners One or more Annuity or Annuities in the Room of such Annuitant or Annuitants or Nominee so dying, upon the Life of such Person or Persons, upon such Terms and Conditions and payable in such Manner as above mentioned, so that the Sum or Sums to be contributed for the Purchase of any Annuity or Annuities to be granted by virtue of this Act shall at no Time exceed the Sum of Ten thousand Pounds.

Annuities
 charged upon
 the Rates.

CIV. And be it further enacted, That all and every such Annuity or Annuities shall be and are hereby charged upon and shall be paid and payable from Time to Time out of the Monies arising by the Rates and Assessments made and levied by the said Commissioners by virtue of this Act; and all and every the Contributor or Contributors duly paying the Consideration or Purchase Money as aforesaid for any such Annuity or Annuities, his, her, or their respective Executors, Administrators, and Assigns, shall have, receive, and enjoy, and be entitled by virtue of this Act to have, receive, and enjoy, the respective Annuity or Annuities so to be purchased out of the said Rates or Assessments for the Payment thereof as aforesaid, during the Term

of the natural Life of the Person to be nominated by such Purchaser or Contributor as before mentioned ; and all and every such Purchaser or Purchasers, and their Executors, Administrators, and Assigns, shall have good, sure, absolute, and indefeasible Estates and Interests in the Annuity or Annuities so by him, her, or them respectively to be purchased, according to the Tenor and true Meaning of this Act ; and every Contributor for the Purchase of any such Annuity or Annuities, his, her, or their Assigns, upon Payment of the Consideration or Purchase Money, shall have a Receipt or Receipts for the same, and also an Order on Parchment for the Payment of the said Annuity or Annuities for and during the natural Life of the Person who shall be so nominated as aforesaid, by quarterly Payments, which Order shall be signed by the said Commissioners, and after signing thereof the same shall be firm, valid, and of good Effect in the Law, according to the true Purport and Meaning of this Act.

CV. And be it further enacted, That the Commissioners shall cause to be entered in a Book or Books to be for that Purpose provided and kept all Securities for Money borrowed or Annuities granted by virtue or in pursuance of this Act, and all Assignments or Transfers thereof, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Description of all such Persons as shall from Time to Time be entitled to such Securities, and also the Name, Surname, Addition, Place of Abode, and other Description of every Person for whose Life any Annuity shall be granted by virtue of this Act, and the Days whereon the said Annuity shall be payable ; to which Book and Books the Person and Persons entitled to and possessed of such Annuity, and all and every the Person or Persons liable to the Payment of the said Rates and Assessments so to be made by the said Commissioners, shall at all seasonable Times have Access, with free Liberty to inspect the same, without Fee or Reward.

Clerk to enter all Securities for Money borrowed on Annuities.

CVI. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, or their Hand or Hands respectively, to assign or transfer such Securities, by Indorsement on the Back thereof, to any Person or Persons whomsoever, and so *toties quoties* ; and such Assignment or Transfer, after they shall respectively be entered by the Clerk to the said Commissioners in manner aforesaid, which he is hereby required to do without Fee or Reward, shall entitle the Person or Persons to whom they shall be respectively made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security or Securities so assigned as aforesaid ; which Transfer may be made according to the Form or to the Effect following ; (that is to say,)

Securities may be transferred.

‘ I A. B. do hereby assign the within Mortgage [or Grant] of the
 ‘ within-mentioned Annuity, and all my Right and Title in and to
 ‘ the Principal Money and Interest or Annuity, and all Arrears
 ‘ now due thereon and thereby secured, unto C. D., his Executors,
 ‘ Administrators, and Assigns. Dated this Day
 ‘ of

Form of Transfer.

CVII. And

Restriction
as to granting
of Annuities.

CVII. And, for preventing any improvident Grants of Annuities under this Act, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of 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 any Act or Acts of Parliament now in force for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.

Rates vested
in Commis-
sioners.

CVIII. And be it further enacted, That all Monies raised or collected by the said Commissioners, or by their Order, under and by virtue of this Act, for the Purpose of paving the Footpaths, and gravelling or making up the Carriageways, lighting, cleansing, watering, repairing, and otherwise improving the said several Roads, Streets, Squares, Lanes, Markets, and other public Passages and Places within the District prescribed by the Limits of this Act, and for the other Purposes incidental and relating thereto, shall be and the same are hereby vested in the said Commissioners, and shall be by them applied for the Purposes last aforesaid, and to and for no other Use and Purpose whatsoever.

Application
of the Money
to be raised.

CIX. And be it further enacted, That all the Money to arise by the said Rates, Assessments, and other Monies hereby granted, or to be levied or received by virtue of this Act, and which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Commissioners, or to such other Person or Persons as they shall appoint; and shall be applied and disposed of, after paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing this Act, in the next place, in paying and discharging the Interest of the Monies which shall be borrowed and the Annuities which shall be granted under this Act; and then from Time to Time to defray the Charges and Expences of paving the Footpaths, and gravelling and making up the Carriageways, lighting, cleansing, watering, repairing, regulating, and improving the Roads, Streets, Squares, Lanes, Markets, and other public Passages and Places within the Limits of this Act, and in defraying and paying all Expences which the said Commissioners and other Officers shall necessarily sustain or be put unto in carrying this Act into execution, or in prosecuting or defending any Prosecutions, Actions, or Suits in any Manner relating to the Execution of this Act, or of any thing to be done under or by virtue thereof, and for such other Uses and Purposes as are herein expressed; and the Residue of all such Monies shall be paid and applied in reducing, paying off, and discharging all such Principal Sums as shall be borrowed as aforesaid.

Power to
borrow Mo-
ney at lower
Interest to
discharge
Security at
higher.

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

as

as they shall think fit and proper, and the Interest thereof, at such lower Rate aforesaid, and to pay off and discharge the Mortgages, Assignments, and Securities bearing a higher Rate of Interest.

CXI. And be it further enacted, That it shall be lawful for any of the said Commissioners, or for any of their Surveyors, Collectors, or other Officers, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Surveyors, Collectors, or Officers,) who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the said County of *Surrey*, and such Justice and Justices is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

CXII. And be it further enacted, That where 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 in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled 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, who is 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.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

CXIII. And be it further enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is 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, and any Witness or Witnesses the said Justice may think proper, 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, whether he be present or absent, 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 exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

CXIV. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Rule, Regulation, or Order to be made in pursuance or by the Authority of the Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before any One

Recovery and Application of Penalties.

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or more Justice or Justices of the Peace for the said County of *Surrey*, in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not (and which shall in every Case be made within Three Calendar Months at farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall summon the Party or Parties accused, and such Witness or Witnesses as may by such Justice or Justices be thought proper or necessary, and examine into the Matters thereof; and if, upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, (whether the Party or Parties accused be present or absent,) the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided by this Act) the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices, (which he and they is and are hereby empowered and required to grant,) be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party or Parties whose Goods and Chattels shall be distrained, One Moiety of which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and One Half shall be paid to the Treasurer to the said Commissioners, to be applied to the Purposes of this Act; 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 Five Days from the 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, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either upon the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereupon such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, can be levied, were such Distress or Warrant issued, such Justice or Justices shall not be required to issue the same, and thereupon it shall be lawful for the

they shall in their Discretion think fit; and every such Mitigation shall be a sufficient Discharge to the Person or Persons so offending respectively for so much of the said Penalties or Forfeitures as shall be so mitigated, lessened, or remitted.

Commissioners may direct the Clerk to prefer Indictments.

CXVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to direct their Clerk for the Time being to prefer Indictments against any Person or Persons for any Nuisance committed within or upon any of the said Roads, Streets, Squares, Lanes, Markets, Passages, and Places within the Limits prescribed by this Act, and to pay the Expences thereof out of the Monies arising by this Act.

Inhabitants allowed to give Evidence.

CXIX. And be it further enacted, That in all Actions, Prosecutions, Informations, Appeals, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, or in which the Inhabitants residing within the Limits thereof shall be a Party or Parties, no Inhabitant residing within the Limits of this Act shall be deemed an incompetent Witness on account of his, her, or their being charged with or liable to pay or having paid any Rate or Assessment made under or by virtue of this Act.

Distress not unlawful for Want of Form.

CXX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money justly due for any of the Purposes of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers for or on account of any Defect or Want of Form in the Warrant of or for the Appointment of such Collector or Collectors, or in the Rate or Assessment, or in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages he, she, or they shall have sustained thereby, and no more, in any Action of Trespass or on the Case (at the Election of the Plaintiff or Plaintiffs): Provided always, that no Plaintiff or Plaintiffs shall recover in any such Action for any Irregularity, or for any Trespass or other wrongful Proceeding, unless Notice in Writing shall be given to the Defendant or Defendants, Fourteen Days before any such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath been made to him, her, or them, his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay the Money into Court.

Plaintiff not to recover unless Notice given, nor after Tender of Amends.

CXXI. And

CXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, made by virtue of this Act, or by any Judgment or Determination of the said Commissioners, or by any other Matter or Thing done or directed to be done or committed by the said Commissioners under or in pursuance or execution of this Act, such Person or Persons may appeal to the said Commissioners at any Meeting or Meetings to be holden by them within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Ten Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and the Matter thereof, to the said Commissioners; and the said Commissioners are hereby authorized and empowered (if they shall think such Person or Persons aggrieved) to give such Relief in the Premises as to them shall seem necessary; and in case any such Person or Persons shall not be satisfied with the Determination of the said Commissioners, or in case no Judgment or Determination shall be given within Two Calendar Months next after Notice of the Complaint to them respectively given, or if any Person or Persons shall think himself, herself, or themselves aggrieved by reason of any Judgment, Order, or Determination of any Justice or Justices of the Peace acting in the Execution of this Act, then and in every such Case he, she, or they may appeal to some General or Quarter Sessions of the Peace to be holden for the said County within Six Calendar Months next after such Determination of the said Commissioners, or after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Ten Days Notice at the least in Writing of his, her, or their Intention to bring such Appeal, and the Matter thereof, to the Party or Parties, Person or Persons, whose Act or Acts is or are appealed against, as follows, (that is to say,) to the said Commissioners for the Time being, in case such Appeal shall be against the Act or Acts of the said Commissioners, and to the Justice or Justices of the Peace, in case such Appeal shall be against his or their Act or Acts, and within Two Days after such Notice entering into a Recognizance in the Sum of Twenty Pounds before some Justice of the Peace of the same County, conditioned for prosecuting such Appeal, and to abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions, upon the Proof of such Notice given as aforesaid, and of the entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall be levied in pursuance of such Rule, Order, Regulation, Judgment, and Determination; and the Determination of such Justices at their General or Quarter Sessions shall be final and conclusive.

CXXII. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act, the Court of General Quarter Sessions of the Peace shall and such Court is hereby

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authorized

On Appeal
from Rate,
Quarter Ses-
sions may

amend it without quashing it, or, if necessary, may quash the Rate.

authorized and required (in Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing that the Rate of Assessment shall be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Declaring what shall be a good Service of Notice on the Commissioners.

CXXIII. And be it further enacted, That in all Cases where it may be necessary or requisite for any Summons or Summonses, Notice or Notices, or any Writ or Writs, or other Proceeding or Proceedings at Law or in Equity, to be served upon the said Commissioners, Service thereof respectively upon the Treasurer or Clerk of the said Commissioners, or left at his last or usual Place of Abode, or leaving the same, or a Copy or Copies thereof, at the Office of the said Commissioners, or with any Agent or Officer of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively to the said Commissioners.

Proceedings not to be quashed or removed by Certiorari.

CXXIV. And be it further enacted, That no Rate or Rates, Assessment or Assessments, Order, Verdict, Judgment, Conviction, or other Proceedings to be had and made touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, shall be quashed or vacated for Want of Form only, 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* (any Law or Statute to the contrary thereof in anywise notwithstanding).

Limitation of Actions.

CXXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act unless One Calendar Month's previous Notice thereof, signed by the intended Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall be given in Writing to the Party or Parties against whom such Action or Suit shall or may be brought, nor after sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, nor in any Case after Three Calendar Months next after the Fact committed for which such Action or Suit shall be so brought; and every such Action or Suit shall be brought, laid, and tried in the County of *Surrey*, and not in any other County or Place; and the Defendant or Defendants in such Action or Suit, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if such Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before One Calendar Month's previous Notice given thereof as aforesaid, or that sufficient Satisfaction

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

CXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to prejudice or diminish, alter, abridge, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits extending from *East Moulsey* in the County of *Surrey* to *Ravensbourne* in the County of *Kent*; but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Saving the Rights of the Commissioners of Sewers.

CXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, alter, abridge, obstruct, or in any Manner interfere with or prejudice the Rights, Powers, Authorities, and Provisions granted or made by or under an Act passed in the Fifth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to establish an additional Company for more effectually lighting with Gas certain Places within the Borough of Southwark, and certain other Parishes and Places in the Counties of Surrey and Kent*; but that all and every the Rights, Powers, Authorities, and Provisions of or under the said Act shall remain, continue, and be in as full Force and Effect, to all Intents and Purposes, as if this Act had not been passed, except as to the Powers for lighting the District comprised within the Limits of this Act.

Saving the Rights of the Phoenix Gas Light and Coke Company.

5 G. 4. c. 78.

CXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to indemnify and make Compensation to such Owners, Proprietors, and Occupiers of Houses within the Limits prescribed by this Act, as shall have already effected any of the Objects intended to be adopted by the Authority of this Act, in such Manner as they the Commissioners shall think fit.

Commissioners may make Compensation to Owners, &c.

CXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, alter, abridge, obstruct, or in any Manner interfere with or prejudice the Rights, Powers, Authorities, and Provisions granted or made by or under an Act passed in the Tenth Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for continuing certain*

Saving the Rights of the Trustees of Great Dover Street Road.

10 G. 4. c. 113.

certain

certain Powers to the Trustees of the Road leading from the Borough of Southwark to the Kent Road in the County of Surrey, called Great Dover Street, for the Purposes therein mentioned; but that all and every the Rights, Powers, Authorities, and Provisions of or under the said Act shall remain, continue, and be in as full Force and Effect, to all Intents and Purposes, as if this Act had not been passed.

Saving the Rights of the Commissioners of the West Division of Borough Pavements.
6 G. 3. c. 24.

CXXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken to extend, to repeal, abridge, lessen, or in any Manner interfere with the Rights, Powers, Authorities, or Provisions contained or granted in or by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein*; also an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Third, intituled *An Act to explain and amend so much of an Act of the Sixth Year of His present Majesty, for paving the Town and Borough of Southwark in the County of Surrey, as relates to the Commissioners of Sewers, and for regulating the Manner of taxing Churches and other public Buildings within the Limits of the said Act*; and also an Act passed in the Forty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for altering and amending an Act passed in the Sixth Year of His present Majesty, for paving the Streets and Lanes within the Borough of Southwark, and certain Parts adjacent, in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein, so far as the same relates to the West Division thereof, as therein mentioned*; but that the said several last-mentioned Acts, and all and every the said Rights, Powers, Authorities, and Provisions, shall be and remain in as full Force and Effect, to all Intents, Constructions, and Purposes, as if this Act had not been passed.

Expences of Act.

CXXXI. And be it further enacted, That all the Costs, Charges, and Expences attending the obtaining and passing this Act, and in any Manner incidental thereto, shall be paid by the said Commissioners by and out of the first Monies hereby authorized to be received by them.

Public Act.

CXXXII. 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.