



ANNO QUINTO

# VICTORIÆ REGINÆ.

Sess. 2.

\*\*\*\*\*

## Cap. xlviii.

An Act for paving, lighting, watching, cleansing, and improving *Ely Place* and *Ely Mews, Holborn*, in the County of *Middlesex*. [18th June 1842.]

**W**HEREAS it is expedient that Provision should be made for paving, lighting, watching, gravelling, draining, watering, cleansing, and improving a certain Street or Place called *Ely Place*, and a Place called *Ely Mews, Holborn*, in the County of *Middlesex*, and for removing and preventing Encroachments, Nuisances, and Obstructions therein: And whereas *Ely Place* and *Ely Mews* are private Streets, and not public Streets or Thoroughfares, comprising and including therein Forty-five Houses, and also other Tenements; and the Purposes aforesaid cannot therefore 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 Queen'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 *James Adamson, Daniel Boys, Thomas Magnus Cattlin, James Dyer, James Graham Lewis, and Robert Southee*, Esquires, shall be the first Commissioners for carrying this Act into execution, and shall continue

First Commissioners.

[Local.]

14 B

in

in Office until the Second *Thursday* in the Month of *December* One thousand eight hundred and forty-three, or until other Commissioners shall be elected in their Place, as herein-after mentioned.

Qualification of Commissioners.

II. And be it enacted, That every Commissioner under this Act shall be a resident Inhabitant within the Limits of this Act, or the Lessee of a House therein, and shall either be rated to the Rate made for the Relief of the Poor of the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, in the annual Sum of Thirty Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Limits of the annual Value of Twenty Pounds.

Same Property not to give Two Qualifications.

III. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof.

No Bankrupt or Insolvent to be a Commissioner.

IV. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner.

No Person holding Office, or concerned in a Contract, to be a Commissioner.

V. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Declaration by Commissioner.

VI. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in administering the Declaration herein-after mentioned, until he shall have made and signed, before One of the Commissioners, a Declaration to the Effect following :

‘ I *A.B.* do solemnly declare, That I will faithfully and impartially, according to the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament intituled [*here insert the Title of the Act*], and also that I am a resident Inhabitant within the Limits of the said Act, and am rated to the Rates made for the Relief of the Poor of the said Liberty in the annual Sum of Thirty Pounds [*or that I am a Lessee of a House within the Limits of the said Act, or a resident Inhabitant of and am seised and possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the said Limits of the annual Value of Twenty Pounds*].’

False Declaration a Misdemeanor.

VII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor.

Declaration to be taken at the first Meeting.

VIII. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as One of such Commissioners, such

such Person shall make and subscribe the Declaration herein required, and it shall be lawful for any Person attending as One of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

IX. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same, by Action of Debt or on the Case; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person had acted as a Commissioner in the Execution of this Act; nevertheless, all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

Penalty for acting as Commissioner, not being qualified.

X. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election he shall, with reference to going out by Rotation, be considered as a new Commissioner.

Commissioners may be re-elected.

XI. And be it enacted, That every Person who shall occupy a House within the Limits of this Act rated and assessed to the Relief of the Poor to the annual Value of Ten Pounds and upwards shall be entitled to vote in the Election of Commissioners to supply the Places of those retiring annually.

Qualification of Electors.

XII. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat as aforesaid shall be called by the Commissioners by a Circular delivered or sent by the Post to the Residence of each Person qualified to vote as aforesaid, Six Days at least previous to the Holding of such Meeting, and such Meeting shall be held at some convenient Place within the said Liberty in each Year, on the Second *Thursday* in the Month of *December*, or within Twenty-one Days thereafter, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon; and between the Hours aforesaid the Persons by whom such Election is to be made shall respectively deliver to some Person authorized for that Purpose by the Commissioners a Paper containing the Names of Six Persons for whom they respectively vote to fill the Office of Commissioners; and the Six Persons having the Majority of Votes at such Election shall be Commissioners for the Purpose of carrying this Act into execution; and if at any such Election there be an Equality for Two or more Persons, such Person as aforesaid shall, if necessary, to prevent an Excess in the Number of Commissioners, decide by Lot upon the Person to be elected.

Manner of Election for supplying periodical Vacancies.

XIII. And

Mode of  
supplying  
occasional  
Vacancies.

XIII. And be it enacted, That if any of the Commissioners die or resign, or be disqualified, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, it shall be lawful for a Majority of the Commissioners, if they think fit, to elect another Commissioner to his Place, and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

First and  
other Meet-  
ings.

XIV. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at some convenient Place in the said Liberty on the Fourth *Tuesday* after the passing of this Act, and proceed to put this Act into execution; and a yearly General Meeting of the Commissioners shall be held on the First *Tuesday* in *December* in every Year; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting, from Time to Time to adjourn such Meeting to the same or any other Place within the said Liberty; and if at any such Meeting there shall not be Three Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or any One Commissioner, if only One be present, to adjourn such Meeting to another Day; and if the Meeting shall not be adjourned, then it shall be lawful for any Two of the Commissioners, or the Clerk, to appoint a Meeting, to be held at any convenient Place within the said Liberty; and not less than Seven Days Notice shall be given of such intended Meeting.

Special  
Meetings.

XV. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Two or more of the Commissioners may require a Special Meeting to be held; but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum  
of Com-  
missioners.

XVI. And be it enacted, That all Powers of this Act may be exercised by any Three or more of the Commissioners present at any Meeting holden in pursuance of this Act; and no Business shall be transacted at any Meeting of the Commissioners unless Three or more Commissioners shall be present at such Meeting.

How Notices  
of Meetings  
are to be  
given.

XVII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered at the usual Place of Abode of each of the Commissioners; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting, except such as is stated in the Notice thereof.

Expences at  
Meetings.

XVIII. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

Order of  
Business at  
Meetings

XIX. And be it enacted, That at every Meeting of the Commissioners One of the Commissioners present shall be elected Chairman by

by the Majority of the Votes of the Commissioners present at such Meeting; and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present; and if there be an equal Division of Votes, the Chairman, in addition to his own Vote as a Commissioner, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman, that one of the Commissioners having equal Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged, shall be Chairman of such Meeting.

of Commis-  
sioners and  
Committees.

XX. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation, by Notice given Ten Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

No Resolu-  
tion of Com-  
missioners to  
be revoked at  
a subsequent  
Meeting,  
unless under  
certain Cir-  
cumstances.

XXI. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Commissioners for that Purpose.

Contracts  
may be made.

XXII. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners and the other Parties thereto; and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Commissioners or the other Parties failing in the Execution thereof.

How to be  
signed.

XXIII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works, for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury, by Indictment, as herein-after mentioned, be held to be the Property of such Commissioners.

Materials for  
Works con-  
tracted for to  
be considered  
the Property  
of the Com-  
missioners.

XXIV. And be it enacted, That it shall be lawful for the Commissioners to prefer any Bill of Indictment against any Person who shall steal, take, or carry away, or receive, knowing the same to be stolen, deface or injure, any Property, Article, or Thing belonging to the Commissioners, and in any such Bill of Indictment it shall be suffi-

Indictments  
how to be  
preferred.

cient to state generally the Money, Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the Commissioners for executing this Act, without naming the Commissioners.

Commis-  
sioners not  
to be liable  
personally.

Liability of  
their Funds.

XXV. And be it enacted, That nothing in any Deed or Contract made by or on the Behalf of the Commissioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument ; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Actions or  
Suits to be  
brought in  
the Name  
of any Two  
Commis-  
sioners or  
their Clerk.

XXVI. And be it enacted, That in all Actions and Suits, in respect of any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners, it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit ; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Executions  
against Goods  
of Commis-  
sioners.

XXVII. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Indemnity  
to Commis-  
sioners.

XXVIII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant, and no such Commissioner or Clerk shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners or more as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Proceedings  
to be entered  
in a Book,

XXIX. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appoint-  
ments

ments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry so signed shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners respectively, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners and any of the Rate-payers or other Parties interested.

and be open to Inspection.

XXX. And be it enacted, That the Commissioners shall from Time to Time appoint a Clerk or Secretary, Treasurer and Collector, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Secretary, Treasurer, Collector, and Officers, and appoint others in their Stead.

Commissioners to appoint Treasurer and other Officers.

XXXI. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer, and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

Offices of Clerk and Treasurer to be separate.

Penalty.

If any Person accept both the Office of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk:

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer (as the Case may be):

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

XXXII. And be it enacted, That if any such Treasurer, Collector, or other Officer employed by the Commissioners exact, take, or accept, on account of any thing done by virtue of his Office or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever, other than the Salaries, Rewards, or Allowances allowed by

Officer taking Fees to lose his Office.

Penalty. by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commis-  
sioners to  
take Security  
from all  
Officers in-  
trusted with  
Money.

XXXIII. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to  
account.

XXXIV. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose, such Monies have been disposed of; and together with such Account such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Remedy  
against Offi-  
cers failing  
to account.

XXXV. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him; or if such Officer cannot be found, then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding



exceeding Three Calendar Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Commissioners, in his Possession or Power,

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

XXXVI. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Commitment not to discharge Sureties.

XXXVII. And be it enacted, That the Commissioners shall cause a Book to be kept, in which shall be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of every Person paying any Rate or Assessment by this Act authorized to be made, without any Fee being demanded for such Inspection; and it shall be lawful for any such Persons at seasonable Times to take Copies of or Extracts from the said Book, without paying any thing for the same.

Books of Account to be kept, and to be open to Inspection.

XXXVIII. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the First Ordinary Meeting of the Commissioners which shall take place in *December* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed, the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next general Quarter Sessions of the Peace for the County of *Middlesex*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such

Accounts to be settled and examined at the annual Meeting.

To be final, unless appealed from.

Appeal, and the Matter and Cause thereof, having been given to the Commissioners Fourteen Days at least before the Hearing of any such Appeal.

Statement of Accounts to be prepared, and to be open for Inspection.

XXXIX. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended by virtue of this Act during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Treasurer; and every Person paying any Rate or Assessment by this Act authorized to be made, or any Person acting on behalf of any such Creditor or Rate-payer, may at all reasonable Times inspect such Statement and Account.

An Annual Account to be prepared, and a Copy thereof transmitted to the Clerk of the Peace.

XL. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Middlesex*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Service of Notice on Commissioners.

XLI. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Authentication of Notices.

XLII. And be it enacted, That every Summons, Demand, or Notice, or other such Document, under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner, or by the Clerk of the Commissioner, shall be a sufficient Authentication.

Releases to Witnesses.

XLIII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners,

sioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

XLIV. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party, having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of  
Amends.

XLV. And be it enacted, That this Act shall be put in force for the Improvement of the said Street or Place called *Ely Place*, and the said Place called *Ely Mews*, and *Mitre Court*.

Limits of  
the Act.

XLVI. And be it enacted, That the Management of the said Places or Street and Court, the Pavement and other Materials of such Street, and all Lamps, Lamp Irons, Lamp Posts, Grates, Tunnels, Gutters, Erections, or Buildings, Materials, Implements, and other Things, provided by the Commissioners for the Purposes of this Act, and also the Dust, Ashes, and Filth to be collected from the said Street, Place, or Court, shall be the Property of and are hereby vested in the Commissioners; and the Commissioners shall have full Power to use and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper.

Streets, &c.  
vested in  
the Com-  
missioners.

XLVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act, or any Part thereof, to be repaired, formed, paved, and gravelled, and the Ground or Soil to be raised, lowered, and altered in such Manner and with such Materials as they shall think proper.

Commis-  
sioners to  
cause Streets  
to be paved,  
&c.

XLVIII. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Carriageway or Footway in any Street within the Limits of this Act, without the Consent in Writing of the Commissioners, except when it may be necessary for making, cleansing, or repairing any Sewer, Vault, or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Carriageway or Footway shall not within Ten Days after Notice in Writing by the Surveyor to the Commissioners cause the same to be reinstated as nearly as may be, the Commissioners shall cause the same

Penalty on  
Persons  
altering  
Pavements.

same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Carriageway or Footway.

Footways to be kept in repair by the Commissioners.

XLIX. And be it enacted, That all Causeways or Footways within the Limits of this Act, whether made by the Commissioners or otherwise, which the Commissioners shall deem necessary to be kept up, shall be kept in repair by the Commissioners.

Future Projections to be removed on Notice.

L. And be it enacted, That if the Commissioners shall consider any projecting Step, Cellar, Cellar Door, or Window, Sign, Sign Post, Sign Iron, Showboard, Show Lamp, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be placed against or in front of any House or Building, to be an Annoyance, in consequence of the same projecting into, endangering or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall, within Twenty-eight Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Commissioners.

Existing Projections to be removed, and Compensation made.

LI. And with regard to all Obstructions or Projections of a like Kind as those before mentioned, which have been erected or placed against or in front of any House in any Street or public Place before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance, in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be, Ten Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

WaterSpouts to be affixed.

LII. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Fourteen Days next after Service of any Order of the Commissioners for that Purpose, put up, and for ever afterwards keep in good Condition, a Pipe or Trunk to be fixed to the Front or Side of such Building from the Roof to the Ground, to carry off the Water from the Roof thereof, in such Manner that the Water from such House shall not fall upon the Persons passing near the same.

Vaults and Drains to be kept in repair.

LIII. And be it enacted, That all Vaults or Drains, not being Common Sewers, under any Street within the Limits of this Act, shall be kept in substantial Repair, to the Satisfaction of the Commissioners;

missioners; and in case any such Vault or Drain shall at any Time not be in such substantial Repair it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of substantial Repair after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

LIV. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act, as an Entrance into any Vault or Cellar, a Door or Covering shall be made by the Occupier of such Vault or Cellar, of Iron or such other Material, and in such Manner as the Commissioners shall direct, and such Door or Covering shall from Time to Time be kept in good Repair by the Occupier of such Vault or Cellar; and if the Occupier of any such Vault or Cellar shall not within a reasonable Time make such Door or Covering, or shall not keep the same when made in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Coverings for  
Cellar Doors  
to be made.

LV. Provided always, and be it enacted, That in no Case shall any Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds, to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case Proof of the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

Penalty for  
continuing  
Deposits of  
Building  
Materials or  
Excavations  
an unreason-  
able Time.

LVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Street or Place within the Limits of this Act to be cleansed and watered, and the Dirt, Ashes, and Rubbish to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

The Street or  
Place to be  
cleansed and  
watered.

LVII. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the Scavengers, and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises which they shall contract or be employed to collect Dirt, Ashes, and Rubbish from, within the Limits of this Act, under the Provisions herein contained, and shall carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be

Duties of  
the Street  
Scavengers  
to be per-  
formed, un-  
der Penalties.

[Local.]

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appointed

appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water, at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove, at the Time or in the Manner prescribed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on Occupiers obstructing Scavengers.

LVIII. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger, or his Servants, from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from his House or Premises.

Penalty on other Persons than Scavengers removing Dirt.

LIX. And be it enacted, That if any Person, other than the Scavenger for the Time being, or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filth from any House within the Limits of this Act, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Commissioners may cause Footways to be swept.

LX. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

Commissioners may order Nuisances to be abated.

LXI. And be it enacted, That if any Foundry, Candle-house, Melting-house, Melting-place, or Soap-house hereafter to be erected or made, or any Slaughter-house, Boiling-house for Offal, Hogsty, unclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint, and if the Commissioners shall consider such Building, Place, or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made, to discontinue or remedy the same.

Penalty for Disobedience to Commissioners Order.

LXII. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Twenty-eight Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Twenty-eight Days from the Service of the said Notice: Provided always, that when any Person who shall think himself aggrieved by any Order of the Commissioners shall, according to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Twenty-eight Days after the Determination of such Appeal, and the Confirmation of the

Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

LXIII. And be it enacted, That every Person who, within the Limits of this Act, shall empty or begin to empty any Privy between the Hours of Six in the Morning and Twelve at Night, or remove any Night Soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Six in the Morning and Eight in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit any Sum not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty for conveying offensive Matter at improper Time.

LXIV. And be it enacted, That every Nuisance, Obstruction, or Annoyance which is prohibited by any Act in force for regulating the Police of the Metropolis shall in like Manner be prohibited within the Limits of this Act; and any Person guilty of any such Nuisance, Obstruction, or Annoyance shall be liable to the Penalty imposed for such Offence by such Police Act, and the same Penalty may be inflicted, recovered, and levied in the Manner and Form directed by such Act; and any Constable appointed by the Commissioners shall, within the Limits of this Act, have the same Powers for preventing and removing such Nuisances, Obstructions, and Annoyances, and of apprehending the Offender, as any Constable has by virtue of such Police Act in the Metropolis.

Nuisances.

LXV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Street, Places, and Court within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, and Lamp Irons as may be necessary for that Purpose, and also to lay and place against any Houses, Buildings, and Inclosures such Lamp Posts, Lamp Irons, and Lamps as may be necessary for the Purposes aforesaid: Provided always, that no Lamp, Lamp Post, or Lamp Iron shall be laid or continued against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof.

Commissioners empowered to light the Street, &c.

LXVI. And be it enacted, That the Commissioners shall from Time to Time appoint and employ such Number of Constables and other Officers as they shall judge necessary, not exceeding Three, for the proper Protection of the Inhabitants and Property within the Limits of this Act, and shall allow them such Salaries or Wages as they think proper; and it shall be lawful for the Commissioners from Time to Time to remove any such Constables and Officers as they shall think fit.

Appointment of Constables.

LXVII. And

Constables to  
be sworn in.

LXVII. And be it enacted, That it shall be lawful for any Justice to swear in as Constables any Person so appointed and employed, and the Constables and Officers so sworn in shall have, within the Limits of this Act, the like Powers, and shall be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of *England*.

Regulations  
of the Com-  
missioners to  
be observed,  
under a  
Penalty.

LXVIII. And be it enacted, That it shall be lawful for the Commissioners to make such Rules and Orders as they shall think fit for regulating the Conduct of the said Constables and Officers; and if any such Constable or other Officer shall not faithfully observe and perform such Rules and Orders, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and, if the Commissioners shall think proper, shall also be immediately discharged from his Office or Employment.

Penalty on  
Persons  
assaulting  
Constables.

LXIX. And be it enacted, That every Person who shall assault or resist any such Constable or Officer in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding One Month.

Power to  
levy Rates.

LXX. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year after the passing of this Act, to be computed from the Twenty-fourth Day of *June*, or oftener, if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by the Commissioners, upon the Occupiers of all Houses, Coach-houses, Stables, Cellars, Buildings, Gardens, Lands, Tenements, and Hereditaments within the Limits of this Act, according to the annual Value of the same, so as such Rates or Assessments do not exceed in any One Year the Sum of Three Shillings in the Pound on such annual Value, except as is next herein-after provided.

Rate to be  
open to In-  
spection of  
Rate-payers.

LXXI. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate, at all seasonable Times, and any such Persons may take Copies or Extracts from such Rate, without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Annual  
Rate may be  
increased by  
Consent of  
a General  
Meeting of  
Rate-payers.

LXXII. And be it enacted, That if it shall at any Time appear that the said Sum of Three Shillings in the Pound is not sufficient for the Purposes aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of Rate-payers assembled at the annual Meeting for the Settlement of Accounts, to increase the Rates, so as the same do not in any One Year exceed the Sum of Four Shillings in the Pound on such annual Value as aforesaid.

LXXIII. And



LXXIII. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable at such Times as they shall direct to the Collector to be appointed by them.

Rates to be vested in the Commissioners.

LXXIV. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding annual Assessment for the Relief of the Poor within the Limits of this Act, except in such Cases as are herein-after mentioned.

Value of Property to be according to Poor Rate.

LXXV. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the said Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, and the Assessments by which the same are made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Rates or Assessments shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Poor Rates to be open to Inspection by Commissioners.

LXXVI. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor within the Limits of this Act shall in the Judgment of the Commissioners be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all the rateable Property within the Limits of this Act, by some competent Person to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

If Poor Rate an unfair Criterion, a Valuation to be made.

LXXVII. And be it enacted, That before any such Valuation shall be made the Person appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially according to the best of his Judgment, and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and the Date of the making the same, and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Valuer to make a Declaration.

LXXVIII. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

Net annual Value.

LXXIX. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

Rate Books to be Evidence.

LXXX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this

Rates may be amended.

this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration, before the Rate shall be payable by him.

Appeal to  
Petty Ses-  
sions, on the  
Ground of  
Inequality of  
Rates, &c.

LXXXI. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justices acting in and for the Petty Sessions of the *Holborn* Division of the County of *Middlesex*, at any Special Sessions which may be holden for the Purpose of determining any Appeals against the Poor Rates, but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Party appealed against Seven Days at least before the Day appointed for such Special Session.

Determina-  
tion of Petty  
Sessions to be  
final, unless  
appealed  
from.

LXXXII. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Petty Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof, and the Fairness of the Amount at which the same may be rated, nor shall any Order of such Justices be of any force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

Parties may  
appeal to  
Quarter Ses-  
sions against  
Rate, &c.

LXXXIII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Petty Sessions assembled, he may appeal to the next General or Quarter Sessions, but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Commissioners, but the same shall be adjourned to the next General Quarter Sessions; nor shall any Appeal against the Determination of the Justices in Petty Sessions assembled be entertained, unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the  
Matter

Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

LXXXIV. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court are hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

Court of Quarter Sessions to make such Order as they think reasonable.

LXXXV. And be it enacted, That the Court of Quarter Sessions and the Justices in Petty Sessions assembled respectively shall, in any Appeal against any Rate made under the Authority of this Act, have the same Powers of amending or quashing such Rates as are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within their several Jurisdictions upon Appeals against such Rates, and shall likewise have respectively, in any Appeal against any Rate made under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

On Appeal, Quarter Sessions and Petty Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.

LXXXVI. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Liability to Rates not to disqualify Witnesses or Justices.

LXXXVII. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Non-payment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be recovered by Action or by Distress.

LXXXVIII. And

Form of  
Warrant of  
Distress.

LXXXVIII. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include One Person or several Persons, and may be to the Effect mentioned in Schedule (A.) to this Act annexed.

Constables  
to assist  
in making  
Distress.

LXXXIX. And be it enacted, That in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant, and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Power to  
Commissioners to  
remit Rate.

XC. Provided always, and be it enacted, That it shall be lawful for the Commissioners to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

Owners to  
pay the Rate  
in certain  
Cases.

XCI. And be it enacted, That the Lessees or Persons beneficially entitled to the Rents and Profits of all rateable Property within the Limits of this Act the yearly Rent or Value whereof respectively shall not exceed Six Pounds, or which shall be let to weekly or monthly Tenants or in separate Apartments, shall be rated to and pay the Rates by this Act directed to be made instead of the Occupiers thereof.

Rates to be  
apportioned  
on Holder  
quitting.

XCII. And be it enacted, That when any Rate shall have been made for a particular Period, and the Lessee or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period, proportionate to the Time during which he continued to be Lessee or Occupier; and if any Person shall become the Lessee or Occupier of any Property so rated as aforesaid, during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Persons  
entering on  
unoccupied  
Property to  
pay a Portion  
of the Rate.

XCIII. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

Application  
of the Rates.

XCIV. And be it enacted, That the Money which shall arise from the said Rates or other Money to be received by the Commissioners under this Act shall be applied in repairing and keeping in repair the said Street, Places, and Court within the Limits of this Act, and in defraying the Expences of paving, cleansing, watering, draining, lighting, and watching the said Street, Places, and Court, and of  
improving

improving the same, and carrying the several Purposes of this Act into execution; and the Commissioners shall apply, in defraying the Expences of obtaining and passing this Act, any Money which may have been or may be subscribed for that Purpose; and if such Sum so subscribed be insufficient the Commissioners shall defray the Remainder of such Expences out of the first Money received by them under the Authority of this Act.

XCV. And be it enacted, That where any Damages or Charges are directed by this Act to be paid, in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Non-payment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Damages to be ascertained, with the Penalty.

XCVI. And for the Purpose of providing for the Recovery of any Compensation for any Land, or for any Injury to any Land or other Property, or Person, or for any Expences, Charges, or Damages which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justices, and the same shall be levied by Distress.

Provision for Damages not otherwise provided for.

XCVII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

For ascertaining Compensation.

XCVIII. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Recovery of Money from Commissioners.

XCIX. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid it shall be lawful for him to

Reimbursement of Treasurer.

[Local.]

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retain

retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same, in the same Manner as other Parties are by this Act enabled to sue the Commissioners.

Publication  
of Penalties.

C. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act, be it enacted, That from Time to Time the Commissioners shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part within the Limits of this Act; and such Particulars shall be renewed as often as the same or any Part thereof are obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Defacing  
Boards used  
for such  
Publication.

CI. And be it enacted, That if any Person pull down or break or deface any such Board put up or affixed as required by this Act for the Purpose of publishing any Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and he shall also defray the Expences attending the Restoration of such Board; and such Expences shall be recoverable as any Penalty by this Act imposed may be recovered.

Penalties to  
be summarily  
recovered  
before a  
Justice.

CII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding upon Complaint made before any Police Justice of the Metropolis sitting at a Police Court nearest to the Limits of this Act, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any such Justice to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any such Justice to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction as such Justice shall think fit.

Penalties to  
be levied by  
Distress.

CIII. And be it enacted, That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty or Forfeiture and of such Costs as aforesaid be not paid, the Amount of such Penalty  
and

and Costs, together with the Costs of the Distress, shall be levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

CIV. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Imprisonment in default of Distress.

CV. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act, the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish; or if the Place wherein the Offence shall have been committed shall be extra-parochial, then such Justices shall direct such Half to be applied for the Benefit of the Poor of such Extra-parochial Place, or of any adjoining Parish or District, and shall order the same to be paid over to the proper Officer for that Purpose.

Application of Penalties.

CVI. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalties to be sued for within Six Months.

CVII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the

Penalty on Witnesses making default.

the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Form of Conviction.

CVIII. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (B.) to this Act annexed.

Informalities.

CIX. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CX. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expences of Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CXI. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Parties may appeal to Quarter Sessions, on giving Security.

CXII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, other than the Determination of any Justices in Petty Sessions assembled in an Appeal against any Rate made under the Authority of this Act, or of the Commissioners under the Provisions of this Act, he may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such



such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

CXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits of *Holborn* and *Finsbury* Divisions, of the Parish of *Saint Leonard Shoreditch*, the Liberty of *Norton Falgate* in the County of *Middlesex*, and the Borders and Confines of the same, or in the Commissioners for paving and improving the Liberty of *Saffron Hill* in the County of *Middlesex*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

Saving the Rights of the Commissioners of Sewers for Holborn and Finsbury, and Commissioners for paving the Liberty of Saffron Hill.

CXV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, injure, or affect any of the Rights, Powers, Privileges, or Authorities vested in the City of *London* Gas Light and Coke Company under or by virtue of an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act for better lighting the Streets and Houses of the Metropolis with Gas*.

Saving the Rights of the City of London Gas Light and Coke Company.

CXVI. Provided always, and be it enacted, That nothing herein contained shall alter or affect the Inheritance or Property of the said Street or Place called *Ely Place*, and the said Place called *Ely Mews*, and *Mitre Court*, or any of them, or of the Use or Enjoyment thereof, or the Rights, Interests, and Privileges of the Freeholders or Persons entitled to the Inheritance of the same Premises, but the Inheritance and Property, and the Use and Enjoyment of the said Street or Place called *Ely Place*, *Ely Mews*, and *Mitre Court* respectively, shall remain to the Person or Persons entitled thereto, and to the Use and Enjoyment thereof respectively, in such and the same Manner as heretofore, and as if this Act had not been passed.

Saving Rights of Freeholders to Street.

CXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

[*Local.*]

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The Word "Oath" shall include Affirmation in case of Quakers or other Declaration or Solemnity lawfully substituted for an Oath in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Justice" shall mean any Justice of the Peace or Magistrate of a Police Court acting for the Limits of this Act, or within whose District the Limits of this Act may be:

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace for the County of *Middlesex*:

The Word "Street" shall include the Street or Place called *Ely Place*, and the Place called *Ely Mews*, and the Court called *Mitre Court*:

The Word "House" shall extend to Messuages, Tenements, and Buildings of any Description:

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

Public Act.

CXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

*Form of Warrant of Distress.*

to wit. } To the Collector of the Rates under  
 } an Act passed, &c., intituled, &c., and to all Constables.

WHEREAS the under-mentioned Persons, now or late Owners or Occupiers of Premises within the have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, One of Her Majesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown sufficient Cause why such several Sums of Money should not be paid, These are therefore, in Her Majesty's Name, to require you or any of you forthwith to levy the said several Sums due, as herein-before mentioned, by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct: And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all Things relating to the Premises. Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

					Sums due.		
					-----		
					£	s.	d.
A.B.	-	-	-	-	"	"	
C.D.	-	-	-	-	"	"	

