



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 5.

An Act for the Improvement of *Bryanston Square*,
in the Parish of *Saint Mary-le-Bone*, in the County
of *Middlesex*. [17th December 1813.]

WHEREAS Part of the Ground within *Bryanston Square*, in the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, hath been enclosed with Iron Rails, and laid out as a Garden or Pleasure Ground, and other Part remains to be enclosed and laid out in the same Manner, but no Provision has been made for raising Money for enclosing and making the Garden, or for keeping up and embellishing the same: And whereas it would be of great Advantage and Convenience to the Occupiers and Inhabitants of the several Houses erected and to be erected within the said Square, if all the Garden Ground were to be so enclosed as aforesaid, and kept up as a Garden or Pleasure Ground for their Use, and were otherwise embellished, and also if the Carriage Way within the said Square were watered, and a sufficient Number of Lamps affixed to the said Iron Rails for more effectually lighting the said Carriage Way; and the said Occupiers are willing and desirous that a sufficient Sum of Money should be raised and borrowed to defray the Expenses thereof, and a Rate assessed upon themselves to pay the Interest of such Money so raised and borrowed, and also sufficient for keeping up the said Garden or Pleasure Ground in the said Square, and otherwise embellishing the same, and for watering and lighting the Carriage-way of the said Square, but the same as well as the necessary Powers for preventing Nuisances and Annoyances in the said Square cannot be effected or obtained without the Aid 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 *Edward Berkeley Portman Esquire*, and such Person or Persons who for the Time being

[Loc. & Per.]

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Trustees appointed.

shall

shall or may seised of or entitled to any Estate of Freehold or Inheritance of and in the said Garden or Pleasure Ground so enclosed as aforesaid, together with the Occupiers for the Time being of the several Houses already built, or which shall or may be hereafter built, encompassing or abutting upon the said Square on the East, West, and North Sides thereof, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

First and
other Meet-
ings of Truf-
tees.

II. And be it further enacted, That the said Trustees, or any Three or more of them, shall, within Sixty Days after the passing of this Act, meet together at No. 12, *Montagu Street*, within the said Parish of *Saint Mary-le-Bone*, at such Time as they shall think proper, and proceed in the Execution of this Act, and shall then, and from Time to Time, and at all Times afterwards, meet at the Place herein-before mentioned, or at any other Place or Places within the said Parish of *Saint Mary-le-Bone*, at such Times and as often (with Power to adjourn such Meetings from Time to Time) as the said Trustees, or any Three or more of them, shall think proper and necessary for carrying this Act into Execution; and if at any such Meeting or Adjourned Meeting there shall not appear a sufficient Number of such Trustees as are herein enabled to act at such Meeting, then and in every such Case the Clerk to the said Trustees shall summon the said Trustees to meet at the Place where such Meeting was appointed to be holden, within Ten Days next after the Day on which such Meeting was to have been holden, and so from Time to Time until a sufficient Number of the said Trustees shall meet agreeably to the Directions of this Act, and the said Trustees shall at all their Meetings defray their own Expences.

Meetings on
Emergencies.

III. And be it further enacted, That if, after any Meeting to be holden as aforesaid, or after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the said Trustees should be holden on an earlier Day than that on which such Meeting was to have been holden, or to which such Meeting shall have been adjourned, then and in every such Case the Clerk for the Time being to the said Trustees, (an Order in Writing being signed by Three or more of the said Trustees, specifying therein the Time, Place, and Purposes of such earlier Meeting, and being given to him, or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day in Manner herein-after directed, and of the Time, Place, and Purposes thereof, as specified in the said Order, such Time not being less than Two Days after such Notice; and all the Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met at any regular Meeting, or in pursuance of any Adjournment.

No Act valid
unless at a
Meeting, of
which Notice
is to be given.

IV. And be it further enacted, That no Act of the said Trustees shall be or be deemed good and valid, unless the same be done at some Meeting to be holden in pursuance of this Act, of which Notice in Writing, or printed, and signed by the Clerk to the said Trustees, or with his Name printed thereto, shall be given to or left for the said Trustees at their several usual or last Places of Abode; and that all the Powers and Authorities by this Act granted to or vested in the said Trustees, shall and may from Time to Time be exercised by the major Part of them who shall attend at any Meeting to be holden as herein directed, the

Number of the said Trustees present at such Meetings not being less than Three, and all Orders and Directions of the Majority of the said Trustees present at such Meetings shall have the same Force and Effect as if the same were ordered and directed by all the said Trustees for the Time being; and at every such Meeting of the said Trustees, a Chairman shall and may be appointed, and when and as often as it shall happen that there shall be an equal Number of Votes upon any Question, (including the Vote of the said Chairman,) then and in such Case it shall and may be lawful to and for the said Chairman to give the casting or deciding Vote.

V. And be it further enacted, That any Woman occupying a House within the Limits of this Act may, by Writing under her Hand, appoint any Person, being a Trustee under this Act, to be her Proxy, and to vote for her at any Meeting of the said Trustees, at which Three or more Trustees shall be present, and to sign her Name, and generally to do any other Act as a Trustee for the Purpose of carrying this Act into Execution; and every Act done by such Proxy shall have the same Force and Effect in every Respect as the same would have had if the Woman appointing such Proxy had attended and done the same herself, such Appointment nevertheless being produced and shewn at every such Meeting to the Trustees then present (if required) previous to any Vote being given or any Act being done under or by virtue thereof.

Women may
appoint
Proxies to
act.

VI. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose of all the Orders, Directions, and other Proceedings of the said Trustees relating to the Execution of this Act, and of the Names of the Trustees who shall be present, as well as of the Women who may give Proxies at the several Meetings to be holden under this Act; and the Orders, Directions, and other Proceedings of every such Meeting shall at the next Meeting be signed by the Chairman; and all such Entries being so signed shall be deemed and taken to be Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Cases, Suits, and Actions touching any Thing done in pursuance of this Act.

Proceedings
to be entered
in a Book.

VII. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may from Time to Time appoint a Treasurer, Clerk, Collector, and such other Officers as they shall think necessary for carrying this Act into Execution, and shall take such Security from such Treasurer and Collector, and other Officers, as they may think proper, and shall and may from Time to Time remove or discharge such Treasurer, Clerk, Collector, and such other Officers, and appoint others in the room of such of them as shall be so removed or discharged, or who shall happen die, as the said Trustees, or any Three or more of them, shall find necessary and convenient, and by and out of the Money to be raised by virtue of this Act may, and they are hereby empowered to pay such Salaries and to make such Allowances as they shall think reasonable to the several Officers so appointed, and to such Person or Persons as shall be assisting in and about the Execution of this Act, and such Person or Persons as is or are hereby made liable to pay the several Rates or Sums of Money hereby granted, shall pay the same to such Person or Persons as shall from Time to Time be so appointed to collect or receive the same, according to the true Intent and Meaning of this Act; and the Treasurer, Collector, and all such other Officers, shall, upon Twenty-one Days

For appoint-
ing Officers,
&c.

Notice

Notice in Writing under the Hands of the said Trustees, or any Three or more of them, to be given to or left at the last or usual Place of Abode of such Treasurer, Collector, or other Officers respectively, as the Case may be, deliver in to the said Trustees a true and particular Account in Writing, under the Hand of such Treasurer, Collector, or other Officer, of all Money which he shall have received or collected by reason of his Office, and the said Treasurer shall in his Account distinguish how much thereof hath been paid and disbursed by order of the said Trustees, and for what Purposes, together with the Vouchers for such Payments, and the Treasurer, Collector, and other Officer so accounting, shall verify such Account upon Oath, if thereunto required by the said Trustees, or any Three or more of them, (which Oath they the said Trustees or Three or more of them are hereby empowered to administer,) and shall pay all such Money as shall remain in their respective Hands to the said Trustees, or any Three or more of them, or to such Person or Persons as they shall appoint; and the said Collector shall also deliver in to the said Trustees a true List of the Names of all Persons who shall have neglected or refused to pay the said Rates or Sums of Money hereby granted, and an Account of the several Sums of Money due and in arrear from such Persons, and the Dates at which the same respectively became due, to the Intent that all such Arrears may be speedily recovered; and if any such Treasurer, Collector, or other Officer shall, after such Notice given or left in Manner herein-before mentioned, neglect or refuse to deliver such Accounts, or to produce proper Vouchers for all such Payments, or to verify the same upon Oath, if required so to do in the Manner respectively herein-before enacted for those Purposes, or shall refuse or neglect to account for any Sum or Sums of Money by him received or collected in Manner herein-before mentioned, and to pay such Money as shall remain in his Hands to the said Trustees, or to such Person or Persons as shall be appointed by the said Trustees, or any Three or more of them, to receive the same, every such Treasurer, Collector, or other Officer so refusing or neglecting, shall for every such Refusal or Neglect respectively forfeit and pay the Sum of Fifty Pounds; and it shall and may be lawful to and for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of the said Trustees against such Treasurer, Collector, or other Officer, for the Recovery of the said Forfeiture, and also of the Money which shall be in their Hands respectively.

Treasurer to
pay Drafts
of Trustees,
and to enter
Money so
paid in a
Book.

VIII. And be it further enacted, That the Treasurer to the said Trustees shall and he is hereby required, out of the Money which he shall or may receive in pursuance of this Act, to pay all Sums of Money drawn upon him by the said Trustees, or any Three or more of them, for the Purposes of this Act; and such Treasurer shall and he is hereby required to keep fair and regular Entries in a Book to be provided for that Purpose of all the Receipts and Payments which he shall make as such Treasurer, to which Book every Person liable to the Payment of the said Rates or Assessments shall and may at all reasonable Hours of the Day have free Access, and shall be permitted to inspect and copy the same without Fee or Reward; and the said Trustees, or any Three or more of them, shall and they are hereby required to audit the Accounts of the Treasurer, Collector, and such other Officers, at least Once in every Year, and to pass and allow the same, if they shall respectively appear just and correct.

IX. And

IX. And be it further enacted, That the sole Power of making, fencing, embellishing, maintaining, and keeping up the said Garden or Pleasure Ground, or enclosed Part of the said Square in proper Repair and Order, shall be and the same is hereby vested in the said Trustees; and it shall and may be lawful to and for the said Trustees, or any Three or more of them, at any of their Meetings, from Time to Time to order and direct the making and embellishing the said Garden or Pleasure Ground, and to cause Lamps to be affixed to the Iron Rails inclosing the same, and to be lighted, and Wells and Pumps to be sunk and made within the said Garden or Pleasure Ground, and to cause the Carriageway of the said Square to be watered in such Manner as they shall think fit and proper.

Power of making and embellishing Garden vested in Trustees.

X. Provided always, and be it further enacted and declared, That nothing herein contained shall be construed, adjudged, deemed, or taken to alter the Inheritance or Property of the said Garden or Pleasure Ground, or enclosed Part of the said Square, or of the Use thereof, but that the Freehold Inheritance and Property, and the Use thereof, shall remain and belong to the Person or Persons entitled thereto, in such and the same Manner as if this Act had never been made; and that any new Fence or Railing which shall from Time to Time be made or erected by the said Trustees, or any of them, for enclosing the said Garden or Pleasure Ground, shall always be deemed and considered as a Fence appurtenant thereto.

The Inheritance of the Garden not to be affected by this Act.

XI. And be it further enacted, That the Property in the Iron Rails, Gates, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Rails, and other Materials and Things now being in the said Garden or Pleasure Ground, or enclosed Part of the said Square, or the Fence or Railing round the same, and all Trees, Shrubs, and other Things within the said Garden or Pleasure Ground, and also all Materials and Things whatsoever which shall or may hereafter be purchased or made use of for the several Purposes of this Act, shall be and the same is and are hereby vested in the said Trustees for the Time being, and may be sold and disposed of from Time to Time as they shall think proper, and the Money arising by such Sale or Sales shall be applied towards the Purposes of this Act; and the said Trustees are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name or Names of any One or more of the said Trustees for the Time being, or in the Name of their Treasurer or Clerk for the Time being, or to prefer or order and direct the preferring of any Bill or Bills of Indictment against any Person or Persons who shall steal, take, or carry away, (as the Case may be,) all or any Part of such Iron Rails, Gates, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Rails, Trees, Shrubs, and other Materials and Things now being within or upon the said Garden or Pleasure Ground, or which shall or may be hereafter purchased and made use of in Manner hereinbefore mentioned for any of the Purposes of this Act; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of 'The Trustees for the Improvement of *Bryanston Square*, in the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*,' without particularly

Materials vested in Trustees.

[*Loc. & Per.*]

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stating

stating or specifying the Name or Names of all or any of the said Trustees; and if any Person or Persons shall willfully or maliciously break, pull down, destroy, or otherwise injure, damage or spoil any of the said Iron Rails, Gates, Locks, Lamp Irons, Lamps, Iron, Timber, Stone, Bricks, Furniture, Pumps, Posts, Rails, Materials, or Thing and Things, or any of the Works which are or shall be carrying on, made, done, or executed within the said Garden or Pleasure Ground, or enclosed Part thereof, in pursuance of this Act, or any of the Shrubs, Trees, or Plants therein, or extinguish the Light of, or break any Lamp round the Fence or Railing of the said Garden or Pleasure Ground, or Inclosure, or any Parts or Part thereof, every Person so offending shall for the First Offence forfeit any Sum not exceeding Forty Shillings; and for the Second, and every other Offence, any Sum not exceeding Five Pounds; and shall also make full Satisfaction to the said Trustees for any Damage done by him, her, or them as aforesaid.

For preventing Annoyances.

XII. And be it further enacted, That if any Person or Persons shall cause any Annoyance or Nuisance within the said Square, by beating or dusting of Carpets, or laying or casting any Filth, Dung, Ashes, Dust, or Rubbish therein, or opposite to any of the Houses within the Limits of this Act on the Foot or Carriage-ways of the said Square, or in any other Manner whatsoever; or if any Hackney Coachman shall stand with his Coach and ply for a Fare within the said Square, or opposite any of the Houses within the Limits of this Act; or if any Person shall for the Purpose of breaking Horses, or of airing or exercising any Horse or Horses, drive any Carriage, or ride or lead any Horse or Horses within the said Square, otherwise than by passing through the same, he, she, or they shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Persons making Keys without Permission of Trustees liable to Penalty.

XIII. And whereas the Trees, Plants, and Shrubs within the Gardens of the several Squares on the Estate of the said *Edward Berkeley Portman*, within the Parish of *Saint Mary-le-Bone* aforesaid have been greatly injured, and Depredations committed therein by Persons entering the same who have no right so to do, by means of Keys made and procured without the Permission of the Trustees for carrying into Execution the several Acts of Parliament respectively relating to the said several Squares: And whereas it is highly desirable to prevent such Injuries and Depredations from being committed within the said Garden or Pleasure Ground, or enclosed Part of the said Square, and to secure the sole Enjoyment thereof to the Occupiers contributing to the Expences of improving and embellishing the same respectively; be it therefore further enacted, That if any Person or Persons shall make, or cause or procure to be made, any Key or Keys for the Purpose of opening any Lock or Locks affixed on or to any of the Gates of the said Garden or Pleasure Ground without the Permission in Writing of the said Trustees for the Time being, or any Three of them, or shall sell or cause or procure to be sold, without such Permission as aforesaid, any such Key or Keys to any Person or Persons whomsoever, he, she, or they shall for every such Offence forfeit any Sum not exceeding Ten Pounds; and the said Trustees for the Time being, or any One of them, or the Gardener or Gardeners appointed by such Trustees, is and are hereby authorized and empowered to seize and keep any such Key or Keys as aforesaid.

XIV. And,

XIV. And, in order to defray the Expences of carrying this Act into Execution, be it further enacted, That One or more Rate or Rates, Assessment or Assessments, shall be laid and assessed by the said Trustees, or any Three or more of them, once or oftener in every Year as they shall judge necessary, upon all and every the Occupiers of Houses and Premises already built, or which shall or may be hereafter built, encompassing or abutting upon the said Square on the East, West, and North Sides thereof, according to the yearly Rent or Value thereof, for raising such Sum or Sums of Money as the said Trustees, or any Three or more of them, shall order and direct; and the Money so to be raised shall from Time to Time be applied towards paying the Interest of the Money to be borrowed and Annuities to be granted as herein-after mentioned, and towards defraying the Expences of making, fencing, embellishing, maintaining, and keeping up the said Garden or Pleasure Ground, or enclosed Part of the said Square, in proper Repair and Order, and of laying out the same in Walks, and planting the same, and of painting and repairing the said Rails, and of causing Lamps to be affixed thereto, and of lighting the same, and of sinking Wells and erecting Pumps, and of watering the Carriage-way of the said Square, and generally for and towards all other incidental Charges, and all other the several Purposes of this Act, and all and every other Matter and Thing which the said Trustees, or any Three or more of them, shall think fit and necessary to be done in the Execution of this Act, so as such Rate or Rates, Assessment or Assessments, do not in the Whole exceed in any One Year the Sum of One Shilling in the Pound of the yearly Rent or Value of such Houses and Premises as aforesaid; and all the Rates or Assessments to be made and assessed by virtue of this Act shall be entered in a Book or Books to be provided for that Purpose, and shall be subject to and chargeable with all such Sums of Money which shall or may be advanced, borrowed, raised, and received in Manner herein-after mentioned for the several Purposes of this Act; and all such Rates and Assessments shall be paid to the said Trustees, or to such other Person or Persons as they the said Trustees, or any Three or more of them, shall nominate or appoint to collect and receive the same.

Trustees to make Rates, &c. for the several Purposes of this Act.

XV. Provided always, and be it further enacted, That when any of the Houses and Premises within the Limits of this Act shall be untenanted or unoccupied, such Houses and Premises so untenanted or unoccupied shall be, and the same are hereby exempted from the Payment of any Rate or Assessment to be made by virtue of this Act, during such Time only as they shall respectively so remain untenanted or unoccupied.

Empty Houses to be exempted from the Rate during the Time they are not occupied.

XVI. Provided also, and be it further enacted, That when any of the Houses or other Premises within the Limits of this Act shall be occupied by any Ambassador or Minister from any Foreign Prince or State, or any other Person or Persons not liable by Law to pay the several Rates or Assessments to be made or assessed by virtue of this Act, then and in every such Case the said Rates or Assessments, and each and every of them, shall be wholly paid by the Proprietors or Lessors of such Houses or other Premises who shall be liable and compellable to the Payment thereof, and the same shall be recovered and applied as the Rates or Assessments hereby made payable are to be recovered and applied: Provided always, that if any House or other Premises within the Limits of this

Directions how Houses, let to Ambassadors, &c. are to be rated.

Act

Act shall be rated with any House or other Premises not within the Limits thereof, it shall and may be lawful to and for the said Trustees, or any Three or more of them, to apportion and ascertain the respective Rents at which such Houses or other Premises shall be rated or assessed, to or for the Purposes of this Act.

Proprietors
or Lessees
subject to
the Payment
of Rates on
Houses let
ready-for-
nished, or in
separate
Apartments,
&c.

XVII. And be it further enacted, That the Proprietor or Lessee of any House within the Limits of this Act, which is or shall or may be let out ready-furnished, or in Parts or separate Apartments to any Person or Persons, shall be deemed and taken to be the Occupier thereof, and shall be liable and subject to the Rates and Assessments to be made or assessed by virtue of this Act; and that every Person renting or occupying any such ready-furnished House, or any Parts or separate Apartments thereof as aforesaid, shall, in the first Instance, be liable and compellable to the Payment of such Rates or Assessments, to be recovered in Manner herein directed, not exceeding the Amount of his or her Rent actually due; and that every such Person or Persons renting or occupying any such ready-furnished House, or any Parts or separate Apartments thereof as aforesaid, who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them, to such Proprietor or Lessee as aforesaid; and the Receipt for the Payment of such Rate or Assessment shall be a good and sufficient Discharge for such Person or Persons as aforesaid, to his, her, or their Landlord for so much Money as he, she, or they shall pay, or which shall or may be recovered from him, her, or them by virtue of this Act.

Persons re-
moving from
Houses, and
others suc-
ceeding
them, to pay
due Propor-
tions of
Rates, to be
settled in
case of Dis-
pute by
Justices.

XVIII. And be it further enacted, That where any Person shall come into or occupy any House within the Limits of this Act, out of or from which any other Person rated and assessed by virtue of this Act shall have removed, or which at the Time of making any Rates or Assessments in pursuance of this Act was empty or unoccupied, that then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay such Rates or Assessments in the Proportion to the Time that such Persons shall have occupied the same respectively, in the same Manner and under the like Penalty of Distress as if such Person so removing had not removed from, or such Person so coming into or occupying such House as aforesaid had been originally rated and assessed in respect thereof, which Proportion shall, in case of Dispute, be settled by any Two Justices of the Peace in and for the County of *Middlesex*, whose Determination shall be final and conclusive.

Commence-
ment of
Rates.

XIX. And be it further enacted, That the first Rate or Assessment to be made as aforesaid shall be for One Year, and commence from the Twenty-fifth Day of *December* One thousand eight hundred and thirteen, and the first Payment thereof shall become due and payable on the Twenty-fifth Day of *March* next following; and every other Rate or Assessment to be made as aforesaid shall always commence from the Time at which the last or preceding Rate or Assessment ended, and not otherwise; and the Money therein and thereby charged and assessed shall be payable Quarterly, and be levied and recovered in Manner herein-after directed.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the Whole the Sum of Five thousand Pounds at any one Time, as they shall judge necessary for the several Purposes of this Act, upon the Credit of the Rates or Assessments to be made or assessed and collected by virtue of this Act, and by Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money so to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignments (to be made in Manner and Form herein-after mentioned) shall be from Time to Time defrayed by the said Trustees out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following, (that is to say,)

Trustees
may borrow
Money upon
Assignment
of Rates.

WE Trustees for the Improvement of *Bryanston Square*, in the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, acting in pursuance of an Act made in the Fifty-fourth Year of the Reign of King *George the Third*, intituled [*here set forth the Title of this Act*], in Consideration of the Sum of _____ advanced and lent by _____ of _____ in the County of _____ upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said _____ (or, to his or her Trustee or Trustees, as the Case may be) his (or, her or their) Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments to be made or assessed and collected by virtue of the same Act, as the said Sum of _____ doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing, or be charged upon the Credit of the said Rates or Assessments, to be had and holden from this Day of _____ until the said Sum of _____ with Interest after the Rate of _____ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof, we the said Trustees have hereunto set our Hands and Seals, the _____ Day of _____ in the Year of our Lord _____

Form of
Assignment.

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

XXI. And be it further enacted, That in case the said Trustees shall think it advisable to raise all or any Part of the said Sum of Five thousand Pounds for the Purposes of this Act, by granting Annuities for a Life or Lives, or for a Term of Years instead of by Assignments as aforesaid, then and it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered so to do, and by any Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer of the said Trustees, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities to be paid and payable during any _____ Term

Trustees
may raise
Money upon
Annuity.

[Loc. & Per.]

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Term

Term of Years, or during the natural Life of every such Contributor, or during the natural Lives of any Two such Contributors, and the Life of the Survivor of them, or during the natural Life of such Person, or during the natural Lives of such Two Persons, and the Life of the Survivor of them, as shall be nominated by or on the Behalf of such Contributor or Contributors at the Time of the Payment of his or her or their Contribution or Purchase Money, so as that no such Annuity do exceed the Rate of Ten Pounds *per Centum per Annum*; and the Expence of every such Grant shall be paid by the said Trustees out of the Money so contributed; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Form of
Grant of
Annuity.

WE Trustees for the Improvement of *Bryanston Square*,
in the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*,
acting in pursuance of an Act made in the Fifty-fourth Year of the
Reign of King *George the Third*, intituled [*here set forth the Title of*
this Act] in Consideration of the Sum of paid by
(and) to the Treasurer appointed in pursuance
of the said Act, do hereby grant unto the said (and)
an Annuity or yearly Sum of to be paid out of the Rates
or Assessments to be made or assessed and collected by virtue of the
same Act, which Annuity or yearly Sum of shall be paid
to the said (and) or his or her (or their)
Assigns during the Term of Years, (or as the Case may
be, during the Term of his or her natural Life; or to the said
and and their Assigns during their joint Lives, and the
Life of the Survivor of them; or to the said his or her
Executors, Administrators, and Assigns, during the natural Life of
or during the natural Lives of and
and the Life of the Survivor of them,) by Two (or Four) equal Half-
yearly (or Quarterly) Payments in every Year during the said Term of
Years, (or as the Case may be, during the natural Life or Lives of him
or her (or them) the said (or of the said and
and of the Survivor of them) at the the first Half-yearly
(or Quarterly) Payment thereof to be made upon the Day of
next ensuing the Date hereof. In witness whereof, we
the said Trustees have hereunto set our Hands and Seals the
Day of in the Year

And every such Grant shall be good, valid, and effectual in the Law; without any Enrolment or Registry of any Memorial thereof in the High Court of Chancery, or elsewhere, (save and except as herein-after is mentioned,) any Law or Statute to the contrary thereof in anywise notwithstanding; and every such Annuity so to be granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer for the Time being to the said Trustees out of the said Rates or Assessments, according to the Grant of such Annuity.

Securities
may be trans-
ferred.

XXII. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed at legal Interest as aforesaid, or to be raised by granting Annuities as aforesaid; and their respective Executors, Administrators, or Assigns, (as the Case may be,) at any Time by Writing under their Hands and Seals, to transfer at their own Expence such Securities or
Annuities

Annuities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following:

‘ being entitled to the Sum of (or to an Annuity Form of
 ‘ of) secured to and his Assigns (or his or her Transfer of
 ‘ Executors, Administrators, and Assigns, as the Case may be) by virtue Securities.
 ‘ of an Assignment (or Grant of an Annuity) bearing Date the
 ‘ Day of in the Year. under the Hands
 ‘ and Seals of Trustees for the Improvement of
 ‘ *Bryanston Square*, in the Parish of *Saint Mary-le-Bone*, in the County
 ‘ of *Middlesex*, acting in the Execution of an Act made in the Fifty-
 ‘ fourth Year of the Reign of King *George* the Third, intituled [*here set*
 ‘ *forth the Title of this Act*] upon the Credit of the Rates or Assessments
 ‘ granted or payable by the said Act, do hereby transfer all my (or our)
 ‘ Right and Interest in and to the said Sum of (or Annuity
 ‘ of) and all Interest now due or arising thereon, unto
 ‘ his or her Executors, Administrators, and Assigns. Dated the
 ‘ Day of in the Year

And a Copy of every such Assignment, and of every such Grant of every such Annuity, and an Extract or Memorial of every Transfer thereof respectively, containing the Date, Names of the Parties, and Sums of Money or Annuities thereby transferred, shall be respectively entered into a Book or Books to be kept for that Purpose by the Clerk to the said Trustees for the Time being, to which any Person interested shall, at all convenient Times in the Day, have free Access and Liberty to inspect the same without Fee or Reward; but for entering of every such Transfer as aforesaid, the said Clerk for the Time being shall be paid by the Person to whom such Transfer shall be made the Sum of Ten Shillings, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his (or her) Executors, Administrators, and Assigns, to the Benefit of the Assignment, or of the Grant of the Annuity thereby transferred, without any other Enrolment or Registry thereof.

Copies of Assignments, &c. to be entered by the Clerk in a Book.

XXIII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time, to apply and dispose of the Surplus of the Rates or Assessments to be made or assessed by virtue of this Act, after the Payment of the Interest of the Money borrowed, and of the Annuities granted as aforesaid, as well as of the several Expences incurred under and by virtue of this Act, towards the Repayment of such Sum or Sums of Money as shall or may have been advanced upon Assignments of the said Rates or Assessments as aforesaid, according to the Priority of Date of such Security or Securities, or by Ballot, in case of any such Securities bearing even Date; and the said Trustees shall cause Notice, signed by their Clerk for the Time being, to be given to or left at the last or usual Place of Abode of the Person or Persons entitled to the Money so to be repaid, expressing the Sum to be repaid, together with the Interest due thereon; and that the same shall be paid on a Day, and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money so to be repaid shall, from and after the Day so specified, cease and be no longer paid or payable unless such Money shall be demanded pursuant to such Notice,

Notice, and not paid, but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereon up to the Day so specified, shall nevertheless, after such Day, be payable on Demand, or the Principal Money may, with the Consent of both Parties, be paid at an earlier Day with Interest, only up to the Day on which it shall have been so repaid, but nothing herein contained shall empower the said Trustees to pay off or redeem any Annuity granted in Manner as aforesaid, until all Sums of Money borrowed on Assignments of the said Rates or Assessments, together with Interest, shall have been fully repaid and discharged, and unless the Person or Persons so lending Money by way of Annuity shall agree to accept the Sum or Sums of Money offered by the said Trustees for the Repurchase or Redemption of his or her or their Annuity or Annuities respectively: Provided always, that before any Money shall at any Time or Times be borrowed or raised upon the Credit of the Rates or Assessments to be made or assessed by virtue of this Act, the said Trustees shall cause Ten Days Notice to be given in some one of the public Newspapers, printed and circulated within the said County of *Middlesex*, of their Intention to raise a certain Sum of Money by borrowing the same upon Assignments of the Rates or Assessments aforesaid, at legal Interest, or by granting such Annuities as aforesaid, at a Time and Place within the said Parish of *Saint Mary-le-Bone*, to be expressed and set forth in such Notice.

Notice to be given in a public Newspaper previous to raising any Money.

Recovery of Rates.

XXIV. And be it further enacted, That if any Person or Persons herein made liable to pay any Rate or Assessment to be made or assessed by virtue of this Act shall refuse or neglect to pay the Money rated or assessed upon him, her, or them respectively, and all Arrears due thereon, it shall and may be lawful to and for the Collector for the Time being, appointed by the said Trustees, or any Three or more of them as aforesaid, to collect and levy such Rates or Assessments, by Warrant under the Hands and Seals of Two Justices of the Peace for the said County of *Middlesex*, or City and Liberty of *Westminster*, as the Case may be, (which Warrant or Warrants such Justices are hereby empowered and required to grant for those Purposes); and all Arrears due in respect of such Rates or Assessments, by Distress and Sale of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either in the said County of *Middlesex*, or City or Liberty of *Westminster*, or in any other County, City, or Liberty, (such Warrant being first backed or countersigned by some Magistrate for the County, City, or Liberty, where the Distress is to be made, which Warrant such Magistrate is hereby required to back or countersign,) and if within Five Days after such Distress shall have been made, the said Rate or Rates, Assessment or Assessments, together with all Arrears in respect thereof, shall not be paid, together with all reasonable Charges of making and keeping the same, such Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, and all Arrears in respect thereof, and the reasonable Charges of making and keeping such Distress and of selling the same, returning the Overplus, if any there be, to the Owner or Owners of such Goods and Chattels respectively.

Recovery of Penalties.

XXV. And be it further enacted, That all the Penalties and Forfeitures imposed by this Act (the Manner of levying and recovery whereof is not

not otherwise hereby particularly directed) shall, upon Proof of the Offences respectively before any one or more Justice or Justices of the Peace in and for the said County of *Middlesex*, (or the City or Liberty of *Westminster*, as the Case may be,) either by the Confession of the Party or Parties offending, or by the Oath of one or more Witness or Witnesses, (which Oath such Justice or Justices is and are hereby empowered and required to administer,) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant or Warrants under the Hand or Seal or Hands or Seals of such Justice or Justices (which Warrant or Warrants such Justice or Justices is and are hereby empowered to grant for these Purposes); and if within Five Days next after such Distress shall be made, the said Penalties and Forfeitures shall not be paid, together with the reasonable Charges and Expences of making, removing, and keeping such Distress, the Goods and Chattels so distrained shall be appraised and sold, or such Part thereof, as shall be sufficient to pay and satisfy such Penalties and Forfeitures, together with all reasonable Charges and Expences of making such Distress, and removing, keeping, and selling the same, and the Overplus (if any) shall, upon Demand, be returned to the Party or Parties whose Goods and Chattels shall be so sold and distrained, and the Penalties and Forfeitures so recovered shall be paid to the Treasurer for the Time being to the said Trustees, and applied to the Purposes of this Act; and in every Case where sufficient Distress shall not be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful to and for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County of *Middlesex*, or City or Liberty of *Westminster*, there to remain without Bail or Mainprize, for any Time not exceeding Ten Days for the First Offence, and for the Second and every other Offence of the same Kind, for any Time not exceeding One Month, or until such Penalties and Forfeitures, and all reasonable Costs, Charges, and Expences attending the Recovery thereof shall be sooner paid and satisfied.

XXVI. And be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Words, or any other Form of Words to the same Effect; that is to say,

‘ To wit, } ‘ ‘ of the Peace for the ‘ I [or we] the said ‘ and pay for the same the Sum of ‘ my Hand and Seal [or, our Hands and Seals] the Day and Year ‘ aforesaid.’	} BE it remembered, That on the the A. B. is convicted before of having [as the Offence shall be] and do adjudge him [her or them] to forfeit Given under	Day of Year of the Reign of His Majesty King of His Majesty’s Justices [as the Offence shall be] [her or them] the Day and Year	in Form of Conviction.
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XXVII, And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, in respect of any Rates or Assessments, or of any Penalties or Forfeitures, [Loc. & Per.] R the Distress not to be deemed unlawful for want of

Form, nor
Party deemed
a Trespasser
ab initio for
subsequent
Irregularity.

the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in any of the 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 that the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in any Action on the Case.

Proceedings
not to be
deemed un-
lawful for
want of
Form, nor
to be re-
moved by
Certiorari.

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

Persons ag-
grieved may
appeal to the
Trustees,
and, if dis-
satisfied, to
the General
or Quarter
Sessions.

XXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the said Trustees at their First or Second Meeting to be holden next after the Cause of Complaint shall have arisen; and if such Person or Persons shall not be satisfied with the Determination of the said Trustees therein, then such Person or Persons may appeal to the Justices of the Peace at their General or Quarter Sessions to be holden in and for the said County of *Middlesex*, within Three Calendar Months next after the Determination of the said Trustees as aforesaid, such Appellant or Appellants first giving or causing to be given Ten Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Causes thereof, to the Clerk or Treasurer for the Time being to the said Trustees, and within Four Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the said County of *Middlesex*, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order, and to pay such Costs as shall be awarded by the said Justices; and the Matter of such Appeal shall be heard and determined by the said Justices at the next General or Quarter Sessions of the Peace to be holden in and for the said County of *Middlesex*, or at any Adjournment, or at any Adjournment of the then last General or Quarter Sessions of the Peace holden in and for the said County of *Middlesex*, which shall first happen next after the Expiration of One Calendar Month from the Day of giving such Notice; and the said Justices at such Sessions or Adjournment as aforesaid, upon due Proof of such Notice having been given, and of such Recognizance having been entered into in the Manner aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs for the Appellant or Appellants, Respondent or Respondents, as they the said Justices shall think proper, and the Determination of such Justices shall be final, binding, and conclusive to and upon all Parties concerned.

Notice to be
given of any
Action or
Suit against
Trustees, &c.

XXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done under this Act, until Twenty-one Days Notice shall be thereof given in Writing to
the

the Clerk for the Time being to the said Trustees, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Meeting at which the Cause of Complaint arose, or after the Fact was committed for which such Action or Suit shall be so brought; and all such Actions or Suits shall be laid and tried in the said County of *Middlesex*, and not elsewhere, and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time for that Purpose hereinbefore limited, or shall be laid in any other County or Place than as aforesaid, then and in any or either of the said Cases the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become nonsuited, or shall suffer a Discontinuance of any such Action or Suit, or if upon Demurrer Judgment shall be given for the Defendant or Defendants, then and in any or either of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

XXXI. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Clerk for the Time being, and that no Action that may be brought or commenced by or against the said Trustees, or any of them, by virtue of or on account of this Act in the Name of their Clerk for the Time being, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, but the Clerk for the Time being to the said Trustees shall always be Plaintiff or Defendant in such Action (as the Case may be): Provided always, that every such 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 Money to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event of any such Proceedings, or in anywise relating thereto, he shall be put to or become chargeable with, by reason of his being so made Plaintiff or Defendant to such Action or Suit in Manner aforesaid.

Trustees may sue or be sued in Name of their Clerk.

Trustee shall be reimbursed his Expences.

XXXII. And be it further enacted, That all the Charges and Expences incident to and attendant upon the obtaining and passing of this Act shall be borne, paid, and defrayed out of the first Money to arise by virtue of this Act.

How Expences of this Act are to be defrayed.

XXXIII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall be construed to extend to repeal, alter, or affect any Act or Acts of Parliament relating to paving, repairing, cleansing, lighting, watching, or regulating the several Streets, Squares, Lanes, and other Passages within the said Parish of *Saint Mary-le-Bone*, in the said County of *Middlesex*, or to any other Purposes of the said

Nothing in this Act to affect any other Acts relating to the Parish of *Saint Mary-le-Bone*.

faid Act or Acts, or to alter, abridge, lessen, or affect any of the or Authorities vested in the Vestrymen or Commissioners appo-
 virtue of any or either of the said Acts of Parliament relating to
 Parish; but that the said several Acts, and all the Clauses, Pow-
 vishes, Matters, and Things therein respectively contained, shal-
 continue in full force, in the same Manner as they would have
 case this Act had never been made or passed.

Nothing in
 this Act to
 alter any of
 the Powers
 vested in the
 Commissioners
 of Sewers
 for West-
 minster, &c.

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

Public Act.

XXXV. And be it further enacted, That this Act shall be de-
 taken to be a Public Act, and shall be judicially taken Notice
 by all Judges, Justices, and others, without being specially ple-

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