

the said Surveyors, shall give notice of his intention at the office of the Surveyor of the district.

And be it Enacted, That every drain, timber building, chimney and flue, party wall, party fence wall, external wall and projection, and every other part of every house or building of every rate which shall be hereafter built or altered within the limits of this Act, shall be built or altered in the manner and of the materials and in every other respect according to and in conformity with the several rules, regulations and directions which are in this Act particularly specified; and if any person or persons shall build or begin to build, or cause the building or beginning to build, or shall alter or cause to be altered, or use or cause to be used any part of any ground, house or building, projection, drain or other thing contrary thereto, and as the same shall appear by the certificate of the Official Referees aforesaid, then the said house or building, projection, drain or other thing, or such part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered, or so used, shall be deemed a common nuisance, and the builder and the owner and the occupier thereof, or any One of them, shall be summoned by the Surveyor before any Two Justices of the Peace, and such one of them as such Justices shall require, shall enter into a recognizance in such sum as the said Justices shall appoint for abating and demolishing the same, within such convenient time as the said Justices shall respectively appoint, or otherwise to amend the same according to such rules and regulations and directions as are herein contained, as well as for the payment of the costs, charges and expenses attending the laying the information and obtaining the conviction; and in default of entering into such recognizance, the person or persons so making default shall be committed to the common goal of the city, county or liberty where the offence shall be committed, there to remain without bail or mainprize until he shall have abated or demolished or otherwise amended the same, or until such irregular house or building shall be abated or demolished by order of such Justices respectively (which order the said Justices are hereby empowered to make), and until the costs, charges and expenses aforesaid have been paid.

And be it Enacted, That it shall be lawful for any Two or more Justices of the Peace to order every such house or building, or projection or such part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered, as is by this Act declared to be a common nuisance, to be abated or taken down, and to order the person authorized by them to abate or take down the same to sell and dispose of the materials thereof, and out of the monies arising by the sale thereof to pay to themselves and all persons by them employed for the purpose aforesaid, the reasonable charges for abating or taking down such nuisance, and also the costs and expenses attending the laying of the information and of obtaining the conviction thereupon, and to pay the surplus monies arising by such sale (if any) to the owner or owners of such materials, and if the monies arising by such sale be not sufficient to pay such charges, the deficiency shall be made good by such owner, and may be levied in like manner as hereinbefore directed concerning the expense of taking down ruinous buildings and putting up boards for the safety of passengers.

And be it Enacted, That every workman, labourer, servant or other person employed in any building, or in the alteration, fitting up or decoration of any building, who shall wilfully, carelessly, or negligently, with or without the direction, privy consent of the person causing such building or wall to be erected, do any thing in or about such building contrary to the directions of this Act, upon conviction thereof before any Two Justices of the Peace, upon the oath of One or more credible witnesses or witnesses (which oath the said and every such Justice is hereby empowered and required to administer), or upon his own confession, shall for every such offence forfeit a sum not exceeding Fifty Shillings; and if any such forfeiture be not paid upon and immediately after such conviction, then the offenders shall by warrant under the hand and seal of such Justice be committed to the common goal for any term not exceeding at the discretion of such Justices.

And be it Enacted, That every person who shall intend to build or take down any house or building, or cause the same to be taken down, or who shall alter or repair the outward part of any house or building, or cause the same to be done, shall cause to be put up a proper and sufficient board or fence, in all cases in which the footway shall be thereby obstructed or rendered inconvenient, with a convenient platform and handrail, if there shall be room enough for the same, to serve as a footway for passengers outside of such board or fence, and shall continue such board or fence in such cases as aforesaid, with such platform and handrail as aforesaid, standing in good condition, during such time as may be necessary for the public safety or convenience; and shall in all cases in which the same shall be necessary to prevent accidents, cause the same to be well lighted during the night; and every such person who shall refuse or neglect to set up any such fence, or board, or platform, with such handrail as aforesaid, or to continue the same respectively standing and in good condition during the time aforesaid, or who shall not, whilst the said board or fence is standing, keep the same well lighted in the night, shall for every such offence, on conviction thereof before any Two Justices of the Peace, forfeit a sum not exceeding Five Pounds: Provided always, That nothing herein contained shall be deemed to interfere with the rights, bye-laws, regulations and control of the Commissioners of Paving for the Metropolis.

And be it Enacted, That the Lord Mayor and Aldermen of the City of London, shall and may, at any time after this Act shall come into operation, nominate and appoint such and so many discreet persons, nominate and appoint such and so many discreet persons, properly educated, skilled in the art and practice of building, as they the said Lord Mayor and Aldermen shall think fit to be, during their will and pleasure, the Surveyors, to see all the rules, regulations and directions of this Act well and truly observed in and throughout the said City of London and the liberties thereof, and shall assign to such Surveyors such districts as they shall think fit to be under the charge of such Surveyors respectively as aforesaid; and they shall thereupon be the Surveyors of such districts; and the said Lord Mayor and Aldermen, immediately after this Act shall come into operation, and from time to time thereafter, shall and may appoint, unite, enlarge, diminish or alter the several districts which shall be under the charge of such Surveyors respectively; and the Justices of the Peace for the County of Middlesex, the County of Surrey, the County of Kent, the City and Liberty of Westminster, and the Liberty of Her Majesty's Tower of London, in their General Quarter Sessions respectively, shall and may, at any such time as aforesaid, nominate and appoint such and so many discreet persons, properly educated and skilled in the art and practice of building, as they the said Justices shall think fit to be, during their will and pleasure, the Surveyors, to see all the rules, regulations and directions of this Act well and truly observed in and throughout the said City and Liberty of Westminster, and all the parishes, precincts and places within the limits of this Act, under the jurisdiction of the respective Quarter Sessions by whom such Surveyors shall be so appointed; and the said Justices of the Peace from time to time, in their General Quarter Sessions respectively, shall and may from time to time appoint, unite, enlarge, diminish or alter the several districts which shall be under the charge of such Surveyors or Supervisors respectively; nevertheless, it shall not be lawful for any person to be one of such Surveyors or one of such Deputies as after mentioned until he shall have attained the full age of Thirty years; nor shall it be lawful for any person to hold the office of a Surveyor, or of Deputy Surveyor, under this Act during the time that he shall act as a Justice of the Peace for the county in which such district shall be situated: provided nevertheless, That no person shall be appointed the Surveyor of a district, nor shall any such district be appointed, enlarged, diminished or altered, except with the consent of Her Majesty's Principal Secretary of State acting for the Home Department.

And be it Enacted, That the Surveyors who at the time of this Act coming into operation shall have been appointed under the said Act of the fourteenth year of the reign of King George the Third, shall continue to be the Surveyors for the purposes of this Act, and for the districts assigned to them at the time this Act shall come into operation, until removed, and in all respects as if they had been appointed under this Act, and the several provisions in this Act applicable to District Surveyors had been made to apply to them; but nothing hereinbefore contained shall prevent the removal of such Surveyors, or the uniting, altering, or enlarging or diminishing such districts formed before this Act shall come into operation.

And be it Enacted, That it shall be lawful for the said Lord Mayor and Aldermen, in their Court of Aldermen, and for the said Justices of the Peace in their respective General Quarter Sessions, and they are hereby required to administer to each and every one of the said Surveyors, upon his appointment, an oath for the true and impartial execution of his office in that behalf, which oath shall be in the form or to the effect following: (That is to say)

"I, A. B., being one of the Surveyors appointed in pursuance of an Act of Parliament passed in the 10th year, that I will diligently, faithfully and impartially perform the duties of my office, and to the utmost of my power, skill and ability endeavour to cause the several provisions of the said Act to be strictly observed, and that without favour or affection, prejudice or malice to any person whomsoever.

"So help me GOD."

And be it Enacted, That every Surveyor shall have an office at his own expense, in some central part of the district to which he shall be appointed, approved of by the Lord Mayor and Aldermen, or by any Two of the Justices of the Peace, as the case may be, within whose jurisdiction he shall act; and such Surveyor or some person on his behalf, shall be in constant attendance at such office every day (Sundays, Christmas-day and Good Friday excepted), from Ten of the clock in the morning till Four of the clock in the afternoon; and such Surveyor shall leave his name and place of abode, and the place where such office shall be, with the Clerk of the Peace, and with the Overseers of the poor, for every parish and place within his district; and such Surveyor shall cause a book for the entering of such notices, informations and complaints; to be at all times kept at such office, and he shall and is hereby required to enter in such book every notice, information or complaint which shall be delivered or made to him.

And be it Enacted, That in case any Surveyor shall be prevented by illness, or any other unavoidable circumstance, from attending to the duties of his office by illness, such Surveyor shall forthwith, by and with the consent and approval of One of the Justices of the Peace having jurisdiction in his district, appoint some other Surveyor as his deputy, to perform all such duties, for so long a time as such prevention

shall continue; and such Deputy Surveyor shall thereupon, during such time as aforesaid, perform all the duties of such Surveyor, and in all respects as if he were the Surveyor appointed or confirmed under this Act, and shall be entitled to the like fees; and in case of the death of any Surveyor, the Lord Mayor and Aldermen, or the Justices of the Peace, shall within One Month appoint a successor as herein directed.

And be it Enacted, That when Two clear days at least before any house or building shall be begun to be built, or before any addition or alteration shall be made to any house or building, or before any party wall, external wall, chimney back or flue, shall be begun to be built, pulled down or rebuilt, cut into or altered, or before any opening shall be made in any party wall, or before any other matter or thing shall be done which by this Act shall have been placed under the supervision of the Surveyor, notice thereof shall have been left at the office of any Surveyor as hereinbefore directed; or when, from ignorance or neglect, or from any other circumstance such notice shall not have been so left, yet the progress of any such work shall have been observed by or made known to the Surveyor, then and in both cases, the Surveyor in whose district such work shall be intended to be done or shall have been commenced shall proceed from time to time to inspect the same, and to cause all the rules, regulations and directions of this Act to be strictly observed, according to the oath taken by him to that effect; and it shall also be the duty of such Surveyor, at all times when it shall be needful, to inspect private drains, ruinous buildings and projections in imminent danger, and to take all such measures thereupon, and to attend to and perform every thing required of him by this Act, whether with or without notice.

And be it Enacted, That in case the owner, the master builder or workman, or any other person who shall be employed, shall build, pull down, rebuild, cut into or alter any part of any house or building, or party wall or external wall, or chimney back or flue, or any other thing contrary to the rules and directions of this Act, or shall not conform to all such rules and directions, the Surveyor shall forthwith give Forty-eight Hours' notice to the owner or the master builder, to amend any such irregularity which he may apprehend to have been committed; and after the expiration of such notice, such Surveyor shall proceed to inspect the work; and if he shall be refused admittance from time to time, at any reasonable hour, to make such inspection; he is hereby empowered, by and with the aid of a Peace Officer, to enter upon the ground, house, building and premises where the same may be, for that purpose; and if it shall prove that the work is so far advanced that such Surveyor cannot ascertain whether the irregularity has been committed or not, or exists or not, he is hereby empowered to order any work to be cut into, laid open or pulled down, which shall in his opinion prevent his ascertaining whether any such irregularity exists or not; and in case the owner or master builder to whom any such notice shall have been given, shall refuse or omit or neglect to amend any irregular work after Forty-eight Hours, or any owner or master builder, in case he shall refuse, when ordered by the Surveyor, to cut into, lay open or pull down any work which shall in his opinion prevent his ascertaining whether any such irregular work exists or not, such Surveyor shall, as soon as conveniently may be, give information thereof to Two or more Justices of the Peace, who shall proceed thereupon to hear the matter, and if any breach of the rules, regulations and directions of this Act shall be found to have been committed, or if there shall appear good reason to surmise and apprehend any such breach has been committed and is concealed, then the said Justices shall proceed to cause such house, building, party wall, external wall, chimney back, flue or other thing, or such part thereof as they shall deem necessary to be amended, removed, pulled down, laid open or demolished, in manner hereinbefore directed.

And be it Enacted, That every Surveyor shall be entitled to receive, and shall be paid for his time and trouble and expenses, in causing all the rules, regulations and directions of this Act to be observed, the several fees hereinafter directed; and in case no notice shall have been given as hereinbefore directed, he shall be entitled to receive and shall be paid Three times the amount of such fees; and whenever any fee shall become payable to any Surveyor, he shall deliver an account thereof to the owner or occupier of the house or building, and when such fee shall be paid, he shall give to such owner a receipt, signed with his Christian name and surname, and stating thereon the amount paid and the work done for which such fee shall have become payable; and no fee shall be paid without such receipt being tendered for the same; but if any owner or occupier who shall become liable to pay any such fee shall refuse to pay the same on tender of such receipt, the same shall be recoverable by application to any Justice of the Peace in whose jurisdiction the house or building shall be, in like manner in which any poor's rates are by law recoverable; and also Treble the amount of the same when no notice shall have been given as hereinbefore directed.

And be it Enacted, That it shall not be lawful for any Surveyor to receive any fee unless the work upon which the same shall become payable shall have been done in every respect agreeably to the directions of this Act; and every Surveyor shall, within Fourteen Days after every quarter day in every year, after the First day of January, One thousand eight hundred and Forty-four, make a return to the Clerk of the Peace for his district, enumerating therein the number and nature of all the several works executed within the