



ANNO TRICESIMO OCTAVO

GEORGI II. REGIS.

Cap. 25.

An Act for making a new Road or Street from *Free-school Street, Southwark*, to *Dockhead*, and from thence through *Hickman's Court*, otherwise *Rose Court*, to *Lilliput Hall Bridge* in *Bermondsey*; and for enlarging, for the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, the Term and Powers of Three Acts, passed in the Twenty-second Year of His late Majesty King *George* the Second, and in the Seventh and Thirty-first Years of His present Majesty, for making a new Road from *New Street* in *Southwark*, to and through the several Places therein mentioned, and for repairing the same, and other Roads adjoining. [7th May 1798.]

WHEREAS an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, for making a new Road from the East End of *New Street*, in the Parish of *Saint John, Southwark*, to and through the several Places therein mentioned, and for keeping the same in Repair for the future; and divers Persons are therein named and appointed Trustees for putting
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Preamble.

the said Act into Execution for the Term of Twenty-one Years, from the First Day of *June* One thousand seven hundred and forty-nine : And whereas by Two several other Acts of Parliament, passed in the Seventh and Thirty-first Years of the Reign of His present Majesty, the said former Act hath been continued, and by the last mentioned Act is now in Force for the Term of Twenty-one Years, commencing on the First Day of *June* One thousand seven hundred and ninety-one, and from the Expiration thereof to the End of the then next Session of Parliament : And whereas the Trade and Traffick between the City of *London*, the Borough of *Southwark*, and the several Parishes through which the said Turnpike Roads pass, have greatly increased of late Years ; but by reason of the Narrowness of a certain Street, called *New Street*, in the Parish of *Saint John, Southwark*, which is the direct Avenue from the said City and Borough to the said several Parishes ; and also of a certain other Street, called *The Folley*, in the Parish of *Saint Mary Magdalen, Bermondsey*, in the County of *Surrey*, the Communication to and from the said City and Borough is greatly impeded and interrupted, to the Detriment of the Inhabitants, both of the Borough of *Southwark*, and of the said several Parishes, and the Lives of Foot Passengers are frequently endangered ; and the same might be remedied, and great Advantage obtained, not only to the said Places, but by the Publick, if the Trustees for putting into Execution the said recited Acts were enabled to make a new Road or Street, from *Free-school Street*, in the Parish of *Saint John, Southwark*, through *Three Oak Lane* to *Dockbead*, and from thence through *Hickman's Court*, otherwise *Rose Court*, over the Lands thereto adjoining unto *Lilliput Hall Bridge*, in the Parish of *Saint Mary Magdalen, Bermondsey*, aforesaid ; and to purchase such Houses, Buildings, and Grounds, as may be necessary for those Purposes ; but so far as the said Improvement cannot be effected without the Aid and Authority of Parliament : May it 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 all and every the Trustees appointed, and to be appointed, by and in pursuance of the said recited Acts, or either of them, shall be, and they are hereby appointed Trustees for putting the present Act into Execution.

Former Trustees to be Trustees to execute this Act.

To make a new Road from *Three Oak Lane* to *Lilliput Hall Bridge*.

To purchase Land and Buildings.

II. And be it further enacted, That the said Trustees, or any Five or more of them, shall be, and they are hereby empowered to design, lay out, open, and make a spacious and convenient Road or Street, not less than Forty Feet in Breadth, from *Free-school Street*, in the Parish of *Saint John, Southwark*, aforesaid, through Part of *Three Oak Lane* to *Dockbead*, in the Parish of *Bermondsey* aforesaid, and from thence through *Hickman's Court*, otherwise *Rose Court*, to the Bridge herein-before mentioned, called *Lilliput Hall Bridge*, in as straight a Line as conveniently may be ; and for that Purpose the said Trustees, or any Five or more of them, are hereby authorized and empowered to contract for and purchase all and every the Houses, Lands, Grounds, Buildings, and other Erections, mentioned and specified in the Schedule hereunto annexed, or so many of them, or so much or such Part or Parts of any of them, which they the said Trustees, or any Five of them, shall think necessary to be purchased in order to the opening and making of the said intended

new

new Road or Street, and to take a Conveyance or Conveyances as the Case may require of the same to them in Fee, upon the Trust and to the Intent that the said Houses and Buildings, or such of them as may be deemed proper by the said Trustees, shall be pulled down, and the Scite or Scites thereof, together with the other Lands or Grounds so to be purchased, shall and may be used for and converted to the said new intended Road or Street.

III. And be it further enacted, That all and every the Clauses, Powers, Directions, Regulations, and Authorities, Penalties, Forfeitures, and Jurisdiction, for purchasing, conveying, and obtaining Possession, and for ascertaining, securing, investing, paying, and recovering, of the Purchase Monies or Value of the Messuages, Buildings, Grounds, Lands, Hereditaments, Rights, and Privileges, to be purchased for the Purposes of the said recited Acts or either of them, and for selling and disposing of any Part or Parts thereof, and for paying the Expences and Allowances to the Juries and other Persons acting in the Premises; and also for making and repairing the said Roads by the said former Acts directed to be made and repaired, and for preventing Annoyances thereon, or for any other Purpose in the said Acts or either of them mentioned, and all other the Clauses, Provisoos, Powers, Authorities, Penalties, and Forfeitures, in the same Acts or either of them contained, shall be in Force, and shall extend, and be construed to extend, and shall be had, used, exercised, and enjoyed, by the said Trustees and their Treasurer, for the making and keeping in Repair the said Road or Street hereby directed to be made, and for preventing Nuisances, Impediments, and Annoyances thereon, and for other the Purposes of this Act, in as full Manner and Form, and to all Intents and Purposes whatsoever, as if the same and every of them were herein inserted and enacted.

Directions of the former Acts to be applied to this Act.

IV. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Grounds, Hereditaments, and Premises, mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased and sold, or assessed and valued by a Jury, and conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named or described in the said Schedule.

Misnomer, or wrong Description in the Schedule, not to prevent the Execution of Act.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to cause the Ground of such intended Road or Street, or any Part thereof, to be raised or lowered, as they or their Surveyor for the Time being shall judge necessary.

Trustees to raise or lower the Ground of the intended new Road.

VI. And be it further enacted, That every Person who shall have any Mortgage or Mortgages either for his, her, or their own Use, or in Trust for any other Person or Persons on any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased by virtue of this or the said former Acts, or either of them, such Premises being of superior Value

Mortgagees required to assign on Payment of Principal and Interest.

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to the Mortgage Monies thereon, shall immediately on the Tender of the Principal Money and Interest, together with an additional Six Months Interest of the said Principal Money, by any Person thereto appointed by the said Trustees, or any Five of them, convey or assign his, her, or their Right and Interest in such mortgaged Premises to the said Trustees, or to such Person or Persons as they shall appoint, or in case the said Trustees, or any Five or more of them, shall give Notice in Writing that they will pay off and discharge the Principal and Interest which shall be due on the said Mortgage or Mortgages at the End of Six Calendar Months, to be computed from the Delivery of such Notice, then at the End of such Six Calendar Months, on Tender of such Principal and Interest so due, such Mortgagee or Mortgagees shall assign or convey his, her, or their Interest in the Premises to the said Trustees or such Person or Persons as they shall appoint; but in case the Premises so to be purchased shall be of inferior Value to the Principal and Interest Monies due on such Mortgage or Mortgages, then on Tender by the said Trustees of the Value of the said Premises only, (which Value shall be ascertained by the Jury summoned in that Behalf, in case the Parties interested in the Premises differ about the same), the said Mortgagee or Mortgagees shall duly assign or convey his, her, or their Interest in the Premises to the said Trustees, or such Person or Persons as they shall appoint; and if such Mortgagee or Mortgagees shall neglect or refuse to convey or assign in any of the Cases aforesaid, then all the Estate, Right, and Interest, of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Trustees, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages to all Intents and Purposes whatsoever.

In Default of
Conveyance,
Mortgage
Monies to be-
come a Mort-
gage on the
Tolls.

VII. Provided nevertheless, and be it further enacted, That in case such Mortgagee or Mortgagees shall neglect or refuse to convey or assign his, her, or their Interest as aforesaid, on such Tender as aforesaid, then the Principal Monies due upon every such Mortgage, or the Value of the Premises so to be purchased, as the Case may be, shall from and immediately after such Neglect or Refusal be and become a Mortgage or Charge upon the Tolls, Duties, and yearly Payments in the said former Acts or any of them mentioned, and the same shall be a Security for the Payment of such Monies respectively to the Person or Persons entitled thereto, together with such Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*, as the said Trustees at any General Meeting shall declare or appoint, in the same and like Manner as if the said Monies had originally been borrowed by the said Trustees under the Authority of the said Acts.

Power for
Trustees to
grant Mort-
gage of Tolls
to Owners of
Lands pur-
chased.

VIII. And be it further enacted, That in case the Owner or Owners of, or other Person or Persons interested in, any Lands, Buildings, or Hereditaments, to be purchased by virtue of this Act, or the said former Acts, or any of them, shall be desirous of investing their Purchase Monies on Mortgage of the Tolls, Duties, and Payments, by this and the said former Acts granted, or of having such Mortgage in lieu thereof, then it shall and may be lawful to and for the said Trustees, or any Five or more of them, to grant and execute One or more Mortgage or Mortgages of the said Tolls, Duties, and yearly Payments, to such Owner

or

or Owners, Person or Persons, for the Lands, Buildings, Hereditaments, Estate or Interest, so to be purchased, for securing the Payment thereof unto him or them of a Sum of Money equal to the Amount of the Purchase Monies agreed to be paid for the said Lands, Buildings, Hereditaments, Estate, and Interest, together with such Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*, as the said Trustees shall think proper; and such Mortgage or Mortgages shall be made and taken in full Satisfaction of the Purchase Money, or Consideration for the said Premises, and at all Times be deemed equal to the Payment thereof.

IX. And be it further enacted, That if any Body or Bodies Politick, Corporate or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any other Person or Persons whomsoever, Owners of or interested in any Part or Parts of any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased as aforesaid by virtue of this or the said former Acts, or any of them, and which shall be in the actual Possession of One Tenant or several Tenants, shall, by Notice in Writing, to be left at the Office of the Clerk to the said Trustees for the Time being, within Twenty-one Days next after Application for the Purchase thereof, signify his, her, or their Desire, to sell and convey the Whole of such Houses, Buildings, Lands, Tenements, or Hereditaments, then and in every such Case the Whole of every such House, Building, Land or Premises, shall be deemed and held to be necessary to be purchased for effecting the Purposes of this and the before-mentioned Acts; and in case such Owners or Persons interested as aforesaid, shall neglect to give such Notice, or being willing to sell such Part and Parts of the Premises aforesaid, but cannot agree with the Trustees as to the Sum of Money to be paid for the Part which the said Trustees shall think necessary to be purchased, then and in every such Case the Jury who shall be summoned to view and value the Premises, shall assess the Value of the whole Premises, according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the Trustees have taken away so much as they shall think necessary for making such Road or Street; and in this latter Valuation the Jury shall take into their Consideration the Improvement which the Remainder of the Premises is likely to receive from the Road or Street intended to be made, and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Trustees for that Part which they shall have Occasion for; and the said Price so to be paid shall be divided among the several Persons interested in the Premises in such Proportions as the Jury assembled for that Purpose shall assess and ascertain.

Owners not compelled to sell a Part, if inclined to sell the Whole.

Ascertaining the Value of Part, when the Whole is not taken.

X. And be it further enacted, That in case any Annuity or Rent Charge, or other certain Annual Profit, shall be payable to any Person or Persons, from or out of any Lands, Buildings, or Hereditaments, so to be purchased as aforesaid, either for Life or for Term of Years, and such Person or Persons shall be desirous to have the same continued, in Preference to a Sale thereof, for a Sum of Money in gross, then it shall and may be lawful to and for the said Trustees, or any Five or more of them, in lieu thereof to grant unto such Person or Persons One or more Annuity or Annuities, to be paid and payable out of the said Tolls, Duties,

Trustees may grant Annuities to Persons having Annuities charged on any Lands to be purchased.

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and yearly Payments, by Two Half-yearly Payments, to such Person or Persons, or their Assigns, as they the said Trustees, and such Person or Persons, shall mutually agree upon; and which said Annuity or Annuities shall from Time to Time be assignable to any Person or Persons whomsoever, by the Person or Persons to whom the same may be granted, his, her, or their Executors, Administrators, or Assigns, by Writing, under his, her, or their Hand and Seal, or Hands and Seals.

Commissioners of Sewers, to make Grates, &c.

XI. And be it further enacted, That in case the said Trustees shall think it necessary for the Purposes of this Act, or of the said former Acts, or either of them, to make new, repair, alter, arch over, cleanse, empty, or amend, any Sewer or Sewers, Stream, Drain, Ditch, or Watercourse, adjoining or contiguous to the said Roads or Streets by this Act or the said former Acts directed to be made and repaired, or the Banks or Walls thereof, or to make any new or additional Grates on the said Roads, or either of them, or to repair or alter any of the old Grates therein, or either of them, the same shall be made, repaired, altered, arched over, cleansed, emptied, or amended, by and at the Expence of the Commissioners of Sewers for the Limits extending from *East Mouldsey* in the County of *Surrey*, to *Ravenborne* in the County of *Kent*; and the said Trustees, or any Five or more of them, or their Surveyor or Surveyors for the Time being, shall, and they are hereby directed and required to give or leave Notice in Writing unto and for the Clerk for the Time being to the said Commissioners of Sewers, at his usual Place of Abode of such Matters to be done; and the said Clerk is hereby directed and required immediately after the Delivery of such Notice, to summon Six or more of the said Commissioners of Sewers to survey the Matters specified in such Notice, within Ten Days next after the Receipt thereof; and they the said Commissioners are hereby required and directed to survey the same within the Time aforesaid, and after such Survey to cause such Sewers, Streams, Drains, Grates, Ditches, and Watercourses, to be made new, repaired, altered, arched over, cleansed, emptied, or amended, as the Case shall require; and by the Oaths of a Jury to enquire what Person or Persons are or ought to contribute to the Charges and Expences thereof; and to tax, assess, charge, distrain, levy, and punish, all and every such Person and Persons, for the Redress and Reformation of the Premises, by such Ways and Means and in such Manner and Form as to the said Commissioners shall seem meet to be done, according to and in pursuance of the several Powers vested in them the said Commissioners by their Commission, or by virtue of an Act of Parliament, made and passed in the Twenty-third Year of the Reign of the late King *Henry* the Eighth, intituled, *The Bill of Sewers*, or by any other Act or Acts of Parliament, made, and now in Force, relating to the Power and Authority of the said Commissioners of Sewers, or for the Purpose of executing their Commission; and in Default of the Matters aforesaid by the said Commissioners of Sewers for the Space of Twenty Days next after the Delivery of every such Notice as aforesaid, then it shall and may be lawful to and for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors for the Time being, to cause such Sewers, Streams, Grates, Drains, Ditches, and Watercourses, or any of them to be made new, repaired, arched over, altered, cleansed, or emptied, as the Case may require, or so much thereof as shall remain unfinished by the said Commissioners of Sewers, the Charges and Expences where-

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of shall be paid by the said Trustees, who shall be reimbursed the same by the Clerk or Expenditor General for the Time being, to the said Commissioners of Sewers; and in case the said Clerk or Expenditor General to the said Commissioners of Sewers shall neglect or refuse to pay what shall by the said Trustees have been so paid and disbursed within Twenty-one Days next after Notice thereof shall be left at the Dwelling House, or last Place of Abode of such Clerk or Expenditor General, (which Notice shall be in Writing, and signed by the Clerk to the said Trustees, and annexed to a Copy of the Bill containing an Account of such Charges and Expences), it shall and may be lawful to and for the said Trustees, or any Five 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 of their Clerk for the Time being, against such Clerk or Expenditor General of the Commissioners of Sewers for the Time being, and the same to prosecute with Effect, so as to recover all such Sum or Sums of Money as they shall have so expended for the Purposes aforesaid, with their Costs in that Behalf sustained, in which Action or Actions no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

XII. And whereas the said new Road or Street, herein-before directed to be made, as well as the widening, altering, and improving, certain Parts of the Roads, by the said former Acts authorized to be made and repaired, pursuant to the Powers therein contained, will require a considerable Sum of Money, and the Tolls by the said Acts directed to be taken, may not be sufficient to effect the same; and inasmuch as the Inhabitants of the East Division of the Borough of *Southwark*, and of the several Parishes of *Saint Mary Magdalen*, *Bermondsey*, and *Saint Mary Rotherhithe*, in the County of *Surrey*, and of the Parishes of *Saint Paul*, *Deptford*, and *Saint Nicholas*, *Deptford*, in the County of *Kent*, may be benefited and accommodated by the said new Road, and the widening, altering, and improving the said other Roads, they may be willing to contribute towards the Expences thereof: And whereas by an Act, passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for enabling the Commissioners for putting in Execution an Act, made in the Sixth Year of the Reign of His present Majesty, for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages, adjoining thereto, and for preventing Annoyances therein, to open, widen, and better regulate, the several Streets, Lanes, and Passages, within the East Division, in the said Act described*; and by another Act, passed in the Twenty-fifth Year of the Reign of His said Majesty, intituled, *An Act for better cleansing, lighting, and watching the Streets, Lanes, Yards, Courts, Alleys, and Passages, within that Part of the Parish of Saint Mary Magdalen, Bermondsey, in the County of Surrey, called the Waterside Division, and for removing and preventing Nuisances and Annoyances therein; and for lighting and watching certain Parts of and belonging to the Turnpike Road, leading from the East End of New Street, in Southwark, to Deptford, in the County of Kent, within the said Waterside-Division of the said Parish therein mentioned*; and by another Act of Parliament, passed in the Twenty-third Year of the Reign of His said Majesty, intituled, *An Act for better paving, cleansing, lighting, and watching, the*
Streets,

East Division
of *Southwark*,
and adjoining
Parishes, em-
powered to
contribute
towards the
new Road,
and improving
the old Roads.

Streets, Lanes, Yards, Courts, Alleys, and Passages, within the Parish of Saint Mary, at Rotherhithe, otherwise Redriffe, in the County of Surrey, and for removing and preventing Nuisances and Annoyances therein; certain Rates or Assessments are directed to be made by the Commissioners authorized to put the said Acts respectively into Execution, for defraying the Charges and Expences of the several Works and Improvements thereby severally directed to be done and performed; be it therefore enacted, That it shall and may be lawful to and for the Commissioners for the Time being, for putting into Execution the said several last mentioned Acts, and their Treasurer or Treasurers for the Time being, and also to and for the respective Surveyors of the Highways, in the said several Parishes before named, for the Time being, or in Default of the Appointment of any such Surveyors, then to or for the Churchwardens or Overseers of the Poor respectively, for the Time being, of the said several Parishes, and they, each and every of them, are hereby required to pay to the Trustees for putting into Execution this Act, or the said several Acts for making and repairing the said Roads herein-before mentioned, or to their Treasurer for the Time being, such Sum or Sums of Money, annual or in gross, as they the said Commissioners, or the major Part of them, present at any Meeting or Meetings to be by them held at any Time or Times hereafter, or as the Vestrymen, or the major Part of them, or the Inhabitants, or the major Part of them, of the said Parishes respectively, assessed to and paying any Parochial Rate, and present at any Meeting or Meetings to be at any Time or Times hereafter held in the Church or Vestry Room of such Parish or Parishes respectively, pursuant to Notice to be given as herein-after mentioned, shall resolve, order, or direct to be paid, towards the making of the said new Road, and the widening, altering, or improving the said other Roads before mentioned.

Publick Notice of Parish Meetings to be given.

XIII. Provided always, and be it enacted, That no Resolution, Order, or Direction, to be made by the Vestrymen or Inhabitants of the said Parishes respectively, for the Purposes aforesaid, shall be binding or obligatory on the Surveyors of the Highways, or Churchwardens or Overseers of the Poor of the said Parishes, respectively, unless the same shall be made at a Meeting or Meetings, for the holding whereof Notice shall be given, as by Law is required, for the assembling of a publick Vestry or Meeting of the Inhabitants of the said Parish or Parishes respectively.

All Monies to be duly applied to the Purposes for which they may be given.

XIV. Provided also, and be it enacted, That all and every Sum and Sums of Money, at any Time or Times hereafter paid to the said Trustees, or their Treasurer, by the said Commissioners respectively, or their respective Treasurer or Treasurers, in virtue of any Resolution, Order, or Direction, of the Vestrymen or Inhabitants of the said Parishes respectively, shall be applied and disposed of by the said Trustees, or their Treasurer, for the Purpose or Purposes for which the same shall be particularly resolved, ordered, or directed to be paid, and shall not be otherways applied or disposed of on any Pretence whatsoever, so as a Copy of every such Resolution, Order, or Direction, signed by the Clerk to the said Commissioners respectively, or the Vestry Clerk of the said Parishes respectively, be delivered unto and left with the Treasurer to the said Trustees for the Time being, at the Time of Payment of such

Sum or Sums of Money, but in case no such Copy shall be delivered as aforesaid, then such Sum or Sums of Money shall and may be applied by the said Trustees, or their Treasurer, for the Time being, in their Discretion, for the making, repairing, and improving, the said several Roads herein-before mentioned.

XV. And be it further enacted, That if the said Commissioners respectively, or their respective Treasurer or Treasurers for the Time being, or any such Surveyor of the Highways, Churchwarden or Overseer of the Poor for the Time being of the said several Parishes, shall neglect or refuse to pay to the Treasurer for the Time being to the said Trustees, any Sum or Sums so to be resolved, ordered, or directed to be paid as aforesaid, or any Part thereof, for the Space of Ten Days next after the Time or Times appointed for Payment thereof, or for the Space of Thirty-one Days next after any such Meeting or Meetings where no Time of Payment shall be appointed, then the Treasurer or Treasurers to the said Commissioners respectively, in case any such shall be, and if no Treasurer or Treasurers, then the said Commissioners respectively, and every such Surveyor, Churchwarden, or Overseer, shall, for every such Neglect or Refusal, forfeit and pay to the said Trustees, over and above the Sum and Sums of Money, so resolved, ordered, or directed, the Sum of Ten Pounds of lawful Money of *Great Britain* for every Seven Days any such Treasurer or Treasurers, Commissioners, Surveyor, Churchwarden, or Overseer, shall so neglect or refuse to pay the same; and the said Forfeitures, and also the said original Sum, shall and may be levied and recovered in the same Manner as the Forfeitures and Penalties inflicted by the said herein recited Acts for making and repairing the said Roads herein-before mentioned, or any of them, on Surveyors of Highways, for neglecting to pay the Sums of Money therein mentioned, are directed to be levied and recovered, and shall be applied to the Purposes of this and the said former Acts, and to or for no other Use or Purpose whatsoever.

Penalties on Persons withholding Payment of Monies.

XVI. And be it enacted, That the said Commissioners, or any Five or more of them respectively, shall be, and they are hereby authorized and empowered to raise, pay, and discharge the said Sums so to be paid by or levied on them as aforesaid, out of the Rates made, or to be made, by virtue of the said recited Acts of the Twenty-third, Twenty-fifth, and Twenty-eighth Years of the Reign of His present Majesty respectively, and so as such Rates respectively do not exceed in any one Year the Sum or Sums by such Acts respectively authorized to be raised.

Commissioners to be reimbursed out of Rates.

XVII. And be it enacted, That the said Sums so to be paid by or levied upon the said Surveyors or Overseers, shall be respectively raised by or re-imbursed to such Surveyors or Overseers in the same Manner as by the Laws now in being Surveyors of the Highways within this Kingdom are to be re-imbursed the Monies expended for the Repairs of the Highways in their respective Parishes; and in case the Quota of Assessment now by Law allowed for repairing of Highways shall not be sufficient for the Purposes of this Act, and the other Charges to be defrayed by any Highway Rate, then it shall be lawful for such Surveyors, or where no Surveyors are appointed, then for the Overseers of the Poor to make a further and equal Assessment, not exceeding Four-pence in the Pound

Surveyors to be re-imbursed out of Monies to be raised for the Highways.

for One Year, upon all Occupiers of Lands, Tenements, Woods, Tithes, and Hereditaments, within such Parish, Township, or Place, for which the same shall be wanted, and which Rate shall be allowed by any Two Justices of the Peace acting in and for the County where such Parish, Township, or Place, shall be situate, and the same being so allowed, the said Surveyors or Overseers shall and may repay and re-imburse to themselves all such Sum and Sums of Money as they shall have paid, or be liable to pay, for the Purposes of this Act, and other the Charges aforesaid; and the Overplus (if any) shall be paid over to the succeeding Surveyors or Overseers of the Poor, to be by them applied on the next Occasion in the Repairs of the Highways in such Parish or Place, and all the Remedies, Powers, and Methods, by any Law now in Force, used or given for collecting, distraining for, and recovering of Rates made for the Repairs of the Highways, shall be used and put in Force for levying and collecting the Rates to be made by virtue of this Act, in as full and ample Manner as if the same Remedies, Powers, Rules, and Methods, were herein particularly set forth.

Inhabitants within the Eastern Division of *Southwark*, exonerated from the Payment by *Bermondsey* Parish.

XVIII. Provided always, and be it enacted, That the Occupiers of the several Houses, Lands, and Hereditaments, in the Parish of *Bermondsey* aforesaid, as are situate within the Eastern Division of the Borough of *Southwark*, and from Time to Time rated, by virtue of the said Act of the Twenty-eighth Year of the Reign of His present Majesty, shall not be obliged or compellable to pay or contribute any Part of such Sum or Sums of Money, as by the Vestrymen or Inhabitants of the Parish of *Bermondsey* may be ordered or directed to be paid as aforesaid; and in case any such Occupier shall be assessed thereto, he or she shall be allowed to deduct out of the Assessment on him or her, his or her Proportion of the said Sum for which any such Assessment shall be made; but such Deduction shall in no Ways prejudice or diminish the said Sum so payable to the said Trustees.

Power to appoint Collectors.

XIX. And be it further enacted, That the Churchwardens, Surveyors of the Highways, Overseers of the Poor, and Householdors, being assessed to and paying any Parochial Rate in the said respective Parishes of *Saint Mary Magdalen, Bermondsey; Saint Mary, Rotherhithe; Saint Paul, Deptford; and Saint Nicholas, Deptford;* or the major Part of them, who shall be present at any Publick Meeting to be held in the Church of such respective Parish or Parishes as herein-after mentioned, shall and may, from Time to Time, at all Times hereafter, if they think fit, chuse or appoint One or more fit Person or Persons to be Collector or Collectors of the Rates or Assessments to be raised and levied for the Repairs of the Highways in the said Parishes respectively, or by virtue of this Act, or any Parochial Rate or Assessment lawfully raised or to be raised in the said Parishes respectively, of which no Collector or Collectors with a Salary or Allowance is or are by Law authorized to be appointed, and also a Treasurer or Treasurers of the Money to be collected therefrom, and from Time to Time to remove such Collector or Collectors, Treasurer or Treasurers, and appoint others, as they shall find necessary or convenient, and which Collector or Collectors is and are hereby empowered to collect and levy such Rate or Rates accordingly, and to execute all such Warrants of Distress as shall from Time to Time, be lawfully granted or issued for the Recovery of any Monies assessed thereby, in such and the same

same Manner and as fully and effectually as any other Officer or Officers, or other Person or Persons, by any Law or Laws now in being can or may execute the same; and such Churchwardens, Surveyors, and Householders, or the major Part of them so present at any such Meeting, shall and may, out of such Rates or Assessments, make such Allowance as they shall think fit to such Collector or Collectors, Treasurer or Treasurers, for his or their Trouble therein; and the Churchwardens of the said Parishes for which any such Collector or Collectors shall be so appointed are hereby required to take such Security for the due accounting for and Payment of the Money which such Collector or Collectors may receive, by virtue of his or their Appointment, as to the Inhabitants so assembled, or the major Part of them, shall appear sufficient for that Purpose; and all Person and Persons liable to pay such Rates shall pay the same to such Collector or Collectors, who are hereby required, from Time to Time, to collect the said Rates with all Dispatch, and forthwith to pay over the Monies collected to such Treasurer or Treasurers, or other Person or Persons, as the Inhabitants, or the major Part of them present at any such Meeting, shall direct or appoint to receive the same; and such Collector or Collectors shall, when and as often as thereunto required by the Surveyors of the Highways, Churchwardens, or Overseers of the Poor of the Parish for which such Collector or Collectors shall be so appointed, make up and render to them a full, true, and perfect Account, in Writing, of all the Monies by him or them collected and received by virtue of his or their said Office or Offices, to be verified by the Oath of such Collector or Collectors, before any Justice of the Peace acting in and for the County wherein the Parish, Township, or Place, for which such Collector or Collectors shall act, shall be situate, and which Oath the said Justice is hereby authorized and required to administer; and if any such Collector or Collectors shall neglect or refuse to make up and render such Account upon Oath as aforesaid, or shall not deliver up to such Churchwardens, Surveyors of the Highways, or Overseers of the Poor, or such Person or Persons as they shall appoint, within Seven Days next after being thereunto required by them, or any Three or more of them, in Writing, for that Purpose, left at the usual Place of Abode of such Collector or Collectors, or delivered to him or them, all and every the Rates or Assessments in his or their Custody, or to him or them delivered, or shall neglect or refuse to pay all Monies collected for the Space of Six Days to the Person or Persons so to be appointed to receive the same, then and in either of the said Cases it shall be lawful for any One or more of His Majesty's Justices of the Peace acting in and for the said Counties of *Kent* or *Surrey*, and they are hereby required, upon Complaint, and on the Oaths of any Two or more Inhabitants of the Parish or Parishes for which such Collector or Collectors shall be so appointed, (which Oath such Justice or Justices are hereby required to administer, without Fee or Reward), or on the Confession of such Collector or Collectors, by a Warrant under his or their Hands and Seals, directed to any Constable or Constables, or other Person or Persons the said Justice or Justices may think proper, to cause all Monies which shall appear to be, or remain in the Hands of such Collector or Collectors, to be levied by Distress and Sale of the Goods and Chattels of such Collector or Collectors respectively, together with the Costs and Charges of such Distress and Sale; and in case no Goods or Chattels can be found, sufficient to satisfy and answer the said Money and the Charges of

distraing

distraing and felling the same, or in case the said Collector or Collectors shall neglect or refuse to deliver up the said Rate or Rates as aforesaid, then and in either of the said Cafes, such Justice or Justices shall commit every such Collector or Collectors to the Common Gaol or House of Correction in the said County where such Offence shall be committed, there to remain without Bail or Mainprize, until he or they shall make a true and perfect Account and Payment as aforesaid, or until he or they shall have compounded or otherwise settled with the said Churchwardens, Surveyors of the Highways, or Overseers, or until they, or any Four or more of them, shall consent to the Discharge of such Collector or Collectors, (and which Composition the said Surveyors of the Highways and Churchwardens of the said Parishes respectively, or any Four or more of them, are hereby empowered to make), or until he or they shall deliver up such Rate or Rates as aforesaid, or give Satisfaction in respect thereof to the said Churchwardens, Surveyors of the Highways, and Overseers, or any Four or more of them, as the Case may require.

Publick Notice
to be given of
the Meeting.

XX. Provided always, That before any such Collector or Collectors shall be appointed as aforesaid, publick Notice of such intended Meeting shall be read in the Church of the Parish for which such Collector is intended to be appointed, on some *Sunday* preceding such Meeting; and that no Meeting shall be held until Three Days at least after such Notice shall be so given.

Trustees em-
powered to
contract with
Commission-
ers of Paving.

XXI. And whereas, it may be necessary to pave the said new Road or Street, or some Part thereof, and there are several Parts of the said Turnpike Roads which are now paved, and others which may require so to be, and it may be proper that Power should be given for the Commissioners appointed for putting into Execution the before-mentioned Acts, for paving, lighting, and watching, and the said Trustees to contract and agree together for any Work necessary to be done on the said Road or Street: Be it therefore enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered from Time to Time, at any of their Meetings, as Occasion shall require, to contract, by Deed or Deeds in Writing with the said Commissioners, or any Five or more of them, for paving, raising, sinking, altering, and keeping in Repair, the said New Road or Street, or any Part thereof, or any other Part or Parts of the said Turnpike Roads, or for exonerating the said Trustees therefrom for such Time or Times, upon such Terms and Conditions, for such Sum or Sums of Money, annual or in gross, and in such Manner and Form as they the said Trustees shall think fit; and the said Commissioners for putting into Execution the said several Acts of Parliament for paving, lighting, and watching, or any Five or more of them, are hereby also authorized and empowered to contract and agree with the said Trustees for the Purposes aforesaid; and from and after such Contract, the Works thereby agreed for shall be done and performed at the Costs and Charges of the said Commissioners for Paving, with whom the same shall respectively be made in as full a Manner, to all Intents and Purposes, as if the same had been comprised in the said Acts of Parliament, or any of them.

XXII. And

XXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, and also to and for the said Commissioners for putting into Execution the said several Acts of Parliament, for paving, lighting, and watching within the Waterside Division of *Bermondsey*, or within the Parish of *Rotherhithe*, or any Five or more of them, by Deed or Deeds in Writing, to contract and agree together for the taking down or removal to any other Part of the aforesaid Road, of the Gate or Turnpike, commonly called *Dandy's Gate*, now set up, upon, or across the said Road, at or near the North End of a Lane, called *Blue Anchor Lane*, in the Parish of *Saint Mary Magdalen*, *Bermondsey*, in the County of *Surrey*; or to compound and agree together from Time to Time, for the Inhabitants of the said Division, or of the said Parish, or any Part thereof respectively, to travel through the said Gate or Turnpike, with any Horse, Mare, Mule, Ass, Cattle, or Carriage, Toll free, upon such Terms and Conditions, for such Time, and for such Sum or Sums of Money, annual or in gross, and in such Manner and Form as they the said Trustees or Commissioners, or any Five of them respectively shall think proper; and the said Commissioners are hereby respectively authorized to pay the said Monies out of the Rates or Assessments to be made pursuant to the Powers contained in the said several Acts, for paving, watching, and lighting aforesaid.

Trustees empowered to contract with the Commissioners of Paving for the Removal of *Dandy's Gate*, or to compound for the Tolls thereof.

XXIII. Provided always, and be it enacted, That in case the said Trustees and Commissioners, or any of them, shall at any Time hereafter contract and agree for the taking down or removing of the said Gate or Turnpike, then it shall and may be lawful to and for the said Trustees, or such Person or Persons as they, or any Five or more of them shall direct or appoint, and they are hereby authorized and empowered to erect or set up any Bar or Bars, Gate or Gates, Turnpike or Turnpikes, in, upon, or across any of the Streets, Lanes, or Places comprized or mentioned in the said Acts of Parliament, for paving, watching, and lighting the Waterside Division of *Bermondsey*, or the said Parish of *Rotherhithe*, as they the said Trustees and Commissioners shall mutually agree upon; and the said Trustees, or such Person or Persons as they, or any Five or more of them, shall direct or appoint for the Purpose, shall and may receive and take, before any Horse, Mare, Mule, Ass, Cattle, or Carriage whatsoever, shall be permitted to pass through the said Bar or Bars, Gate or Gates, Turnpike or Turnpikes, the several Tolls and Duties in and by the above recited Turnpike Acts, or any or either of them, directed to be received and taken at any Bar, Gate, or Turnpike, erected or to be erected by virtue thereof; and the said Tolls shall be applied for the Uses and Purposes in the said Acts mentioned; and may be recovered, letten, and farmed in the like Manner as the Tolls and Duties payable at any other Gate or Turnpike upon the said Road may be recovered, letten, and farmed, by virtue of the said former Acts, or any other Act of Parliament; and the Right and Property of all and every such Bar or Bars, Gate or Gates, Turnpike or Turnpikes, and the Toll Houses thereto belonging, shall be vested in the said Trustees for the Time being; and they, or any Five or more of them, are hereby empowered to bring Actions, and to prefer Bills of Indictment against any Person or Persons, who shall steal, break down, take away, or spoil, such Bars, Gates, Turnpikes, or Toll Houses, or any of them.

and to erect other Gates or Bars in lieu thereof.

Buildings may be erected on the Side of the Road from *Freeschool Street*, to *Dockhead*.

XXIV. And be it further enacted, That it shall and may be lawful to and for any Proprietor or Occupier of the Lands or Grounds which do or may adjoin the said new Road or Street, to be made from *Freeschool Street* afore said to *Dockhead* afore said, to erect any Building close to the Side or Sides thereof, so as such Building, or any Part thereof, shall not project into or overhang the said Street; any Thing in the herein-before mentioned Act of the Thirty first Year of the Reign of His present Majesty to the contrary notwithstanding.

Regulations respecting such Buildings.

XXV. And be it further enacted, That all Houses and Buildings, hereafter to be built or new fronted, or any Part thereof, on any of the said Lands or Grounds, which do or may adjoin the said intended Road or Street, from *Freeschool Street* to *Dockhead* afore said, shall, for the effectual and absolute Prevention of all Manner of Projections, Incroachments, Annoyances, and Inconveniences thereby, rise perpendicularly from the Foundation; and if any House or other Building shall at any Time hereafter be erected or built otherwise than perpendicularly from the Foundation, or any Bow Window shall be put or placed in any such House or Building, or other Window, Balcony, Sign or Sign Post, Crane, Step, Door, Spout, Gutter, Shew Board or Shew Glais, or any other Matter or Thing belonging to any such House or Building shall project from such House or Building into the said Road or Street, the same and every of them shall be deemed a common Nuisance, and the Owner or Occupier thereof shall and may be prosecuted, or such Proceedings had against the Premises as the Law in Cases of such Nuisance directs; and it shall and may also be lawful to and for the said Trustees for putting into Execution this Act, or any Five or more of them, by an Order under their Hands, to direct any such House or Building, and Bow Window, to be pulled down and every such other Window, Balcony, Sign or Sign Post, or other Post, Rail, Crane, Step, Door, Shew Board or Shew Glais, or other Material, Matter, or Thing, to be removed by any Person or Persons they shall think fit, the Costs and Charges whereof shall be paid and reimbursed to the said Trustees, or any Five or more of them, or their Order, by the Owner or Owners of such House or Building, or other Person or Persons ordering or directing the same, and in case of Refusal or Neglect in paying or reimbursing the same to the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint to receive the same, it shall and may be lawful for any Five or more of them to cause any Action or Actions to be brought in the Name of their Treasurer for the Time being for the Recovery thereof, with Costs of Suit; and if any Person or Persons shall at any Time hereafter hang, place, erect, or build, any Window, Balcony, Sign or Sign Post, or other Post, Rail, Crane, Step, Door, Shew Board or Shew Glais, or other Material, Matter, or Thing, which shall project as afore said, or cause any Incroachment, Nuisance, or Annoyance, to be made in the said Road or Street, or permit or suffer any Nuisance to remain or continue therein, every such Person shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds.

Part of the new Street, from *Freeschool*

XXVI. Provided always, That so much of the said new Road or Street, hereby authorized to be made, as will extend from *Freeschool Street*

Street to Dockhead aforeſaid, when made, ſhall be paved by or at the Coſts and Charges of the ſaid Truſtees, and as ſoon as the ſame ſhall be ſo made and paved, ſhall be under the Cognizance and Jurisdiction of the ſaid Commiſſioners for putting into Execution the ſaid ſeveral Acts of the Sixth and Twenty-eighth Years of His preſent Majeſty, and be by them from thenceforth kept in Repair and amended from Time to Time, and at all Times thereafter, as fully and effectually, to all Intents and Purpoſes, as if the ſame had been originally comprized in the ſaid Acts.

Street to Dockhead Street, to be under the Jurisdiction of the Commiſſioners of Paving in *Southwark*, as ſoon as made and paved.

XXVII. And be it further enacted, That the Expences and Charges in and about procuring and paſſing of this Act ſhall be defrayed by the ſaid Truſtees out of the Money already raiſed or to be raiſed by virtue of the ſaid former Acts, or of this preſent Act.

Expences of Act to be fiſt paid.

XXVIII. 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 or the ſaid former Acts, or either of them, 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 Default or Want of Form in any Proceeding relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the ſpecial Damage in an Action on the Caſe.

Diſtreſſes not to be deemed unlawful for Want of Form.

XXIX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or of the before recited Acts, or any of them, until Twenty-one Days Notice ſhall be thereof given in Writing to the Clerk or Treafurer to the ſaid Truſtees, or after ſufficient Satisfaction or Tender of Amends ſhall have been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Faſt committed, for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, and every ſuch Action ſhall be brought, laid, and tried, in the Counties of *Surrey* or *Kent*, as the Caſe may require, and not in any other County or Place, and the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act and the Special Matter in Evidence, at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall happen that ſuch Action or Suit was brought before Twenty-one Days after 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 before for that Purpoſe limited, or ſhall be laid in any other County than as aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in any Action or Actions, Judgment ſhall be given for the Defendant or Defendants therein, then, and

Limitation of Actions.

If Plaintiffs be ſuited, Defendants ſhall have Treble Coſts.

in

in either of the Cafes aforefaid, fuch Defendant or Defendants fhall have Treble Cofts, and fhall have fuch Remedy for recovering the fame as any Defendant or Defendants may have for his, her, or their Cofts in any other Cafes by Law.

Publick Act. XXX. And be it further enacted by the Authority aforefaid, That this Act fhall be taken and allowed in all Courts of Juftice as a Publick Act; and all Judges, Juftices, and others, are hereby required to take Notice thereof as fuch, without the fame being fpecially pleaded.

Continuance of this and former Turnpike Act. XXXI. And be it further enacted, That the Term granted by the herein-before mentioned Act of the Thirty-first Year of the Reign of His prefent Majesty, fhall, from and after the First Day of *January* now next enfuing, ceafe and determine; and that the feveral Tolls, Duties, and annual Payments thereby, or by the faid feveral other Acts of the Twenty-fecond Year of His late Majesty King *George* the Second, or of the Seventh Year of the Reign of His prefent Majesty, or either of them, granted or made payable, and all and every the Powers, Claufes, Privileges, Directions, Authorities, Penalties, Forfeitures, Matters, and Things, in the faid feveral Acts, or any or either of them, or in this prefent Act contained, fhall, from the faid First Day of *January*. continue and be in Force, and be exercifed and executed for and during the Term of Twenty-one Years from thence next enfuing, and from thence to the End of the then next Seffion of Parliament.

The SCHEDULE referred to by this ACT.

A Timber Cottage in the Occupation of *Thomas Beale*, and the Ground on the South and West Sides of the same, in the Occupation of the said *Thomas Beale* and *Bivens*, and abutting Westward on *Free-school Street*.

A Tenement used as a Smith's Shop, in the Occupation of *David King*.

A House, Garden, and Ground thereto belonging, in the Occupation of *John Bolton*.

A Piece of Ground, abutting Eastward on the last-mentioned Premises, lately used as a Garden, but now unoccupied.

A Piece of Ground, abutting Northward on the last-mentioned Premises, and Westward on *Three Oak Lane*, used as a Passage.

Two Gardens, in the Occupations of *John Nettleton* and *John Summer*, and the Garden adjoining thereto, now unoccupied; and the Five Houses, with the Gardens thereto adjoining to the last-mentioned Premises, on the South Side thereof; in the Occupations of *Charles Seers*, *John Summers*, *Isaac Candler*, *Pascal Baillou*, and *Andrew Larkin*.

Eight Houses, or Tenements, with the Gardens thereto belonging, in the Occupations of *William Humphries*, *Mary Daniel*, *John Smith*, *John Batson*, *Abraham Healey*, *James Palmer*, *John Collett*, and *Samuel Polton*.

The Houses, with the Gardens thereto belonging, in the Occupations of *William Palmer*, *Samuel Stevens*, *Jonathan Stevens*, *John Carr*, *Thomas Hains*, *John Webb*, and *John White*.

A Piece of Ground, used as a Timber Yard, in the Occupation of *William Tubb*.

A House and Ground in the Occupation of *Richard Bye*.

The Houses, with the Sheds, Yards, and Grounds, thereto belonging or adjoining, in the Occupations of *Elizabeth Pattenson*, *John Strause*, *John Platt*, *Suen Hayardabl*, *Thomas Jolly*, and *Robert Tyler*.

The Houses, Cottages, or Tenements, Sheds, Grounds, Yards, and Gardens, in the Occupations of *Richard Walton*, *John Griffe*, *Thomas Hodgkins*, *Ralph Hawkefworth*, *Thomas Pine*, *William Gruby*, *Edward*
 [Loc. & Per.] 4 K Dear,

Dear, John Edwards, John Anderson, Thomas Laros, William Austin, James Bullock, Michael Cain, and William Raymer.

The Stables, Sheds, Buildings, Garden, and Ground, in the Occupation of *William Welstead.*

The Pieces or Parcels of Land or Ground in the Occupations of *George Watson* and *Thomas Stuckey.*

The Houfes, with the Gardens thereto belonging, in the Occupations of *Charles Smith, Edward Hutchinson, William Mumford, John King, Mary Watts, Thomas Norman, Robert Kent, Thomas Matthew, William Hewlett, John Kendall, Ann Conner, George Watson, and Christopher Cheefeman.*

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