



ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 175.

An Act to amend and render more effectual an Act of His present Majesty, for making and maintaining a Road from the Borough of *Southwark* to the *Kent Road* in the County of *Surrey*.

[15th June 1811.]

WHEREAS an Act was passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road from the Borough of Southwark to the Kent Road in the County of Surrey*, whereby certain Persons therein named and their Successors, to be elected as therein mentioned, were appointed Trustees for making and completing the said Road; and the said Trustees were thereby empowered and directed, from and after the Time when the said Road should be fully made and completed, to pay certain Interest and Dividends in manner and for the Period therein mentioned, upon all Principal Sum and Sums of Money which had been subscribed and paid, or undertaken to be paid as therein mentioned; provided that such Interest or Dividends should not be paid or payable on or for any Principal Sum or Sums of Money beyond the Amount of Forty thousand Pounds in the whole: And whereas the Sum of Fifteen Pounds *per Centum* only has been paid upon the said Sum of Forty thousand Pounds under and by virtue of the Provisions and for the Purposes of the said recited Act: And whereas the said Trustees are, in and by the said recited Act, authorized, empowered, and required to make and construct a good, sufficient, and spacious main Sewer or Drain along the whole of the said Road, for the Drainage of the said Road, and the Houses and Buildings along and to be built along the

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Side

How Sewer
shall be
constructed.

Side or Sides thereof, but no Provision is made in the said Act for ascertaining what Size and Dimensions the said main Sewer or Drain shall be: And whereas the Trustees would be better enabled to complete the said Road if the Powers vested in them by the said Act for enforcing the Payment of the Subscriptions towards the same, and also if the Powers of the said Trustees in respect of the Management of the said Trust were altered, varied, and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said main Sewer or Drain to be made and constructed under and by virtue of the Powers, Provisions, and Directions of the said recited Act shall be of the Height of Five Feet and of the Width of Three Feet Six Inches each in the Clear, and that the same shall be made and constructed with one Course of Bricks at the Foundation thereof, with an inverted semicircular Arch on the same of the Thickness of Half a Brick, and that there shall be Six Courses of Bricks, above the Top of the said inverted semicircular Arch, of the Thickness of One Brick and an Half, the Brickwork below the same to be brought up Solid from the Foundation, upright with the Outside thereof, and that the upper semicircular Arch of the said main Sewer or Drain shall be of the Thickness of one Brick.

Trustees
empowered
to construct
the Sewer of
greater
Dimensions.

II. Provided nevertheless, and be it further enacted, That in case the Commissioners of Sewers for the Limits extending from *East Moulsey* in the County of *Surrey* to *Ravensbourne* in the County of *Kent* shall be desirous that the said main Sewer or Drain shall be made and constructed of greater Dimensions or Thickness in any respect than herein-before mentioned, the said Trustees shall and they are hereby authorized and required to make and construct such main Sewer or Drain of such greater Dimensions and Thickness, so that the same shall not be more than Six Feet in Height and Four Feet in Width each in clear, and all the additional Costs, Charges, and Expences of making and constructing such greater main Sewer or Drain, or incident thereto, (having been adjusted and settled by the Surveyor to the said Trustees for the Time being and the Surveyor to the said Commissioners for the Time being, or in case they cannot agree by either of such Two Surveyors, together with a Third Surveyor to be nominated by such Two Surveyors, or in case either of such Two Surveyors shall neglect or refuse for Seven Days after being required by the other of them to join in the Nomination of such Third Surveyor, then such Third Surveyor may be nominated by the other of such Two Surveyors,) shall be paid by the said Commissioners to the Treasurer of the said Trustees; and the said Commissioners of Sewers are hereby authorized and required, at such Time or Times as they shall think proper, to pay the same out of any Monies arisen or to arise by or from any Rate or Rates made or to be made by them for the Purposes of their Commission: Provided nevertheless, that if the said Commissioners shall neglect or omit for the Space of One Calendar Month after such Sewer or Drain shall be completed to pay the Amount of such additional Costs, Charges, and Expences as shall have been so adjusted and settled as aforesaid to the Treasurer of the said Trustees, it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, forthwith to bring or cause to be brought any Action or Actions, in the Name of their Treasurer for the Time being, against the Treasurer or Expenditor

Expenditor General of the said Commissioners of Sewers for the Time being, for the Recovery of such Sum of Money as shall be so adjusted and settled as aforesaid, and thereupon to sue out Execution against the Goods and Effects of such Treasurer or Expenditor General for Recovery of the same, together with Treble Costs of Suit, as the said Trustees may be advised, in which Action or Actions no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

III. And be it further enacted, That if at any Meeting of the said Trustees there shall not be present a sufficient Number of the said Trustees to constitute a Quorum, for the Purpose of carrying into execution the said recited Act and this Act, then and in such Case, and when and so often as the same shall happen, the said Meeting shall be adjourned to any Day, not being less than Seven Days after such Day of Meeting; by the Trustee or Trustees present, or if no Trustee shall be present, by the Clerk to the said Trustees, or such other Person as shall attend in his Place.

If a Quorum of Trustees do not attend, those present, or the Clerk, may adjourn.

IV. And be it further enacted, That so much of the said recited Act as requires that, in Cases where an earlier Day of Meeting than the Day appointed by any Adjournment of the said Trustees shall be thought necessary, the Time of holding such Meeting shall not be less than Ten Days after Notice of such Meeting, to be given by the Clerk to the said Trustees, shall be and the same is hereby repealed.

Repeal of the Time for Notice of Meetings on Emergencies.

V. And be it further enacted, That in Cases where such earlier Meetings of the said Trustees shall be thought necessary it shall be sufficient, if the Time of holding such Meetings or any of them shall be Three Days after Notice of such Meetings respectively, to be given by the Clerk to the said Trustees, as directed in and by the said recited Act.

Three Days Notice of Meetings on Emergencies sufficient.

VI. And be it further enacted, That from and after the passing of this Act the several Sum and Sums of Money subscribed for carrying into execution the Undertaking authorized by the said recited Act shall be divided into Shares of One hundred Pounds each, and that the said Shares shall be and they are hereby vested in the several Persons, Bodies Politic, Corporate, or Collegiate, subscribing for the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally pay and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who have severally subscribed or shall hereafter subscribe for One or more Share or Shares, or such Sum or Sums as shall be called for and demanded by virtue of the said recited Act or this Act towards carrying on and completing the said Road by the said recited Act authorized to be made, shall be entitled to and receive the net Distribution of an equal proportionate Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Tolls and other Sums of Money to be raised, recovered, and received by the Authority of the said recited Act and this Act.

Shares to be of 100^l. each

VII. And be it further enacted, That if any Person or Persons who shall have undertaken for any Sum of Money, for the Purposes of the said recited

Time for Payment of Calls or For-

feitures if not paid for the Space of Two Months.

cited Act and this Act, or who is or are or shall hereafter become possessed of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the Money called for by the said Trustees, by virtue of the Powers of the said recited Act, at the Time and Place appointed by the said Trustees, he, she, or they so neglecting or refusing shall forfeit and pay the Sum of Ten Shillings for every Share he, she, or they shall have in the said Undertaking, in respect of which such Neglect or Default shall have been committed; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid for the Space of Two Calendar Months next after the Time so appointed for Payment thereof, then and in every such Case he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share or Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Trustees in Trust to and for the Benefit of all the rest of the Subscribers to the said Undertaking, in proportion to their respective Interests therein, or shall, at the Discretion of the said Trustees, be publicly sold for the Use of the rest of the said Subscribers, whose Shares and Interest shall not have been forfeited as aforesaid: Provided nevertheless, that no Forfeiture of any Share or Shares in the said Undertaking shall be or be deemed to be incurred, save and except Notice of such Call or Calls in Writing, signed by the Clerk to the said Trustees, shall be given to or left at the Place or Places of Abode of the Owner or Owners of such Share or Shares respectively registered with the Clerk to the said Trustees, nor until all such Share or Shares shall likewise have been declared to be forfeited at some Meeting of the said Trustees.

No Forfeiture without Notice.

On the Death of Subscribers before Shares completed, their Executors may do it, and Trustees, &c. in like Manner.

VIII. And be it further enacted, That if any Owner or Owners, Proprietor or Proprietors of any Share or Shares in the said Undertaking, shall happen to die before such Call or Calls as are in and by the said recited Act authorized shall have been made for the full Sum or Sums to be advanced, or any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise how and in what Manner such Share or Shares shall be disposed of, and how and by what Means the future Calls in respect thereof shall be paid for the Purpose of the said Undertaking, then and in such Case the Executor or Executors, Administrator or Administrators of every such Owner or Owners, Proprietor or Proprietors, so dying, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Lunatic or Lunatics, or of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects, of any such deceased Owner or Owners, Proprietor or Proprietors, shall be indemnified against all and every Person or Persons whomsoever for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner or Owners, Proprietor or Proprietors, shall not have left Effects sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, any other Person or Persons shall and may be admitted to be Owner or Owners, Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, Proprietor or Proprietors, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, Proprietor or Proprietors, or to the Trustee or Trustees, Committee or Committees, Guardian

Guardian or Guardians, or to any other Person or Persons who may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners, Proprietor or Proprietors, in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise, upon such Share or Shares or such other Sum or Sums of Money as the same can be sold for; and in case no Person or Persons shall be found who is or are willing to be admitted upon such Condition as aforesaid, then and in every such Case such Share or Shares shall be forfeited to and become vested in the said Trustees, in Trust for and for the equal Benefit of all the rest of the said Subscribers to the said Undertaking, in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of as other forfeited Shares may be sold and disposed of by virtue of this Act.

IX. And be it further enacted, That the several Subscribers to the said Undertaking shall and they are hereby required, within One Calendar Month after Notice shall have been given by the Clerk to the said Trustees for that Purpose (which Notice shall be given in at least Two Newspapers circulating in the said County of *Surrey*), to register their respective Share or Shares in the said Undertaking, together with their Names and proper Additions, with the said Clerk; and the said Clerk is hereby required fairly and distinctly to enter the Names and proper Additions of the several Persons who are or shall become entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, in a Book or Books to be kept by the said Clerk for that Purpose; and the said Trustees shall cause a Certificate or Instrument for each and every Share in the said Undertaking, signed by the said Clerk, to be delivered to every Proprietor, every such Proprietor paying to the said Clerk Two Shillings and Sixpence, and no more, for every such Certificate or Instrument; and such Certificate or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his, her, or their Executors, Administrators, and Assigns, to the Share therein specified, but the Want of such Certificate or Instrument shall not hinder or prevent the Owner or Proprietor of any of the said Shares from selling or disposing thereof; and in case any such Certificate or Instrument shall become defaced, worn out, or damaged, or shall have been lost or destroyed, then and in every such Case another shall be made out and entered by the said Clerk on the same Terms and Conditions as aforesaid: Provided always nevertheless, that any Certificate or Instrument which may have been issued by the said Clerk on any Share or Shares in the said Undertaking, previous to the passing of this Act, by virtue of any Order or Direction of the said Trustees, shall be as good, valid, and effectual to all Intents and Purposes as if the same had been issued by virtue and in pursuance of this Act.

Names of Proprietors and Numbers of their Shares to be entered in a Book, and Certificate, with the Numbers, delivered to them.

X. And whereas, in Cases where the original Subscriber or Subscribers for One or more Share or Shares in the said Undertaking shall die, become Insolvent or Bankrupt, or go out of the Kingdom, or shall transfer his, her, or their Right and Interest to some other Person or Persons, and no Register shall have been made of the Transfer thereof with the said Clerk, as in and by the said recited Act directed, it may not be in the Power of the said Trustees, or their Treasurer or Clerk, to know who is or are the Owner or Owners, Proprietor or Proprietors of such Share or Shares, in

For ascertaining the Proprietorship of Shares in certain Cases.

order to give him, her, or them Notice or Notices of Calls made on such Share or Shares, as is in the said recited Act and hereby required, and to maintain any Action or Actions against him, her, or them for the Recovery of the same, or for the Purpose of safely paying to him, her, or them the Interest or Dividends to which he, she, or they may be entitled by virtue thereof; be it further enacted, That in all Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons by any other legal Means than by a Transfer or Conveyance thereof, as by the said recited Act directed, an Affidavit shall be made and sworn by Two credible Persons before One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk to the said Trustees, to the Intent that he may and he is hereby required to enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of Shares in the said Undertaking, to be kept in the Office of the said Clerk; and that in all or any of the said Cases it shall be lawful for the said Trustees, at any Meeting to be held in pursuance of the said recited Act or this Act, after One Calendar Month's Notice shall have been given by the said Clerk to the Owner or Owners, or Person or Persons claiming by such Affidavit to be the Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Three Times, at the Intervals of Fourteen Days between each Advertisement, in some Two *London* Newspapers usually circulating in the said County of *Surrey*, to declare the same Share or Shares to be forfeited, and in such Case the same shall be and become forfeited, and sold and disposed of as the said Trustees shall direct, or otherwise become consolidated in the general Fund of the said Undertaking.

Treasurer to the Trustees may act as a Trustee, unless he is allowed a Salary.

XI. And be it further enacted, That the Office of Treasurer to the said Trustees shall not be deemed to be a Place of Profit under the said recited Act and this Act, save and except a yearly or other Salary, or specific Remuneration or Remuneration, shall be allowed to the said Treasurer for his Services, any thing in the said recited Act contained to the contrary thereof in anywise notwithstanding; and such Treasurer, except as aforesaid, may act as a Trustee in the Execution of the said recited Act and this Act; and all Orders, Proceedings, Matters, and Things made, done, or executed at any Meeting or Meetings of the said Trustees previous to the passing of this Act, at which Meeting or Meetings the Treasurer to the said Trustees shall have been present and acted as a Trustee in the Execution of the said recited Act, shall be good, valid, and effectual to all Intents and Purposes; and the said Treasurer is hereby indemnified and protected from all and every Action and Actions which may be commenced or prosecuted against him for any thing done in execution of the said recited Act.

Trustees may make Bye Laws.

XII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, assembled at any of their Meetings under the said recited Act or this Act, to make such Rules, Bye Laws, and Orders for the good Government of the said Trust, and of the Servants, Agents, and Workmen of the said Trustees, and for the whole, complete, and total Superintendence and Management of the said Undertaking, and from
Time

Time to Time to alter and repeal the said Bye Laws, Rules, Orders, and Regulations, or any of them, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons who shall offend against such Rules, Bye Laws, or Orders, as to the said Trustees so assembled as aforesaid shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; and all Rules, Bye Laws, and Orders, being entered upon the Minutes of the Proceedings of the said Trustees, and being reduced into Writing, and signed by the said Trustees, or any Five or more of them, so assembled as aforesaid, shall be printed, and shall thereupon bind and be observed by all Persons concerned in the said Undertaking, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that the same be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to the Provisions and Directions in the said recited Act or this Act contained, or to any of them; and such Rules, Bye Laws, and Orders shall be subject to Appeal to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden for the said County of *Surrey*, in manner by the said recited Act directed.

XIII. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Trustees, in order to defray the Expences of their Meetings in execution of the said recited Act and this Act, from Time to Time to receive out of the capital Stock of the said Undertaking such Sum and Sums of Money as shall be reasonable and necessary for that Purpose, not exceeding in the whole the Sum of One Guinea at each Meeting.

Expences of the Trustees how to be defrayed.

XIV. And be it further enacted, That so much of the said recited Act as enacts that the said Trustees shall complete the said Road within Three Years from the passing of the said Act shall be and the same is hereby repealed.

Repeal of the Time for making the Road.

XV. And be it further enacted, That it shall be lawful for the said Trustees to make and complete the said Road, under the Powers of the said recited Act, within Two Years from the passing of this Act.

The Road to be completed in Two Years from

XVI. And be it further enacted, That the said recited Act and this Act shall, as to all Matters and Things whatsoever, except so far as the same are not expressly altered or repealed by this Act, be construed as One Act.

the Act of the 49 G. 3. and this Act to be construed as One Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

