



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 112.

An Act for lighting and watching the Road leading from *Newington Butts* to the *Nag's Head*, on the *Wandsworth Road*, and several other Roads and Places communicating therewith, situate in the Parishes of *Saint Mary Lambeth*, *Clapham*, and *Battersea*, in the County of *Surrey*.

[20th May 1812.]

WHEREAS the great *Portsmouth Road* leading from *Widow Beard's House* immediately adjoining the Village of *Newington Butts*, within the Parish of *Lambeth* in the County of *Surrey*, and continuing along *Kennington Lanes* through *Vauxhall*, and to the Public House now called the *Nag's Head*, on the *Wandsworth Road*, including the collateral Roads, Streets, Lanes, and Places branching therefrom, and leading thereto, situate and being within the several Parishes of *Saint Mary Lambeth*, *Clapham*, and *Battersea*, are well inhabited, and are daily increasing in Houses and Inhabitants: And whereas the said Roads and several of the said Streets, Lanes, and Places are not either properly lighted or watched: And whereas if the same were properly lighted and watched, it would be of great Benefit and Advantage to the said Inhabitants thereof, as well as to all Persons travelling through or along the same: And whereas the Inhabitants and Owners of Houses on or near the Sides of the said several Roads herein-before mentioned and herein-after described, are willing and desirous that a Rate should be raised upon themselves for the several Purposes aforesaid; but as the same cannot be done without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Knights of the Shire for

[Loc. & Per.] Trustees.
the

the County of Surrey, for the Time being, *James Anderson, Sir Charles Blicke, Charles Fassett Burnett, John Fassett Burnett, Benjamin Bond, Edward Batten, George Benson, Henry Buckley, John Hanbury Beaufoy, Henry Beaufoy, George Rogers Barrett, John Balfour, John Bridges, E. H. Bockett, Thomas Courtney, Miller Christie, Henry Chapman, Robert Cottle, Thomas Crefer, James Crundall, Benjamin Corp, Richard Cannon, James Compant, Horatio Clagett, Thomas Crokot, John Benjamin Clarke, John Daniel, James Dyer, Samuel Fossick, Charles Francis, John Gretton, William Waller Gretton, John Gray, Benjamin Gompartz, William Houlston, William Hollingsworth, Samuel Hale, Michael Hind, David Hewitt, John Harris, Thomas Husband, Thomas James, Richard Jackson, Patrick King, Jordan Kempster, John Kempster, John Keyte, James Keirnan, John Thomas Larkin, Edward Ledger, Joseph Lucas, Benjamin Lewis, Thomas Loat, Robert Lloyd, Edward H. Lee, Lieutenant General Colin Mackenzie, George Moss, George Moxon, William Young Ottley, Joseph Prestwich, Leonard Phillips, George Pepler, Thomas Powell, William Randall, John Revans, Josias Henry Stracey, Edward Smith, Hugh Stanger, Joseph Salmon, Solomon Salomonson, James Stonehouse, Samuel Southall, Joseph Shee, Samuel Tompkins, Francis Thompson, Thomas Terry, Thomas Taylor, the Reverend Doctor Vyse Rector of the Parish of St. Mary Lambeth, Lawrence Williams, William Watson, John Wisker, Lewis Wolfe, and William Woolcott, shall be and they are hereby appointed Trustees for putting this Act into Execution.*

Filling up
Vacancies.

II. And be it further enacted, That when any of the said Trustees herein named, or hereafter to be named, shall be reduced to the Number of Twenty-one, by Death, Removal, or Refusal to act, or by removing out of the Limits of this Act, or otherwise by becoming disqualified to act, that then, and in any of the Cases aforesaid, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, at any of their Meetings, to elect and appoint other fit Persons residing within the Limits of this Act, to be Trustees in the Stead of such Trustees so deceased, resigning, or refusing to act, or removing or becoming anywise disqualified as aforesaid; and every such Person so from Time to Time elected and appointed shall be joined with the surviving or remaining Trustees, and is hereby empowered to act in the Execution of this Act to all Intents and Purposes in as full and ample Manner as if such Person had been particularly named and appointed in and by this Act: Provided always, that no such Vacancy shall be so filled up without the Trustees being summoned by the Clerk for that express Purpose at least Five Days previous to any Election, in which Summons the Names of the Person or Persons proposed to be chosen a Trustee or Trustees shall be inserted.

Qualification
of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein, he shall be an Inhabitant within the Limits of this Act, and shall be seised in his own Right, or in Right of his Wife, and in the actual Possession or Receipt of the Rents and Profits of a Real Estate in Law or Equity of the clear yearly Value of Twenty Pounds, or Leasehold of the Value of Fifty Pounds *per Annum* above Reprizes, within the Limits of this Act, or unless such Person shall rent or occupy Tenements or Hereditaments adjoining to any of the Roads or Places herein-after described, of the yearly Value of

Forty

Forty Pounds; and if any Person or Persons hereby made incapable to act shall presume to act in the Trusts aforesaid, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*; and every Person so prosecuted, or against whom such Action shall be brought, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof given on the Part of the Plaintiff or Plaintiffs in such Action, than that such Person hath acted as a Trustee in the Execution of this Act; and the Money to be received in such Action shall, after Payment of the Costs and Expences attending such Action, be applied to the Purposes of this Act.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned to the Two first Trustees who shall tender themselves to take the same; which Oath or Affirmation the said Trustees, or any Two of them, are hereby empowered to administer at their first or subsequent Meeting to be held in pursuance of this Act) unless he shall have taken and subscribed such Oath, or being a Quaker, his solemn Affirmation to the Effect following:

‘ I *A. B.* do swear, or solemnly affirm, [*as the Case may be*] That I am a Householder in the Parish of _____, and qualified as aforesaid, and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform the Powers and Authorities reposed in me as a Trustee under an Act made in the Fifty-second Year of the Reign of His present Majesty, intituled [*here set forth the Title of this Act*]. ‘ So help me GOD.’

V. And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and empowered to meet at the *Cumberland Tavern, Vauxhall*, on the Second *Monday* next after the passing of this Act, and shall proceed to the Execution of this Act; and shall thence, and from Time to Time afterwards, adjourn themselves, and meet there, or at such other Place or Places within the said Districts, as the said Trustees, or any Five or more of them, shall think most convenient, as often as it shall be necessary, for putting this Act into Execution.

VI. Provided always, and be it further enacted, That if it shall at any Time appear to the said Trustees, or any Five or more of them, proper and expedient that a Meeting of the Trustees should be held at an earlier Time than the Meeting shall then stand adjourned to, it shall be lawful for the said Trustees, or any Three or more of them, to summon a Meeting of the Trustees, to be held at some convenient Time and Place within the said District, causing Three Days Notice thereof in Writing to be left at the respective Dwelling Houses of each Trustee; and all such Meetings shall be deemed good and valid, any Thing herein contained to the contrary notwithstanding: Provided always, that Two Trustees shall be sufficient to meet for the Purpose of Adjournment only; and in case it shall at any Time happen that no Adjournment of the Trustees shall be made according to the Directions of this Act, that then, and in every such Case, as often as it shall so happen, it shall and may be lawful for the said Trustees, or any Five or more of them, to meet

at any House or Place within the said District (Ten Days Notice in Writing being first affixed upon the Church Doors of the several Parishes, appointing the Time and Place of such Meeting); and the said Trustees, or any Five or more of them, shall and they are hereby authorized and empowered to meet pursuant to the Notice, and shall proceed in the Execution of this Act, and afterwards from Time to Time adjourn to such Time and Place as they shall think fit.

A Chairman
to be chosen.

VII. And be it further enacted, That the Trustees present at every Meeting, shall before they proceed to any other Business, elect one of the Trustees then present, to be Chairman of such Meeting, and if at any Meeting there shall arise a Difference of Opinion, the Question shall be decided by the Majority of Votes of the Trustees then present; and if upon any Question there shall be an Equality of Votes (including the Chairman's Vote), then the Chairman present shall have the casting and deciding Vote.

Chairman to
have the
casting Vote
in case of
Equality.

VIII. And be it further enacted, That in all Cases where the said Trustees, or any Five or more of them, are empowered to do any Act whatsoever by virtue of this Act, other than and except the weekly Meetings for the Purposes aforesaid, the same shall be done at some public Meeting of the said Trustees to be held in pursuance of this Act, and not otherwise; and whenever it shall happen at any such Meeting that there shall be an Equality of Votes of the said Trustees then present, the Chairman in every such Case shall have the casting Vote.

Trustee being
a Justice of
the Peace to
act as such.

IX. And be it further enacted, That it shall and may be lawful for any Trustee appointed, or to be appointed, to put this Act in Execution, who is or shall be in the Commission of the Peace for the County of *Surrey*, to act as a Justice of the Peace within his Jurisdiction for putting in Execution the several Powers and Authorities granted by this Act, and notwithstanding his being a Trustee.

Trustees not
to act where
interested.

X. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during such Time as he shall hold any Office or Place of Profit under the said Trustees, or during such Time as he shall have any Share or Interest in any Contract or Work to be performed or done under any of the Powers of this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested, (except as a Creditor on the Rates or Assessments herein directed to be made, levied and collected) upon Pain of forfeiting for every such Offence any Sum not exceeding Fifty Pounds, to be recovered by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparance shall be granted or allowed.

District to be
lighted and
watched.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and empowered to cause the several Roads, Streets, Squares, Lanes, Yards, Alleys, Passages, and Places within the said Districts, and likewise the several Places herein-after mentioned and described, to be properly lighted and watched; (that is to say), that Part of the main Road leading from the Village of *Newington Butts* at the End of *Lower Kennington Lane*, commencing at the Houle

now

now in the Occupation of Widow *Beard*, and continuing through *Upper* and *Lower Kennington Lane, Vauxhall, the Wandsworth Road*, and to the Public House, called the *Nag's Head* thereon; also from *Vauxhall* Turnpike to *New Street*, in *Princes Street*, also from *Vauxhall* Turnpike through *South Lambeth*, and to meet the *Clapham* Trust nearly opposite the *Swan* at *Stockwell*; also from a House now in the Possession or Occupation of *Samuel Bickerton* in *Belmont Row, Wandsworth Road*, along the *Nine Elms Road*, and to and including a House now or late in the Occupation of *Fall* in *Battersea Fields*, in the several Parishes of *Saint Mary Lambeth, Clapham, and Battersea*; and also the other collateral Roads branching therefrom, or being within the Distance of Five hundred Yards from the Sides of any of the said Roads or collateral Branches in this Act described, whereon there now are or hereafter may be any Houses or Buildings erected or built, being in the said Parishes of *Saint Mary Lambeth, Clapham, and Battersea*.

XII. And be it further enacted, That the said Trustees shall be at Liberty, and they are hereby empowered either to extend their Line of Road, or any of the collateral Branches therefrom, on Application of Two-thirds of the rateable Inhabitants, signified in Writing under their Hands, and expressing their Readiness to bear and pay the Expences thereof: Provided nevertheless, that the said Trustees shall not be compelled to extend the said Line, and light and watch the same, unless it shall appear to them expedient so to do; and provided that the said Trustees shall not extend their said Line more than Two Miles.

XIII. And be it further enacted, That the said Trustees shall cause all their Proceedings relating to the Execution of this Act, from Time to Time, to be entered in a Book to be kept by them for that Purpose; and they are hereby empowered, at any Meeting at which not less than Five Trustees shall be present, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Rates herein-after mentioned, and also such other Officers and Persons for the Execution of this Act as they the said Trustees shall think proper, and from Time to Time to remove such Officers and Persons respectively as they the said Trustees shall see Occasion; and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and the said Trustees shall, and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office, as they shall think proper; and all such Officers so appointed shall, under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such other Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall every Six Months, or at the First Meeting of the said Trustees then next following (al-

Proceedings to be entered. Trustees to appoint Officers and remove them, and allow them Salaries.

Trustees to take Security from the Treasurer, &c.

though not thereunto required by the said Trustees) lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them; and all the said Officers so accounting as aforesaid, shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the said County wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may, and he is hereby authorized and required to issue a Summons under his Hand for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may, and he is hereby authorized and required upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer, and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case, such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid the said Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), or until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees, and for Want of sufficient Distress, shall be confined or detained in Prison by virtue of this Act, for any Space of Time not exceeding Three Calendar Months: Provided always, that no Salary or Allowance whatsoever shall be made to any Treasurer or Treasurers upon any Account or Pretence whatsoever; and that no

Viſtaller or Retailer of Ale, Beer, or Spirituous Liquors, ſhall be capable of holding the Place of Clerk, or any Place of Office under this Act.

XIV. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Trustees againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may be brought in the Name of their Treafurer or Clerk, and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought; but no ſuch Treafurer or Clerk ſhall be ſubject to the Payment of any Coſts or Expences on account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Actions to be brought in the Name of Treafurer, &c.

XV. And be it further enacted, That the ſaid Trustees ſhall at any of their Meetings to be held in purſuance of this Act, ſettle and aſcertain the ſeveral Sum or Sums of Money reſpectively neceſſary to be raiſed for lighting and watching the Roads and the ſeveral other Places in this Act mentioned, and ſhall, and they are hereby required to make and ſign one or more Rate or Aſſeſſment, Rates or Aſſeſſments, not exceeding the Amount of the reſpective Sums ſo ſettled and aſcertained upon all and every the Perſon or Perſons who do and ſhall inhabit, hold, occupy, poſſeſs, or enjoy any Houſe, Shop, Warehouse, or other Building, Tenements or Hereditaments and Gardens along or adjoining to any of the Roads or collateral Branches that ſhall be ſo lighted and watched, ſo as ſuch Houſe, Shop, Warehouse, or other Building ſhall not be at a greater Diſtance from the ſaid Roads and collateral Branches than One hundred Yards: Provided always, that no Rate or Aſſeſſment directed to be made as aforeſaid, ſhall exceed in the whole the Sum of One Shilling in the Pound in any one Year of the yearly Rent of ſuch Houſes, Shops, Warehouses, or other Buildings or Gardens as aforeſaid, as ſhall be of the yearly Rent of Fifteen Pounds, and not amounting to Twenty-five Pounds, nor exceed the Sum of One Shilling and Eight-pence in the Pound in any one Year of the yearly Rent of ſuch Houſes, Shops, Warehouses or other Buildings, or Gardens, as aforeſaid, as ſhall be of the yearly Rent of Twenty-five Pounds, and not amounting to Thirty-five Pounds, nor exceed the Sum of Two Shillings in the Pound in any one Year of the yearly Rent of ſuch Houſes, Shops, Warehouses or other Buildings, or Gardens as aforeſaid, as ſhall be of the yearly Rent of Thirty-five Pounds and upwards: Provided alſo, that all Perſons who do or ſhall occupy Tenements under the yearly Sum of Fifteen Pounds improved Rent, ſhall be freed and exempted from the Payment of the ſaid Rates or any Part thereof, any Thing contained in this Act to the contrary notwithstanding.

Trustee to aſcertain Rates neceſſary to be made for the ſeveral Purpoſes of this Act.

Rates.

XVI. And be it further enacted, That if the ſaid Trustees ſhall, at any Time or Times, neglect or omit to rate or aſſeſs any Perſon or Perſons liable to pay, or to be charged with any Rate or Aſſeſſment to be made by virtue of this Act, or ſhall in any ſuch Rate or Aſſeſſment overrate or underrate any Perſon or Perſons liable to pay any ſuch Rate or Aſſeſſment, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Trustees to rate and aſſeſs in the ſaid Rate or Aſſeſſment, ſuch Perſon or Perſons ſo omitted to be rated and aſſeſſed, and to leſſen or raiſe the Rate or Rates, Aſſeſſment or Aſſeſſments, of ſuch Perſon or Perſons

Power for Trustees to amend Rates, if improper, &c.

sons so overrated or underrated, or otherwise to alter or amend such Rate or Assessment as aforesaid, so as to make the same conformable to the true Intent and Meaning of this Act; and it shall and may be lawful to and for the said Trustees, and they are hereby empowered to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed to be made, and that all such Additions to, or Alterations, or Amendments in such Rates or Assessments shall be as valid and effectual as if the same had been Part of the Rates or Assessments originally made.

Trustees to
appoint Col-
lectors, &c.

XVII. And be it further enacted, That such Person or Persons as the said Trustees, or any Five or more of them, shall by Writing under their Hands and Seals appoint for that Purpose, shall be and they are hereby appointed Collector or Collectors of the said Rates or Assessments, and the said Collector or Collectors is and are hereby authorized, impowered, and required to collect and levy the same accordingly, and for the better enabling such Collector or Collectors to collect and levy the said Rates and Assessments it shall and may be lawful to and for the said Collector or Collectors to execute all such Warrants of Distress as shall be granted, from Time to Time, by any Justice of the Peace in the said County of *Surrey*, against any Person or Persons who ought to pay the said Rates or Assessments, who shall neglect or refuse to pay the same, in the same Manner, and as effectual to all Intents and Purposes as Overseers of the Poor by any Law or Laws now in being, can or may execute Warrants of Distress granted by Justices of the Peace.

Collectors to
render Ac-
counts.

XVIII. And be it further enacted, That the said Collector or Collectors, and each of them, shall, and he and they is and are hereby required to make up, and render, upon Oath, to the said Trustees, or any Five or more of them, at some Public Meeting to be held in pursuance of this Act, as often as thereunto required by the said Trustees, or any Five or more of them, a full, true and perfect Account in Writing of all Monies collected and received by him or them by virtue of this Act, and of all Monies rated or assessed, and not received, and to pay over the Monies so by him or them collected and received, and remaining in his or their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, present at any such public Meetings, shall by Writing under their Hands appoint to receive the same, to be applied to the several Purposes of this Act, according to the true Intent and Meaning thereof; and if the said Collector or Collectors shall refuse or neglect to give in a just Account, in his or their Hands in Manner aforesaid, he and they shall be subject to such and the like Punishment as the Overseers of the Poor are for Offences of the like Sort subject and liable to.

In case of
Refusal to
pay Rates,
to levy.

XIX. And be it further enacted, That in case any Person or Persons so rated or assessed, or charged or chargeable and made liable as aforesaid, shall refuse or neglect to pay any such Rates or Assessments to the Collector or Collectors for the Space of Ten Days after personal Demand thereof made, or Demand in Writing, left at the last or usual Place of Abode of such Person or Persons, it shall and may be lawful to and for any One or more Justice or Justices of the Peace acting for the said County of *Surrey*, upon the Oath of One or more
credible

credible Witness or Witnesses, (all which Oaths he and they is and are hereby empowered and required to administer without Fee or Reward, of such Demand and Non-payment by Warrant under his or their Hand and Seal, or Hands and Seals, all which Warrants he and they is and are hereby empowered and required to grant) to authorize and direct the said Collector or Collectors to levy such Rate or Money so in Arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice or Justices by Distress and Sale of the Goods and Chattels of every such Person and Persons so in Arrear, and neglecting or refusing to pay as aforesaid, rendering the Overplus (if any be) to the Owner or Owners of such Goods and Chattels on Demand.

XX. And for the more effectual levying the Money rated and assessed for the several Purposes of this Act; be it further enacted, That the Goods and Chattels of any Person rated or assessed as aforesaid, and neglecting or refusing to pay the same, shall and may be distrained in Manner aforesaid, not only within the Limits of this Act, but in any other Place in the County of *Surrey*; and if sufficient Distress cannot be found within the same County, then upon Oath thereof made before any One or more Justice or Justices of the Peace for the said County of *Surrey*, which Oath shall be certified under the Hand of the said Justice or Justices in the Warrant made for such Distress, the Goods and Chattels of the Person so refusing or neglecting to pay, shall be subject and liable in such other County, City, Liberty, or Place where the same shall be found, and by virtue of such Warrant and Certificate, the same being first backed or indorsed by One or more Justice or Justices of the said other County, City, Liberty, or Place, be distrained and sold in the same Manner as if the same had been found within the Limits of this Act.

Levy to be made in any County.

XXI. And be it further enacted, That in case any Person or Persons shall remove out of, or from, or quit the Possession of any House, Building, Land, Tenement, or Hereditaments before the Rate or Rates of Assessment or Assessments charged thereon respectively by virtue of this Act shall be paid and discharged, or if any Person or Persons shall enter into the Occupation of any House, Building, Tenement, or Hereditament out of or from which any Person or Persons shall have so removed before such Rate or Rates of Assessment or Assessments shall have been paid and discharged, then and in every such Case the Person or Persons so removing out of, or from, or quitting possession of, and the Person or Persons entering into the Occupation of any such House, Building, Tenement, or Hereditament, shall be respectively subject and liable to the Payment of all such Rates or Assessments in Proportion to the Time that such Person or Persons respectively possessed or occupied the same respectively, in the same Manner as if the Person or Persons so removing or quitting as aforesaid, had remained in the Possession and Occupation of such House, Building, Tenement, or Hereditament, or the Person or Persons so entering into the Occupation thereof had been originally rated and assessed in such Rates or Assessments, which Proportion shall, in case of Dispute, be settled by any Two Justices of the Peace for the County of *Surrey*, whose Determination shall be final.

Persons removing, and others succeeding them.

Trustees at
Liberty to
compound.

XXII. Provided always, 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, from Time to Time as they shall judge fit and necessary, at any of their Meetings to be held in pursuance of this Act, to compound with, or in part or wholly to remit to any Person or Persons so rated or assessed as aforesaid, and who shall or may at any Time hereafter be exempted from or excused the Payment of the Church and Poores Rates, or either of them, within the Limits of this Act, or to any Person or Persons occupying Houses, Shops, Warehouses, or other Buildings, or Gardens (not being Gardeners' Grounds) adjoining to any Part of the said Roads and Places, all such Sum or Sums of Money which he or they shall be so rated or assessed as aforesaid.

In case of
Embezzle-
ment by Col-
lector how
Money to be
raised.

XXIII. And be it further enacted, That in case any Collector of the said Rates and Assessments shall embezzle, detain, or misapply any Sum or Sums of Money which shall be so collected by him, so that the same cannot be recovered from him, or shall be possessed of any Sum or Sums of Money by him collected by virtue of this Act, and which shall not be paid and recovered from his Executors or Administrators for the Space of Forty Days after his Death, then and in every such Case, all such Sums of Money shall be raised by a new Rate or Assessment to be made for that Purpose, on the Inhabitants of the said Districts and other Places within the Limits of this Act, and shall be collected and levied in such Manner and under such Penalties as are herein-after provided for the collecting and levying the Rates and Assessments which shall be made in pursuance of this Act.

Trustees to
light and
watch as to
them shall
seem proper.

XXIV. And be it further enacted, That the said Trustees, or any Five or more of them, may, and are hereby empowered from Time to Time to cause the said Roads and the said Places herein-before described, or any Part thereof, to be lighted and watched for such Times and Time, and in such Manner, and by such Ways and Means as they, or any Five or more of them, shall judge proper and convenient; and shall and may also appoint such Number of able-bodied Men to be armed and clothed in such Manner as the said Trustees, or any Five or more of them, shall direct to be employed as Watchmen for the Safety of the Inhabitants residing within the Limits of this Act; and all such Watchmen shall attend from Time to Time, and at such Times and Places, and perform such Duty as the said Trustees, or any Five or more of them, shall order, direct, and appoint, and may cause to be erected Watch-Boxes at such Places as they shall judge necessary, subject as herein-after mentioned; and the said Trustees, or any Five or more of them, may also appoint One or more proper Person or Persons to be Superintendants of such Watchmen; which Persons so to be appointed Superintendants shall be and are hereby empowered to act as Constables for the Purpose of carrying this Act into Execution; and the said Trustees, or any Five or more of them, may remove any or all such Watchmen and Superintendants from Time to Time as they shall see Cause, and appoint others in the Room of such of them as shall be so removed; and in case any Watchman or Superintendant shall be found to misbehave in or to neglect his Duty, the Person or Persons so offending shall forfeit and pay a Sum not exceeding Forty Shillings, at the Discretion of the said Trustees, or any Five or more of them, to be levied, recovered, and applied as herein-

after

after directed; and the said Trustees, or any Five or more of them, shall and may apply so much of the said Rates or Assessments, or of the Money to be borrowed or raised on the Credit thereof, as shall be necessary for the Purposes aforesaid.

XXV. And be it further enacted, That for the better regulating the said Nightly Watch, the said Trustees at all their annual Meetings may elect and chuse a Committee from among themselves of Sixteen Trustees, to serve for the following Year as a Committee, to meet at some convenient Place in the Districts weekly; and any Five or more of them, at any weekly Meeting shall and may, as they shall see Cause, remove, discharge, or suspend any of the Watchmen to be appointed and employed by virtue of this Act, and shall and may, at any such weekly Meetings, appoint others in the Room of such of them as shall be so removed or suspended.

Trustees to
appoint a
Committee.

XXVI. And be it further enacted, That if any Victualler, Publican, or other Person selling or dealing in Spirituous or other Liquors, shall entertain or harbour in his, her, or their House, or Habitation, or Shop, any Watchman to be appointed under this Act, or any Superintendants acting or being employed under the Powers of this Act, during any of the Hours or Times appointed for such Watchmen or Superintendant to be on Duty by virtue or in pursuance of this Act, then every such Victualler, Publican, or other Person shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Publicans
harbouring
Watchmen,
&c.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may distinguish themselves by their Vigilance and Courage in the Apprehension of Offenders, or be disabled or wounded in the Execution of their Office, as they the said Trustees shall think reasonable.

Power to re-
ward Watch-
men disabled.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to pay and allow to all and every such Watchman or Watchmen, who shall attend with any Offender or Offenders before any Justice or Justices, or Magistrate or Magistrates, any reasonable Sum or Sums of Money, as a Recompence for his or their Loss of Time and Trouble.

Allowance
for Attend-
ance on Jus-
tices.

XXIX. And be it further enacted, That the present and future Lamps, Lamp-Irons, Lamp-Posts, Watch-Boxes and other Houses, Buildings and Erections, which shall be built, repaired or fixed up by virtue of this Act, and all Materials and other Things which shall be purchased or provided for the Purposes of this Act shall belong to, and be the Property of the said Trustees, and the same is hereby vested in the said Trustees for the Time being, and the said Trustees shall have full Power and Authority from Time to Time, to sell and dispose of or apply all or any of the said Articles or Things, or any Part or Parts thereof to and for any of the Purposes of this Act; and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or to prefer or order and direct the preferring of Bills of Indictment against any Person or Persons who shall steal, take or carry away any or any Part of the said several Articles or Things hereby vested in them as aforesaid; and if any Person or Persons shall wilfully or maliciously
break

Lamps,
Watch-
Boxes, and
Houses, &c.
vested in
Trustees.

break up, injure, destroy, or otherwise damage or spoil any of the said Articles or Things, or any of the Works done in pursuance of this Act, or any Part or Parts thereof, every Person so offending therein, and being thereof convicted upon the Oath of One or more Witnesses or Witnessess, before any Justice or Justices of the Peace for the said County (which Oath such Justice or Justices is or are hereby empowered to administer), shall forfeit and pay any Sum not exceeding Five Pounds; or the said Trustees shall have Power and Authority, if they think proper, to cause any Action or Actions to be brought, or Bill or Bills of Indictment to be preferred (as the Case may require), against any Person or Persons who shall steal, take or carry away, detain, spoil, injure, or destroy the several Articles or Things hereby vested in the said Trustees or any of them, or any Part or Parts thereof; and in all such Actions or Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees under this Act for the lighting and watching the said Line of Road and Branches thereof, without particularly mentioning or specifying the Name or Names of all or any of such Trustees.

Trustees to provide Lamps, and Penalty on damaging the same.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered from Time to Time to cause Lamp-Irons or Lamp Posts to be put up, fixed into, upon, or against the Ground adjoining to, or the Walls or Palisadoes of any of the Houses, Tenements, or Buildings already built or hereafter to be built within the said District or Line of Roads, Streets, and Places, as they the said Trustees shall from Time to Time think proper and convenient, but subject as herein-after mentioned; and also to cause such Number of Lamps of such Sizes and Sorts to be provided and fixed or put upon such Lamp-Posts, and to cause the same, when so provided and fixed, to be altered, taken down, or removed as they shall from Time to Time think proper for well and effectually lighting the said Districts, Roads, Streets, and Places, and to cause such Lamps to be lighted at such Time or Times, and to be kept lighted during the Whole or such Part of the Night as they the said Trustees shall think proper; and if any Person or Persons shall wilfully take away, break, throw down, or otherwise damage any of the Lamps which now are or shall be erected by or by Order of the said Trustees, or any of the Posts, Irons, or Furniture thereof, or shall wilfully extinguish the Light or Lights of any of the said Lamps, it shall be lawful for any Justice of the Peace for the said County of Surrey, and he is hereby required, upon Complaint of any One or more of the said Trustees, or of their Clerk or Clerks, Treasurer or Treasurers, and on the Oath of One or more credible Witnesses or Witnessess of any such Offence, to issue a Warrant for apprehending the Party accused, or it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer in order to be secured and conveyed before some Justice of the Peace for the said County; and the Party accused being brought before any such Justice, shall proceed to examine, upon Oath, any Witness or Witnessess who shall appear or be pro-

pro-

produced to give Information touching such Offence, which Oath such Justice is hereby empowered to administer; and if the Party accused shall be convicted of such Offence, either by his, her, or their own Confession, or upon Information and Oath as aforesaid, he, she, or they so convicted shall for every Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and full Satisfaction (to be ascertained by such Justice) shall be made to the said Trustees, or to their said Treasurer or Treasurers, Clerk or Clerks, by such Offender or Offenders for the Damages so by him, her, or them done; and in case such Offender or Offenders shall not upon Conviction pay the Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be so convicted is hereby required to commit him, her, or them to the Common Gaol or House of Correction for the said County, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Half of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Half as herein-after directed; and if any Person or Persons shall negligently or accidentally break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not upon Demand made by the said Trustees, or by their Treasurer or Treasurers, Clerk or Clerks, make Satisfaction to them, or to One of them, for the Damages by such Person done, it shall be lawful for any Justice of the Peace for the said County, and he is hereby required, upon Complaint thereof made by any One of the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, to summon the Party complained of, and upon his, her, or their appearing or making Default to appear, upon Oath being made, that the Party complained of was served with such Summons, or that the same was left at his, her, or their Dwelling House or Place of Abode, if known, or that he, she, or they could not be found, such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by the Confession of the Party complained of, or by the Oath of One or more credible Witnesses or Witnesses, shall award and order such Satisfaction to be made by the Party complained of, for the Damage so by him, her, or them done, as to such Justice shall appear just and reasonable, shall cause the Sum so awarded in case the same be not paid forthwith, upon the making of such Award or Order, to be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons complained of, rendering to him, her, or them upon Demand the Overplus (if any be) after the Charges of prosecuting such Complaint and of such Distress and Sale shall be deducted.

XXXI. Provided always, and be it further enacted, That all Lamp-Posts and Lamp-Irons and Watch-Boxes which shall be erected, put up, fixed, or placed in pursuance of or by virtue of this Act, on the Road leading from the Village of *Newington Butts* at the End of *Lower Kennington Lane*, and continuing through *Upper and Lower Kennington Lane Vauxhall*, the *Wandsworth Road*, and to the Public House called the *Nag's Head* thereon; also from *Vauxhall Turnpike* through *South Lambeth* to the *Clapham Road*, nearly opposite the *Swan* at *Stockwell*, hereby

[Loc. & Per.]

26 Y

autho-

Lamp-Posts and Watch-Boxes to be erected under the Direction of the Trustees of the Roads.

authorized to be lighted and watched (being Parts of the Road under the Care and Management of the Trustees for putting into Execution an Act of Parliament made and passed in the Forty-second Year of the Reign of His present Majesty King George the Third, intituled *An Act for repealing an Act passed in the Twenty-fifth Year of the Reign of His present Majesty King George the Third, for more effectually repairing the Roads leading from the Stones End in Blackman Street in the Borough of Southwark, in the County of Surrey, to Highgate, in the County of Suffex, and several other Roads therein mentioned, and for granting other Powers for those Purposes,*) shall be erected, put up, fixed, and placed under the Direction and Superintendance of and on such Part of the said Roads or Footpaths thereof as the Trustees for the Time being for putting the said Act of the Forty-second Year of His present Majesty's Reign into Execution, or any Seven or more of them, or their Treasurer or Treasurers for the Time being, appointed or to be appointed for superintending the Care and Management of the said respective Lines of Road, shall, by Writing under their or his Hands or Hand, from Time to Time, order, direct, and appoint, they the said Trustees for putting this Act into Execution, in the erecting, putting up, fixing and placing such Lamp-Posts, Lamp-Irons, and Watch-Boxes, doing as little Damage as may be to the said respective Roads and Footpaths; and in case any such Lamp-Posts, Lamp-Irons, and Watch-Boxes shall be erected, set up, fixed or placed without such Direction or Appointment as aforesaid, or contrary thereto, then, and in every or any such Case, and so often as the same shall happen, it shall and may be lawful to and for the said Trustees for putting the said Act of the Forty-second Year of His present Majesty's Reign into Execution, or their Treasurer or Treasurers, or Surveyor for the Time being of such respective Lines of Road, and without any further Power or Authority, to cause all and every such Lamp-Posts, Lamp-Irons and Watch-Boxes to be taken down and removed to such Place or Places as they or he shall appoint, there to remain and be kept until the Trustees for putting this Act into Execution, or their Treasurer for the Time being, shall have paid and discharged all Costs, Charges, and Expences attending the taking down, carrying away, and removing and keeping the same as aforesaid; and in case such Costs, Charges, and Expences shall not be paid for the Space of Five Days next after Demand made thereof, then such Lamp-Posts, Lamp-Irons, and Watch-Boxes shall be sold by the Trustees for putting the said Act of the Forty-second Year of His present Majesty's Reign into Execution, or the Treasurer or Surveyor of the said respective Lines of Road; and after defraying the Expences of such Sale, and all such Costs, Charges, and Expences as aforesaid, the Surplus (if any) shall be returned upon Demand to the Trustees for putting this Act into Execution, or their Treasurer for the Time being; and in case after such Sale or Sales there shall be any Deficiency, such Deficiency shall and may be recoverable, together with full Costs of Suit of and from the Trustees for putting this Act into Execution, or their Treasurer or Clerk for the Time being, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, and shall be applied towards repairing and amending the said Turnpike Roads.

Enabling
Trustees to
proceed in
Case of Neg-

XXXII. Provided always, and be it further enacted, That in case the said Trustees for putting the said herein before mentioned Act of the Forty-second Year of His present Majesty into Execution, shall neglect or refuse

refuse for the Space of Fourteen Days next after Notice in Writing given to their Clerk or left for him at his Office or usual Place of Abode, by the Trustees appointed for putting this Act into Execution, or any Five or more of them, to direct the erecting, putting up, fixing, and placing of such Lamp Posts, Lamp-Irons, and Watch-Boxes, then it shall and may be lawful to and for the Trustees for putting this Act into Execution, to proceed in the erecting, putting up, fixing, and placing of the same without any such Direction or Appointment, any Thing herein contained to the contrary notwithstanding.

lest of Truf-
tees under
42 G. 3.

XXXIII. And for the better carrying the Purposes of this Act into Execution; 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 they are hereby authorized and empowered from Time to Time, if they think fit to contract with any Person or Persons for lighting the said Roads and other Places within the Limits of this Act; all which Contracts shall specify the Number of Lamps to be set up, and how long and in what Manner the same shall be kept burning, and the Prices to be paid for the same, and the Penalties to be suffered in case of Non-performance of such Contract or Contracts; and the same be signed by the Trustees or any Five or more of them, and by the Person or Persons contracting to perform such Works; and the said Trustees or any Five or more of them, are hereby authorized and empowered to pay such Sum or Sums of Money for such respective Works as they shall so contract and agree for out of any of the Rates or Assessments which shall be made, raised, or collected by virtue of this Act.

Trustees may
contract.

XXXIV. And be it further enacted, That no such Contract or Contracts shall be deemed good or valid if the same shall have been made for a longer Space of Term than One Year from the Time of entering into such Contract or Contracts.

Contracts
not to be en-
tered into for
more than
One Year.

XXXV. And be it further enacted, That in case any Person or Persons who shall enter into such Contract or Contracts with the said Trustees, or any Five or more of them, for performing any of the Works before mentioned, and who shall not well and sufficiently perform the same according to the true Intent and Meaning of the said Contract or Contracts, and within the Time limited thereby; that then it shall and may be lawful to and for the said Trustees, or any Five or more of them, in the Name of their Clerk or Treasurer, to bring any Action of Debt in any of His Majesty's Courts of Record at *Westminster*, against any Person or Persons so contracting and making Default as aforesaid, for the Penalty or Penalties which shall be contained in such Contract or Contracts, and the Trustees, or any Five or more of them, upon Proof of such Contract or Contracts having been entered into and not performed, shall be entitled to and recover such Penalty or Penalties, and the same when recovered shall be applied towards the Purposes of this Act.

In case of
Breach of
Contract
Trustees to
sue.

XXXVI. 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, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary, not exceeding in the whole the Sum of Two thousand Pounds for the Purposes of this Act, upon the Credit of all or any

Power to
borrow
Money.

any of the Rates or Assessments to be laid and collected by virtue of this Act, and by Writing under their Hands and Seals to assign all or any Part of the said respective Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee, or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Costs and Expences of such Assignment thereof to be made as hereafter mentioned, shall be from Time to Time defrayed by the said Trustees out of the Monies to be so borrowed, and every such Assignment shall be in the Words, or to the Effect following;

Form of Assignment.

‘ WE of the Trustees appointed by or in
 ‘ pursuance of an Act made in the Fifty-second Year of the
 ‘ Reign of King George the Third, intituled [*here set forth the Title of
 ‘ this Act,*] in Consideration of the Sum of
 ‘ advanced and lent by *A. B.* upon the Credit and for the Purposes of
 ‘ the said Act, do hereby grant and assign unto the said *A. B.* [*or to
 ‘ his Trustee or Trustees, as the Case may require*], his Executors, Ad-
 ‘ ministrators, and Assigns, such Proportion of the Rates or Assess-
 ‘ ments, arising by virtue of the said Act for Lighting and Watching,
 ‘ as the Sum of doth or shall bear to the
 ‘ whole Sum which may at any Time be borrowed or become due and
 ‘ owing or be charged upon the Credit of the said Rates or Assessments,
 ‘ to be had and holden from this Day of
 ‘ until the said Sum of with Interest at
 ‘ *per Cent. per Annum* for the same shall be repaid and
 ‘ satisfied. In Witness whereof we the said Trustees have hereunto set
 ‘ our Hands and Seals the Day of in the
 ‘ Year

Assignments to be numbered.

XXXVII. And all such Assignments shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, whereof the common Excess or Difference shall always be one; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profits and Advantage therein, according to the true Intent and Meaning of this Act; and Copies of such Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed after such First Meeting, unless Notice for that Purpose be given in Writing and fixed upon the Church Doors of the several Parishes in which the said Rates or Assessments shall be liable to be laid or collected, at least Fourteen Days before the borrowing thereof; and all and every Person or Persons to whom any such Securities or Security shall be given as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured to any Person or Persons whomsoever, by Indorsement on the Back of such Security, in the Presence of one credible Witness; which Transfer or Assignment shall be to the following Effect:

‘ I do transfer this Assignment, with all my Right and Title to the Prin-
 ‘ cipal and Interest thereby secured, unto
 ‘ his or her Executors, Administrators, or Assigns. In Witness whereof,
 ‘ I have

of the Trustees of certain Turnpike Roads.

invest the said Trustees for putting this Act into Execution, or any Person or Persons whomsoever with any Right, Power, or Authority which may at all interfere with or lessen the Rights, Powers, Authorities, and Provisions heretofore granted by an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for making, widening, and keeping in repair certain Roads in the several Parishes of Lambeth, Newington, Saint George Southwark, Bermondsey, and Christ Church, in the County of Surrey, and for watching and lighting the said Roads*; and by an Act passed in the Forty-seventh Year of the Reign of His present Majesty, intituled *An Act for enlarging the Powers of an Act of the Twenty-sixth Year of His present Majesty for making, widening, and keeping in repair certain Roads in the Parishes of Lambeth, Newington, and Saint George Southwark, Bermondsey and Christ Church in the County of Surrey, and for watching and lighting the said Roads*; and also by the said herein-before mentioned Act of the Forty-second Year of the Reign of His present Majesty; and that all and every the Clauses, Powers, Authorities, Provisions, Regulations, Directions, and Provisions therein severally contained, and thereby severally granted, shall continue and be as full, ample, and effectual to all Intents and Purposes, as if this Act had not been made.

Not to interfere with Act for Lighting, &c. Clapham.

XLI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed or taken to extend to vary or alter the Powers of an Act passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled *An Act for lighting and watching the Village of Clapham, and certain Roads leading thereto*.

Persons aggrieved to appeal to the Quarter Sessions.

XLII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Rate or Assessment to be made as aforesaid, he, she, or they shall notwithstanding be obliged to pay such Rate or Assessment, and then, upon an Appeal to the General Quarter Sessions of the Peace to be holden for the said County of Surrey next after the Payment of such Rate or Assessment next after the making the Distress for such Rate or Assessment, (Ten Days of such Appeal being first given to the said Trustees) it shall and may be lawful for the Justices of the Peace, or the major Part of them then assembled, to cause so much Money to be returned to the Appellant or Appellants as shall appear to the said Justices to have been overpaid by such Appellant or Appellants respectively, and to make such Order therein as to them shall seem meet; which Order shall be final and conclusive; notwithstanding, all Parties or Persons who shall think him, her, or themselves aggrieved by any other Thing done in pursuance of this Act, he, she, or they may appeal as aforesaid within Six Calendar Months next after the Cause of Complaint shall arise; and it shall and may be lawful for the said Justices, or the major of them assembled in such Session, to hear and determine the Matter of such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; all which Determinations of the said Justices shall be final and conclusive to all Parties concerned.

XLIII. And be it further enacted, That no Order, Conviction, Judgment, or other Proceeding to be had or made in pursuance of this Act shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Law at *Westminster*, any Law or Statute to the contrary notwithstanding; and when any Distress shall be made for any Sum or Sums of Money to be levied by this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other 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 Damages in an Action upon the Case: Provided always nevertheless, that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, or Trespass or other wrongful Proceeding by virtue of this Act, if Tender of Amends shall be made by or on behalf of the Party or Parties who shall or may commit or cause to be committed any such Irregularity, Trespass, or other wrongful Proceeding before such Action brought.

No Proceedings to be quashed for Want of Form only.

Not to recover if Amends tendered.

XLIV. And be it further enacted, That if any Action or Suit shall be brought against any Person or Persons for any Thing done in pursuance of this Act, such Action shall be commenced within Six Calendar Months after the Fact committed and not afterwards, and shall be laid and brought in the County of *Surrey*, and not elsewhere, and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, or if any such Action or Suit shall not be brought within the Time before limited for bringing the same, or shall be brought in any other County or Place as aforesaid, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Suit to be commenced within Six Calendar Months.

XLV. 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.

