



ANNO QUINQUAGESIMO SECUNDO

# GEORGI III. REGIS.

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## *Cap. 197.*

An Act for watching and lighting Part of the High Road leading from *London* to *Croydon*, commencing at the Turnpike Gate at *Kennington* in the Parish of *Saint Mary Lambeth* in the County of *Surrey*, and leading from thence on the Line of the said Road to *Brixton Hill*, and as far as the said Parish extends in that Direction.

[18th July 1812.]

**W**HEREAS the *Croydon* Road from *Kennington* Turnpike to *Brixton Hill* in the Parish of *Saint Mary Lambeth* in the County of *Surrey*, and certain Roads leading thereto, are not properly lighted and watched; and as the Neighbourhood is large, and there is much travelling in and upon the said Road, it would be a great Benefit to the Inhabitants thereof, and to all Persons resorting thereto, or travelling through the same, if the said Road, and certain Roads hereinafter described, were properly lighted and watched: And whereas the Inhabitants and Owners of Houses within the said Neighbourhood, and on or near the Sides of the said several Roads, are willing and desirous that a Rate should be raised upon themselves for the several Purposes aforesaid, but the same cannot be done without the Aid of Parliament: May it there-

[*Loc. & Per.*]

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fore

Trustees.

fore 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 *Thomas Hayter, Thomas Lett junior, William Hilliard, William Lowndes, George Wheeler, Thomas Irwing, Nicholas Bennett, William Bennett, the Reverend Thomas Jackson, Thomas Hall, Thomas Bartrum, Robert Stone, James Lambert, John Wesley, Merrick Elderton, Samuel Comyn, James Dubois, Randle Jackson, Richard Curtis, James R. Highmore, George Gouger, Richard Field, James Hance, Thomas Crook, Philip Cohen, William Prosser, John Chatfield, ——— Coggan, Christopher C. Hall, William Pugh, James Hardie, John Boswell, Richard Platt, Joseph Cottingham, and Thomas Bailey,* shall be and they are hereby appointed Trustees for putting this Act in Execution.

When Trustees die, or refuse to act, others to be chosen.

II. And be it further enacted, That when any of the said Trustees herein named, or hereafter to be elected, 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, refusing to act, 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.

Qualification of Trustees.

III. Provided always, 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 resident within the Limits of this Act, or shall be seised in his own Right, or in Right of his Wife, and be 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 Reprises, within the Limits of this Act, or unless such Person shall rent or occupy Tenements or Hereditaments within the said Limits, or adjoining or near to any of the Roads herein-after described, of the yearly Value of Thirty 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 recovered in such Action shall, after Payment of the Costs and Expences attending such Action, be applied to the Purposes of this Act.

Penalty on Persons acting if not qualified.

Trustees to be sworn.

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

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 the 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.’

Oath of Office.

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 Tavern known by the Sign of *The Prince of Wales*, on the Third Monday after the passing of this Act, and shall proceed to the Execution of the same; and shall then, and from Time to Time afterwards, adjourn themselves, and meet there, or at such other Place or Places within the said Parish of *Saint Mary Lambeth* 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 in Execution.

Time and Place of the First Meeting of Trustees.

VI. And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and empowered to cause so much of the *Croydon Road* as lies between *Kennington Turnpike* and the Extremity of the said Parish of *Saint Mary Lambeth*, near *Brixton Hill*; and likewise the several Roads herein-after mentioned and described, to be properly lighted and watched; (that is to say), a Road leading from the East Side of the *Croydon Road* towards *Robert Martin's Farm*, as far as a House in the Occupation of *John Wilkinson*; a Road now making, leading from the Western Side of the *Croydon Road* into the *Clapham Road*, by the House in the Occupation of *William Fearn*; a Road leading from the Eastern Side by *Loughborough House*, into *Coal-Harbour-Lane*; a Road leading from the Western Side by *Thomas Green Baker*, through a certain Place called *Robert Street*, to *Love Lane, Stockwell*; a Place called *Peckford Place*; a Place called *Brixton Ville*; a Road leading from the Western Side of the *Croydon Road* to *Stockwell*, as far as the House in the Occupation of \_\_\_\_\_ *Chatfield*; a Lane called *Coal-Harbour-Lane*; a Lane called *Camberwell Lane*; a Lane called *Acre Lane*; a Road called *Effra Road* on *Brixton Common*; and all Roads over and upon the said Common; also a Road leading to *Windmill Street* on *Brixton Hill*, and a Lane called *Blakehall Lane*; and also any other Road, Lane, or Place situate or being within the Distance of Five hundred Yards from the Sides of any of the Roads, Lanes, or Places herein-before mentioned and described, whereon there now are, or hereafter may be, any Houses or Buildings erected or built, being within the Parish of *Saint Mary Lambeth*, or so much of the said Roads, Lanes, or Places, as the said Trustees, or any Five or more of them, shall deem it expedient to light and watch.

Ascertaining the Limits to be lighted, &c.

VII. And

Trustees to  
appoint Of-  
ficers ;

and make  
Allowance  
for their  
Trouble.

VII. 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 may (if they shall think fit) appoint a Clerk or Clerks for that Purpose; and the said Trustees, or any Five or more of them, may also from Time to Time appoint such Collector or Collectors, and such other Officer or Officers as they shall think proper to employ in the Execution of this Act; and shall and may from Time to Time make such Allowances to all such Clerks, Collectors, and other Officers, for their Trouble and Attendance in the Execution of this Act, as the said Trustees, or any Five or more of them, shall at any of their General Meetings from Time to Time think fit; and shall and may also (if they think fit) appoint a Treasurer or Treasurers, for the Receipt of the Money to be raised and collected by the Rates or Assessments to be collected and made by virtue of this Act; and every such Treasurer or Treasurers, so to be appointed, is and are hereby directed and required to account to the said Trustees at the End of every Six Months, (or oftener, if required by the said Trustees, or any Five or more of them), for all Monies by him or them received and disbursed by virtue of this Act, and to pay such Money as upon the said Account shall appear to be remaining in his or their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same, to be applied to and for the several and respective Uses and Purposes for which the same shall be raised or levied.

Collectors to  
account upon  
Oath, if re-  
quired, and  
pay the Mo-  
ney collected  
to Persons  
appointed to  
receive the  
same.

VIII. 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 Meeting, 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 as aforesaid, or to pay the Monies remaining in his or their Hands within Three Days after being thereunto required by the said Trustees, or any Five or more of them, at any Public Meeting as aforesaid, then, and in either of the Cases aforesaid, such Trustees, or any Five or more of them, may, and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against such Collector or Collectors so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Collector or Collectors respectively; or if Complaint shall be made by the said Trustees, or any Five or more of them, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County of *Surrey*, such Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Collector or Collectors so refusing or neglecting to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary  
Way ;

Way; and if upon Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath; it shall appear to such Justices that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Collector or Collectors, such Justices may, and are hereby authorized and required, upon Nonpayment thereof as aforesaid, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector or Collectors respectively; and if no Goods or Chattels of such Collector or Collectors can be found sufficient to answer and satisfy the said Money, and the Charges of distressing and selling the same, then, and in any or either of the said Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County of *Surrey*, 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, or any Five or more of them, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Justices, or any Five or more of them, are hereby empowered to make, or give Satisfaction in respect thereof to the said Trustees, or any Five or more of them): Provided always, that no such Collector or Collectors, who shall or may be committed by virtue of this Act on account of his or their not having sufficient Goods or Chattels, shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months.

IX. Provided always, That the said Trustees shall take such Security from their Treasurer or Treasurers, and other Officers, for the due Execution of their respective Offices, as the said Trustees, or any Five or more of them, shall think fit; but no Salary or Allowance whatsoever shall be made to any Treasurer or Treasurers upon any Account or Pretence whatsoever; and no Victualler 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.

Treasurers and other Officers to give Security.

No Victualler, &c. to hold the Place of Clerk, &c.

X. 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 Places herein before described to be lighted for such Time and Times, 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 cloathed in such Manner as the said Trustees, or any Five or more of them, shall direct), to be employed as Watchmen in the Night-time, for the Safety of the Inhabitants residing on or near, and Travellers passing through the Roads 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 a Watch House or Houses, and Watch Boxes for such Watchmen at such Places as they shall judge necessary; and the said Trustees, or any Five or more of them, may also appoint one or more proper Person or Persons to be Supervisors of such Watchmen; which Persons so to be appointed Supervisors shall be and are hereby empowered to act as Constables for the Purpose of carrying this Act into

For appointing Watchmen, &c.

and Supervisors of the Watchmen.

Execution; and the said Trustees, or any Five or more of them, may remove any or all such Watchmen and Supervisors 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 Supervisor 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 Five Shillings, at the Discretion of the said Trustees, or any Five or more of them, to be levied, recovered, and applied, as herein-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 several Purposes aforesaid.

For reward-  
ing Watch-  
men.

XI. 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 who may be disabled or wounded in the Execution of their Office, as they the said Trustees shall think reasonable.

Penalty on  
Publicans  
harbouring  
Watchmen,  
&c.

XII. 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 Forty Shillings.

Appointing a  
Committee of  
Trustees, to  
meet weekly  
at Brixton,  
to regulate  
Watchmen,  
&c.

XIII. 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 choose a Committee from among themselves of Eight Trustees, to serve for the following Year, as a Committee, to meet at some convenient Place in the said Village of *Brixton*, weekly, and any Three or more of them, at each or any of such Weekly Meetings, 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.

Persons wil-  
fully breaking  
Lamps, &c. to  
forfeit 20s. for  
every Offence,  
and make  
good the  
Damages;

XIV. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or damage any of the Lamps that shall be set up for lighting the said Village, and the several Roads and other Places within the Limits of this Act, or shall wilfully extinguish the Light or Lights thereof, or damage the Irons, Posts, or other Furniture belonging to such Lamps, or any of the said Watch Houses, Watch Boxes, or any other Buildings or Erections, which shall be set up by the said Trustees for the Purposes of this Act; it shall and may be lawful to and for any Person or Persons whomsoever, who shall see such Offence committed, to seize, and also for any other Person or Persons to assist in seizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to cause him, her, or them, to be conveyed

conveyed before some Justice of the Peace for the County of *Surrey*; and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear, or be produced to give Information touching such Offence (which Oath such Justice is hereby authorized and required to administer); and if the Party or Parties accused shall be convicted of all or any of the Offences aforesaid, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted shall forfeit or pay for every such Offence, to the Trustees for the Time being, the Sum of Twenty Shillings (whereof one Moiety shall be paid to the Informer, and the other Moiety be applied for the Purposes of this Act), and shall also make Satisfaction to the said Trustees, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same, for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not upon Conviction pay such Forfeitures, and make Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the Bridewell or House of Correction for the said County of *Surrey*, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall have been so committed, unless such Penalty or Forfeiture, and Satisfaction, shall be sooner paid and given.

or to be committed.

XV. And be it further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the Lamps so to be set up as aforesaid, or the Irons, Posts, or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction to the said Trustees for the Damage done thereto, then and in every such Case it shall and may be lawful for any One Justice of the Peace for the said County of *Surrey*, upon Complaint made to him by One or more credible Witness or Witnesses, to summon before him the Person or Persons who shall be complained of for doing such Damage; and such Justice may thereupon award such Sum or Sums of Money by way of Satisfaction for such Damage as to him shall appear reasonable; and in case of Neglect or Refusal of the Party or Parties to pay such Sum or Sums of Money so awarded, within Three Days after Demand thereof, such Justice may cause the same to be levied by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

For punishing Persons carelessly or accidentally breaking Lamps.

XVI. 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 shall be signed by the said 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

Trustees may contract for lighting, &c.

or

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.

Persons entering into Contracts and not fulfilling the same may be sued.

XVII. And be it further enacted, That in case any Person or Persons who shall enter into such Contract 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 such 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 an 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 said 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.

Lamps, &c. vested in the Trustees.

XVIII. And be it further enacted, That the Right and Property of all Lamps, Lamp Irons, Posts, and other Furniture thereof, which now are upon the Road between *Kennington Turnpike* and *Brixton Hill* aforesaid, and upon the Road called *Effra Road*, or in or upon *Acre Lane*, which were lately erected at the private Charge of certain of the Inhabitants, as well as of such as shall be erected or fixed by virtue of this Act, and of the Arms and Accoutrements of the Watchmen, and also of the Watch Boxes now erected upon the said Road, as well as such Watch Boxes or Watch Houses, or other Buildings, as shall hereafter be erected as aforesaid, shall be and the same are hereby vested in the said Trustees, on their reimbursing the said Inhabitants the Expence lately incurred by erecting certain of the said Lamp Posts and Watch Boxes as aforesaid; and they, or any Five or more of them, are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions in the Name of their Treasurer or Clerk for the Time being, or to prefer any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall break, spoil, injure, damage, steal, take, or carry away any of the said Lamps, Lamp Irons, Posts, or other Furniture, or any of the Watch Boxes, Watch Houses, or other Buildings, or the Arms or Accoutrements of any of the said Watchmen.

All Business (except what is directed to be done at Meetings) to be done at public Meetings.

XIX. 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.

How to proceed in case of no Adjournment.

XX. 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



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 Village, (Ten Days Notice in Writing being first affixed upon the Church Door of *Saint Mary Lambeth*, or Chapel of Ease at *Stockwell*, 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 such Notice, and shall proceed to the Execution of this Act, and afterwards from Time to Time adjourn to such Time and Place as they shall think fit.

XXI. 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, notwithstanding his being a Trustee.

Trustees who are Justices to act as such for the Purposes of this Act.

XXII. And, in order that a sufficient Sum of Money may from Time to Time be raised for the Purposes of this Act, be it further enacted, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to meet in some convenient Place within the Village of *Brixton*, upon the Third *Monday* after the passing of this Act; and shall also meet annually upon the *Monday* next after the Feast of *St. John the Baptist*, or within Ten Days afterwards, at such Time and Place as they or any Five or more of them shall think fit, Notice of the Time and Place of every such annual Meeting being first given in the Parish Church of *Saint Mary Lambeth* aforesaid, or in the Chapel of Ease at *Stockwell*, on the *Sunday* next before every such Meeting; and the said Trustees or any Five or more of them shall and are hereby authorized and required at their First Meeting to be holden as aforesaid, and also at all subsequent Annual Meetings which shall be held in pursuance of this Act, to make a Pound Rate to be equally assessed (towards defraying the Expences attending the watching and lighting the said several Roads, Lanes, and Places as aforesaid, and all other the Charges and Expences attending the obtaining of this Act, and the Execution thereof) upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, or enjoy any House, Shop, Warehouse, or other Building, Yard, or Garden, situate within or upon any of the said Roads, or within Five hundred Yards of the same, who by Law is, are, or shall be chargeable and assessable for and towards the Relief of the Poor within the Limits of this Act, according to the annual Rent or Value at which all and every such House, Shop, Warehouse, or other Building, Yard, or Garden, is or shall be assessed towards the Relief of the Poor, for such Sum and Sums of Money as the said Trustees, or any Five or more of them, assembled at their First Meeting, or at any of their Annual Meetings, shall order, direct, and appoint; and the said Rates or Assessments shall be signed by any Five of the said Trustees, and shall be paid Quarterly, at such Times as the said Trustees or any Five of them shall direct or appoint.

Time of Trustees meeting to make the Rates, &c.

XXIII. Provided always, That no Rate or Assessment directed to be made as aforesaid, shall exceed in the Whole the Sum of One Shilling and

Rates not to exceed 1s. 6d. in the Pound.

[*Loc. & Per.*]

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and Sixpence in the Pound in any One Year, of the yearly Rent of such Houses, Shops, Warehouses, or other Buildings, Yards, or Gardens as aforesaid: Provided also, that all Persons who do or shall occupy Tenements under the yearly Sum of Ten 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.

Power for Trustees to amend Rates if improper.

XXIV. 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 over-rate or under-rate 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 so over-rated or under-rated, 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.

In case Persons chargeable refuse to pay, how the Rates may be levied.

XXV. 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 Three Days after personal Demand thereof made, or demanded 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 Oath of One or more 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.

Goods may be distrained in any County, &c.

XXVI. 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 of any other County, City, Liberty, or Place, (which Oath shall be certified under the Hand of the said Justice or Justices on the Warrant made for such Distress), the Goods and Chattels of the Person so refusing or neglecting to pay shall be subject and liable to such Distress in such other County, City, Liberty, or Place, where the same shall be found, and may by virtue of such Warrant and Certificate be distrained and sold, in the same Manner as if the same had been found within the Limits of this Act.

XXVII. 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 Hereditament, 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 therein shall be final.

Persons removing, and others succeeding them.

XXVIII. 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 be exempted from or excused the Payment of the Church and Poor's Rates, or either of them, within the Limits of this Act, so rated or assessed as aforesaid; or to any Person or Persons occupying Houses, Shops, Warehouses, or other Buildings or Gardens 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.

Trustees may compound, or remit Rates to Persons unable to pay.

XXIX. 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 residing within the Limits of this Act, and shall be collected and levied in such Manner, and under such Penalties, as are herein-

The Rates must be made good, if Collectors detain or misapply Money.

herein-before provided for the collecting and levying the Rates and Assessments which shall be made in pursuance of this Act.

Trustees empowered to borrow Money not exceeding 1000*l*.

and to assign the Rates as a Security.

XXX. And in order that a sufficient Sum of Money may be forthwith raised to defray the Expences of obtaining this Act, and of reimbursing the said Inhabitants the Charges incurred by the Erection of Watch Boxes and Lamp Posts now standing on the said Roads as aforesaid, and of lighting and watching the Roads and Places, be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, from Time to Time to borrow any Sum or Sums of Money for the Purposes of this Act, not exceeding in the Whole the Sum of One thousand Pounds, at Interest not exceeding Five Pounds *per Centum per Annum*; and to assign over by Writing, signed by any Five or more of the said Trustees, all or any Part of the said Rates or Assessments as a Security for the Repayment of the Principal and Interest of the Money so to be borrowed; and all such Assignments or Securities as aforesaid shall be in the Words, or to the following Effect:

Form of Assignment.

‘ BY Virtue of an Act made in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*] We, Five of the Trustees for putting the said Act in Execution, do assign to \_\_\_\_\_, his Executors, Administrators, any Assigns, in Consideration of the Sum of \_\_\_\_\_ from this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ until the Sum of \_\_\_\_\_ with Interest, at the Rate of Five Pounds *per Centum per Annum*, shall be repaid, such Proportion of the Rates or Assessments to be collected, rated, or assessed by virtue of the said Act, as the said Sum of \_\_\_\_\_ shall bear to the whole Sum advanced on the Credit of the same.’

Assignments to be entered in a Book;

and may be transferred.

And Copies of all 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, to be affixed upon the Church Door of *St. Mary Lambeth* aforesaid, at least Fourteen Days before the borrowing thereof; and all and every Person and Persons to whom any such Security or Securities shall be made 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 or 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 Principal and Interest thereby secured, unto \_\_\_\_\_ his (or her) Executors, Administrators, and Assigns. In Witness whereof I have hereunto set my Hand and Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ Witness, *C. D.* *A. B.*’

Transfers to be entered.

Which said Transfers or Assignments shall be produced and notified to the Clerk to the said Trustees (in case a Clerk shall be appointed), or, if no Clerk

Clerk shall be appointed, then to any Five or more of the said Trustees, to the End an Entry or Memorial may be made of such Assignment or Transfer in the Books of the said Trustees; which Entry shall contain the Dates, Names of the Parties, and Sums of Money for which the said Clerk (in case a Clerk shall be appointed) shall be paid such Sum as the said Trustees, or any Five or more of them, shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made, and not till then, such Assignment shall entitle such Assignee, his or her Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee may, in the like Manner, assign again, and so *toties quoties*; and it shall not be in the Power of the Person or Persons making such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof; and all and every Person and Persons to whom any such Security or Securities shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Rates or Assessments in equal Degree one with another, and shall have no Preference with respect to the Priority of advancing such Monies, or the Dates of such Assignments.

XXXI. And be it further enacted, That all and every the Sum and Sums of Money to be advanced and lent, and the Interest thereof, shall be and are hereby charged upon, and shall be paid and payable, from Time to Time, out of the Monies arising from the Rates and Assessments to be collected, rated, and assessed by virtue and for the Purposes of this Act.

Money borrowed to be charged on the Rates.

XXXII. And be it further enacted, That all Money to arise by or from the said Rates or Assessments hereby granted, or to be levied or received from Time to Time by virtue of this Act, and all the Money which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Trustees, or to such Person or Persons as they shall appoint; and shall be applied and disposed of, in the first Place, in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing of this Act, and of the Interest for the Money which shall have been advanced for defraying such Charges and Expences; and in the next Place from Time to Time in defraying the Costs, Charges, and Expences of carrying the several Purposes of this Act into Execution, and in paying and defraying all Costs, Charges, and Expences, which the said Trustees or any of their Officers may sustain or be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits for or concerning any of the Monies granted or raised by virtue of this Act, or in any Manner relating to the Execution of this Act, or of any thing to be done by virtue thereof, and for such other Uses and Purposes as herein expressed, and for no other Use, Intent, or Purpose whatsoever.

Application of Money raised.

XXXIII. Provided always, and be it further enacted, That all Lamp Posts, and Lamp Irons, and Watch Boxes, which shall be erected, put up, fixed, placed, altered, or removed in pursuance of or by virtue of this Act, upon such Part of the Roads as are under the Care and Management of the Trustees for putting into Execution an Act 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*

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

*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 Sussex, and several other Roads therein mentioned, and for granting other Powers for these Purposes,* shall be erected, put up, fixed, and placed under the Direction and Superintendence of and on such Part of the said Roads or Footpaths thereof, as the said 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 for the Time being, appointed or to be appointed for superintending the Care and Management of such Part of the said Roads, shall, by Writing under their or his Hands or Hand, from Time to Time order, direct, and appoint; and the Trustees for putting this Act into Execution shall, in the erecting, putting up, fixing, placing, altering, or removing such Lamp Posts, Lamp Irons, and Watch Boxes, do as little Damage as may be to the said 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 Consent and Approbation 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 Surveyor for the Time being of such Road, and without any further Power or Authority, to cause all and every such Lamp Posts, Lamp Irons, Lamps, and Watch Boxes, to be taken down and removed to, deposited and kept in, 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, carrying away, and removing and keeping the same, as aforesaid, together with a Penalty or Sum not exceeding Five Pounds for every such Offence, at the Discretion of any Justice of the Peace acting in and for the said County of Surrey; and in case such Costs, Charges, and Expences, and Penalty, shall not be paid for the Space of Five Days next after Demand made thereof of the Treasurer or Clerk for the Time being, for putting this Act into Execution, then such Lamp Posts, Lamp Irons, Lamps, and Watch Boxes, shall and may be sold by the Trustees for putting the said Act of the Forty-second Year of His present Majesty's Reign into Execution, or their Treasurer or Surveyor of the said Line of Road, and after defraying the Expences of such Sale, and all such Costs, Charges, Expences, and Penalty 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, 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 Neglect of Trustees under 42 G. 3.

XXXIV. 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 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

tees 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.

XXXV. And be it further enacted, That nothing in this Act contained shall extend, or be deemed, construed, or taken to extend, to give to, authorize, or 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 herein-before granted by the said herein-before mentioned Act passed in 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 contained and thereby granted, shall continue and be as full, ample, and effectual, to all Intents and Purposes, as if this Act had not been made.

Act not to affect the Powers and Authorities of the Trustees of the Surrey and Sussex Roads.

XXXVI. 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 Payment of such Rate or Assessment, or next after the making the Distress for such Rate or Assessment, (Ten Days Notice of such Appeal being first given to the said Trustees, or their Treasurer or Clerk), 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 to all Parties; and also if any Person or Persons 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 Part of them, assembled in such Sessions, to hear and determine the Matter of every 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.

Persons aggrieved may appeal to the Quarter Sessions.

Determination of the Justices to be final.

XXXVII. And be it further enacted, That no Order, Conviction, Judgement, 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 removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the

Proceedings not to be quashed for Want of Form, nor removeable by Certiorari.

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.

No Plaintiff  
to recover, if  
Tender of  
Amends be  
made.

XXXVIII. Provided always nevertheless, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity as aforesaid, 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.

Limitation of  
Actions.

XXXIX. 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 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 than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, 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.

General  
Issue.

Treble Costs.

Public Act.

XL. 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.