



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 198.

An Act for amending an Act of His present Majesty, for making a Road from the *Kent Road* in the County of *Surrey*, to *Deptford* in the County of *Kent*, and a Branch therefrom to *Horsleydown*, in the said County of *Surrey*. [18th July 1812.]

WHEREAS an Act was passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Road from the Kent Road, in the County of Surrey, to Deptford, in the County of Kent, and a Branch therefrom to Horsleydown, in the said County of Surrey*: And whereas some of the Provisions of the said Act require to be altered and amended; 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 Parliament assembled, and by the Authority of the same, That no Person from whom any Lands, Tenements, Messuages, Buildings, Grounds, or Hereditaments, shall be taken by virtue of the said recited Act, the Value whereof shall be assessed by a Jury, shall be subject to the Payment of the Costs and Expences of summoning and maintaining such Jury, or of the Witnesses summoned upon any such Occasion, unless such Jury shall assess the Value at less than Three-fourths of the Sum which shall have been offered for such Lands, Tenements, Messuages, Hereditaments, Grounds, and Premises respectively, to the Owner or Owners thereof; any Thing in the said Act contained to the contrary notwithstanding.

51 G. 3.

Proprietors of Land, &c. only subject to Costs, if the Jury give a Verdict for less than Three-fourths of the Sum demanded.

Bevington's House not to be taken without Consent; the Road not to be more than Seventy Feet wide at Bevington's House.

II. And be it further enacted, That it shall not be lawful for the Trustees in the said Act named, or their Successors, to take for the Purposes of the said Act, any Part of the House now in the Occupation of *Samuel Bevington*, situated near *Lillyput Hall* Turnpike Gate, or any greater Part of the Land adjoining the said House, than shall be necessary to make the said Road of the Breadth of Seventy Feet at such Part of the said Road as shall pass the said House; any Thing in the said Act to the contrary notwithstanding.

Repealing the Fine on Sheriff.

III. And be it further enacted, That so much of the said recited Act as enacts, that no Fine shall exceed the Sum of Twenty Pounds upon any other Person than Sheriffs, Under Sheriffs, or Coroners, for any other Offence against the Provisions contained in the said Act, relating to the assessing of Damages by any Jury, shall be, and the same is hereby repealed.

Laying a Fine on Jury for Neglect.

IV. And be it further enacted, That in case any Jury shall be summoned and impannelled in pursuance or by virtue of the said recited Act or this Act, it shall be lawful for the said Trustees from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury, and who shall not appear without some sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give, or shall not give their Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of the said Act or this Act; or on any of the Persons who being required to give Evidence before the said Jury, touching the Matters to be enquired of, shall refuse or neglect to appear, or shall not alledge a sufficient Excuse for not appearing, or appearing shall refuse to be sworn or give Evidence; provided that any such Fine shall not exceed the Sum of Twenty Pounds upon any such Person for any One Offence.

No Gravel, &c. to be taken from Lands in a Parish through which the Roads do not pass.

V. And be it further enacted, That nothing in the said Act contained shall extend to authorize or empower the Trustees therein named, or their Successors, to take any Gravel from any Lands situated in any Parish through which the Roads authorized by the said Act to be made shall not pass; any Thing in the said Act contained to the contrary notwithstanding.

Appeals to be made to the Quarter Sessions of Kent or Surrey.

VI. And be it further enacted, That all Appeals authorized under the said Act to be made, shall be made to the Quarter Sessions of the County of *Kent*, or the County of *Surrey*, according to the County in which the Question relating to such Appeal may arise; any Thing in the said Act contained to the contrary notwithstanding.

Trustees not to become Farmers of the Tolls of the present Roads during the Existence of any Lease.

VII. And be it further enacted, That the Trustees by the said Act appointed, or their Successors, shall not be deemed Lessees of the Tolls authorized to be taken under and by virtue of an Act, passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for opening and making a new Street from the East End of New Street, in the Parish of Saint John, Southwark, to and through the several Places therein mentioned, and for keeping the said Road in Repair in future*; and under and by virtue of the several Acts in the said Act particularly mentioned, until after the Expiration of any Lease subsisting at the

Time the Trustees under the said several Acts shall give Notice to, and require the Trustees appointed by the said Act herein first mentioned, or their Successors, to become the Farmers, Lessees, or Takers of the Toll payable or to be collected by virtue of the Acts of the Twenty-second Year of the Reign of His late Majesty King *George* the Second, before-mentioned, and of the said several subsequent Acts.

VIII. And be it further enacted, That in case any Person or Persons from whom any Lands, Grounds, Tenements, or Hereditaments shall be purchased for the Purposes of the said Act, which may not be wanted for the Purpose of the said Act, and which the said Trustees may be desirous of selling and disposing, shall neglect or refuse, or shall not agree to re-purchase or take such Part or Parts thereof as and when tendered to them by the said Trustees or their Successors for that Purpose, it shall be lawful for the said Trustees or their Successors, after an Affidavit shall have been sworn by some Person or Persons in no Way interested in the said Lands, Grounds, Tenements, and Hereditaments, before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the Counties of *Kent* or *Surrey*, stating that such Offer has been made, and was not then and there agreed to, or was refused by the Person or Persons to whom the Offer was so made, to sell, part with, or dispose of the same to any Person or Persons whomsoever; any Thing in the said Act contained to the contrary notwithstanding.

If Proprietors of Land purchased by Trustees do not agree to re-purchase, they may sell to others.

IX. Provided always, and be it further enacted; That nothing in the said Act contained shall prevent or be construed to prevent the said Trustees in the said Act named, or their Successors, from selling, parting with, or disposing of such Lands, Grounds, Buildings, Premises, and Hereditaments to any Person or Persons whomsoever, without the same having been first offered or tendered to the Person or Persons from whom the same shall have been purchased, in any Case where the said Trustees or their Agents shall have been unable to discover the Person or Persons from whom the same shall have been purchased, due Diligence having been used by and on Behalf of the said Trustees for that Purpose, on an Affidavit being duly and in like Manner first made, that such Diligence has been ineffectually used by and on Behalf of the said Trustees; any Thing in the said Act to the contrary notwithstanding.

If former Proprietors cannot be found, Trustees may sell to other Persons.

X. And be it further enacted, That it shall be lawful for the Trustees appointed in and by the said recited Act, or their Successors, to treat and agree for the Purchase of any Lands or Grounds in any Parish through which the said Roads may pass, such Lands not being a Yard, Garden, Nursery Ground, Orchard, Park, Paddock, Arable or Pasture Ground, for the Purposes of digging, or depositing of Materials, Soil or Gravel, for the making or maintaining of the said Roads; and all the Powers and Provisions of the said Act, relating to the Purchase of any Ground for the Purpose of the said Act, shall be in full force, and apply to Land required by the said Trustees for the Purpose of digging or depositing such Materials as aforesaid.

Trustees may purchase Waste Land for Gravel, &c.

XI. Provided always, and be it further enacted, That the said Trustees shall, and they are hereby required to place a sufficient Railing or Fence round

Trustees to fence off Land.

round such Lands, so that the same may not be dangerous to Passengers or Cattle.

Limitation of the former Act as to Time for completing the Road, &c. repealed.

XII. And whereas it is expedient to extend the Time for completing the said Road and Branches of Road; be it further enacted, That so much of the said Act as enacts, that all and singular the Powers and Authorities, Clauses and Provisions thereof shall cease and determine to all Intents and Purposes, unless the Trustees in the said Act named shall within the Space of Eighteen Calendar Months next after the passing of the same, make and complete the New Road in the said Act mentioned, from the Junction at *Charles Street* to *Dockhead*, and shall within the Space of Five Years, to be computed from the passing of the said Act, complete the Whole of the said Road and Roads by the said Act authorized to be made, so as to make the same passable for Horses, Beasts, and Carriages, such Completion to be certified as therein mentioned, shall be and the same is hereby repealed.

Road, &c. when to be completed.

XIII. And be it further enacted, That unless the Trustees in the said recited Act named, or their Successors, shall and do, within Nine Months next after the passing of this Act, *bonâ fide* commence and effectually proceed to make, and shall and do within the Space of Three Years next after the passing of this Act, fully complete the said New Road from the Junction at *Charles Street* to *Dockhead*, and to be certified as herein-after mentioned; then, and in either of the said Cases, all and singular the Powers, Authorities, Clauses, Provisions, Matters, and Things, contained in the said recited Act, relating to such Branch of Road, shall cease and determine, to all Intents and Purposes whatsoever; and unless the said Trustees in the said recited Act named, or their Successors, shall and do, within the Space of Five Years, to be computed from the passing of this Act, complete the Whole of the said Road and Roads, other than the said Branch of Road by the said Act authorized to be made, so as to make the same passable for Horses, Beasts, and Carriages, and such Completion shall be certified by Two or more of His Majesty's Justices of the Peace for the said County of *Surrey*, and whose Certificate thereof shall be filed with the Clerk of the Peace for the said County, within Two Months next after such respective Roads shall be so completed; then in such Case, all and singular the Powers, Authorities, Clauses, Provisions, Matters, and Things in the said Act contained, shall cease and determine to all Intents and Purposes whatsoever.

Repealing Restrictions of former Act as to Rates.

XIV. And be it further enacted, That so much of the said Act as enacts, that it shall and may be lawful for the said Trustees, from Time to Time, during the Continuance of the said Act, to cause One or more Rate or Rates, Assessment or Assessments to be made, laid, or assessed, Once in every Year, or oftener if they shall judge it needful, upon all and every Person and Persons who shall inhabit, hold, use, occupy, possess, and enjoy any House, Land, Building, Tenement, Shop, Yard, Warehouse, Garden, Stable, or other Erections already erected and built, or which may hereafter be erected or built within One Hundred Yards of any Part or Parts of the said Road and Branches of Road, in such Sum or Sums of Money as the said Trustees shall order and direct; but so nevertheless that such Rate or Rates, Assessment or Assessments, do not exceed in the Whole, in any

One

One Year, the Sum or Rate paid for the like Purposes in the same Year, in the Parish or Parishes through which the said Road or Branches of Road shall pass, and so as it shall not exceed One Half of the Rate in the Parish of *Rotherhithe*, according to the Yearly Rent or Value of such Houses, Lands, Buildings, Tenements, Shops, Warehouses, Yards, Gardens, Stables, or other Erections which now are or shall be situated within the Distance of the said Road or Branches of Road, or which shall hereafter be erected, built, or made within One hundred Yards of any Part of the said Road or Branches of Road, shall be, and the same is hereby repealed.

XV. And be it further enacted, That for the defraying the Costs, Charges, and Expences of the lighting, watching, cleansing, and watering of the said Road and Branches of Road herein-before described, it shall and may be lawful for the said Trustees from Time to Time, during the Continuance of this Act, to cause one or more Rate or Rates, Assessment or Assessments to be made, laid or assessed, once in every Year, or oftener if they shall judge it needful, upon all and every Person and Persons who shall inhabit, hold, use, occupy, possess, and enjoy any House, Buildings, Tenements, Shop, Yard, Warehouse, Stable, or other Erections already erected or built, or which may hereafter be erected or built within One hundred Yards of any Part or Parts of the said Road and Branches of Road, measuring in a right Line from the Sides of the said Road and Branches of such Road, in such Sum or Sums of Money as the said Trustees shall order and direct; but so nevertheless that such Rate or Rates, Assessment or Assessments, whether made at One Time, or at different Times of the Year, do not exceed in the Whole, in any One Year, the Sum of One Shilling and Three Half-pence in the Pound, according to the yearly Rent or Value of such Houses, Buildings, Tenements, Shops, Warehouses, Yards, Stables, or other Erections, which now are or shall be situated within the Distance aforesaid of the said Road or Branches of Road; or which shall hereafter be erected, built, or made within One hundred Yards of any Part of the said Road or Branches of Road, measuring as aforesaid; always excepting such Houses, Buildings, Tenements, and other Premises as are or shall be situate within the Jurisdiction of the Commissioners of the East Division of *Southwark* Pavement, appointed by an Act made and passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey; and for cleansing, lighting, and watching the same; and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein*; also by another Act made and passed in the Eleventh Year of the Reign of His present Majesty, intituled *An Act to explain and amend so much of an Act of the Sixth Year of His present Majesty, for paving the Town and Borough of Southwark, in the County of Surrey, as relates to the Commissioners of Sewers; and for regulating the Manner of taxing Churches and other public Buildings within the Limits of the said Act*; also by another Act made and passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled *An Act for enabling the Commissioners for putting in Execution an Act made in the Sixth Year of the Reign of His present Majesty, for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey; and for cleansing, lighting, and watching the same; and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances*

Rate for
lighting and
watching,
&c. the Road.

Annoyances therein; to open, widen, and better regulate the several Streets, Lanes, and Passages within the East Division, in the said Act described; and of the Commissioners of the Bermondsey Pavements, appointed by an Act passed in the Twenty-fifth Year of the Reign of His present Majesty King George the Third, intituled An Act for better paving, cleansing, lighting, and watching the Streets, Lanes, Yards, Courts, Alleys, and Passages within that Part of the Parish of Saint Mary Magdalen, Bermondsey, in the County of Surrey, called The Water Side Division, and for removing and preventing Nuisances and Annoyances therein; and for lighting and watching certain Parts of and belonging to the Turnpike Road leading from the East End of New Street in Southwark to Deptford, in the County of Kent, within the said Water Side Division of the said Parish therein mentioned; and also of the Commissioners of the Rotherhithe Pavement, appointed by an Act passed in the Twenty-third Year of the Reign of His present Majesty, intituled An Act for better paving, cleansing, lighting, and watching the Streets, Lanes, Yards, Courts, Alleys, and Passages within the Parish of Saint Mary at Rotherhithe otherwise Redriffe, in the County of Surrey, and for removing and preventing Nuisances and Annoyances therein; and liable to be rated and assessed by them, or any of them, for all, any or either of the Purposes aforesaid; and the said Trustees shall cause separate and distinct Accounts to be kept of the Produce of the said Rates and Assessments, and the Application of the same; and the Whole of such Rates shall be applied to the Purposes hereby intended.

Except Houses in Grange Road.

XVI. Provided always, and be it enacted, That no Messuage or other Building situate in Front of the Street called *The Grange Road*, or the Street or Road called *The Kent Street Road*, shall be assessed under the Powers of this Act.

Limitations of Rates to within One hundred Yards of the Road, repealed.

XVII. And be it further enacted, That so much of the said Act as enacts, That all and every the Occupier and Occupiers of Houses, Buildings and other Premises, any Part of which shall be within the Distance of One hundred Yards of the said intended Road and Branches of Road, shall be exempted from being rated, taxed or assessed, as to such Part of the said Premises as shall be within One hundred Yards of the said intended Road or Branches of Road, by virtue of any former Act or Acts, shall be, and the same is hereby repealed.

No Gravel to be taken from the River Thames.

XVIII. And whereas by the said recited Act Power is given to the said Trustees, their Servants and Officers, to dig, gather and take away any Gravel, Sand, or other Materials proper for making the said Road, and the Bridges, Arches, and Fences in or upon the same, out of, or from any Rivers or Brooks in any Parish, Hamlet, or Place in which any Part of the same Road lies, or in any adjoining Parish, Hamlet, or Place, without paying any Thing for the same: And whereas it is expedient and necessary, for preserving the Navigation of the River *Thames*, that the said Trustees should be restrained from digging, gathering, and taking Gravel, Sand, or other Materials out of the said River; be it therefore enacted, That nothing in the said Act or this Act contained, shall authorize or empower the said Trustees to dig, gather or take any Gravel, Sand, or other Materials, out of the River *Thames*, for the Repair, Maintenance, and Support of the said Roads, or any Bridges, Arches, or Fences, in or upon the same.

XIX. Provided

XIX. Provided always, and be it enacted, That nothing in the said recited Act or this Act contained, shall extend or be construed to extend, to prejudice or derogate from the Rights; Interests, Privileges, Franchises, or Authorities of the Mayor and Commonalty and Citizens of the City of London, or their Successors, or the Lord Mayor of the said City for the Time being; or the Master, Wardens, and Assistants of the Trinity House of *Deptford Strond* respectively; or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction, which at the Time of passing this Act, the said Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, as Conservator of the River *Thames*, or the said Master, Wardens, and Assistants respectively, did or might lawfully claim, use, or exercise; nor to authorize or empower the said Trustees, their Workmen or Servants, or any of them, to take, carry away, or interfere with any Part of the Soil or Bed of the said River, or the Banks or Shores thereof, without the Licence and Consent of the said Mayor and Commonalty and Citizens, and also of the Master, Wardens and Assistants of the Trinity House, so far as such last-mentioned Consent is or shall be by Law requisite, in that Behalf first had and obtained in Writing for that Purpose.

Saving Rights of the City of London as Conservators of the Thames.

XX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Rights and Privileges, or to abridge, alter, or diminish or take away any of the Jurisdictions, Powers or Authorities of the Master, Wardens, and Assistants of the Corporation of Trinity House of *Deptford Strond*.

Saving the General Rights of the Trinity House.

XXI. And be it further enacted, That in any Action which may be brought by virtue of the said recited Act or this Act, against any Person or Persons who have subscribed, or who shall hereafter subscribe any Sum or Sums of Money for and towards the Purposes of the said recited Act or this Act, to recover any Sum or Sums of Money due by Reason of any Call or Calls, or by Reason of Forfeiture for Non-payment thereof in due Time, it shall be sufficient for the said Trustees to declare or alledge, that the Defendant or Defendants being a Subscriber or Subscribers of such Sum or Sums of Money for and towards the Purposes of the said recited Act or this Act, is or are indebted to the said Trustees in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, upon such Sum or Sums of Money, as the Case may happen to be, and that he, she, or they made Default of Payment in due Time, whereby an Action hath accrued to the said Trustees by virtue of the said Act, without setting forth the special Matter; and on the Trial of such Action, it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Subscriber or Subscribers of the Sum or Sums of Money, in respect of which such Call or Calls were made, and that such Call or Calls were made, and Notice thereof given in Writing to the Defendant or Defendants, by being left at his or their last Place of Residence, or of carrying on Business, at least Seven Days previous to the Commencement of any such Action or Actions, without proving any other Matter, and the said Trustees shall thereupon be entitled to recover what shall appear due, together with the Amount of every Forfeiture in respect to the Sum so due; and if such Defendant or Defendants shall be a Subscriber or Subscribers by virtue of any Assignment or

Proceedings in Actions for Calls.

Transfer, the Production of the Entry of such Transfer or Assignment shall be sufficient Evidence of the same, and the Entry of such Call or Call in the Book of the Trustees shall be sufficient Evidence that such Call or Calls was or were made.

Tolls to be
taken when
Road com-
pleted from
the Kent
Road to
Grove Street.

XXII. And be it further enacted, That upon the Completion of the Line of Road from the *Kent Road* to *Grove Street, Deptford*, all the Powers and Authorities given and granted by the said Act, as to the Receipt of Tolls, and the Management of the said Road, shall be in full force and virtue.

Public Act.

XXIII. 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.

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