



ANNO QUARTO & QUINTO

# GULIELMI IV. REGIS.

\*\*\*\*\*

## *Cap. xcv.*

An Act for better paving, cleansing, lighting, and improving the Waterside Division of the Parish of *Saint Mary Magdalen, Bermondsey*, in the County of *Surrey*. [13th August 1834.]

**W**HEREAS an Act was passed in the Twenty-fifth Year of the Reign of His 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 Waterside Division, and for removing and preventing Nuisances and Annoyances therein; and for lighting and watching certain Parts of and belonging to the Turnpike Road leading from the East End of New Street in Southwark to Deptford in the County of Kent, within the said Waterside Division of the said Parish therein mentioned*: And whereas the Provisions of the said recited Act are found insufficient for the Purposes intended, and it is expedient that further and additional Powers should be granted for better paving, cleansing, lighting, watering, regulating, and improving the said Division: And whereas it would facilitate the Objects hereinbefore mentioned if the said recited Act were repealed, and if other Powers and Provisions were granted and made instead thereof: And whereas the several Objects aforesaid cannot be effected without the Aid and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,

[Local.] 31 K

Recited Act  
repealed.

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the First *Monday* next after the passing of this Act the said recited Act of the Twenty-fifth Year of the Reign of King *George* the Third shall and the same is hereby declared to be repealed.

Rates, &c.  
made under  
recited Act  
to continue  
in force.

II. And be it further enacted, That, notwithstanding the Repeal of the said recited Act hereby repealed, all Rates and Assessments which before the passing of this Act shall have been made, and all Fines and Penalties which shall have been incurred, and all Contracts, Bonds, or Agreements which have been entered into, under or by virtue of the said recited Act, and all Monies due to the Commissioners acting in the Execution of the said recited Act, and which shall respectively remain uncollected or unpaid, or be in existence or be unperformed, at the Time of the Commencement of this Act, shall and may be collected, recovered, and enforced by the Commissioners acting in the Execution of this Act in the same Manner and by the same Ways and Means as if such Rates, Assessments, and Monies had been made or become due, and as if such Fines and Penalties had been incurred, and as if such Contracts, Bonds, or Agreements had been entered into, under or by virtue of this Act; and all Encroachments, Nuisances, and other Offences made or committed previously to the Time of the Commencement of this Act may be abated or prosecuted in the same Manner as if this Act had not been passed; and all Treasurers, Collectors, Officers, and other Persons who at the Time of the passing of this Act shall have in their Possession or under their Controul any Money, Books, Documents, Papers, Writings, or Effects belonging to the Commissioners acting in the Execution of the said former Act hereby repealed, shall be liable to account for and deliver up all such Money, Books, Documents, Papers, Writings, and Effects to the Commissioners acting in the Execution of this Act, in the same Manner, and subject to the same Process and Penalties for Refusal or Neglect, as if such Treasurers, Officers, Collectors, or Persons had been appointed by the Commissioners acting in the Execution of this Act.

Officers  
under recited  
Act to ac-  
count to  
Commission-  
ers under  
this Act.

Conveyances  
under recited  
Act con-  
firmed.

III. And be it further enacted, That all Assignments, Grants, Conveyances, Leases, Exchanges, and other Securities granted to or by any Person or Corporation by virtue or under the Authority of the said recited Act hereby repealed, shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the said recited Act had not been repealed.

This Act  
liable to  
Debts con-  
tracted under  
recited Act.

IV. And be it further enacted, That the Rates and Assessments hereby authorized to be made, and all Rates and Assessments to be recovered under the said recited Act hereby repealed, and all Monies which, at the Time of the Commencement of this Act, shall be in hand from the Receipt of Rates and Assessments under the said recited Act, shall be and the same are hereby made liable to the Payment of all Monies which, at the Time of the Commencement of this Act, are or shall be due on the Credit of the said recited Act hereby repealed, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had become due on the Credit of this Act.

V. And

V. And be it further enacted, That all Books kept for registering Mortgages, Assignments, or other Securities, or for the Transfers of the same respectively, and all Entries therein, and all Books containing the Accounts and Proceedings of the Commissioners acting in the Execution of the said recited Act hereby repealed, kept according to the Directions and Provisions of such Act, and made Evidence thereby, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and the Clerk and Treasurer and all other Officers appointed under the said recited Act hereby repealed, or in the Employment of the Commissioners acting in the Execution of such Act at the Time of the Commencement of this Act, shall hold and enjoy their respective Offices and Employments until removed therefrom by the Commissioners for carrying into execution this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and they and their Sureties shall be subject to the same Penalties, Obligations, Restrictions, and Regulations, as if they had been appointed by virtue of this Act.

Books used under recited Act to be Evidence.

Officers to hold their Situations until removed.

VI. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to mean several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments as well as Lands; and the Word "Person" and also the Word "Corporation" shall respectively be understood to include a Body or Bodies Politic; Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, as well as an Individual or Individuals; the Word "Division" shall include all such Parts of the said Parish of *Saint Mary Magdalen Bermondsey* as are within the Waterside Division thereof, as the same is now commonly reputed and known, and also such Lands as are situated on the South Side of that Part of the Turnpike Road leading from *London* to *Deptford*, called the *Deptford Lower Road*, as lies between *Lilliput Hall Bridge* and the North End of a certain Lane called *Blue Anchor Lane*, to an average Depth of One hundred and fifty Feet, and including also all such Lands as have heretofore been rated under the Authority of the said recited Act hereby repealed, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Construction of certain Words.

VII. And whereas Doubts may have arisen as to the Validity of the Acts done by any Person acting as a Commissioner in the Execution of the said recited Act hereby repealed in consequence of any Illegality or Informality in the Appointment of any such Person, and as to the personal Liability of such Person in consequence of such illegal or informal Appointment; be it therefore enacted, That no Deed, Conveyance, Assignment, Agreement, Contract, Bond, or other Security, nor any Transaction, Act, Matter, or Thing, made, done, or entered into by any Person as aforesaid, either jointly with or without any other Person acting as such Commissioner, shall be impeached, affected, invalidated, or rendered void or voidable, nor shall any such Person so acting as aforesaid be subject or liable to any Pains, Penalties, Forfeitures, or Proceeding, either Civil or Criminal, in respect thereof, for or by reason only of any Illegality or Informality in the Appointment or Mode, or for or by reason of the Want of

Acts of Persons acting as Commissioners under recited Act not to be impeached.

of Appointment of any such Person so acting as aforesaid, but that every such Act, Deed, Conveyance, Assignment, Agreement, Exchange, Assurance, or Dealing, and Transaction, Matter, and Thing so made, done, or executed by any such Person acting as a Commissioner as aforesaid, shall be as good, valid, binding, and effectual to all Intents and Purposes as if the Person by whom the same may have been made, done, or executed as a Commissioner as aforesaid had been duly, legally, formally, and properly appointed a Commissioner, or was duly qualified to act as such under the said recited Act.

Commis-  
sioners.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the County of *Surrey* residing or occupying Property within the said Parish of *Saint Mary Magdalen Bermondsey*, together with *Mathew Boyd, Samuel Bevington, Henry Bevington, George Baker, William Martin Carter, William Creak, Thomas Crisp, Henry Dudin, James Guttridge, Thomas Groves, Jacob Hagen, Jacob Hagen the younger, Samuel Haycraft, John Higham, Thomas Hays, Robert Bertrum Kitchen, Thomas Keeton, George Keene, James Matthews, John Newbald, John Roberts, Garwood Tokeley, James Wade, Richard King Watts, Thomas Young*, and their Successors to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for putting this Act into execution, and shall be called "The Commissioners for the Improvement of the Waterside Division of *Bermondsey*;" and the several Persons herein-before named and the Survivors of them shall continue in Office until the Third *Monday* in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-five, or until other Persons shall be elected Commissioners in their Place in manner herein-after mentioned.

For the Elec-  
tion of future  
Commis-  
sioners.

IX. And be it further enacted, That on the Third *Monday* in the Month of *July* which will be in the Year of our Lord One thousand eight hundred and thirty-five, and on the Third *Monday* in the Month of *July* which shall happen at the End of every Fifth Year thereafter, each Year being held to expire on the said Third *Monday* in the Month of *July*, the Inhabitants of the said Division rated and assessed to the Rate or Assessment then last made for the Purposes of this Act shall assemble and meet together at some convenient Place within the said Division, and at such Meeting Twenty-five Persons shall be elected by the Majority of such Inhabitants then and there present to be Commissioners for putting this Act into execution, and shall continue in Office for the Term of Five Years thence next ensuing, or until other Persons shall be elected in their Place: Provided always, that such Meeting shall be convened by the Clerk for the Time being of the said Commissioners, or, in case of his Illness, Absence, or Refusal, then by One of the said Commissioners; and that Seven Days Notice of such Meeting, specifying the Time and Place thereof, shall be previously given by Distribution or Affixion thereof throughout the said Division, and also by Publication thereof in the Church or Chapel of *Saint James* in the said Parish of *Saint Mary Magdalen Bermondsey*, and by Affixion on the Door of such Church or Chapel on the Two successive *Sundays* immediately preceding such Meeting.

X. And

X. And be it further enacted, That if any Commissioner to be elected by virtue of this Act shall neglect to take the Oath herein-after mentioned for the Space of Six Calendar Months next after his Appointment, or shall neglect to attend some Meeting of the said Commissioners for the Space of Twelve Calendar Months at any one Time, or shall die, or resign, or refuse to act, or become disqualified or incapable of acting as a Commissioner, it shall be lawful for the surviving or continuing Commissioners and they are hereby required from Time to Time to give or cause to be given, by their Clerk or Treasurer for the Time being, public Notice (in manner herein-before mentioned for the Election of the Commissioners for putting this Act into execution) of a Meeting of the Inhabitants of the said Division respectively rated and assessed to the Rate or Assessment last made by the said Commissioners for the Purposes of this Act, to be held on the Third *Monday* in the Month of *July* next after such Neglect, Death, Resignation, Refusal, Disqualification, or Incapacity to act shall happen or be known, or sooner if it shall by the said Commissioners be so thought necessary, at some convenient Place within the said Division; and at every such Meeting some Person duly qualified as herein-after mentioned shall be elected by the Majority of the Inhabitants then and there present to be a Commissioner in the Room of the Commissioner so neglecting, dying, resigning, refusing, or becoming disqualified or incapable to act as aforesaid, and every Person so to be elected shall continue in Office so long only as the Commissioner in whose Place or Stead he shall be so elected would have been entitled to continue had he remained in Office.

For electing Commissioners to supply Vacancies.

XI. And be it further enacted, That every Person who shall go out of Office and cease to be a Commissioner by any of the Means herein-before mentioned shall be capable of being immediately or at any Time afterwards re-elected a Commissioner for the Purposes of this Act.

Commissioners capable of being re-elected.

XII. Provided always, and be it further enacted, That no Person (excepting His Majesty's Justices of the Peace herein-before mentioned) shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath hereafter mentioned, and which Oath may be administered by any of the said Commissioners,) unless he shall inhabit, occupy, or possess Lands, Tenements, or Hereditaments in the said Division, and shall have been rated in the Rate or Assessment made under the said former Act hereby repealed or this Act, next before his Appointment, in respect of Property of the annual Rent or Value of Forty-two Pounds at the least, and be, either in his own Right or in the Right of his Wife, in the actual Possession of or in Receipt or Enjoyment of the Rents of Freehold or of Copyhold or Customary Lands of the clear yearly Value of Fifty Pounds at least, above Reprises, or unless he shall be rated as aforesaid, and be possessed of Personal Estate, or Real and Personal Estate together, to the Amount or Value of Two thousand Pounds, over and above what shall be sufficient to pay and satisfy all his Debts, and until he shall, at some Meeting of Commissioners to be held under the Authority of this Act, have taken and subscribed an Oath in the Form or to the Effect following; (that is to say,)

Qualification of Commissioners.

‘ I *A. B.* do swear, That I inhabit, occupy, or possess [*as the Case may be*] Lands, Tenements, or Hereditaments in the Waterside Division  
[*Local.*]

Oath of Qualification.



the Plaintiff than that such Person has acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as such Commissioner without being duly qualified or being disqualified as aforesaid shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified or had not been disqualified as herein-before mentioned.

XVI. And be it further enacted, That at all Meetings to be held under the Authority of this Act for the Election of Commissioners as aforesaid a Chairman shall be appointed by the Inhabitants present to preside thereat, and in case of an Equality of Votes the Chairman shall have the casting or decisive Vote in addition to his Vote as an Inhabitant, and the Chairman shall at such Meetings declare the Names of the several Persons who shall have been elected Commissioners as aforesaid: Provided always, that no Person shall be entitled to vote at any such Meeting nor at any Meeting for taking a Poll, as herein-after mentioned, who shall have been excused, either wholly or in part, for or by reason of Poverty or Inability to pay the same, the Payment of the Rate or Assessment last made and closed by the said Commissioners previously to any such Meeting.

Regulating Proceedings at Meetings for Election of Commissioners.

No Person entitled to vote who has been excused from Payment of Rates.

XVII. Provided always, and be it further enacted, That if at any such Meeting it shall appear doubtful to the Chairman presiding thereat which of the Persons nominated as Commissioners is or are duly chosen, or if a Poll shall be demanded by any Five Inhabitants present at such Meeting, in either of such Cases the said Election shall be finally determined by a Poll of the Inhabitants of the said Division being rated or assessed and qualified to vote as before mentioned, and the said Poll shall commence on the Day next but One following the Day on which such Nomination shall have taken place, and shall be taken before the Chairman so appointed, or in his Absence before some one of the Inhabitants to be appointed by the Majority of the Inhabitants present at the Meeting for taking such Poll, and duly qualified, and shall continue open for that and the next succeeding Day (unless one of such Days shall happen on a *Sunday*, in which Case the same shall be taken on the following Day, being *Monday*,) between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, unless the same shall be sooner closed by Consent of all the Persons for whom such Poll shall be then taking; and in case of an Equality of Votes at the final Close of the said Poll, then the Person so acting as Chairman of the said Meeting, taking such Poll, shall have, in addition to his own Vote as an Inhabitant, a casting Vote as Chairman, and such Chairman shall immediately after such Poll shall be finally closed declare the Names of the several Persons who shall have been elected Commissioners for putting this Act in execution: Provided always, that no Objection to the said Election or any Proceedings thereon shall be had or taken, nor shall the same avail in any Court or Place whatsoever, unless such Objection or the Purport thereof shall be made and stated in Writing by the Person making the same during the Time of the Meeting at which such Election shall be had, or within Seven Days thereafter, and be delivered to the Clerk to the said Commissioners, or left at his Office or last or usual Place of Abode.

Poll may be granted.

XVIII. And be it further enacted, That the Commissioners for carrying this Act into execution, or any Five or more of them, shall assemble and hold

Meetings and Proceedings of Commissioners.

hold their First Meeting at the Tavern known by the Name or Sign of the *Jamaica House*, or at some other convenient Place within the said Division, on the First *Monday* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, and proceed to put this Act into execution; and the Commissioners present at such First or at any subsequent Meeting may from Time to Time adjourn to the same or any other Place within the said Division; and if the Commissioners present at any such Meeting shall omit to adjourn the same, or if there shall not be Five Commissioners then and there present within Half an Hour after the Time appointed for such Meeting, then the Clerk of the said Commissioners may adjourn such Meeting from Time to Time to the same or any other Place within the said Division; and no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue of this Act; and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the Majority of them present at any Meeting to be held as aforesaid, the Number of Commissioners present at any such Meeting not being less than Five; and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote; and the said Commissioners shall defray their own Expences at every such Meeting (except for the Use of the Room where such Meeting shall be held): Provided nevertheless, that it shall be lawful for the Clerk of the said Commissioners, on an Order signed by any Five or more of such Commissioners although not assembled at a Meeting, to call a Meeting of the said Commissioners at some convenient Place within the said Division; and Notice of such intended Meeting, and of the Time, Place, and general Purport thereof, signed by the Clerk or by any Five of the said Commissioners, shall be sent, either by the Post or otherwise, to the last or usual known Place of Abode or Business of each of the Commissioners for carrying into execution this Act; provided that no such Meeting shall be held at any Time earlier than Three Days or later than Fourteen Days from the Day of sending such Notice.

As to revoking Orders of Commissioners.

XIX. And be it further enacted, That no Order, Rule, Regulation, Act, or Proceeding made by the said Commissioners shall be revoked, altered, or suspended, unless at some subsequent Meeting to be held for that Purpose, and of which Five Days Notice shall be given in the Manner herein-before mentioned, expressing the Occasion of such Meeting, and unless a greater Number of Commissioners shall attend and vote at such Meeting than were present when such Order, Rule, Regulation, Act, or Proceeding was made, any thing contained in this Act to the contrary notwithstanding.

Proceedings to be entered.

XX. And be it further enacted, That the Names of all the Commissioners who shall attend the respective Meetings, and the Orders and Proceedings of the said Commissioners at every such Meeting, shall be entered in some Book to be provided and kept for that Purpose, which Entries shall be signed by the Chairman of such respective Meetings or by the Clerk of the said Commissioners, and such Book shall be deposited with and remain in the Custody of the Clerk of the said Commissioners, and shall be at all seasonable Times open to the Inspection of the said



Commissioners or any of them ; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making such Orders or Proceedings being Commissioners.

XXI. And be it further enacted, That the said Commissioners shall cause Books to be kept by the Treasurer of the said Commissioners, who shall enter in such Books true and regular Accounts of all Sums of Money received and expended for or on account of this Act, and of the several Articles and Things for which such Sums of Money shall have been expended, and such Accounts shall be made up annually to the last Day in *December* in each Year ; and on the First *Monday* in *January* in each Year, or within Fourteen Days thereafter, the said Commissioners shall hold a Meeting for the Purpose of inspecting and auditing the said Accounts ; and such Accounts, when so inspected and audited, shall be authenticated by the Signature of the Chairman of such Meeting, and shall be deposited with the Clerk of the said Commissioners, and shall, together with all Books of Accounts, be at all seasonable Times open to the Inspection of the said Commissioners, and of the Creditors on the Rates or Assessments hereby granted, and of all Persons liable to the Payment of any Rate made by virtue of this Act, upon Payment of the Sum of One Shilling for every such Inspection ; and the said Commissioners and Creditors may take or have Copies of or Extracts from the said Books or any of them, or any Part thereof respectively, or from the said Accounts, paying for the same at the Rate of Sixpence for every One hundred Words or Figures, such Commissioners or Creditors or Persons respectively having first given One Day's Notice to the Person having the Custody of such Books or Accounts of their Desire to inspect the same, or to take such Copies or Extracts therefrom ; and in case the said Treasurer or Clerk respectively shall refuse to permit or shall not permit the said Commissioners or Creditors, or any of them, to inspect such Books or Accounts, or take such Copies or Extracts as aforesaid, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time at any of their Meetings to elect a Treasurer, Clerk, Surveyor, Collector, Receiver, Beadle, and all such other Officers as they shall think proper, for carrying this Act into execution, and also from Time to Time to suspend or displace such Officers or any of them, and to appoint others in the Room of such of them as shall die, or resign, or be suspended or displaced from their respective Offices, and to pay such Salaries or Allowances to the said Officers respectively, as the said Commissioners shall think reasonable ; and the said Commissioners shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, and from every Collector, Receiver, or other Officer of the said Commissioners who shall have the Custody or Controul of any Money to be received by virtue of this Act, for the faithful Execution of his Office before he shall enter thereupon.

For appointing Officers.

Treasurer and Collector to give Security.

Penalty on  
Officers  
taking any  
Fee or Re-  
ward.

XXIII. Provided always, and be it further enacted, That if any Treasurer, Clerk, Collector, Receiver, Beadle, or other Officer employed by the said Commissioners for the Purposes of this Act, shall demand or accept any Fee or Reward whatsoever in the Execution of his Office (other than such Salary or Allowance as shall be appointed by the said Commissioners or by this Act) for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, (unless with the Consent of the said Commissioners, or as a Creditor on the said Rates or Assessments, or as a Shareholder in any Company,) every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners for any of the Purposes of this Act, and shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Street-keeper  
to be Con-  
stable ex  
officio.

XXIV. Provided always, and be it further enacted, That every Person to be appointed by the said Commissioners as a Street-keeper for the Purposes of this Act shall, before entering upon his Office, be sworn in as a Constable by or before any Justice of the Peace for the said County of *Surrey*, and shall act as such by Day as well as by Night while in the Execution of the Powers of this Act, and he is hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, save as herein-after is mentioned, as any Constable is invested with, or has and enjoys, or is subject and liable to by Law: Provided always, that such Street-keeper shall not be liable or be called on to act as a Constable in any Matter or Thing not relating to the Execution of this Act.

Same Person  
not to be  
both Clerk  
and Trea-

XXV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint or continue any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, nor to appoint or continue any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer receiving any Salary or other Remuneration from the said Commissioners shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to

be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

XXVI. And be it further enacted, That as often as the Clerk or Treasurer or any Collector or Receiver of the Monies to be raised by virtue of this Act, or any other Officer appointed by the said Commissioners, shall die, or be incapable of acting in the Execution of this Act, or shall fail or abscond, or become bankrupt or insolvent, or omit or neglect to perform his Duty, it shall be lawful for the said Commissioners, or any Five or more of them, within Fourteen Days after such Vacancy shall occur, though not assembled at a Meeting pursuant to this Act, by any Writing under their Hands to appoint another Person in the Place of such Clerk, Treasurer, Collector, Receiver, or Officer, until a Clerk, Treasurer, Collector, Receiver, or other Officer shall be appointed by the said Commissioners at a Meeting to be held in pursuance of this Act, and which Appointment shall be made by the said Commissioners within One Calendar Month next after such Vacancy shall occur, any thing herein contained to the contrary notwithstanding; and such temporary Clerk, Treasurer, Collector, Receiver, or Officer shall give Security, and be subject to all the Provisions of this Act, in the same Manner as if he had been appointed by the Commissioners at a Meeting in pursuance of this Act.

Commissioners may appoint temporary Officers.

XXVII. Provided always, and be it further enacted, That every Officer and Person who shall be appointed or employed under this Act shall (at such Times and in such Manner as the said Commissioners or any Five of them shall direct) deliver to the said Commissioners, or to such Person as they shall appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Account shall state how and to whom and for what Purpose the same shall have been disposed of, together with proper Vouchers and Receipts for such Payments, and shall pay all such Monies as upon the Balance of such Account shall appear due from him to the said Commissioners, or to such Person as they shall appoint to receive the same; and if any such Officer or Person shall neglect or refuse to render such Account, or to produce or deliver up the Vouchers and Receipts relating to the same, or to make Payment of the Balance thereof, when thereunto required as aforesaid, or to deliver up to the said Commissioners or to such Person as they shall appoint, when thereunto required as aforesaid, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners or to such Person as aforesaid respecting the same, then and in every such Case, Complaint being made thereof by the said Commissioners, or by any other Person on their Behalf, to any Justice of the Peace for the County or Place where such Offender shall be or reside, such Justice is hereby authorized and required by a Warrant under his Hand and Seal to cause the Officer or Person to appear before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in the same Manner as the said Commissioners might have done; and if, upon the Confession of the Party against whom such Complaint shall be made, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any Money remains due from such Officer or Person,

Officers to account.

4° & 5° GULIELMI IV. *Cap. xcv.*

Person, such Justice may and he is hereby required, on Nonpayment thereof as aforesaid, 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 or Person; and if sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money, and the Charges of such Distress and Sale, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall not make out and deliver to such Justice such Account in Writing as aforesaid, or produce and deliver to such Justice the several Vouchers and Receipts relating to such Accounts, or deliver up such Books, Papers, and Writings as aforesaid, then and in every such Case such Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Offender to some Common Gaol or House of Correction for the County or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any), and have paid all the Money which shall appear in the Hands of or owing by him, and the reasonable Charges of such Summons, Distress, and Sale, and all other Charges which shall in that respect have been made, or until he shall have compounded with the said Commissioners in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Commissioners: Provided always, that no such Officer or Person shall be detained in Prison by virtue of this Act for any longer Space of Time than Six Calendar Months for Want of Distress only: Provided also, that if any Money shall remain due from any such Officer or Person, his Commitment to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer or Person and his Surety or Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

On Death,  
&c. of  
Officers, their  
Executors,  
&c. to ac-  
count.

XXVIII. And be it further enacted, That in case of the Death of any Officer appointed as aforesaid before he shall have fully paid and discharged all the Money which he shall have received by virtue of this Act, or made such Composition for the same, the Executors or Administrators of such Officer so dying shall, in the due Course of Administration of the Estate and Effects of the Deceased, pay such Money out of the Estate of such Officer to the said Commissioners; or in case of the Death, Bankruptcy, or Insolvency of any such Officer before he shall have delivered up all Books, Papers, Writings, and other Things which he shall have received by virtue of this Act, the respective Executors and Administrators of such Officer, or the Assignees of his Estate and Effects, or other Persons possessing the same or in whom the same shall be vested, shall, on Demand, deliver up to the said Commissioners all such Books, Papers, Writings, and other Things as shall have come to the Hands of such Executors or Administrators or Assignees, and such Executors or Administrators or Assignees may respectively plead such Payment or Delivery in any Action which may be brought against them for or on account of such Estate or Effects, and give the same in Evidence; and in case of Nonpayment of such Money by such Executors or Administrators,

trators, or of the Nondelivery of such Books, Papers, Writings, and other Things by such Executors or Administrators or Assignees, for the Space of Fourteen Days after the same shall have been demanded by or on behalf of the said Commissioners, it shall be lawful for the said Commissioners to commence and prosecute any Action in any of His Majesty's Courts of Record at *Westminster* against such Executors, Administrators, or Assignees for Recovery of Damages for the Detention of such Money, Books, Papers, Writings, and other Things.

XXIX. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk for the Time being, or One of the said Commissioners; and no Action or Proceeding which may be brought or instituted by or against the said Commissioners by virtue or on account of this Act or of the former Act hereby repealed shall abate or be discontinued or in any way affected by the Death of such Commissioner, or by the Death, Suspension, or Removal of such Clerk, or by any Act or Default of such Commissioner or Clerk without the Direction and Consent of the said Commissioners, but such Commissioner or Clerk shall always be deemed Plaintiff or Defendant in such Actions or Proceedings, except in Cases of Actions or Proceedings prosecuted between the said Commissioners and their Clerk for the Time being: Provided always, that every such Commissioner or Clerk in whose Name any Action or Proceeding shall be instituted or defended as herein-before mentioned shall always be reimbursed, out of the Monies arising by virtue of this Act, all such Costs and Charges as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same unless such Action or Proceeding shall have been instituted or defended without the Direction or Consent of the said Commissioners: Provided also, that in all Cases in which a Commissioner or the Clerk for the Time being of the said Commissioners as aforesaid shall be Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the said Commissioners shall be suing or sued in the Name of such Commissioner or Clerk, such Commissioner or Clerk as aforesaid shall and may be a good and competent Witness in such Action or Proceeding either for or against the said Commissioners; and all Affidavits of Debt or Service which may be necessary to be made in reference to such Action or Proceeding may be lawfully made by such Commissioner or Clerk, notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid.

Actions to be in the Name of the Clerk or of One Commissioner.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to contract or agree with any Person for all or any of the several Works, Matters, or Things by this Act authorized to be done or performed by the said Commissioners, or for any other Business, Matter, or Thing necessary for carrying this Act into execution; and every such Contract or Agreement shall be prepared at the Expence of the said Commissioners, and shall specify the several Works to be done, the Prices to be paid for the same, and the Period within which the same are to be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by any Three or more of the said Commissioners, and shall also be signed by the Person, or be sealed with the Seal of the Corporation, contracting to perform such Works respectively, and a

Power to contract for Work directed to be done by this Act.

Minute thereof shall be entered in a Book to be kept for that Purpose by the Clerk of the said Commissioners ; and the said Commissioners shall and they are hereby authorized to take Security from every such Contractor for the due Performance of his Contract : Provided always, that Notice of the Intention to enter into any such Contract, and of the Time when and the Place where the Tenders for the same are intended to be considered, shall be given Seven Days at least before the Day for entering into the same by Advertisement in One or more of the daily Newspapers circulated within the said County of *Surrey* : Provided also, that if the said Commissioners shall be of opinion that it will not be advantageous to contract with the Party offering the lowest Price, it shall be lawful for the said Commissioners to contract or agree with any other Party : Provided also, that when the said Commissioners shall have accepted any Tender offered to them, the same shall be signed by the Clerk of the said Commissioners, and shall be conclusive and binding on the Party making the same and on the said Commissioners until a Contract or Agreement shall be entered into and duly signed or sealed as aforesaid in pursuance of such Tender ; and in case the Party making such Tender shall neglect or refuse, for the Space of Fourteen Days after the Acceptance of such Tender shall have been notified to him, to sign or seal such Contract or Agreement, or in case he shall not duly perform to the Satisfaction of the said Commissioners the Conditions of such Contract or Agreement after having entered into the same, the said Commissioners shall and may bring an Action at Law or Suit in Equity against the Party so refusing to sign such Contract or Agreement, or so neglecting or refusing to perform the Conditions thereof, for any Injury sustained by them by reason of such Refusal or Neglect ; and upon proving the Acceptance of the said Tender, and the Notification of such Acceptance to the Party making the same, and the Refusal to sign a Contract or Agreement in pursuance thereof, or upon proving the signing of the said Contract or Agreement, or the affixing the Common Seal thereto (as the Case may be), and the Non-performance thereof, the said Commissioners shall recover such Penalty or Damages as may be awarded, with full Costs of Suit.

Commis-  
sioners may  
compound  
for Breach of  
Contract.

XXXI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to compound and agree with any Party who shall have made such Tender, or with any Party who shall have entered into such Contract or Agreement, or with his Surety or Sureties, for any Damage which may have been sustained by the said Commissioners in consequence of his not having entered into or performed such Contract or Agreement, or for any Penalty incurred by such Party, or his Surety or Sureties, for the Breach or Nonperformance of any such Contract or Agreement, for such Sum of Money as the said Commissioners shall think proper.

Commis-  
sioners not to  
be personally  
liable.

XXXII. And be it further enacted, That nothing in this Act, or in any Contract or other Instrument hereby authorized to be entered into or made by the said Commissioners, shall extend to charge the Person of any of the Commissioners, or their Clerk, Treasurer, or other Officer executing any such Contract or other Instrument, or the Heirs, Executors, or Administrators, or the Lands, Tenements, Goods, or Chattels of such Commissioners, or of their Clerk, Treasurer, or other Officer, with or for the Performance of any of the Covenants, Conditions, or Agreements in any such

such Contract or other Instrument contained on the Part of such Commissioners, or their Clerk, Treasurer, or other Officer; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Action or Suit at Law or in Equity, or otherwise, against any such Commissioner, Clerk, Treasurer, or other Officer, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason of such Contract or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners, Clerk, Treasurer, or other Officer shall pay or be put unto or which shall be occasioned by reason of any such Contract or other Instrument, or of any Action or Suit to be brought or prosecuted thereupon, or by reason of any other Matter or Thing arising in the Execution of this Act, shall respectively be paid and discharged by and out of the Monies to be raised by virtue of this Act.

XXXIII. And be it further enacted, That all the present and future Pavements, Stone, Gravel, and all the other Materials of the several present and future Streets, Roads, Lanes, Highways, Passages, and other public Places, and the Ground and Soil thereof, and also of the Pavements which may have heretofore been laid on the Footways on the Side of any Turnpike Road within the said Division, and all the Lamps, Lamp Irons, and Posts, and other Works, Articles, Materials, and Things, and all Lands provided, purchased, or taken under the Authority of the said former Act or of this Act, shall severally and respectively be deemed to belong to and be the Property of, and the same are hereby absolutely vested in the Commissioners for executing this Act (subject nevertheless to any Conditions or Regulations contained in any Contracts with the said Commissioners); and the said Commissioners shall and may cause any Action to be brought, or direct any Bill of Indictment to be preferred (as the Case may require,) against any Person who shall deface, damage, injure, or destroy, detain, steal, or carry away, any of the Property so vested in the said Commissioners as aforesaid; and in any such Action or Bill of Indictment respectively it shall be sufficient to state generally that the Article, Matter, or Thing for or in respect of which such Action shall be brought, or Bill of Indictment preferred, is the Property of the Commissioners for the Improvement of the Waterside Division of *Bermondsey*, without stating or specifying the Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of all or any of the said Articles, Matters, and Things respectively, as they shall think proper.

Pavements,  
&c. vested in  
the Commis-  
sioners.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners to cause the Streets, Roads, Lanes, Highways, Passages, and other public Places within the said Division, or such of them as they shall from Time to Time think proper, to be well and sufficiently lighted at such Times and in such Manner as they shall direct, and to provide and set up Lamps and other Apparatus and Works necessary for the Purposes of such lighting, and also to affix, carry, or place any such Lamps or Works to, upon, or against any Buildings or Premises, and to alter or remove and repair the same in such Manner as shall from Time to Time become necessary: Provided nevertheless, that nothing herein contained shall authorize or empower the said Commissioners, or any Corporation,

Provision for  
lighting the  
Streets, &c.

Corporation or Person whomsoever, making or supplying Gas, to carry or fix any Pipe or other Thing for the Conveyance of Gas for lighting any of the said Streets, Roads, Lanes, Highways, Passages, and Places, or to continue the same, against, through, or into any private Buildings or Premises, without the Consent and Authority of the Owner and Occupier of every such Building or Premises.

Pavements  
to be made  
good when  
Pipes are  
laid.

XXXV. And be it further enacted, That every Corporation or Person, in supplying Water or Gas, or in laying or repairing any Mains, Pipes, Plugs, or other Apparatus, shall do as little Damage as may be to the Soil or Pavement of the Footpaths or Carriageways which it may be necessary to break or take up, and shall and they are hereby required immediately after to fill in the Trenches, and to reinstate and make good such Footpaths and Carriageways to the Satisfaction of the said Commissioners, and shall cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges, and shall, during the Performance of such Works, sufficiently fence and guard and affix Lights during the Night at or near the Places where any Ground shall be opened, in such Manner as to prevent Accidents or Inconvenience to Passengers, Cattle, and Carriages: Provided always, that if there shall be any wilful Negligence or Delay in such Corporation or Person, or any of their respective Agents or Servants, in filling in such Ground, or removing such Rubbish, or making good such Soil or Pavement, or in case the Ground so opened shall not be sufficiently guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners or their Surveyor to fill in such Ground, and to carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to fence and guard any such Trench or Excavation, and provide necessary Lights at Night, and the Expences attending the same respectively shall be paid by the said Corporation or Person to the said Commissioners; and in default of Payment thereof for Ten Days next after Demand made in Writing, all such Expences, together with a Penalty not exceeding Ten Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Corporation or Person so supplying Water or Gas as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Surrey*, who upon due Proof of such Default is hereby empowered to grant the same.

Service Pipes  
to be kept  
fully charged  
with Gas.

XXXVI. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Roads, Lanes, Highways, Passages, and other public Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Penalty for  
conveying  
Washings  
into any  
Stream, &c.

XXXVII. And be it further enacted, That if any Corporation or Person making or supplying Gas within the said Division shall empty, or cause or suffer to be emptied, or to flow, any Washings or other waste Liquid, Substance, or Thing whatsoever which may arise or be produced in the making of such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Springhead, or into any Canal, Dock, Basin, Cut, or navigable Stream, or into any Drain, Sewer, or  
Ditch



Ditch communicating therewith, or shall do or cause to be done any Act to the Water contained in any of them whereby such Water or any Part thereof shall be fouled or corrupted, then such Corporation or Person as aforesaid shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and the whole of such Penalty shall be paid to the Person who shall sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Three Calendar Months after the Time in which such Act shall have ceased: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not have been sued for and recovered), in case any of the said Washings, or other waste Liquid, Substance, or Thing, shall be emptied, or caused or suffered to flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Canal, Dock, Basin, Cut, or navigable Stream, or into any Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating therewith, or any such Act shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Corporation or Person as aforesaid, and the said Corporation or Person as aforesaid shall not, within Twenty-four Hours after such Notice shall have been given, prevent such Washings, waste Liquid, Substance, or Thing from being emptied or flowing in manner aforesaid, and every such Act from being done, then the said Corporation or Person shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquid, Substance, or Thing shall be so emptied, or caused or suffered to flow, in manner aforesaid, or such other Act shall be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty may by this Act be recovered and levied, and shall be paid to the Informer, or to the Person who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done as aforesaid.

XXXVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any Corporation or Person making, furnishing, or supplying any Gas within the said Division, such Corporation or Person shall, at their own Expence, immediately after receiving Notice by Parol or in Writing of any such Escape of Gas by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case the said Corporation or Person aforesaid shall not, within Twenty-four Hours next after such Notice being given, effectually prevent the Gas from escaping, and wholly and effectually remove the Cause of Complaint, such Corporation or Person shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be recovered in a summary Way on the Oath of some credible Witness by Information to be laid before some Justice of the Peace for the said County of *Surrey*, and shall and may be recovered

Penalty for  
allowing  
Escape of  
Gas.

[*Local.*]

31 O

and

and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Corporation or Person by the Warrant of any Justice of the Peace as herein directed.

Gas Pipes to be laid Three Feet from Water Pipes, &c. in a particular Manner.

XXXIX. And be it further enacted, That all the Pipes or other Conduits to be laid or used for the Conveyance of Gas within the said Division shall be so laid at the greatest practicable Distance, and (wherever the Width of the Carriageway will allow thereof) at the Distance of Three Feet at least, from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water, except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any such Water Pipes, in which Cases the said Gas Pipes shall be laid over the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in which Cases also the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, and so that no Joint of the said Gas Pipes may be nearer to any Part of the said Water Pipes than Four Feet; and in laying down the said Gas Pipes the said Corporation or Person as aforesaid shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench properly form and complete with good and sufficient Materials the Joining with the other Pipes to be connected therewith, and shall also make and keep air-tight all such Pipes and all Pipes to be connected therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all respects prevent the said Gas from escaping therefrom, upon pain of forfeiting the Sum of Five Pounds for every such Default.

To prevent Escape and Contamination of Water.

XL. And be it further enacted, That whenever the Water of any Waterworks within the said Division, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person whomsoever within the said Division, shall be contaminated by the Gas of any Corporation or Person, such Corporation or Person shall forfeit and pay the Sum of Twenty Pounds for every such Offence, and the same shall be applied to the Use and Benefit of the Owner of such Waterworks, Well, Reservoir, or Pond, or the Party using any such Water, and suing for the same; and in case any such Water shall be contaminated by Gas in any way whatsoever, the Corporation or Person as aforesaid shall, within Twenty-four Hours after Notice thereof in Writing, signed by any Person whomsoever within the said Division interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Corporation or Person, cause the most proper and effectual Measures to be taken to stop and prevent Gas from further escaping from their Mains, Works, or Pipes, and from contaminating such Water; and in case the said Corporation or Person shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, the said Corporation or Person shall forfeit and pay to the Party so interested in or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party (over and above the before-mentioned Penalty of Twenty Pounds), the further Sum of Ten Pounds for each Day during which any such Water shall remain contaminated by any such Gas as aforesaid.

XLI. And whereas it may become a Question, upon such Complaint as aforesaid, whether the said Water be contaminated by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the Owners or Proprietors of any such Waterworks, or for any Person interested in such Well, Reservoir, or Pond, to examine the Pipes and other Apparatus of the said Corporation or Person as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated by the Escape of such Gas, the Costs and Expences of the said Examination, and also of the Repair of the Pavement which shall have been taken up or disturbed, shall be paid by the Corporation or Person aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace for the County of *Surrey*, and may be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from the Escape of such Gas, then the Owners and Proprietors of such Waterworks, or the Person interested in such Well, Reservoir, or Pond, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the said Corporation or Person as aforesaid any Loss, Injury, or Damage which may be occasioned to the Pipes or other Apparatus of the said Corporation or Person in and by such Examination, and shall also make good to the said Commissioners any Loss, Injury, or Damage which may be done to the Pavement so broken up or disturbed in such Examination.

For ascertaining if the Water be contaminated.

XLII. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend to protect any Corporation or Person making, furnishing, or supplying any Gas within the said Division, or any of the Servants, Officers, or Workmen of any such Corporation or Person, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or of the Means which shall be employed by them in making or using the said Gas, or in furnishing any such Gas Light, nor from any Action for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of such Gas, or from the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Act not to protect Persons lighting with Gas from being indicted for a Nuisance.

XLIII. And be it further enacted, That if any Person shall wilfully break, throw down, or injure any Lamp, or the Irons, Posts, or other Furniture thereof, set up under the Powers of this Act by Order of the said Commissioners, or in pursuance of any Contract or Agreement made by the said Commissioners, or by any Person at his own Expence, for the Purpose of lighting the said Division, or shall wilfully extinguish the Light of any such Lamp, it shall be lawful for any Justice of the Peace for the County of *Surrey* and he is hereby required, upon Oath made of the Commission of such Offence, to issue a Warrant for apprehending the Party accused; or it shall be lawful for any Person who shall see such Offence committed to apprehend, and for any other Person to assist in apprehending, the Offender, and by the Authority of this Act, and without any other Warrant, to deliver him to the Custody of a Peace Officer in

Penalty for wilfully injuring Lamps, &c.

order

order to his being conveyed before some Justice of the Peace for the said County; and upon the Party accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness who shall appear to give Evidence touching such Offence; and if the Party so accused shall be convicted of such Offence (either upon Confession or upon such Evidence as aforesaid) he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, and shall also make full Satisfaction to the said Commissioners or other the Person injured for the Damage so done; and in case such Offender shall not upon such Conviction pay the said Penalty and make such Satisfaction as aforesaid, the Justice before whom he shall be convicted is hereby empowered and required to commit him to the Common Gaol or House of Correction for the said County, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

Persons accidentally damaging Lamps to make good the same.

XLIV. And be it further enacted, That if any Person shall carelessly or accidentally break, throw down, or injure any Lamp set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the County of *Surrey*, upon Complaint made, to summon before him the Party complained of, and upon hearing the Allegations and Proofs on both Sides, or on the Confession or on the Nonappearance of the Party complained of, to award such Sum of Money as the Damage proved shall amount unto, and in case of Refusal or Neglect to pay the Money so awarded within Five Days next after Demand, to cause the same to be recovered in such Manner as Penalties or Forfeitures are by this Act directed to be recovered.

Owners of private Grounds may alter Position of Pipes.

XLV. Provided also, and be it further enacted, That in case any Corporation or Person shall at any Time break up the Soil or Pavement of any private Road or Way for the Purpose of laying any Main or Pipe along, under, or across the same, with the Consent of the Owner of the Soil for the Time being, and after the same shall have been so laid and placed such Owner shall be desirous of having the same removed, it shall be lawful for such Owner, at his own Costs and Charges, to alter and vary the Position of such Pipe or Main, and to relay the same, so that no Damage be done thereby to the said Corporation or Person, and so that they be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable.

Defective Pipes to be repaired.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, whenever they shall suspect that any Pipe belonging to any Corporation or Person supplying Gas or Water within the said Division is out of repair or defective, to adopt such Steps as they shall think proper to ascertain whether the same be out of repair or defective, and if such Pipe shall be found to be out of repair or defective, forthwith to amend and repair or renew the same, or cause the same to be amended and repaired or renewed, as Occasion may require; and all Costs and Expences attending the same shall be repaid to the said Commissioners by the Corporation or Person to whom such Pipes shall belong, and shall and may be recovered by the said Commissioners in such Way as Penalties and Forfeitures are by this Act directed to be recovered.

XLVII. And

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, when and so often and in such Manner as they shall think fit, to cause the several Streets, Roads, Lanes, Highways (as well Carriage as Foot Ways), Passages, and Places, and also the Footways next to any Turnpike Road within the said Division, to be paved, flagged, or otherwise constructed, improved, repaired, and amended, supported and kept in good Order, with such Materials as the said Commissioners shall think proper, and also from Time to Time to cause the Pavements, Flaggings, and other Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper.

Commissioners to repair the Streets, &c.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint such and so many Paviers, Workmen, Labourers, and others, and also to purchase or hire any Horses, Carts, Tools, Implements, or Materials, and to do all and every such other Acts and Things as the said Commissioners shall judge necessary for the Purpose of carrying this Act into execution.

Paviers and Workmen to be appointed, and Materials, &c. purchased.

XLIX. And be it further enacted, That if any Person shall wilfully or maliciously or by Negligence break up, injure, destroy, or otherwise damage any of the Flagging or Pavement, or the Footways or Carriage-ways of the said Streets, Roads, Lanes, Highways, Passages, or Places, or any of the Bars, Posts, Rails, Chains, or other Obstructions, or any of the Works done or set up by the said Commissioners in pursuance of this Act, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, and also a further Sum of Five Pounds for every Square Foot of the Flagging or Pavement so broken up, injured, destroyed, or otherwise damaged.

Penalty on damaging Materials.

L. And be it further enacted, That it shall not be lawful for any Corporation or Person whomsoever to break, take up, or disturb the Pavement in any of the said Streets, Roads, Lanes, Highways, Passages, and Places for the Purpose of laying down any Mains or Pipes (except Service Pipes of a Diameter not exceeding One Inch in the Bore), without the Consent in Writing of the said Commissioners first obtained.

Restrictions as to breaking up Streets by Water or Gas Company, &c.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, during such Time as any of the said Streets, Roads, Lanes, Highways, Passages, or Places shall be under repair, or during the making or repairing of any Sewers or Drains therein, to order the necessary Materials to be lodged in that or in any of the adjoining Streets, Roads, Lanes, Highways, Passages, or Places within the said Division, and to cause so many Bars, Posts, Rails, and Chains, or other Obstructions, to be fixed, set up, and placed across or in any of the said Streets, Roads, Lanes, Highways, Passages, or Places, to prevent the Passage of Carriages, Horses, and Cattle while such Works or Repairs are in progress, as to the said Commissioners shall seem proper.

Power to stop up Streets under Repair.

Commissioners may rent Ground or Buildings.

LII. And be it further enacted, That it shall be lawful for the said Commissioners to rent from any Person who may be willing to treat for the same any Land, Building, or Premises for depositing the several Materials necessary for the Purposes of this Act, and for Stables for Horses and for Standings for Carts purchased, hired, used, or employed by the said Commissioners, or for a Meeting or Committee Room or Office, or, if they shall think proper, to erect any Building for any of the Purposes of this Act on any Land to be purchased by virtue hereof; and the Rent for the same or the Expence of erecting the same respectively shall be paid out of the Monies to be raised by virtue of this Act, and the Property thereof is hereby vested in the said Commissioners for the Purposes of this Act.

Commissioners of Highways discharged from Repair of the same.

4 G. 4. c. 91,

LIII. And be it further enacted, That from and after the passing of this Act the Commissioners of the Highways acting under and by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for repairing, maintaining, and improving the Highways and other public Places in the Parish of Saint Mary Magdalen Bermondsey in the County of Surrey*, shall be discharged from the Repair or Controul over any of the Highways within the said Division: Provided always, that nothing herein contained shall take away, lessen, or interfere with any Right, Power, or Authority which the said Commissioners so acting under the before-mentioned Act of the Fourth Year of the Reign of King George the Fourth now have, or immediately before the passing of this Act might have had, to rate or assess the Inhabitants or Occupiers of Lands within the said Division to any Rate or Assessment, either for the repairing of other Highways within the said Parish, not being within the said Division, or for any other of the Purposes authorized by the said last-recited Act, or (save as in this Act before provided as to the Discharge of the said Commissioners from the Duty of repairing or exercising Controul over the Highways within the said Division) to alter, take away, abridge, or in any Manner interfere with the Rights, Powers, Authorities, Provisions, Penalties, Forfeitures, Matters, and Things granted by or contained in the aforesaid Act.

Trustees of Turnpike Roads within Division to be discharged from Repair of the same after August 1845.

LIV. And be it further enacted, That from and after the First Day of August in the Year of our Lord One thousand eight hundred and forty-five it shall not be lawful for the Trustees of any Turnpike Road passing or leading through or into the said Division to collect or expend any Money upon such Part of the said Road as is or may be within the said Division, but such Trustees shall be thenceforth exonerated and discharged from the Repair of the same.

Inhabitants of the Division shall be liable to Indictment for Non-repair of the Streets, &c.

LV. Provided always, and be it further enacted, That the Inhabitants of the said Division shall be liable to Indictment at Common Law for the Non-repair or the Want of sufficient Repair of the Streets, Roads, Lanes, Highways, Passages, and other public Places, being common Highways, within the said Division; and all Indictments and other Processes of Law which may be brought for or on account of the Non-repair or Want of sufficient Repair of the same Streets, Roads, Lanes, Highways, and other public Places shall be brought against the Commissioners or their Clerk in the Manner herein-before directed.

LVI. And

LVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time to appoint and employ Persons to act as Scavengers, and to purchase or hire Carts, Carriages, and Horses and Utensils for cleansing the Streets, Roads, Lanes, Highways, Passages, and other public Places within the said Division, and for carrying away all Dust, Dirt, Dung, Cinders, Ashes, Rubbish, Filth, and Soil from the same, and to direct on what Days and Times particular Streets, Roads, Lanes, Highways, Passages, and Places shall be cleansed, and how and where such Dust, Dirt, Dung, Cinders, Ashes, Rubbish, Filth, and Soil shall be carried away and deposited, and to give such Orders and Directions to such Scavengers as shall appear necessary to the said Commissioners; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract or agree with any Person for all or any of the Purposes aforesaid at such Times and in such Manner as shall appear expedient to the said Commissioners.

Commissioners to appoint or contract with Scavengers.

LVII. And be it further enacted, That the Persons employed by or contracting with the said Commissioners as such Scavengers as aforesaid shall, on such Days and Times and in such Manner as the said Commissioners shall appoint, cause to be swept or collected together, and also carried away, all Dirt, Dust, Dung, Cinders, Ashes, Filth, and Soil found in the several Streets, Roads, Lanes, Highways, Passages, and other public Places within the said Division, or in the Cesspools of the public Gratings therein, and, where practicable, shall also bring or cause to be brought therein a Cart or other proper Carriage, and at their Approach therewith, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants in such Streets, Roads, Lanes, Highways, Passages, and Places of their coming, and such Persons shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Filth, and Soil (except Filth from any Privy or Necessary House) from the respective Premises in such Streets, Roads, Lanes, Highways, Passages, and Places, and as soon as may be remove the same to the Place appointed by the said Commissioners for that Purpose, upon pain of forfeiting the Sum of Five Pounds for every Neglect therein; and the Person so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters in the Front or on some conspicuous Part of every Cart or Carriage used for that Purpose as aforesaid, on pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

Scavenger's Duty.

LVIII. And be it further enacted, That if any Person entering into any Contract or Agreement for cleansing the said Streets, Roads, Lanes, Highways, Passages, and other public Places within the said Division shall in any Manner neglect to fulfil the Conditions of his Contract or Agreement, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Omission or Neglect, but nothing herein contained shall hinder the said Commissioners from commencing or prosecuting any Action at Law against such Person and his Sureties (if any) for or in respect of such Omission or Neglect.

Penalty on Contractors for cleansing not fulfilling their Agreement.

LIX. And be it further enacted, That if any Person shall cast or lay any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth or Substance whatsoever into or upon any Street, Road, Lane, Highway, Passage, or other

Penalty on Persons casting Rubbish into the public Streets, &c.

public Place within the said Division (with the Exception of such Ashes as may be laid upon any Foot Pavement in the Time of Frost for the Prevention of Accident), or shall throw or cast or suffer to drain any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or Filth, or any Animal or Carcass, or any noxious or offensive Materials or Ingredients, or any other Substance whatever, into any common Drain, Sink, public or private Well, Pump, Canal, Pond, Pool, Watercourse, Reservoir for Water, common River or Brook within the said Division, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence: Provided always, that nothing herein contained shall extend to subject any Person whomsoever to any Penalty for or on account of any Dirt or Rubbish being laid or placed in any such Street, Road, Lane, Highway, Passage, or public Place as aforesaid in the course of erecting, pulling down, altering, or repairing any Building, so as there be sufficient Space left in or at the Side of the Street, Road, Lane, Highway, Passage, or Place where such Dirt or Rubbish shall lie or be placed for Carriages to pass and repass, and sufficient Way be kept clear for Foot Passengers, and so as a sufficient Light be kept, at the Expence of the Person laying or causing to be laid or placed such Dirt or Rubbish, at the Place where the same shall be laid or placed, from Sunset to Sunrise, to prevent Accidents to Passengers and Cattle, and so as such Dirt or Rubbish be inclosed, and be removed at the Expence of the Person laying or causing the same to be laid, in such Manner and within such Time as shall be ordered by the said Commissioners.

No Ashes to be taken away from Streets, &c. except by Scavengers.

LX. And be it further enacted, That if any Person shall take away any Dust, Dirt, Dung, Offal, Rubbish, Cinders, or Ashes (other than any Ashes laid upon the Pavement in Time of Frost for the Prevention of Accidents, and any Dirt or Rubbish occasioned by building as aforesaid,) from any Street, Road, Lane, Highway, Passage, or public Place, except the Person appointed by the said Commissioners, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Inhabitants may use their own Ashes.

LXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent any Person from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth which shall have arisen or be made within his own Premises, or from making use of the same for Manure or otherwise, so as the same be not suffered to remain there so as to become a Nuisance to any of the Inhabitants of the said Division, and so as the same be not laid down or placed in any Street, Road, Lane, Highway, Passage, or other public Place within the said Division, and suffered to remain there for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person so reserving such Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth shall keep the same in such Streets or Places for the Space of Twelve Hours before the same shall be removed and carried away, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Hour that such Nuisance shall be permitted to remain after the Time aforesaid.

Foot Pavements to be swept.

LXII. And be it further enacted, That the several Occupiers of Houses and Buildings, with the Yards, Gardens, and other Appurtenances, the Churchwardens or Chapelwardens of every Church or Chapel, the Trustee, Treasurer,



Treasurer, or Minister of every Meeting House or Place of public Worship, and the Person who for the Time being shall be the ostensible Director or Manager of every Hospital, School, Theatre, or other public Building situated or being next adjoining any Street, Road, Lane, Highway, Passage, or public Place within the said Division, shall and they are hereby required to cause the several Footpaths or Pavements along the whole Length of the Front of the respective Premises aforesaid, and to the full Length of the Footpaths or Pavements before, behind, and on the Sides of the same respectively, to be well and sufficiently swept and cleansed every Morning in the Year between the Hours of Six and Ten of the Clock; and every such Occupier or other Person making default shall forfeit and pay any Sum not exceeding Ten Shillings for every such Offence: Provided always, that it shall be lawful for the said Commissioners from Time to Time to compound with the several Occupiers of Houses and Buildings and other Persons within the said Division for relieving such Persons from the Burthen of sweeping and cleansing the Footpaths and Pavements to which they may be liable under the Provisions of this Act, and from all Penalties to be incurred for any Neglect therein, at and for such Sums of Money as the said Commissioners and such Persons as aforesaid shall agree upon: Provided nevertheless, that such Composition Monies shall always be paid in advance.

LXIII. And be it further enacted, That no Water shall be permitted to drain from any Building upon the Footpaths of any Street, Road, Lane, Highway, Passage, or public Place, but all such Water shall be conveyed from Buildings in covered Pipes or Tunnels, where practicable, below the Surface of the Pavement or Flagging of the Footpath, and where impracticable on account of the Level of the Street, in Channels formed in the Pavement or Flagging of the Footpath, nor shall any Water be pumped up or discharged from any Building upon the Footpath of any Street, Road, Lane, Highway, Passage, or Place, but the same shall be conveyed over or under the Footpath by Spouts or Trunks to the Drain or Channel of the Street where any such exist, nor shall any Smoke or Steam be discharged from the Front, Side, or End of any Building into any Street, Road, Lane, Highway, Passage, or Place, under the Penalty of any Sum not exceeding Forty Shillings for each Offence.

Water from Buildings to be conveyed in Drains.

LXIV. And be it further enacted, That for the Purpose of forming such Pipes, Tunnels, or Channels as aforesaid it shall be lawful for the Proprietors of any Buildings, at their own Expence, and with the Consent of the said Commissioners, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite, and the said Pipes, Tunnels, or Channels shall be laid and formed under the Directions of the Surveyor of the said Commissioners, and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good, and shall be paid by the said Proprietors of Buildings to the said Commissioners; and in the Event of any Neglect or Refusal to make good or pay the Amount of such Damages, such Amount shall and may be recovered as any Penalties are by this Act authorized to be recovered.

How Pipes for conveying Water, &c. shall be laid.

LXV. And be it further enacted, That the Owner, Tenant, or Occupier for the Time being of every House or Building within the said Division shall,

[*Local.*]

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Water from Roofs of Houses and

Buildings to be carried off by Trunks or Pipes.

shall, when thereunto required by the said Commissioners, within Ten Days after receiving Notice in Writing signed by the Clerk of such Commissioners, put up and place and for ever afterwards keep in repair and good Condition a Gutter, Spout, or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed at the Front or Side of such House or Building from the Roof down to the Ground, to carry off or convey all the Water from the Roof of such House or Building in such Manner that such Water shall pass from the said Roof down to and under the Flagging of the Foot Pavement or Footway through and into the common Channel, so that the same may not fall or drip from the Eaves of such House or Building upon or incommode any Person passing such House or Building or passing over or along any Footpath; and every Tenant or Occupier of any such House or Building who shall put up or place any such Gutter, Spout, Trough, Pipe, or Trunk shall be entitled to deduct and retain out of the Rent payable by him to the Owner, Lessor, or Landlord of such House or Building so much Money as such Tenant or Occupier shall have expended in putting up or placing any such Gutter, Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him for so much of his Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him by the Owner, Lessor, or Landlord of such House or Building out of such Rent; and if any such Owner, Tenant, or Occupier shall for the Space of Ten Days after such Notice to be given as aforesaid neglect to prevent the Water from dripping from the Eaves of such House or Building as aforesaid, it shall be lawful for the said Commissioners to do the same in such Manner as they shall think proper; and the Costs and Expences attending the same shall be recovered from the Owner of such House or Building in like Manner as Penalties or Forfeitures are by this Act authorized to be recovered, and, when received, the same shall be paid to the Treasurer of the said Commissioners, to be applied for the Purposes of this Act: Provided always, that nothing herein contained shall extend to affect or prejudice any Agreement made between any Owner or Landlord, Occupier or Tenant.

The Commissioners may cleanse and deepen private Drains, &c. in case of Neglect by the Owners, &c.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners to cause any of the present or future Gutters, Drains, or Watercourses running into, over, under, or through any of the Streets, Roads, Lanes, Highways, Passages, or other public Places within the said Division to be cleansed, repaired, altered, or deepened, or to cause any new Gutters, Drains, or Watercourses to be made in, through, under, over, or adjoining to any such Streets, Roads, Lanes, Highways, Passages, or other public Places within the said Division, for the Purpose of draining and taking away any Sink-float or other refuse Water, and preventing the same from running over the Surface of such Streets, Roads, Lanes, Highways, Passages, and other public Places, in case the Owner or Occupier of the Lands adjoining the same shall neglect or refuse so to do for Ten Days next after Notice in Writing, signed by the Clerk of the said Commissioners, delivered to or left at the last or usual Place of Abode of such Owner, Tenant, or Occupier, requiring him so to do; and the Costs and Charges of such Works so to be done in manner aforesaid shall be reimbursed to them by such Owner, and in case of Nonpayment thereof within Ten Days next after Demand the Costs and Charges attending the same

same shall be recovered from such Owner in like Manner as Penalties and Forfeitures are by this Act authorized to be recovered: Provided always, that nothing herein contained shall extend to affect or prejudice any Agreement made between any Owner or Landlord, Occupier or Tenant.

LXVII. And be it further enacted, That if any Cellar-door, Trap-door, Hatchway, or Flap Window leading into, or giving Light or Air to, or placed over any Cellar, Area, Vault, or Office, or any other Place under Ground within the said Division, or if any Grate or other Covering placed over any Opening in the Flagging or Pavement, and used for putting Coals or other Articles into any Cellar or Place under Ground, or for any other Purpose, shall be left open, or not well and effectually made and fastened down so as to prevent Accidents, the Occupier of such Cellar, Area, Vault, Office, or other Place shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; and in case the Occupier of such Cellar, Area, Vault, Office, or other Place shall not, after Twenty-four Hours Notice in Writing from the said Commissioners, well and effectually secure, fasten down, and repair the same so as to prevent Accidents, he shall, in addition to the said Penalty of Forty Shillings, forfeit and pay any Sum not exceeding Twenty Shillings for each Day during which such Cellar, Area, Vault, Office, or other Place as aforesaid shall so remain open or unsecured or not in repair as aforesaid.

Cellar Windows and Grates to be secured.

LXVIII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Division are hereby respectively required, at their own Costs and Charges, within Fourteen Days next after receiving Notice in Writing from the said Commissioners signed by their Clerk or Surveyor, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations (and not being Cellars or Trap-doors) which now do or shall hereafter open outwards, and which, when open, project over or upon any of the Streets, Roads, Lanes, Highways, Passages, or public Places within the said Division, to be altered, so that the same Doors or Gates shall thenceforward open inwards or into their respective Premises; and if any such Occupier shall neglect or refuse to make the Alteration aforesaid according to such Notice, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day during which such Neglect or Refusal shall continue: Provided nevertheless, that when the Occupier shall cause any such Door or Gate to be altered in pursuance of such Notice as aforesaid, it shall be lawful for him, if a Tenant at Rack Rent, to retain out of his Rent the Charges of altering the same, and his immediate Landlord is hereby required to allow the same accordingly, except in Cases where such Door or Gate shall have been originally put up by the Person occupying the Premises at the Time the Alteration is made, in which Case such Occupier shall bear the Expence of altering the same; and it shall be lawful for the said Commissioners to allow such Occupier or Landlord all or any Part of the Expence attending such Alteration.

Doors opening outwards to be altered.

LXIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and they are hereby empowered, at all Times in the Day or Night, with or without any Servants or Assistants,

Regulating Slaughter-houses.

to

to enter into and inspect any House or Place kept or used for the slaughtering or killing, storing or preserving of Cattle, Swine, or Beast of any Kind, or any Fish, within the said Division, and also any Building, Shed, Yard, or Place belonging thereto (such House or Place not being the actual Dwelling House of any Person), and then and there to examine whether any Cattle, Swine, or other Beast, or any Part of the Carcass of any such, or any Fish, is or are deposited, or has or have been brought there; and in case they shall find any Cattle, Swine, or other Beast, or any Part of the Carcass of any such, or any Fish, which shall appear to be unsound or unwholesome, it shall be lawful for them to seize and carry away the same for the Purpose of being further examined by competent Persons; and if the same shall be proved to the Satisfaction of any Two of His Majesty's Justices of the Peace for the said County (after the Owner or Occupier of such House or Place shall have been summoned to appear before such Justices) to be unsound and unwholesome, the same shall be immediately destroyed; and if the Owner or Occupier of any such House or Place kept for the slaughtering or killing or storing or preserving of Cattle, Swine, or other Beast, or Fish, or of any Building, Shed, Yard, or Place belonging thereto, or any other Person, shall obstruct the said Commissioners, or any of their Officers or Assistants as aforesaid, in entering into and inspecting the same, and examining, seizing, carrying away, or destroying any Carcass or Fish which shall appear to be and which shall be declared to be unsound and unwholesome, he shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Hogstyes,  
&c. may be  
removed.

LXX. And be it further enacted, That in case any Hogstye, Necessary House, or Manure-heap, Dung-heap, Cesspool, or any other noisome Matter whatsoever in or near any of the Streets within the said Division shall be complained of by any of the Inhabitants of the said Division as a Nuisance, it shall be lawful for the said Commissioners, on such Complaint being made to them, to inquire into the Matter complained of; and if they shall deem the same to be a Nuisance, they are hereby empowered and required, by Notice in Writing under the Hand of their Clerk, to order such Nuisance to be abated or removed within Fourteen Days next after such Notice given to the Person who ought to remove or abate the same, or for or on whose Behalf the same is carried on, or left at his last or usual Place of Abode or Business, or on the Premises where such Nuisance shall be occasioned; and in case the same be not abated or removed as aforesaid within the Time mentioned in such Notice, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every Day the same shall continue unabated or unremoved after the Expiration of the Time mentioned in such Notice, unless an Appeal as herein-after mentioned shall be prosecuted with Effect against the Order of the said Commissioners; and in case Notice of such Appeal shall be given the said Penalty shall not be inflicted until after the Determination of such Appeal.

Hoards or  
Fences to be  
made round  
Buildings  
under repair  
or erecting.

LXXI. And be it further enacted, That all Persons who at the Time of the passing of this Act have begun to take down, repair, alter, or erect, or who shall at any Time hereafter take down, repair, alter, or erect, any Buildings whatsoever within the said Division, shall cause proper and sufficient Hoards or Fences, in case the said Commissioners shall require it,

it, to be erected or set up to guard all such Buildings and the Grounds whereon the same stood, either before or after such Buildings shall be begun to be taken down, repaired, altered, or erected, and shall continue such Hoards and Fences in good Condition during the Time such Repairs, Alterations, or Building shall be going on; and if any Person shall refuse or neglect to erect such Hoard or Fence as aforesaid, or to continue the same in good Condition as aforesaid, or to take down the same when thereunto required by the said Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings *per Day*; and in case of such Refusal or Neglect it shall be lawful for the said Commissioners to cause such House or Ground to be well and sufficiently fenced, or the Hoard or Fence set up to be well and sufficiently repaired and continued as aforesaid, or taken down (as the Case may require); and the Person neglecting or refusing shall, over and above the aforesaid Penalty, pay all the Charges and Expences of such fencing and repairing; upon Demand made by the said Commissioners.

LXXII. And be it further enacted, That when any House or Building the Front, Foundation, or any Part of which now stands or projects beyond the regular Line of the Street or Place in which the same shall be situate, or beyond the Front of any of the Houses or Buildings on each or either Side thereof, in any of the Streets or public Places within the said Division, shall be taken down as low as the Breast-summer or First Floor, or be rebuilt, or when any House or Building shall be erected on any vacant Space of Ground within the said Division not already built upon, the same shall be set back to the Line of the Street or Place aforesaid, or to the Line of the adjoining House or Building, or in such Manner as the said Commissioners shall direct; and where the next House or Houses, Building or Buildings, shall not adjoin the House or Building so to be taken down, but shall be separated therefrom by any Street, Way, or Ground, then the same shall be set back to the Line of such Street or Place, or of such House or Building on either Side thereof, or as the said Commissioners shall direct; and every Person who shall be desirous to erect or rebuild any such House or Building shall, before he shall commence the same, give Fourteen Days Notice to the said Commissioners of his Intention so to do; and every Person who shall act contrary to the Directions of the said Commissioners herein, or shall neglect to give such Notice as aforesaid, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence; and it shall be lawful for the said Commissioners to order and cause any House or Building which shall be erected contrary to the Provisions of this Act to be taken down and altered at the Expence of the Owner or Proprietor thereof, to be recovered in manner herein directed for the Recovery of Damages and Expences.

Regulations relative to rebuilding Houses, &c.

LXXIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to admit any Building hereafter to be erected within the said Division to be advanced and brought forward for the Purpose of improving and conforming to the general Line of the Street or Place in which such Building shall be situate, or of the Buildings adjacent thereto.

Buildings' may be advanced so as to improve Streets.

LXXIV. And be it further enacted, That all Steps of any House or Building projecting into the Footways of any of the said Streets, Roads,

Projections to be removed.

[*Local.*]

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Lanes,

Lanes, Highways, Passages, and public Places within the said Division, and all Steps and Doors going down out of the Footways of the said Streets, Roads, Lanes, Highways, Passages, and public Places into any Cellars, Vaults, or other Places belonging to any House or other Building, as also all projecting Windows, Showglasses, or Showboards projecting over or into the said Footways, and all Areas in the Front of any House or other Building next the said Streets, Roads, Lanes, Highways, Passages, and public Places, and all Trees, Blocks, or other Materials, Matters, or Things belonging to any House, Shop, Cellar, or other Building, which do or shall cause or occasion any Nuisance or Obstruction in the said Streets, Roads, Lanes, Highways, Passages, and public Places, either in the Foot or Carriage Way thereof, shall and may be from Time to Time removed, fixed, placed, or altered by any Person, under the Order and Direction of the said Commissioners, as to them shall seem meet: Provided always, that all such Projections, Matters, or Things as aforesaid as shall be in existence at the Time of the passing of this Act shall be removed or altered at the Expence of the said Commissioners, and all such projections, Matters, or Things as shall be set up or constructed after the passing of this Act shall be removed or altered at the Expence of the Owners and Occupiers of the same respectively.

Directions  
for removing  
Signs, &c.

LXXV. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings in the said Streets, Roads, Lanes, Highways, Passages, and Places within the said Division are hereby required, at their own respective Costs and Charges, (within Ten Days next after their respectively receiving Notice in Writing from the said Commissioners), to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Dyers Poles, Stalls, Blocks, Bulks, Showboards, Butchers Hooks, Spouts, Water Pipes, and other Projections which now are or hereafter shall be fixed or set up against or in front of their respective Houses or Buildings, and which, in the Judgment of the said Commissioners, shall be considered public Annoyances or Nuisances by reason of their projecting into, encroaching upon, or otherwise annoying or endangering the public Passage along any such Streets, Roads, Lanes, Highways, Passages, and Places, to be taken down, removed, and carried away, or altered; and in case any Occupier of any such House or Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Dyer's Pole, Stall, Block, Bulk, Showboard, Butcher's Hook, Spout, Water Pipe, or other Projection, to be taken down, removed, and carried away or altered, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done; and the Costs and Charges attending the same, having been ascertained by some Justice of the Peace of the said County of *Surrey*, shall be recovered from the Occupier in like Manner as any Penalties are by this Act authorized to be recovered, and the same shall be paid to the Treasurer of the said Commissioners, to be applied to the Purposes of this Act; and it shall be lawful for such Occupier, being a Tenant at Rack Rent, or a Lessee for any Term not exceeding Seven Years, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his Rent, and the Landlord of every such House or other Building is hereby required to allow the same accordingly, except only in Cases where the

Encroachment, Obstruction, or Annoyance shall have been occasioned by such Occupier or Lessee, in which Case he shall bear the Expence of altering or removing the same.

LXXVI. And be it further enacted, That every Pavior and Turncock in the Service or Employ of any Corporation or Person supplying Water or Gas within the said Division shall and he is hereby required, within the Space of Ten Days next after the Commencement of this Act, or within the Space of Three Days next after he shall be appointed Pavior or Turncock to such Corporation or Person, to signify to the Surveyor to the said Commissioners for the Time being, or to such Person as they shall appoint for that Purpose, his Name and Place of Abode, as also to what Company he is Pavior or Turncock, and in what Part of the said Division he has the Care of any Pipes; and every Person making Neglect therein shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Paviors and Turncocks to give Notice of their Abode to the Surveyor to the Commissioners.

LXXVII. And be it further enacted, That if any Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal shall at any Time be found at large, without some Person therewith claiming the same, in any of the Streets, Roads, Lanes, Highways, Passages, or other public Places now made or hereafter to be made within the said Division, it shall be lawful for any Officer appointed by the said Commissioners, or for any other Person whomsoever, to seize and impound such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal, in the Common Pound (if any) of the said Division, or in such other Place as the said Commissioners shall provide for that Purpose, (and which they are hereby empowered to provide and maintain within the said Division for common Use by the Inhabitants thereof,) and to detain the same therein until the Owner thereof shall, for every Beast or Animal so impounded, have paid any Sum not exceeding Five Shillings to the Treasurer for the Time being to the said Commissioners for the Purposes of this Act, and also any Sum not exceeding One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping; and in case the said Penalty, Charges, and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound-keeper or such other Person as shall be appointed by the said Commissioners to sell such Beast or Animal; but previous to such Sale Seven Days Notice shall be given to or left at the Place of Abode of the Owner of such Beast or Animal so impounded, if the same shall be known, or if not known, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale, in some Newspaper published or circulated in the said County of *Surrey*; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Beast or Animal so impounded, shall, on Demand, be paid to the Owner of such Beast or Animal so sold; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising by such Sale, over and above the said Penalty, Charges, and Expences, within Seven Days after such Sale shall have taken place, the said Money shall, after deducting the said Penalty, Charges, and Expences, be paid to the Treasurer to the said Commissioners, and be applied to the Purposes of this Act.

Cattle straying in the Streets to be impounded.

LXXVIII. And

For punish-  
ing Persons  
guilty of  
Pound-  
breach.

LXXVIII. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, or from the Pound or Place where the same shall be impounded, or shall pull down, damage, or destroy such Pound or Place or any Part thereof, or any Lock, Bolt, or other Fastening belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Cattle, Swine, Goat, or other Beast or Animal so seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, he shall, on Conviction thereof before any of His Majesty's Justices of the Peace of the said County of *Surrey*, either upon the Confession of the Party offending or upon the Oath of some credible Witness, forfeit and pay any Sum not exceeding Five Pounds, or in default of such Payment shall be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the said County of *Surrey*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Power to  
alter the Form  
and Position  
of Watering  
Places.

LXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to order and direct any Alteration they shall think fit to be made by the Owners or Occupiers of any Public House, Beer Shop, or Alehouse in the Form or Situation of the Urinals adjoining any of the Public Houses, Beer Shops, or Alehouses within the said Division for the Convenience of which such Urinals shall be constructed; and no such Urinal shall be hereafter constructed or made without the Consent in Writing of the Commissioners for that Purpose first had and obtained; and the said Commissioners are hereby empowered to order and direct the Owner or Occupier of the House for the Convenience of which any Urinal shall be standing at his own Expence to alter or to pull down and reconstruct the same in such Manner as the said Commissioners shall direct; and in case any such Owner or Occupier shall not, within Twenty-one Days after having received Notice in Writing signed by the Clerk of the said Commissioners, and left with some Inmate of the Dwelling House of such Owner or Occupier, alter or pull down and reconstruct such Urinal, and construct all such Drains therefrom as the said Commissioners shall think necessary, every such Owner or Occupier so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and any Sum not exceeding Ten Shillings for each Day so long as the same shall remain unaltered, or such Urinal shall not be re-erected, and the said Commissioners are hereby authorized and empowered in such Case to cause such Alterations to be forthwith made, and all the Costs and Charges attending the same may be recovered by Distress and Sale of the Goods and Chattels of such Owner or Occupier: Provided always, that the said Commissioners may, if they shall think proper so to do, pay any Part of the Expence of any such Urinal as aforesaid, or of the Drains thereof, and may also construct all such other Urinals and Drains within the said Division as they shall think proper, out of the Monies applicable to the Purposes of this Act.

LXXX. And



LXXX. And be it further enacted, That it shall be lawful for the said Commissioners to erect such Porters Blocks, Rests, and Pumps, and to cause such Wells to be dug and sunk, in such Places within the said Division as they shall think proper, and also from Time to Time to remove or alter the same, and to cause the said Streets, Roads, Lanes, Highways, Passages, and Places within the said Division to be watered at such Times and in such Manner as they shall think proper, and to pay the Expence thereof out of the Money to be raised by virtue of this Act.

Commissioners may order Porters Blocks and Pumps to be erected, and Wells to be dug, in proper Places.

LXXXI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up in such Parts of the said Streets, Roads, Lanes, Highways, Passages, and other public Places as they may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, or any other Fences, either permanent or temporary, for the Purpose of preserving any of the Footways within the said Division clear from Annoyance by Horses, Cows, Swine, or other Cattle, and for the Purpose of keeping off Carriages from any of the said Footways, and for the Prevention of Accidents, and also to repair and replace any such Posts, Stones, Rails, Bars, Chains, or other Fences from Time to Time whenever it shall appear to be requisite, and also from Time to Time to order and cause the Removal of all or any Posts, Stones, Rails, Bars, Chains, and Fences which are or shall be in any of the said Streets, Roads, Lanes, Highways, Passages, or public Places, and which shall in the Opinion of the said Commissioners be useless, or an Obstruction to the free Passage along the same.

Power to set up Posts for guarding Footways, and to remove the same.

LXXXII. And be it further enacted, That it shall be lawful for the said Commissioners to cause all such Parts of the Streets, Roads, Lanes, Highways, Passages, or Places within the said Division, not being public or common Highways, which are now, in the Estimation of the said Commissioners, fully built upon, but not finished, to be soughed, cleansed, paved, flagged, or otherwise put into good Order and Condition, and all such Streets, Roads, Lanes, Highways, Passages, or Places as are now making or may hereafter be made within the said Division, or any Part thereof, although not fully built upon, to be made, soughed, paved, flagged, repaired, and cleansed with such Soughs, Gutters, Sinks, Drains, or Watercourses, and with such Materials and in such Manner, as to the said Commissioners shall seem necessary; and the Charges and Expences attending the same shall be reimbursed to the said Commissioners by the Owners of the Houses, Buildings, Grounds, or Lands within or on the respective Sides of the said Streets, Roads, Lanes, Highways, Passages, or Places so to be soughed, paved, flagged, repaired, and cleansed as aforesaid, or wherein such Soughs, Gutters, Sinks, Drains, or Watercourses shall be made, repaired, and amended, scoured and cleansed as aforesaid, each such Owner paying a proportionable Share thereof, such Share to be ascertained by the said Commissioners or their Surveyor; and if any such Owner shall at any Time refuse or neglect to pay such Proportion of the said Charges and Expences so to be ascertained as aforesaid, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner, in like Manner as the Rates hereinafter authorized to be raised and levied may be recovered, or may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

New Pavements, &c. in Streets not Highways to be made at the Charge of Owners of Houses, &c.

[*Local.*]

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LXXXIII. And

Power to declare Streets, &c. to be public Highways, when made, &c. upon Application of the Owners.

LXXXIII. And be it further enacted, That when any Streets, Roads, Lanes, Highways, Passages, or Places already laid out or hereafter to be laid out within the said Division, not being public or common Highways, shall be well and sufficiently made, soughed, paved, flagged, or otherwise constructed, repaired, and put into good Order, Repair, and Condition, in such Manner and with such public Drains therein as shall be satisfactory to the said Commissioners, then and in such Case, but not before, it shall be lawful for the said Commissioners, upon the Application of the Owner or Owners of the Soil of such Streets, Roads, Lanes, Highways, Passages, or Places, or of the greater Part in Value of such Owners, or of the Persons liable to repair the same, or of the greater Part in Value of such Persons at a Meeting of such Persons to be held for that Purpose, (of which Meeting Ten Days Notice shall be given by Affixion to the Door of the Parish Church or Chapel of *Saint James* in the said Parish of *Bermondsey*;) to authorize the said Commissioners to declare such Streets, Roads, Lanes, Highways, Passages, or Places to be public or common Highways, and from and after such Declaration made the same shall be deemed and taken to be public and common Highways to all Intents and Purposes, and shall be thenceforth repaired and kept in repair by the said Commissioners under and by virtue of the Powers and Provisions of this Act.

Owners and Occupiers of Lands adjoining Ditches to repair the Fences.

LXXXIV. And whereas there are within the said Division several Mill Streams and Ditches, and open or void Spaces of Ground, which, by reason of not being properly and sufficiently fenced, are the Occasion of frequent and serious Accidents; be it therefore enacted, That the said Commissioners shall and they are hereby empowered to cause proper and sufficient Fences or Hedges of the Height of Four Feet and Six Inches at the least to be erected on the Side of such Mill Streams or Ditches next to any of the Streets, Roads, Lanes, Highways, Passages, or Places within the said Division, in such Manner as they shall think most expedient, for the Prevention of Accidents; and after such Fences or Hedges shall have been so erected by the said Commissioners the same shall thenceforth be maintained, repaired, and renewed by the Owner of such Mill Streams or Grounds, or by the Owners and Occupiers of the Lands adjoining such Ditches; and if any such Owner or Occupier shall not, within Fourteen Days after Notice given to him for that Purpose by the Surveyor to the said Commissioners, sufficiently maintain, repair, and renew such Fences or Hedges, it shall be lawful for such Surveyor and he is hereby required to make Complaint thereof to some Justice of the Peace of the County of *Surrey*, who shall thereupon summon such Owner or Occupier before him; and if it shall appear to such Justice that such Owner or Occupier has not maintained, repaired, or renewed such Fences or Hedges, pursuant to the Provisions of this Act, it shall be lawful for such Justice, upon hearing such Surveyor, and also such Owner or Occupier, or upon the Nonappearance of such Owner or Occupier, then upon due Proof of the Service of such Summons, and after inquiring into the Circumstances of the Case, to order and direct such Fences or Hedges to be maintained, repaired, or renewed by such Owners or Occupiers as aforesaid; and if any such Owner or Occupier shall not obey the Order of such Justice within Fourteen Days after Service of a Copy of such Order upon him, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, and the said

Surveyor

Surveyor shall and he is hereby authorized and required to maintain, repair, or renew such Fences or Hedges in the Manner directed by the Order of such Justice, and such Owner or Occupier so making default shall be charged with and shall pay, over and above the said Penalty, all the Costs, Charges, and Expences of maintaining, repairing, or renewing such Hedges or Fences; and in default of Payment thereof on Demand, all such Costs, Charges, and Expences, and such Penalty, shall be levied and recovered in the same Manner as other Penalties and Forfeitures are by this Act directed to be levied and recovered, and the Money so levied and recovered shall be paid to the Treasurer of the said Commissioners, to be applied to the Purposes of this Act: Provided always, that nothing herein contained shall extend to affect or prejudice any Agreement made between any Owner or Landlord, Occupier or Tenant.

LXXXV. And be it further enacted, That if any Corporation or Person supplying Water, whose Mains or Pipes shall be laid beneath the Surface of the said Streets, Roads, Lanes, Highways, Passages, or Places, or any Part thereof, shall place or set up, or cause or suffer to be placed or set up, any Standcock or Pump, or other Instrument, Machine, or Thing, for the Supply of Water in the Time of Frost or otherwise, in any of the said Streets, Roads, Lanes, Highways, Passages, and Places, which shall be furnished with any other than a Metal Cock and Spout to the Satisfaction of the said Commissioners or their Surveyor, such Corporation or Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

For regulat-  
ing Stand-  
cocks during  
Frosts.

LXXXVI. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Surrey*, in case of Suspicion of the Existence or Prevalence of Canine Madness in the said Division or the Neighbourhood thereof, by an Order under their Hands and Seals to authorize any Person to be named in such Order, and such Person is hereby authorized accordingly, to destroy all Dogs which shall be found at large in any of the Streets, Roads, Lanes, Highways, Passages, and Places within the said Division on the Expiration of Twenty-four Hours after a Notice shall have been posted up in the said Division by Direction of the said Justices, setting forth the Order of such Justices, and requiring all Persons to confine their Dogs.

For prevent-  
ing the  
Spread of  
Canine Mad-  
ness.

LXXXVII. And be it further enacted, That the Owner or Occupier for the Time being of a certain Mill called *Saint Saviour's Mill*, within the said Division, shall and he is hereby required to cause to be taken and carried away all such Soil, Mud, or Dirt as shall at any Time hereafter be thrown or cast out of the Millpond belonging to the said Mill in the clearing or cleansing of the same into any of the said Streets, Roads, Lanes, Highways, Passages, or Places, within the Space of Three Days next after the same shall be so thrown or cast out, under a Penalty of Five Pounds for every such Offence.

For remov-  
ing the Soil  
at any Time  
cast out of  
St. Saviour's  
Millpond.  
within Three  
Days.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, out of the Money to be raised by virtue of this Act, when and as often as they shall think it necessary, to repair, amend, or rebuild the several Bridges in and over the Millpond in the said Division called the *Folly Bridge*, *London Street Bridge*, the Bridge at the West End

Power to  
repair certain  
Bridges over  
the Mill-  
pond.

of

of *Jacob Street*, and the Bridge at the East End of the same Street, in such Manner as they shall think proper.

For prevent-  
ing Annoy-  
ances and  
Nuisances of  
all Kinds.

LXXXIX. And be it further enacted, That if any Person shall, in any of the present or future Streets, Roads, Lanes, Highways, Passages, or other public Places in the said Division, fodder any Cattle, or shoe, bleed, or farry any Horse or Beast (except in Cases of Accident), or clean or dress any Horse or Beast, or turn loose or suffer to be at large any Bulldog, Mastiff, or other ferocious Dog of any other Species (not being closely muzzled); or shall ride upon any Waggon, Dray, Cart, or other Carriage, or on any of the Horses or Beasts drawing the same, without holding the Reins of such Horses or Beasts, or shall be at such Distance from the same or in such a Situation as not to possess the complete Direction and Government of the Horses or Beasts drawing the same; or when riding any Horse or Beast, or driving any Carriage of any Kind, shall ride or drive the same furiously, or so as to endanger the Person or Property of any one, or shall drive the same against and injure or damage any Foot Pavement or Causeway; or suffer any Waggon or other Carriage with or without Horses to stand or remain longer than may be necessary for the loading or unloading thereof, or shall suffer the same to be placed or remain so as to interrupt the public Passage more than necessary, or suffer any Stage Coach, Omnibus, Chaise, or other Carriage to remain longer than may be necessary for the taking up or setting down of any Passenger, or for loading or unloading their Baggage; or shall wash or clean or repair any Carriage whatsoever (except such Carriages as may want immediate Repair, from any sudden Accident upon the Spot); or shall sift, skreen, or slack any Lime without the Consent of the said Commissioners; or shall draw or haul any Tree or Piece of Timber, Block of Wood or Stone, Metal, or other heavy Material (except in, on, or suspended under some Carriage); or shall discharge any Fire-arms (except in Cases of Necessity for Self-defence); or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Fireworks, or be aiding or assisting therein; or having a Smith's Shop with any Window fronting any of the said Streets, Roads, Lanes, Highways, Passages, or other public Places, shall not by good and close Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, effectually close the same; or shall, by the posting of any Bills, or by writing or painting or otherwise, deface or disfigure any Messuage or Tenement, Wall, Paling, Fence, or any Premises within the said Division; or burn, dress, or cleanse any Cask or Hoop, fire, cleanse, wash, or scald any Cask or Tub; or hang out or expose to sale the Carcass of any Calf or other Beast, or any Part thereof, or any other Matter or Thing, so as to project over or upon any Footway; or kill or slaughter, or singe, scald, or dress, any Beast or Cattle, either wholly or in part; or fix up or place any Flower Pot, Basket, or Box at any Window, without sufficiently guarding the same so as to prevent their falling; or run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or other Carriage whatsoever, upon any Footway or Causeway (except only for the Purpose of crossing such Footway or Causeway), or set or place thereon any Furniture, Goods, or Merchandize for Sale; or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause any Inconvenience or Obstruction to

Passengers in any such Footway ; or if any Person shall in any Manner wilfully obstruct or prevent the free Passage of any such Footway ; or if any Person shall bathe upon or near the Shore of the River *Thames*, near to any public Street within the said Division (between the Hours of Eight of the Clock in the Morning and Eight of the Clock in the Evening) ; or tie or fasten any Horse or Cattle to any Door, Wall, Post, Tree, or other Thing whatsoever, so as that such Horse or Cattle can go or stand across or upon any Footway or Causeway ; or shall empty any Privy or Necessary House at any other Time than between Twelve of the Clock at Night and Four of the Clock in the Morning, or convey any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, or Dirt, in any Cart or Carriage not having a proper Covering, or Boards called Flush Boards, so as to prevent the same from slopping or spilling ; every Person so offending, or the Owner or Proprietor of any such House, Workshop, or Building, Horse, Ass, Swine, Beast, or other Cattle or Animal, Carriage, Goods, Article, Matter, or Thing as aforesaid, (in any Case where the Person actually offending cannot be found or discovered,) or the Person causing any such Offence to be committed, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

XC. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to cause the Name and Residence of the Surveyor to the said Commissioners for the Time being, and also of the Turncock of any Gas or Water Company within the said Division, to be placed in some conspicuous Parts of the said Division for the Information of Parties there, and to cause the several Houses and other Buildings in the said several Streets, Roads, Lanes, Highways, Passages, and Places to be numbered, and also to cause to be affixed or painted on a conspicuous Part of some House or Building or Place at or near each End, Corner, or Entrance thereof respectively, the Names by which such Streets, Roads, Lanes, Highways, Passages, and Places are respectively to be called or known ; and if any Person shall wilfully or maliciously destroy, pull down, or deface any such Number or Name, or any Part thereof, or shall fix or put any Number or Name different to the Number or Name fixed or put by Order of the said Commissioners, he shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence ; and if the Occupier of any such House or Building shall not restore such Number within Seven Days after Notice signed by the Clerk to the said Commissioners, and left at the usual Place of Abode of such Person, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every such Offence.

Commissioners empowered to cause Houses to be numbered, and Streets to be named.

XCI. And be it further enacted, That whenever any Building or Erection, Wall or Fence, within the said Division, shall be in a dangerous State of Decay, or shall fall down, or shall impend over any Street, Road, Lane, Highway, Passage, or Place, so as in either Case to become a Nuisance to the Public, it shall be lawful for the said Commissioners to order the Occupier or Owner of such Building or Erection, Wall or Fence, to repair or to pull down and rebuild the same ; and in case any such Person shall neglect to repair or to pull down or rebuild such Building or Erection, Wall or Fence (as the Case may be), for the Space of Seven Days after having received Notice in Writing so to do from the Clerk to the said Commissioners, then it shall be lawful for the said Com-

Dangerous Walls, &c. to be repaired or taken down.

[*Local.*]

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missioners

missioners to cause the same to be repaired or pulled down and rebuilt (as the Case may require), and the Expences thereof shall be recovered from such Person in the same Manner as any Penalty is by this Act directed to be recovered: Provided always, that if any Person so required to repair, pull down, or rebuild any Building or Erection, Wall or Fence, who shall think himself aggrieved by the Order or Judgment of the said Commissioners touching the same, shall, within Seven Days next after he shall have been served with Notice to repair, pull down, or rebuild the said Building or Erection, Wall or Fence, give Notice in Writing to the said Commissioners of his Intention to appeal to the then next General Quarter Sessions of the Peace for the County of *Surrey* against the Order and Judgment of the said Commissioners (such last-mentioned Notice to be served in the Manner prescribed by this Act), then and in every such Case no Penalty shall be incurred, nor shall any Proceedings be had or taken upon the said Order or Judgment, or upon the Notice of the said Commissioners, until after the final Determination of the said Appeal.

Prohibiting  
the Erection  
of Bridges,  
&c. across  
the Streets,  
without Con-  
sent.

XCVII. And be it further enacted, That it shall not be lawful for any Person to erect or make, across any Street, Road, Lane, Highway, Passage, or other public Place within the said Division, any Bridge or other Communication so as to connect the Buildings on one Side of any such Street, Road, Lane, Highway, Passage, or Place with the Buildings on the other Side thereof, without the Consent of the said Commissioners in Writing under the Hand of their Clerk for the Time being for that Purpose first had and obtained; and every such Bridge or Communication shall be erected and made and be from Time to Time repaired at the Expence of the Owner thereof, according to the Directions and to the Satisfaction of the said Commissioners and of their Surveyor for the Time being, who shall from Time to Time and at all Times have for that Purpose full and free Access thereto; and if any Person shall erect or make any such Bridge or Communication without such Consent as aforesaid, or shall erect or make the same contrary to the Directions of the said Commissioners or their Surveyor, or shall at any Time obstruct or prevent the said Commissioners, or their Surveyor or other Officer, or any other Person appointed by them, from inspecting and examining the same, or if any Owner or Occupier of any Premises on or against which any such Bridge or Communication shall be erected or made shall not, when thereunto required by the said Commissioners by Notice under the Hand of their Clerk or Surveyor for the Time being, to be left on the Premises whereon or against which any such Bridge or Communication shall be erected or made, remove, alter, repair, or amend the same within such Time and in such Manner as in such Notice shall be expressed, then every such Person or Owner or Occupier, as the Case may be, shall forfeit and pay the Sum of Ten Pounds for every such Offence, and also the further Sum of Forty Shillings for every Day during which such Bridge or Communication shall remain without the Consent of the said Commissioners, or during which the same shall be continued or shall remain without Alteration, Repair, or Amendment, after such Notice being left as aforesaid requiring the Removal, Alteration, Reparation, or Amendment of the same; and it shall be lawful for the said Commissioners to cause all and every such Bridge or Communication which shall be erected or made without their Consent, or continue contrary to  
their

their Directions as aforesaid, to be removed or taken down, or to be altered, repaired, or amended, in such Manner and by such Ways and Means as they shall think proper; and all the Costs, Charges, and Expences of and attending such Removal, Alteration, Reparation, or Amendment shall be paid and borne by the Owner or Occupier of the Building against or upon which any such Bridge or Communication shall be placed or continued, or by the Person erecting or constructing the same, and shall be recovered in the same Manner as Penalties and Forfeitures are by this Act directed to be recovered: Provided always, that nothing in this Act contained shall authorize, or be deemed or construed to authorize, the said Commissioners to remove or interfere with any Bridge or other Communication which at the Time of the passing of this Act shall be erected or made across or over any Street, Road, Lane, Highway, Passage, or Place within the said Division, except so far only as relates to the necessary Repair or Support, or any Alteration in the Form of such Bridge or other Communication: Provided also, that nothing herein contained shall extend to affect or prejudice any Agreement made between any Owner or Landlord, Occupier or Tenant.

XCIII. And be it further enacted, That whenever any Party shall apply to the said Commissioners for their Consent to the Performance of any Work in respect of which such Consent is by this Act made necessary, the Commissioners shall, if they shall think proper to give such Consent, cause the same to be signified to the Party making such Application by Writing under the Hand of their Clerk or of one of the said Commissioners, and the Party making such Application shall pay to the Clerk of the said Commissioners the Sum of Two Shillings and Sixpence for every such Consent so signified by him.

Commissioners to signify in Writing their Consent to Parties applying for the same.

XCIV. And for raising Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, on the Twenty-fifth Day of *March* and the Twentieth Day of *September* in each and every Year, or within One Week of such respective Days, or oftener if they shall think necessary, to make a general Pound Rate or Assessment under the Name of "The *Bermondsey* Waterside Improvement Rate," to be signed by any Three or more of the said Commissioners, upon all the Tenants and Occupiers of the several Houses, Shops, Warehouses, and other Erections and Buildings of whatever Description already erected or which shall hereafter be erected within the said Division, as the same shall from Time to Time be set out and assessed by the said Commissioners under the Powers of this Act, and upon all Gardens, Lands, Tenements, and Hereditaments of whatever Description within the said Division, according to the yearly Rent or Value thereof respectively, to be ascertained as herein-after mentioned; provided such Rate or Assessment do not exceed in any One Year the Sum of Two Shillings and Three-pence in the Pound on such yearly Rent or Value of all such Property, except Arable, Meadow, or Pasture Land, or Market Garden Ground, Nursery Ground, or Plantation for growing Fruit for Sale, nor the Sum of Nine-pence in any One Year on the yearly Rent or Value of all Land or Ground used as Arable, Meadow, or Pasture Land, or Market Garden Ground, Nursery Ground, or Plantation as aforesaid only, without the Consent of the Majority of the Inhabitants of the said Division assembled at a Meeting, upon Notice given by the said Commissioners

Rates for general Purposes.

missioners expressing that the Intent and Purpose of such Meeting being convened is to consider the Propriety of making an increased Rate.

Value how to  
be ascer-  
tained.

XCV. And be it further enacted, That the annual Value of all such Houses, Shops, Warehouses, and other Erections and Buildings, Gardens, Lands, Tenements, and Hereditaments, so to be respectively rated as hereinbefore is mentioned, shall and may be settled and ascertained by the said Commissioners, if they shall think proper so to settle and ascertain the same, according to the next preceding annual Assessment for the Relief of the Poor within the said Division: Provided always, that if at any Time hereafter, from any Alteration in the Laws relating to the Poor, or from any other Cause whatever, the Rate for the Relief of the Poor shall, in the Opinion of the said Commissioners, be an unfair or unequal Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for the said Commissioners from Time to Time to cause a Valuation to be made of all or of any Part of the rateable Property within the said Division by some competent Person to be appointed by the said Commissioners for that Purpose, and which Appointment they are hereby authorized to make accordingly; and all future Rates or Assessments to be made by the said Commissioners for the Purposes of this Act shall be made upon such Valuation until a new Valuation shall be made by Order of the said Commissioners in the Manner by this Act directed; and such Rates or Assessments shall in no Case exceed the Rack Rent of the Property valued, nor shall any such Valuation be used or referred to for any other Purpose, or be taken as a Criterion of Value for any other Object, than the Purposes and Objects of this Act.

Valuers to  
take an Oath.

XCVI. And be it further enacted, That every Person to be nominated and appointed to make such Valuation as aforesaid shall, upon his Nomination or Appointment, or as soon after as convenient, subscribe and take before some Three or more of the said Commissioners an Oath to make such Valuation fairly and impartially according to the best of his Skill and Judgment; and an Entry or Minute shall be made in the Books of Proceedings of the said Commissioners of the taking such Oath, and of the Date of taking the same.

Power to in-  
spect Poor  
Rates in  
order to as-  
certain the  
Value of  
Premises to  
be rated.

XCVII. And be it further enacted, That it shall be lawful for the said Commissioners, or for any other Person by them authorized, at all reasonable Times to inspect the Books of Assessment made from Time to Time for the Relief of the Poor within the said Division, upon Payment of the Sum of One Shilling for every such Inspection, and also to take or have Copies of or Extracts therefrom respectively, which the Collector of the Poor Rate, or other Person having the Custody thereof respectively, is hereby required to permit and furnish, upon receiving the Sum of Sixpence for every One hundred Words or Figures thereof; and on Refusal thereof he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Rates to be  
paid to Col-  
lector.

XCVIII. And be it further enacted, That all Rates made by virtue of this Act shall be paid to the Collector or other Person appointed by the said Commissioners to levy, receive, or collect the same, and shall when received be paid by the Collector or other Person receiving the same to the Treasurer for the Time being of the said Commissioners, and shall be



and the same are hereby vested in the said Commissioners ; and in case any such Collector or other Person appointed as aforesaid shall at any Time retain in his Hands any Sum of Money amounting to the Sum of Twenty Pounds, collected and received by him by virtue of his Appointment as such Collector, for the Space of Seven Days, without paying over the same to the Treasurer for the Time being to the said Commissioners, or to such other Person as they may appoint to receive the same, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds, to be recovered in the same Manner as other Penalties and Forfeitures are by this Act directed to be recovered.

Penalty on Collector retaining Money.

XCIX. And be it further enacted, That every Rate made in pursuance of this Act shall be allowed and confirmed by Two of His Majesty's Justices of the Peace for the said County of *Surrey* ; and when the same shall have been so allowed and confirmed Notice of the making of such Rate, and of such Allowance and Confirmation, shall be given in the Church or Chapel of *Saint James*, within the said Parish of *Saint Mary Magdalen Bermondsey*, on the *Sunday* next after such Allowance and Confirmation shall be so made as aforesaid ; and every such Rate shall, immediately after the Publication of such Notice, be considered due and owing from the several Persons liable to the Payment thereof, and may be forthwith levied and recovered by the Collector or other Person appointed by the said Commissioners for that Purpose.

Rates to be allowed by Justices, and Notice thereof to be given.

C. And be it further enacted, That the several Owners of all Lands within the said Division the yearly Rent or Value whereof respectively shall not exceed Fifteen Pounds, or which, whatever the yearly Rent or Value of the same may be, shall be let to weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, for any Period of Time whatsoever, or which may be held or occupied either wholly or in part, shall be rated to and shall pay the Rates or Assessments to be made by virtue of this Act, instead of the actual Occupiers thereof.

For rating Landlords of Houses let for less than for 15*l.* a Year Rent.

CI. And be it further enacted, That whenever the Name of the Owner of any such Land shall not be known to the said Commissioners, or to the Person making any Rate for the Purposes of this Act, it shall be sufficient to rate such Owner in the Rate Book of the said Commissioners as the Owner of such Land, within the Meaning and for the Purposes of this Act, by the Title or Designation of "The Owner," without stating the Name of such Owner, and the Person so rated by such Title or Designation shall be liable to pay and shall pay the said Rate.

Owner to be rated without naming him.

CII. And in order to prevent any Dispute touching the Meaning of the Word "Owner" under this Act, be it enacted, That the Person receiving or authorized to receive the Rents of any Land within the said Division from the immediate Occupier thereof, either on his own Account or as Agent of any other Person, or the Mortgagee receiving the Rents of such Land, shall be deemed the Owner of the same for the Purposes of this Act.

Defining Owners for the Purposes of this Act.

CIII. And be it further enacted, That whenever the Owner of any such Land shall be rated as herein-before mentioned the said Commissioners shall and they are hereby required, on Application made to them by such

Power to make Composition with the Owners of Houses, &c.

[*Local.*]

31 U

Owner,

for Payment  
of Rates.

Owner, to compound with him for the Payment of the Rates to which he shall have become liable at such a reduced yearly Proportion or Amount as the said Commissioners shall think proper, such reduced Proportion or Amount not being less than One Half nor more than Two Thirds of the annual Value or yearly Rent of such Land, and from Time to Time to renew, alter, or discontinue any such Composition; and all such Compositions shall be entered in the Rate Book of the said Commissioners: Provided always, that the said Commissioners shall not be required to enter into any such Composition for a longer Period than Twelve Calendar Months at any one Time.

Certain Oc-  
cupiers to be  
rated if re-  
quired.

CIV. Provided always, and be it further enacted, That it shall be lawful for the Occupier of any House in the said Division to demand to be assessed for and to pay the Rates to be from Time to Time made for the Purposes of this Act, and the said Commissioners are hereby required to assess such Occupiers so demanding to be assessed, instead of the Owner thereof, so long as such Occupier shall duly pay the whole Amount of the said Rates, and no longer.

Goods of Oc-  
cupiers to be  
distrained to  
a certain  
Extent.

CV. And be it further enacted, That when the Owner of any Land shall have been rated in pursuance of this Act, and the Rate shall have remained due and unpaid for the Space of Two Calendar Months, the Person renting and occupying the same shall and may, at the Discretion of the said Commissioners, be called upon and required to pay such Rate, or any Composition for the same; and in case of Nonpayment thereof the Goods and Chattels of such Person shall be liable to be seized, distrained, and sold for such Nonpayment, as if such Person had been rated in such Rate, or had entered into such Composition: Provided always, that no Person so renting or occupying as aforesaid shall be required to pay, nor shall his Goods or Chattels be seized or distrained, for any further Sum than the Amount of Rent actually due from him for and in respect of the Land which shall have been so rated, or in respect of which such Composition shall have been made as aforesaid, at the Time of such Requisition to pay, or of such Seizure or Distress respectively, and which Amount the Person so renting or occupying as aforesaid is hereby required to disclose on Application made to him, and in default of such Disclosure it shall be lawful for the said Commissioners to levy the whole Amount of Rate then due by such Distress and Sale as aforesaid: Provided also, that if the Distress and Sale so made shall not be sufficient to discharge the whole Amount of Rate then due, the Owner of such Land shall continue liable to the Payment of so much of the said Rate as shall not have been so recovered: Provided also, that no Action of Debt shall be brought against any such Person so renting or occupying as aforesaid for any Rate or Composition by this Act directed or authorized to be made.

Occupier  
paying Rate  
authorized to  
deduct same  
from Rent.

CVI. And be it further enacted, That every Person so renting or occupying as aforesaid who shall be required to pay and shall pay the Amount of such Rate or Composition in respect of which the Owner of any Land shall have been rated, or on whose Goods and Chattels the said Amount shall have been levied, may deduct the same, together with the Costs and Charges (by him paid) of making such Distress and Sale, from the Rent then due or thereafter to become due by him for renting or occupying such Premises respectively (unless such Occupier shall be in

the Possession of such Premises under or by virtue of any Agreement, verbal or written, made before the passing of this Act, or unless there be some Agreement to the contrary between such Person and his Lessee or Landlord); and the Receipt for the Amount so paid or levied by the Person authorized to receive the same shall be a sufficient Discharge to the Person so renting or occupying as aforesaid against his Lessor or Landlord for the Amount in such Receipt mentioned, and the Receipt in Writing under the Hand of such Person so authorized as aforesaid shall, on Proof of his Handwriting, be Evidence of such Receipt.

CVII. Provided always, and be it further enacted, That when any Person shall, at the Time of the passing of this Act, be in the Occupation of any House, Building, or Land, Tenement, Hereditament, or separate Apartment, in the said Division, as Tenant thereof by virtue of any Agreement, written or verbal, entered into before the passing of this Act, and the Owner thereof shall be rated in respect thereof in any Rate under the Authority of this Act, or shall compound for the Rates in respect thereof, it shall be lawful for such Owner to recover of and from the Tenant of such House, Building, Tenement, Hereditament, or separate Apartment, any Sum of Money which such Owner shall pay for any Rate or Composition so rated or imposed upon him in respect of such Premises whilst the same shall be so held or occupied by such Tenant under any such Agreement, or a proportionate Part thereof; and for the Recovery thereof such Owner shall have and be entitled to all such Remedies as Landlords by any Law or Statute have or are entitled to for the Recovery of Rent in arrear from their Tenants, unless in such Agreement it shall have been expressly agreed that the Landlord or Owner shall bear or pay the Rates in respect of such Premises.

Tenants by virtue of Agreements made before the passing of this Act to repay the Rates to their Landlord, unless otherwise agreed.

CVIII. And be it further enacted, That in case any Person shall quit or be about to quit his Premises before he shall have paid the Rates or Assessments then due in respect thereof, and shall refuse or neglect to pay the same on Demand, it shall be lawful for the said Collector, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Surrey*, which Warrant such Justice is hereby empowered and required to grant upon Proof of any such Removal, or of a reasonable Suspicion of an intended Removal, to seize the Goods and Chattels of any such Person wherever they may be, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner of such Goods and Chattels.

Recovery of Rates from Persons removing.

CIX. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think proper, to charge any Person liable to be rated under the Authority of this Act who shall inhabit, hold, or occupy any Premises in any Street, Road, Lane, Highway, Passage, or Place in the said Division not paved or repaired by the said Commissioners, in every such Rate or Assessment, with such Sum of Money only as will be equal or in proportion to Half of the Rate which shall be made upon other Persons liable to be rated in respect of similar Premises within the said Division, so long as the said Street, Road, Lane, Highway, Passage, or Place shall remain unpaved or unrepaired by the said Commissioners.

Half Rates to be paid till Streets are paved.

CX. And

Rates to be recoverable by Distress or Action.

CX. And be it further enacted, That if any Person duly rated or assessed under the Authority of this Act shall neglect or refuse to pay his Proportion of any of the said Rates or Assessments for the Space of Fourteen Days after the personal Demand thereof, or Demand in Writing left at the usual or last Place of Abode or Business of such Person, or on the Premises in respect of which such Rate shall be made, the same shall be recovered and levied by Distress and Sale of the Goods and Chattels of such Person, by Warrant under the Hand and Seal of any Justice of the Peace acting for the said County of *Surrey*; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner of the Goods and Chattels so distrained and sold, after deducting all Charges attending such Distress and Sale: Provided always, that in case any such Rate or Assessment shall remain unpaid for the Space of Two Calendar Months next after the same shall have become due, the Collector of the Rates and Assessments for the Time being shall and he is hereby required forthwith to cause the Party so making default to be summoned before some Justice of the Peace for the said County of *Surrey*, in order that a Warrant of Distress may be issued against such Party, and which Warrant the said Collector is hereby required to apply for accordingly; and if such Collector shall not at the End of such Two Calendar Months cause the Party so making default to be summoned as aforesaid, or shall not apply for such Warrant of Distress as aforesaid, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, and any further Sum not exceeding Five Pounds for every Week after the Expiration of such Two Calendar Months during which such Neglect on the Part of the said Collector shall continue: Provided also, that nothing herein contained shall prevent the said Commissioners from recovering any such Rates or Assessments, with full Costs of Suit, where the same amount to or exceed the Sum of Five Pounds, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance, shall be allowed.

Form of Warrant of Distress.

CXI. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rate or Assessment to be made by virtue of this Act may include One or more Person or Persons, and may be in the Words or to the Effect following; (that is to say,)

‘ To wit. { To the Collector of the Rates for improving the Water-  
 ‘ side Division of the Parish of *Saint Mary Magdalen*  
 ‘ *Bermondsey* in the County of *Surrey*, and to all Constables,  
 ‘ Headboroughs, Beadles, and Peace Officers within the said  
 ‘ Parish and County :

‘ WHEREAS the under-mentioned Persons, now or late Inhabitants,  
 ‘ Householders, Landlords, Tenants, or Occupiers of Premises within  
 ‘ the Division aforesaid, have been duly rated and assessed in or are liable  
 ‘ to the Payment of a Rate or Assessment made on the  
 ‘ Day of \_\_\_\_\_ under the Authority of an Act passed in the  
 ‘ Year of the Reign of King *William* the Fourth, intituled  
 ‘ [here set forth the Title of this Act], in, and there is now due from them  
 ‘ respectively, the several Sums of Money against their Names herein-  
 ‘ after respectively set down, which they have respectively refused or  
 ‘ neglected to pay, as appeareth upon Oath to me, one of His Majesty's  
 ‘ Justices



the Time of making such Rate or Assessment were empty, or were not rated by virtue of this Act, he shall, for and in respect of his Occupation thereof, be liable only to such Rate or Assessment in proportion to the Time for which he shall occupy the same, in the same Manner as if he had been originally rated or assessed for such Premises ; which said respective Proportions shall, in case of Dispute, be settled and ascertained by the said Commissioners.

Amendment  
of Rates by  
Commis-  
sioners.

CXV. And be it further enacted, That it shall be lawful for the said Commissioners, either on the Application of any Person aggrieved, or without such Application, from Time to Time to amend any Rate or Assessment to be made by virtue of this Act by inserting therein the Name of any Person who ought to have been or to be then rated, or by striking out the Name of any Person who ought not to have been rated therein, or by making such other Amendments or Alterations therein as will, in the Judgment of the said Commissioners, make such Rate or Assessment conformable to the true Intent and Meaning of this Act ; and no such Amendment shall be held to vitiate the same, or render it less operative ; and every Rate which shall be so altered or corrected shall be as valid and effectual in Law, to all Intents and Purposes, as if such Addition had been inserted or such Alteration or Correction had been made in the Rate at the Time the same was first made and signed or allowed : Provided always, that every Person whose Name shall be so inserted, or who shall be so made liable to the Payment of any Sum of Money, or who shall think himself aggrieved by any such Addition, Alteration, or Correction, shall have and be entitled to the same Right of Appeal therefrom as he would have been had such Addition been inserted or such Alteration or Correction made in the Rate at the Time when the same was first made and signed or allowed ; and in case of Alteration or Correction such Person whose Rate shall be so altered or corrected shall be entitled to Seven Days Notice thereof before the Rate shall be payable by him.

Public Build-  
ings how to  
be assessed.

CXVI. Provided always, and be it further enacted, That the Rates or Assessments to be made by virtue of this Act in respect of any Hospital, School, or other public Building within the said Division shall be ascertained according to the Number of Square Yards of Foot and Carriage Way fronting or abutting on such Hospital, School, or other public Building, and the same shall not in any One Year exceed the Sum of One Shilling for every such Square Yard ; and such Rates or Assessments to be made in respect of such Hospital, School, or other public Building shall be paid by the Trustees or Owners, Proprietors or Occupiers thereof respectively.

Rate Books  
to be re-  
ceived as  
Evidence,  
and to be in-  
spected.

CXVII. And be it further enacted, That the Books of Rates and Assessments of the said Commissioners, and all Entries afterwards made therein in manner by this Act directed, shall be received as Evidence of the Rates and Assessments imposed by virtue of this Act ; and all such Books of Rates and Assessments, and all Indexes of such Books, shall, until audited by the said Commissioners, and afterwards for the Purpose of Election only, between the Hours of Ten of the Clock of the Forenoon and Twelve of the Clock at Noon of every Day (*Sundays* excepted), be open for the Inspection of all Persons rated by virtue of this Act, on  
Payment

Payment to the Clerk of the said Commissioners of the Sum of One Shilling, and all Persons as aforesaid may take or have Copies of or Extracts from such Books respectively, paying for the same to the said Clerk after the Rate of Sixpence for every One hundred Words; and in case the Person having the Care of any such Book or of any such Index shall refuse to permit or shall not permit any Person so liable to the Payment of such Rates as aforesaid to inspect the same, and to take or have Copies thereof or Extracts therefrom on such Payment aforesaid, he shall forfeit and pay the Sum of Ten Pounds for every such Offence, to be recovered in a summary Way on Oath before some Justice of the Peace of the County of *Surrey*, and by Warrant of Distress under the Hand of such Justice; which Penalty, when levied, shall be applied to the Purposes of this Act.

CXVIII. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act, the Court of General or Quarter Sessions of the Peace shall and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

On Appeal from Rate, Quarter Sessions may amend without quashing it.

CXIX. And be it further enacted, That for effecting any Improvement in the said Division or any Part thereof, or for more effectually enabling the said Commissioners to carry into effect the Powers and Provisions of this Act, it shall be lawful for the said Commissioners to receive any Contribution from the Person or Body having the Controul of the Poor's Rate within the said Parish, or from any public Board or Boards, or any Commissioners or Trustees having Jurisdiction within the said Parish, to be applied, laid out, and expended as the said Commissioners hereby appointed may think advisable in the Execution of this Act, and which Contribution the said Person, or Body, Boards, Commissioners, or Trustees, shall have and are hereby invested with Power to make and contribute out of the Rates or Monies made or raised by or belonging to them or any of them.

Commissioners may receive Contributions.

CXX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree with such Persons or Corporations respectively as shall be or be deemed the Owners of or interested in any Lands within the said Division, which they the said Commissioners shall deem expedient for the Purposes of this Act, for the absolute Purchase thereof or of any Part thereof, or for any Damage thereto to be sustained by the Proprietors thereof in the Execution of this Act; and it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbards, Guardians, Trustees, Feoffees in Trust for charitable or other Purposes, Executors, Administrators, and Committees, and all Trustees and

Power to purchase Buildings, &c.

and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and to and for all Femmes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in, and for all other Persons whomsoever seised or possessed of or interested in any such Lands, to contract for, sell, and convey the same or any Part thereof unto the said Commissioners; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Commissioners, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

Form of Con-  
veyance.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ to me paid by the Commissioners appointed under and by virtue of  
 ‘ an Act passed in the \_\_\_\_\_ Year of the Reign of His Majesty King  
 ‘ *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby  
 ‘ convey to the said Commissioners, their Successors and Assigns, all [*here*  
 ‘ *describe the Premises to be conveyed*], and all my Estate, Right, Title, Term,  
 ‘ and Interest to and in the same and every Part thereof, to hold to the said  
 ‘ Commissioners and their Successors from henceforth for ever. In  
 ‘ witness whereof I have hereunto set my Hand and Seal this  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_.’

And all such Conveyances shall be valid and effectual in Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests, so thereby conveyed or aliened, and to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever, of and in the same.

Power to  
purchase the  
Release of  
Lands wanted  
from Rents  
charged  
thereon.

CXXI. And be it further enacted, That where any Lands intended to be taken or used by the said Commissioners shall solely, or jointly with other Lands not intended to be taken or used, be subject to any Rent-service, Rent-charge or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners to agree for the Release of the Lands so purchased from such Rent, Payment, or Incumbrance, and also, where necessary, for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum as shall be agreed upon between the said Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons by this Act empowered to sell and convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective



Values of the Lands intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Commissioners and any such Party as aforesaid respecting such Release (and which may be in the like Forms as by this Act are directed to be used in the Case of Conveyances of Lands) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance, as the Case may be: Provided always, that when any of the Lands purchased by the said Commissioners shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Commissioners, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to indorse a Memorandum on such Instrument, which shall be signed by the Clerk of the said Commissioners, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, and shall not exclude any other Evidence of the same Facts.

CXXII. And be it further enacted, That all Persons who shall have any Mortgage on any Lands to be taken for the Purposes of this Act (and whether entitled thereto in their own Right, or in Trust for any other Persons in Possession thereof by virtue of such Mortgage, or not,) shall, on Tender of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners, immediately assign and transfer such mortgaged Premises to the said Commissioners, or to such Person as they shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on Payment of the Principal and Interest so due, together with any just Costs then due, such Mortgagees shall assign and transfer their respective Interests in the Premises to the said Commissioners, or as they shall direct; but in case such Mortgagee shall refuse to assign or transfer as aforesaid on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then upon due Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, of Six

Mortgagees  
to convey to  
Commis-  
sioners.

Calendar Months Interest in advance, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as by this Act is directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, shall vest in the said Commissioners, and the said Commissioners shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the Commissioners and certain Mortgagees shall be settled.

CXXIII. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Money, Interest, and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Lands, or, as the Case may be, of such Parts of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Land on the one Part, and the said Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim so far as the same will extend, and such Mortgagee shall thereupon assign and transfer all his Interest in such mortgaged Lands the Value whereof shall have been so agreed upon or determined as aforesaid; or in case of his neglecting or refusing to assign or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be and be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Lands as shall be so taken or used from all Principal and Interest and other Money due and secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Commissioners, and the said Commissioners shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling the Payment of their Mortgage Money or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes of this Act, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon and out of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of any Lands subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the

Assignment thereof to the said Commissioners, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of the Amount so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Commissioners, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Commissioners at their Expence to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

CXXIV. And be it further enacted, That all Persons by this Act capacitated to sell and convey Lands, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands which may be required for the Purposes of this Act, may agree to accept, and receive, and may, subject to such Restrictions as in this Act contained as to the Payment thereof, accept and receive Satisfaction for the Value of such Lands or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for or on account of any Damage, Loss, or Inconvenience which may be sustained by such Persons by reason of any Alterations hereby directed or authorized, or of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively and the said Commissioners; and in case the said Commissioners and such Persons respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively or either of them concerning which they do not so agree shall be ascertained and settled by the Verdict of a Jury as herein-after is directed.

Satisfaction to be made for Lands taken for Works.

CXXV. And be it further enacted, That if any such Corporation, Trustee, or other Person so interested, or entitled or capacitated to sell, agree, or convey as aforesaid, shall not agree with the said Commissioners as to the Amount of such Purchase Money, Satisfaction, or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money, Satisfaction, or Compensation shall refuse to accept such Purchase Money, Satisfaction, or Compensation as shall be offered to them by the said Commissioners, and shall give Notice thereof in Writing to the said Commissioners within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute shall be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall, for the Space of Twenty-one Days next after Notice shall have been given to them respectively in manner by this Act directed, neglect or refuse to treat or shall not agree with the said Commissioners for the Sale and Conveyance of the Premises required for the Purposes of this Act, or of their respective Estates or Interests, or the Estates or Interests which they respectively are hereby capacitated to convey therein, or by reason of Absence shall be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement or Conveyance as shall be necessary or expedient, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession, and claim to be entitled

On Persons refusing to treat or to sell, Jury to be summoned to assess Value, &c.

entitled unto and interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act cannot be made, then and in every such Case the said Commissioners shall and they are hereby required from Time to Time to issue out their Warrant to the Sheriff of the said County, thereby commanding him to impanel, summon, and return, and the said Sheriff is hereby empowered and required to impanel, summon, and return, a Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the same County, and such Persons are hereby required to appear before the said Sheriff or his Deputy at such Time and Place as in such Warrants shall be appointed, and to attend from Day to Day until duly discharged; and out of the Persons so impanelled, summoned, or returned a Jury of Twelve Men shall be drawn by the said Sheriff, or by some Person to be by him appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place to be appointed as aforesaid, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be easily procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Persons concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff or his Deputy is hereby also required and empowered to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matter in question, and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall, upon their Oaths, (which Oaths, as well as the Oaths of all Persons who shall be called upon to give Evidence, the said Sheriff or his Deputy is hereby empowered and required to administer,) inquire of, assess, and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands (except for such Interest therein as shall have been of right purchased by the said Commissioners from any other Person), and also the Sum of Money to be paid by way of Satisfaction or Compensation, either for the Damages which before that Time shall have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages which shall have been so done or sustained as aforesaid, and the Cause or Occasion of which shall in part only have been obviated, removed, or repaired by the said Commissioners, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction or Compensation shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or seised as aforesaid, and the said Sheriff or his Deputy shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Persons whatsoever: Provided always, that not less than Seven Days Notice of the Time and Place at which such Jury are so required to be returned shall be given by the said Commissioners to the Party with whom any such Controversy shall arise, in manner by this Act directed: Provided also, that the Plaintiff in all such Cases shall be entitled to the same Advantages as Plaintiffs are entitled to in Actions tried in any of His Majesty's Courts of Record at *Westminster*.

CXXVI. And

CXXVI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person for any particular Estate, Term, or Interest which he may have in the Premises.

Compensation Money to be apportioned.

CXXVII. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff or his Deputy, shall be kept by the Clerk of the Peace for the said County of *Surrey* amongst the Records of the Quarter Sessions for the said County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be given in Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

CXXVIII. And be it further enacted, That if the said Sheriff or his Deputy shall make default in the Premises he shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn or to give Evidence, every Person so offending, having no reasonable Cause (to be allowed by the said Sheriff or his Deputy), shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; all which Penalties and Forfeitures shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Surrey*, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced (if any), after such Penalty and the Charges of such Distress and Sale shall be deducted; and all such Penalties so recovered shall be applied for the Purposes of this Act.

Penalty on Officers having the Execution and Return of Writs, Jurymen, &c. neglecting their Duty.

CXXIX. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who, in any Examination to be taken by virtue of this Act upon their Oath, shall wilfully and corruptly give false Evidence before any such Jury or Sheriff or his Deputy, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Penalties or Punishment to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

As to Juries and Witnesses.

CXXX. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Commissioners for the Purchase

By whom the Expence of the Jury shall be paid.

[*Local.*]

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of

of any Lands to be used or taken by them for the Purposes of this Act, or as a Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers of this Act, all the Costs and Expences of obtaining such Verdict shall be borne by the said Commissioners, and such Costs and Expences shall be settled and determined by the said Sheriff or his Deputy; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after Demand made thereof, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Commissioners or of the Treasurer of the said Commissioners (unless such Treasurer shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Surrey* not interested in the Matter in question (which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences); but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Commissioners, One Moiety of the said Costs and Expences shall be defrayed by the Party with whom the said Commissioners shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Commissioners; and the former Moiety of the said Costs and Expences (the same having been ascertained and settled in manner herein-before mentioned) shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so awarded shall be deemed and taken to all Intents and Purposes to be good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said Commissioners.

Persons requesting a Jury to enter into Bonds to prosecute their Complaints and to pay Expences.

CXXXI. And be it further enacted, That all Parties with whom the said Commissioners shall have any Dispute, and who shall request a Jury to be summoned as aforesaid, shall, at their own Costs, before the said Commissioners shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond (with Two sufficient Sureties) to the Treasurer or Clerk of the said Commissioners, at the Expence of the said Commissioners, in a Sum or Penalty of One hundred Pounds, to prosecute their Complaint, and to pay and bear their Proportion of all the Costs and Expences of obtaining such Verdict in case any Part of such Costs and Expences shall fall upon them.

Notice of Injury to be given to the Commissioners before Appeal to a Jury.

CXXXII. And be it further enacted, That the said Commissioners shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained, unless Notice in Writing by or on behalf of the Party making such Complaint, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given to the said Commissioners Ten Days before the summoning of such Jury, and within the Space of  
Six

Six Calendar Months next after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof having ceased.

CXXXIII. And be it further enacted, That all Tenants at Will, Lessees for a Year, Tenants from Year to Year, and other Persons in Possession of any Lands intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver the Possession of such Premises to the said Commissioners, or to such Person as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice given by the said Commissioners to such respective Tenants or Lessees or Persons in Possession, or left upon the said Premises, or at such other Time after the Expiration of Six Calendar Months as they shall be respectively required, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Commissioners; and if any such Lessee, Tenant, or Person so in Possession as aforesaid shall refuse to deliver up such Possession, it shall be lawful for the said Commissioners to issue their Precept to the said Sheriff to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the Issuing and Execution of such Precept on the Person so refusing to deliver up Possession as aforesaid by Distress and Sale of his Goods and Chattels.

Tenants for Years or at Will to quit Lands after Notice.

CXXXIV. Provided always, and be it further enacted, That when any such Tenant or Lessee shall be required to deliver the Possession of any Premises so occupied before the Expiration of his Term or Interest therein, the said Commissioners shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of such Premises, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises, and for any Damage to be sustained by him; which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands taken or used by the said Commissioners is by this Act directed to be ascertained or determined.

Interest of such Tenants may be settled by a Jury.

CXXXV. Provided also, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest in any Lands intended to be taken or used under the Authority of this Act, under or by virtue of any Lease or Agreement for Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Party to produce or show the Lease, Agreement, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Agreement, or Grant shall not be produced or shown, the Party claiming such Satisfaction or Compensation shall be considered as holding only from Year to Year.

Persons holding under Leases to produce the same.

CXXXVI. And

In case of not making out Titles, Money to be paid into the Bank

CXXXVI. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under the Authority of this Act, or for Compensation or Satisfaction as aforesaid, shall refuse to accept the same, or cannot be found, or shall be absent from *England*, or shall refuse, neglect, or be unable to make a Title to such Land to the Satisfaction of the said Commissioners, or if any Party entitled unto or to convey any such Lands shall not be known, or shall be absent from *England*, or shall refuse to convey the same, then and in every such Case, where not otherwise provided for by this Act, it shall be lawful for the said Commissioners to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them), subject to the Controul and Disposition of the said Court; which said Court (on the Application of any Party making claim to such Money or to any Part thereof by Petition) is hereby empowered, in a summary Way of proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners or to any Party paying any Money into the Bank of *England*, under or pursuant to this Act, a Receipt for such Sum, mentioning and specifying for what and for whose Use the same is received.

Persons in Possession presumptively entitled.

CXXXVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court, in pursuance of this Act, for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used in pursuance of this Act, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands according to such Possession until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to such Lands, or to some Estate or Interest therein, when the Court shall make such Orders respecting the said Capital, Dividends, and Interest as the Circumstances of the Case may require.

Application of Purchase Money when

CXXXVIII. And be it further enacted, That if any Money agreed or awarded to be paid for the Purchase of any Lands to be taken or used for the



the Purposes of this Act, or for the Release of any such Lands from any Rents or other Incumbrances charged thereon, or for any Compensation or Satisfaction under this Act, which any Corporation, or any Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for the Improvement of the Waterside Division of the Parish of *Bermondsey*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made in a summary Way upon Petition presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied, either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which Compensation or Satisfaction shall be paid, stood limited or settled, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

amounting to 200*l.*

1 G. 4. c.35.

CXXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands to be taken or used for the Purposes of this Act, or for the Release of any such Lands from any Rent or other Incumbrance thereon, or for Compensation or Satisfaction as aforesaid in respect of any Lands of and belonging to any Person

[Local.]

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Person

Application of Compensation Money when less than 200*l.* and exceeding 20*l.*

Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of their respective Husbands, Guardians, or Committees in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England* in the Name of the said Accountant General, but without its being necessary to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when not exceeding 20*l.*

CXL. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation or Satisfaction shall be paid, for their own Use or Benefit; and in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

Court may order reasonable Expences of Purchases to be paid by Commissioners.

CXLI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Compensation or Satisfaction shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation or Satisfaction, shall be required to be paid into the said Bank of *England*, to be applied in the Purchase of other Lands to be settled to the like Uses, it shall be lawful for the said Court to order the reasonable Expences of all Purchases and of the Re-investment of such Purchase Money in Land, together with the necessary Costs and Charges of obtaining the proper Order for such Purposes, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, and the said Commissioners shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to enter Lands on Payment or Tender of Purchase Money.

CXLII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner aforesaid, for the Purchase of any Lands, or by way of Satisfaction or Compensation for any Loss or Injury, as herein mentioned, to the respective Proprietors of such Lands, or to other Persons respectively interested therein, or entitled to receive such

Purchase Money, Satisfaction, or Compensation, within One Calendar Month after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse or neglect or be unable to make a good Title to such Lands to the Satisfaction of the said Commissioners, or if any Party entitled to or hereby capacitated to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse to convey the same, then upon Payment into the Bank of *England*, as herein-before directed, to the Credit of the Parties interested in such Lands, or if any such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or for such Satisfaction or Compensation as aforesaid, which any Person under Disability is hereby capacitated to convey, then upon Payment of such Money into the Bank of *England*, as herein-before directed, to an Account *ex parte* the Commissioners for the Improvement of the Waterside Division of the Parish of *Bermondsey*, or in such other Manner as such Money is herein-before directed to be paid, it shall be lawful for the said Commissioners immediately to enter upon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein shall thenceforth be vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail, and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the said Commissioners to enter upon such Lands for any of the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

CXLIII. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Commissioners or any other Person to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected on or before the First Day of *January* One thousand eight hundred and thirty-four, or any Land which was then set apart and used as and for a Garden or Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a Dwelling House, or planted and set apart as a Nursery for Trees, other than and except such as are specified in the Schedule to this Act annexed, without the previous Consent in Writing of the Owner and Occupier thereof: Provided also, that unless the said Commissioners shall within the Space of Three Years, to be computed from the Commencement of this Act, agree for or cause to be valued and pay for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or so much thereof as shall be by them deemed necessary for the Purposes of this Act, then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using of such Lands shall cease and be utterly void.

Houses, Gardens, &c. not to be used without Consent unless specified in the Schedule.

CXLIV. Pro-

Misnomer in Schedule not to prevent the Execution of the Act.

CXLIV. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners to purchase any of the Lands mentioned in the Schedule hereto annexed, although the same, or the Name of any Owner, Leaseholder, or Occupier thereof, shall happen to be mis-stated or omitted or inaccurately described therein, in case it shall appear to any Two or more Justices of the Peace for the said County of *Surrey*, and be certified by Writing under their Hands, that such Mis-statement, Omission, or inaccurate Description proceeded from Mistake only.

Provision for Deficiencies in the Land Tax.

CXLV. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the said Parish of *Bermondsey*; be it therefore enacted, That the said Commissioners shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until any Works hereby authorized shall be completed and assessed to such Land Tax, (unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of such Parish as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish of *Bermondsey* by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer to be appointed under this Act is hereby required to pay all Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Power to sell Lands not wanted.

CXLVI. And whereas by means of the Purchases which the said Commissioners are empowered to make by virtue of this Act they may happen to be seised of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore further enacted, That it shall be lawful for the said Commissioners to sell and to convey to the Purchasers thereof any Part of such Lands, or any Estate or Interest purchased by the said Commissioners in such Lands or any Part thereof, in such Manner as they shall deem most advantageous, and such Conveyances from the said Commissioners shall be valid and effectual to all Intents and Purposes: Provided always, that the said Commissioners, before they shall dispose of any such Lands, shall first offer to sell the same to the Person from whom the same shall have been purchased by the said Commissioners, such Person being in *England*, and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire to the said Commissioners within Thirty Days after such Offer of Sale shall have been made; and in case such respective Persons shall decline to avail themselves of such Offer, or shall neglect so to signify their Desire to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer of Sale shall cease; and an Affidavit made and sworn to before a Master Extraordinary of the High Court of Chancery, or before any Justice of the Peace for the said County of *Surrey*, by some Person not interested in such Lands, stating that the Person entitled to such Right of Pre-emption was not in *England*, or was not

not found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Commissioners, and that such Offer was refused or was not accepted by the Person to whom the same was made, within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused, or was not accepted within the Time aforesaid (as the Case may be), by the Person to whom such Offer was made; and in case such Person as aforesaid shall be desirous of purchasing any such Lands, and he and the said Commissioners shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Commissioners; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Commissioners (*mutatis mutandis*); and the Money produced by such Sale shall be applied to the Purposes of this Act.

CXLVII. And be it further enacted, That upon Payment of the Money which shall arise by the Sale of any Lands, or of any Interest therein, belonging to the said Commissioners, which shall be sold by the said Commissioners under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being of the said Commissioners to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipts shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money, or any Part thereof.

Treasurer,  
upon Pay-  
ment of Mo-  
ney to give  
Receipts.

CXLVIII. And be it further enacted, That in all Conveyances to be made by the said Commissioners under or in pursuance of this Act the Word "grant" shall operate and be construed and adjudged in all Courts of Judicature to be express Covenants to and with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Nature or Quality of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Commissioners, for themselves and their Successors, that they the said Commissioners, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Commissioners and their Successors and all claiming under them, and be indemnified and saved harmless by the said Commissioners and their Successors from all Incumbrances committed by the said Commissioners, and also for further Assurances of such Premises by the said

The Word  
"grant" in  
Conveyances  
from the  
Commis-  
sioners to  
amount to  
certain Cove-  
nants.

[Local.]

32 B

Commissioners

Commissioners or their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

Commis-  
sioners may  
borrow  
Money.

CXLIX. And for the more effectually enabling the said Commissioners to execute the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money on the Credit of the Rates or Assessments by this Act granted, and of the Buildings and Premises and other Property vested in the said Commissioners, and to mortgage, grant, or assign the said Rates or Assessments, or any Part thereof, to any Person who shall advance or lend such Money, or to his Trustee or Trustees, as a Security for the Money so to be borrowed, together with such lawful Interest as the said Commissioners and the Party lending the same shall agree upon; and the Charges and Expences of such respective Securities shall be from Time to Time defrayed by the said Commissioners; and every such Mortgage shall be in the Words or to the Effect following; (that is to say,)

Form of  
Mortgage.

‘ **BY** virtue of an Act passed in the Year of the Reign  
‘ of King *William* the Fourth, intituled [*here set forth the Title of this*  
‘ *Act*], we the undersigned, being of the Commis-  
‘ sioners acting in execution of the said Act, in consideration of the Sum of  
‘ advanced and paid by *A. B.* of  
‘ upon the Credit of and for the Purposes of the said Act, do hereby grant  
‘ and assign unto the said *A. B.* his Executors, Adminis-  
‘ trators, and Assigns, such Proportion of the said Rates and Assessments  
‘ as the said Sum of doth or shall bear to the whole Sum  
‘ borrowed or to be borrowed and which shall from Time to Time be owing  
‘ upon the Credit of the said Rates and Assessments, to be had and holden  
‘ from the Day of the Date of these Presents until the said Sum of  
‘ with Interest for the same after the Rate of  
‘ *per Centum per Annum*, shall be fully repaid and satisfied. In witness  
‘ whereof we have hereunto set our Hands and Seals the  
‘ Day of .’

No Prefer-  
ence in Pay-  
ment of  
Mortgages.

CL. And be it further enacted, That the several Persons to whom any such Mortgage shall have been made shall be respectively entitled to their respective Quota of the said Rates and Assessments in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without any Preference by reason of Priority in the Date of such Mortgage, or on any other Account whatever, except as herein-after mentioned.

Power for  
Commis-  
sioners to  
raise Money  
by Annuity.

CLI. And be it further enacted, That in case the said Commissioners shall think it advisable to sell all or any Part of the Money for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, then and in such Case it shall be lawful for the said Commissioners, by Writing under the Hands and Seals of any Three or  
more

more of them, to grant an Annuity to any Person who shall advance and pay to the said Commissioners any Sum of Money for the absolute Purchase of an Annuity, to be paid and payable during the natural Life of any such Contributor, or of such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following:

WE, being \_\_\_\_\_ of the Commissioners acting in  
 pursuance of an Act made in the \_\_\_\_\_ Year of the  
 Reign of King *William* the Fourth, intituled [*here set forth the Title of*  
*this Act*], in consideration of the Sum of \_\_\_\_\_ paid by  
 \_\_\_\_\_ in pursuance of the said Act, do hereby grant unto the  
 said \_\_\_\_\_ an Annuity or yearly Sum of \_\_\_\_\_  
 to be paid out of the Rates or Assessments to be raised, levied, and  
 collected by virtue of the said Act; which Annuity or yearly Sum of \_\_\_\_\_  
 shall be paid to the said \_\_\_\_\_ or his  
 Assigns, during the Term of his natural Life, [*or, as the Case may be, to*  
 the said \_\_\_\_\_ his Executors, Administrators, or Assigns,  
 during the natural Life of \_\_\_\_\_ *or during the natural Lives of*  
 \_\_\_\_\_ and \_\_\_\_\_ and the Life of the Survivor,]  
 upon the \_\_\_\_\_ Day of \_\_\_\_\_ the \_\_\_\_\_ Day of  
 \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ and the  
 \_\_\_\_\_ Day of \_\_\_\_\_ in every Year during his  
 natural Life, [*or, as the Case may be, during the natural Life of the said*  
 \_\_\_\_\_ *or of the said \_\_\_\_\_ and*  
 \_\_\_\_\_ and the Survivor of them,] the first \_\_\_\_\_ Payment thereof to be  
 made upon the \_\_\_\_\_ Day of \_\_\_\_\_ next ensuing the  
 Date hereof. In witness whereof we the said Commissioners have here-  
 unto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_  
 in the Year \_\_\_\_\_

Form of Grant of Annuity.

And every such Grant shall be good and effectual in the Law without any Inrolment or Registry of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Commissioners out of the said Rates or Assessments respectively, according to the Grant of such Annuity.

CLII. And be it further enacted, That a Book shall be provided and kept by the Clerk of the said Commissioners in which shall be entered Copies of all Mortgages and Annuities and other Securities made in pursuance of this Act, which Book shall be open to the Inspection of the several Holders of Mortgages and Securities made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward.

Register Book to be kept of Securities.

CLIII. And be it further enacted, That it shall be lawful for any Person for the Time being entitled to any of the Securities for the Money to be borrowed as aforesaid, and his Executors, Administrators, and Assigns, by Writing under their respective Hands and Seals to transfer the same \_\_\_\_\_ respectively

Securities may be transferred.

respectively to any other Person whomsoever in the Form or to the Effect following; (that is to say,)

Form of  
Transfer of  
Security.

‘ I *A. B.* of                      in consideration of the Sum of  
‘    to me paid by *C. D.* of                      do hereby assign and transfer  
‘ unto the said *C. D.*, his Executors, Administrators, and Assigns, a cer-  
‘ tain Security, Number                      bearing Date the  
‘ Day of                      in the Year of our Lord                      under  
‘ the Hands and Seals of                      of the Commissioners for  
‘ executing an Act passed in the                      Year of the Reign of  
‘ King *William* the Fourth, intituled [*here set forth the Title of this Act*], and  
‘ the Principal Sum of                      [*or the Annuity of*  
‘ *as the Case may be,*] thereby secured, and all Interest now due or here-  
‘ after to become due thereon, and all my Right and Interest in and to the  
‘ same. Dated this                      Day of                      ’

Transfer to  
be registered.

Which Transfer shall, within Twenty Days after the Date thereof, be produced to the Clerk of the Commissioners, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sum of Money thereby transferred, in the Register Book to be kept for entering Copies of the original Securities, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made every such Assignment shall entitle the Person to whom the same shall be made, and his Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

For prevent-  
ing impro-  
vident Grants  
of Annuities.

CLIV. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by more than One Sixth the Rate prescribed by any Act or Acts for the Time being in force for granting Annuities on Government Securities.

Commis-  
sioners may  
redeem An-  
nuities.

CLV. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent of the Person entitled thereto, to redeem any of the Annuities by or under the Authority of the said recited Act or this Act charged or to be charged upon the Rates and Assessments made or to be made by the said Commissioners, and to agree for the Redemption thereof upon such Terms as the said Commissioners shall think proper.

Power to  
borrow at  
lower Inte-  
rest to pay  
off existing  
Mortgages at  
a higher Rate  
of Interest.

CLVI. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow any Sum of Money at a lower Rate of Interest than shall then happen to be payable upon any of the existing Mortgages which may have been granted under the Authority of this Act, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates and Assessments in manner aforesaid with any Sum of Money to be borrowed at such lower Rate of Interest, and to pay off and discharge therewith any of the said Mortgages bearing a higher Rate of Interest.

CLVII. And



CLVII. And in order that no Preference may be given in paying off the said Mortgages, be it further enacted, That the said Commissioners (if there be more Creditors than One) shall at any of their Meetings cause the several Numbers of all the Assignments or Securities granted and then in force to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box, and the Clerk of the said Commissioners shall, in the Presence of the said Commissioners, draw separately out of the said Box One of the said Numbers for every Assignment intended to be paid off, and thereupon the Assignment corresponding with the Number which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice signed by their Clerk to be given to or left at the last or usual Place of Abode of the Person who shall be entitled to the Money to be paid off pursuant to such Ballot, and where there is only One Creditor the like Notice shall be given to such Creditor of the Intention to pay him off as aforesaid, which Notice shall express the Sum to be paid off, and that the same will be paid, together with Interest due thereon, on a Day and at a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice and shall not be paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to be so specified, shall nevertheless be payable on Demand.

Provision for  
Payment of  
Mortgages  
by Ballot.

CLVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to direct the Sum of Five Pounds *per Centum per Annum* upon the gross Amount of the Principal Sums from Time to Time due on the Credit of the said Rates and Assessments to be paid out of the Rates and Assessments to be levied and made by virtue of this Act, in order to form a Sinking Fund for the gradual Payment of the said Principal Sums, and as often as the said Sinking Fund shall amount to the Sum of Two hundred and fifty Pounds the same shall be applied in the Payment of an equal Amount of the Principal Sums then due.

Sinking  
Fund.

CLIX. And be it further enacted, That all the Rates or Assessments by this Act granted, and all Rates or Assessments to be recovered under the said Act hereby repealed, and all other Sums of Money which at the Time of the passing of this Act shall be in hand from the Receipt of Rates or Assessments under the said Act, or which may be received by the Commissioners for executing this Act under the Authority of this Act, shall be and the same are hereby declared to be vested in the said Commissioners, and shall be applied by them and disposed of in manner following; (that is to say,) in the first place, in paying all Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act, and otherwise incident thereto; in the next place, in paying the Interest of any Money which shall have been advanced for defraying such Costs, Charges, and Expences; in the next place, in paying the Interest of any Money borrowed and now due on the Credit of the said former Act

Application  
of Money.

[Local.]

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hereby

hereby repealed, or which may be borrowed under the Authority of this Act, as and when the same shall become due; in the next place, in defraying the Expences attending the Execution of the several Works, Matters, and Things by this Act authorized; in the next place, in paying the said Sum of Five Pounds *per Centum per Annum* upon the Amount of the Principal Sum from Time to Time due on the Credit of the said Rates or Assessments; in the next place, in paying and discharging any Principal Money which shall have been advanced for defraying the Costs, Charges, and Expences incurred in preparing, applying for, and obtaining this Act; and in the next place, in paying and discharging any Principal Money borrowed and now due on the Credit of the said former Act hereby repealed, or which may be borrowed under the Authority or on the Credit of this Act.

Penalty for obstructing the Execution of this Act.

CLX. And be it further enacted, That if any Person shall obstruct or assault any of the said Commissioners, or any Treasurer, Clerk, Surveyor, or other Officer or Person whomsoever appointed or employed by virtue of this Act, in the Execution or Performance of his Duty, or in the Execution of any of the Works, Matters, or Things to be done under the Authority of the same respectively, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Commissioners may direct Prosecutions.

CLXI. And be it further enacted, That the said Commissioners may and they are hereby empowered to direct any Prosecution or Indictment against any Person for any Nuisance whatsoever which shall be committed or suffered within the said Division, or for any Resistance in the Execution of this Act, or to any Person acting under the same; and all the Costs and Charges of and attending such Prosecutions shall be paid out of the Monies to be raised by virtue of this Act: Provided always, that it shall be lawful for the Justices of the Peace or others before whom any Prosecution or Indictment shall be prosecuted and taken to award to the said Commissioners, in case of a Conviction thereon, all the Costs and Expences attending any such Prosecution or Indictment, to be paid by the Person against whom any such Prosecution or Indictment shall be prosecuted or taken, to be recovered in such Manner as Penalties and Forfeitures are by this Act directed to be recovered.

Commissioners may compound Actions.

CLXII. And be it further enacted, That when any Action or Information shall be brought by or against the said Commissioners by virtue of this Act, it shall be lawful for the said Commissioners to compound with the Party by or against whom any such Action or Information shall be brought in such Manner as shall be agreed upon between the said Commissioners and such Party.

Recovery and Application of Penalties.

CLXIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Two Justices of the Peace for the County of *Surrey*, on Complaint to them for that Purpose exhibited upon the Oath of any Person, or on the Confession of the Party offending, by Warrant under the Hands and Seals of such Justices, rendering the Overplus (if any), after discharging such Penalty and Forfeiture, and the reasonable Costs and

and Charges of such Distress and Sale, on Demand, to the Party whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures (not herein directed to be otherwise applied) shall be paid, one Moiety to the Informer, and the Remainder to the Treasurer of the said Commissioners for the Use and Benefit of the said Commissioners, to be applied by them to the Purposes of this Act: Provided always, that if such Penalties and Forfeitures shall be incurred by the said Commissioners, the same shall be paid, one Moiety to the Informer, and the Remainder to the Overseers of the Poor of the said Parish of *Bermondsey*, to be applied by them for the Benefit of the Poor of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices, or some other Justices of the Peace having Jurisdiction in the Premises, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time not being more than Seven Days from the taking of such Security), and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justices, upon Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required by Warrant under their Hands and Seals to commit the Offender to any Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture, together with all Costs and Charges attending such Proceedings as aforesaid (to be ascertained by such Justices), shall be paid or satisfied, or such Offender shall otherwise be discharged by due Course of Law.

CLXIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justices of the Peace it shall be lawful for such Justices before whom Complaint shall be made of any Offence against this Act to summon before them the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, together with all Costs and Charges attending such Proceedings as aforesaid, and to proceed to recover the same, although no Information in Writing shall have been exhibited before such Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices may proceed by Summons for the Recovery of Penalties.

CLXV. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified, or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute

Damages and Charges, in case of Dispute, to be settled by Justices.

respecting Justices.

respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace for the said County of *Surrey*; and where by this Act any Damages or Charges are directed to be paid in addition to the Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of any such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages and Charges in any of the Cases aforesaid, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Damages, &c. the same may be levied by Distress of Goods vested in Commissioners or in their Treasurer.

CLXVI. And be it further enacted, That whenever any Money shall be directed by any Justice of the Peace to be paid in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made to the said Commissioners in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in every such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners or of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of *Surrey* (which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party entitled to receive such Money); and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Commissioners or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he may have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any Warrant as aforesaid.

Compelling Witnesses to attend.

CLXVII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter of Fact affecting any Information or Complaint for any Offence committed against this Act, either on behalf of the Prosecutor or on behalf of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed (having been paid or tendered a reasonable Sum for his Costs and Expences), without a reasonable Excuse for his Nonappearance, or appearing shall refuse to be examined upon Oath and to give Evidence before such Justice, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

CLXVIII. And be it further enacted, That no Person shall be disqualified from being a competent Witness or from being admitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever authorized by or relating to the Execution of this Act, or any Rule, Order, or Determination made in pursuance thereof, by reason of paying or being charged with or being liable to pay any of the Rates or Assessments hereby authorized to be made, or by reason of his being one of the Commissioners for putting this Act into execution, or of holding any Office or Employment under the said Commissioners.

Persons paying Rates, &c. may be Witnesses.

CLXIX. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Commissioners, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the said Commissioners, although not assembled at any Meeting, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Commissioners so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or Proceeding, and also to do any other Act, Matter, or Thing therein which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made by all the said Commissioners at a Meeting held pursuant to the Provisions of this Act.

Commissioners empowered to grant Releases to Witnesses.

CLXX. And be it further enacted, That it shall be lawful for any of the said Commissioners or for any of their Officers, and for all such Persons as they shall respectively call to their Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Commissioners or Officers who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the said County of *Surrey*, without any other Warrant or Authority than this Act, and such Justice is hereby required to proceed immediately to the hearing and determining the said Complaint.

For securing Offenders whose Names and Residences are unknown.

CLXXI. And be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence:

Form of Conviction.

County of Surrey }  
 to wit. } **BE** it remembered, That on the  
 Day of \_\_\_\_\_ in the Year of our Lord  
 A. B. is convicted before me C. D., one  
 of His Majesty's Justices of the Peace for the said County of *Surrey*,  
 having [*here state the Offence, and the Time and Place when and where  
 the same was committed*], contrary to an Act passed in the  
 Year of the Reign of His Majesty King *William* the Fourth, intituled  
 [*here set forth the Title of this Act*]. Given under my Hand and Seal  
 the Day and Year first above written.'

[Local.]

32 D.

CLXXII. And

General  
Power to  
Justices to  
administer  
Oaths.

CLXXII. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to any Person before he shall be examined by or before such Justice.

Persons ag-  
grieved may  
appeal to the  
Sessions.

CLXXIII. And be it further enacted, That all Parties who may think themselves aggrieved by any Rate or Assessment, or by any Act, Order, or Judgment of the said Commissioners, and also the said Commissioners and all other Parties who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Two Calendar Months next after such Rate or Assessment, Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter or adjourned Sessions to be held in and for the said County of *Surrey*, first giving Fourteen Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Commissioners, and within Three Days after such Notice entering into a Recognizance before some Justice in such Amount as such Justice shall determine, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the Court thereon; and the said Justices shall in a summary Way hear and determine the said Complaint at such General Quarter or adjourned Sessions, or if they think proper may adjourn the hearing thereof to the following General Quarter or adjourned Sessions of the Peace; and the Justices may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they think reasonable.

Declaring  
what shall be  
good Service  
of Notice on  
the Commis-  
sioners.

CLXXIV. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Commissioners, personal Service thereof respectively on any of the said Commissioners, or personal Service thereof on the Clerk or Treasurer of the said Commissioners, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last known or usual Place of Abode or Business of such Clerk or Treasurer, or leaving a Copy thereof at the principal Office of the said Commissioners, or in case the same respectively shall not be known, then personal Service thereof on any other Agent of or Officer employed by the said Commissioners, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed sufficient Service of the same respectively on the said Commissioners.

Declaring  
what shall be  
good Service  
of Notice by

CLXXV. And be it further enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons, Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon

any Person or Corporation or Commissioners under this Act, personal Service thereof upon such Person, or upon some Member of the Body Corporate, or upon a Commissioner, or upon the Clerk or other Officer of such Corporation or Commissioners, or delivering the same to some Inmate of the last known or usual Place of Abode or Business of such Person, or of such Member, Clerk, or other Officer of such Corporation or Commissioners, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person, Corporation, or Commissioners (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every such Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by the Clerk or Treasurer for the Time being of the said Commissioners on behalf of the said Commissioners, and may be in Writing or Print, or partly in Writing and partly in Print,

CLXXVI. Provided always, and be it further enacted, That in case the said Church or Chapel of *Saint James* shall be at any Time closed so that Notices cannot be given therein as by this Act directed, Publication of such Notices by Distribution thereof within the said Division shall be as good and sufficient to all Intents and Purposes as if such Notices had been given in the said Church or Chapel.

If Church is closed, Notice to be given by Distribution.

CLXXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Proceeding relating thereto, or in the Appointment of any Collector, Receiver, or of any Agent of the said Commissioners, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which may be afterwards committed by him; but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage only, with usual Costs, by an Action on the Case.

Distress not to be deemed unlawful for Want of Form.

CLXXVIII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form only, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be void for Want of Form or removed by Certiorari.

CLXXIX. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on the Behalf of the Defendant before such Action brought, or if such Tender of Amends shall be made at any Time after such Action brought before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Way by Law; and in case no such Tender shall have been made it shall be lawful for such Defendant in any Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money

Plaintiff not to recover after Tender of Amends.

Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Cases in which Defendants are allowed to pay Money into Court.

Limitation  
of Actions.

CLXXX. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, shall be commenced or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act until Fourteen Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless the same shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County or Place within which the Matter of dispute or Cause of Action shall arise; and the Defendant in such Action, Information, or other Proceeding may plead specially, or 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 Acts were done or were omitted to be done in pursuance and by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done (as the Case may be), or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedies for recovering the same as Defendants have for the Recovery of Costs in other Cases by Law.

Saving the  
Rights of the  
Commissioners  
of Sewers  
for Surrey  
and Kent.

CLXXXI. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be deemed or construed to extend, to alter, prejudice, diminish, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits extending from *East Mouldsey* in the County of *Surrey* to *Ravensborne* in the County of *Kent*, but that all such Rights, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not been passed.

Saving the  
Rights of the  
Grange  
Roads.

4 G. 4. c. 84.

CLXXXII. Provided always, and be it further enacted, That nothing herein contained shall be deemed, construed, or taken to alter, take away, abridge, or in any Manner interfere with the Rights, Powers, Authorities, Provisoos, Penalties, Forfeitures, Matters, and Things heretofore granted by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing, amending, and improving certain Roads in the several Parishes of Saint Mary Magdalen Bermondsey and Saint Mary at Rotherhithe in the County of Surrey, and Saint Paul Deptford and Saint Nicholas Deptford in the County of Kent*, or by an Act passed in the said Fourth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for lighting, watching, and cleansing the Grange Road and other Parts of the Parish*

4 G. 4. c. 75.



*Parish of Saint Mary Magdalen Bermondsey in the County of Surrey, or by an Act passed in the Sixth Year of the Reign of His Majesty King George the Third, 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*; but all such Rights, Powers, Authorities, Provisoos, Penalties, Forfeitures, Matters, and Things shall be respectively as good, valid, and effectual as if this Act had not been passed.*

6 G. 3. c. 24.

CLXXXIII. Provided always, and be it further enacted, That nothing herein contained shall be deemed, construed, or taken to alter, take away, abridge, or in any Manner interfere with the Rights, Powers, Authorities, Penalties, Forfeitures, Matters, and Things heretofore granted by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for making a Railway from London to Greenwich*; but all such Rights, Powers, Authorities, Penalties, Forfeitures, Matters, and Things shall be respectively as good, valid, and effectual as if this Act had not been passed.

Saving the Rights of the London and Greenwich Railway Company.

3 W. 4. c. 46.

CLXXXIV. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

SCHEDULE to which the Act refers.

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Street.	Description of Premises.	Freeholders.	Leaseholders.	Occupiers.
<i>Saint Mary Magdalen Bermondsey.</i>				
Dock-head -	Part of late Public House.	Owner unknown -	— Capp -	Unoccupied.
Ditto -	House and Bakehouse.	Trustees of Ann Carroll.	James Matthews -	Unoccupied.
Ditto -	House adjoining -	Ditto - -	Executors of John Haydon deceased.	William Stoffell.
North-east Corner of East Lane.	House and Appurtenances.	Trustees of the Will of John Mills deceased.	- - -	Unoccupied.
Wall - -	House adjoining the above.	Ditto - -	- - -	John Kidner.
Ditto -	House - -	James Manson -	" - -	William Rattenbury.
Nutkin's Corner.	House - -	Devises of the late Thomas Mapp.	Thomas King Creak, William Bristow Sterry.	William Bristow Sterry.
Ditto -	House adjoining -	Ditto - -	Ditto - -	Ann Payne.
Ditto -	Ditto - -	Ditto - -	Ditto - -	Edward John Medhurst.
Ditto -	Ditto - -	Ditto - -	Ditto - -	Unoccupied.
Ditto -	Ditto - -	Trustees of Robert Whayman deceased.	- - -	Ditto.
Ditto -	Ditto - -	Ditto - -	- - -	Jacob Jacobs.
Ditto -	Ditto - -	Ditto - -	- - -	Wm. Jesse.
Wall - -	Mill - -	Trustees of the Will of John Lock deceased.	- - -	Trustees of the Will of John Lock.
Ditto -	House adjoining -	Ditto - -	- - -	William Humphreys.