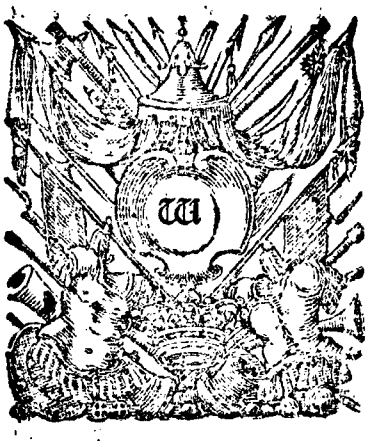
Anno triceſimo

Georgii II. Regis.

An Act to explain, amend, and render more effectual, an Act paſſed in the Twenty eighth Year of the Reign of His preſent Majeſty, intituled, *An Act to enable the Churchwardens, Overſeers, and Inhabitants, of the Pariſh of* Saint Saviour, *in the Borough of* Southwark, *in the County of* Surry, *to hold a Market within the ſaid Pariſh, not interfering with the High Street in the ſaid Borough.*



WHEREAS by an Act paſſed in the Twenty eighth Year of the Reign of His preſent Majeſty, intituled, An Act to enable the Churchwardens, Overſeers, and Inhabitants, of the Pariſh of *Saint Saviour*, in the Borough of *Southwark*, in the County of *Surry*, to hold a Market within the ſaid Pariſh, not interfering with the High Street in the ſaid Borough, Powers were granted to Commiſſioners therein named, to enter upon a certain Piece of Ground in the ſaid

Preamble, reciting Act 28 *Geo.* II.

said Act described, and to set out such Parts thereof as they should adjudge proper for holding the said Market thereon: And whereas some Doubts have arisen about the Description of the said Piece of Ground: And whereas by the said Act it is enacted, That in case the said Churchwardens, Overseers, and Inhabitants, cannot agree with the Owner or Owners of the said Piece of Ground, or any Part of such Ground, or the Houses and Buildings thereon, for the Purchase thereof, that then the said Commissioners shall cause the Value of such Lands and Hereditaments to be adjusted and settled by a Jury, at any Quarter Session of the Peace to be holden for the County of Surry; which Method has been found inconvenient, by reason the said Session is mostly held at a considerable Distance from the said Borough: And whereas the Sum of Six thousand Pounds, directed to be raised by the said Act, will not be sufficient to pay for the Purchase of the said Lands and Hereditaments, and other the Purposes in the said Act mentioned: And whereas by the said Act a Rate or Assessment is directed to be made on all Lands, Houses, Tenements, and Hereditaments, to make good any Deficiencies which may happen in the Payment of the Annuities in the said Act mentioned; but sufficient Powers are not therein granted for levying the same: For remedying the said Doubts and Inconveniencies, and rendering the said Act more effectual, May it please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Piece of Ground mentioned and described in the said recited Act, doth, and shall be adjudged, deemed, and taken, to contain the Piece or Spot of Ground in the said former Act mentioned, called The Triangle, and all the Buildings thereon, and all the Buildings and Ground from the Warehouse of Walter Edmund Wagg, Hop Merchant, near adjoining to the Turnstile in the said Act mentioned, abutting Eastward on Three Crown Court, including the West Side of the said Court, to a Piece of Ground called Kirby Court, in Fowle Lane, together with Kirby Court, and the Buildings therein, and the Buildings on the South Side of Fowle Lane.

The Ground described in the recited Act, ascertained.

And whereas the Houses, Ground, and Buildings, called Rochester Yard, were, by Indenture of Lease bearing Date on or about the Nineteenth Day of August, One thousand seven hundred and thirty, demised by Samuel Lord Bishop of Rochester, who was seised of the same in his Demesne, as of Fee, in Right of his Cathedral Church, to John Howell of Lincoln's Inn Esquire, to hold to him, his Heirs and Assigns, for the Term of Three Lives, therein named, and the longest Liver of them, at and under the accustomed yearly Rent of Twenty Pounds, and usual Covenants: And whereas the Churchwardens, Overseers, and Inhabitants, or Seven or more of them, in pursuance of the said recited Act, or under Colour thereof, did, by Indenture bearing Date on or about the Twentieth Day of January, One thousand seven hundred and fifty six, purchase Part of Rochester Yard aforesaid, in the said Indenture particularly mentioned and described, of the said John Howell, subject to the Payment of Fourteen Pounds, Thirteen Shillings, and Six Pence, to the Bishop of Rochester, Part of the said yearly Rent of Twenty Pounds, and did cause the Buildings that stood thereon to be taken down, and the Ground to be made Part of the Area of the intended Market, with a View of erecting divers new Dwelling-houses there, for the Accommodation of the Butchers, and others, exposing, or intending to expose, Provisions, and other Goods, to Sale therein; To the Intent therefore that the said former Act may be carried into Execution, and the Market therein mentioned may be erected, held, continued, and maintained; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Right Reverend Father in God Zachary Lord Bishop of Rochester, and his Successors, and they are hereby enabled and impowered, upon the Surrender of the whole Estate called Rochester Yard, demised as aforesaid (reserving the Fee-simple and Inheritance of all and singular the Premisses) to regrant the same in separate Leases; that is to say, As soon as may be after the passing of this Act, to grant to the said Churchwardens, Overseers, and Inhabitants, their Trustees or Representatives, One Lease of that Part of Rochester Yard aforesaid, by the said Indenture, dated the Twentieth Day of January, One thousand seven hundred and fifty

The Bishop of *Rochester*, upon the Surrender of the Estate called *Rochester Yard*, may regrant the same, in separate Leases, to the Churchwardens and Inhabitants of the Parish, and to *John Howell* Esquire, upon the Reservations of Rent, and Term of Years herein specified.

sir, granted and conveyed to them by the said John Howell, and in such Indenture particularly mentioned and described, for the Term of the Lives or Life in being at the Ensealing and Delivery thereof, as aforesaid, at and under the said yearly Rent of Fourteen Pounds, Thirteen Shillings, and Six Pence, with usual Covenants; or upon the Reservation of such yearly Rent as shall be agreed upon, and shall not be less than Fourteen Pounds, Thirteen Shillings, and Six Pence, payable as heretofore, with usual Covenants, it shall and may be lawful to and for the said Lord Bishop of Rochester, and his Successors, to grant to the said Churchwardens, Overseers, and Inhabitants, their Trustees or Representatives, a Lease of that Part of Rochester Yard aforesaid, by the said Indenture, dated the Twentieth Day of January, One thousand seven hundred and fifty six, granted and conveyed to them by the said John Howell, and in the said Indenture particularly mentioned and described, to hold for any Term not exceeding Sixty Years from the making thereof; and to renew the same from time to time, but in such Manner as not to grant any concurrent Lease or Leases thereof; and to grant another Lease of the other Part of Rochester Yard aforesaid, to the said John Howell, to hold to him, his Heirs and Assigns, for and during the Term of the Lives or Life in being at the Date of such Lease, at and under the yearly Rent of Five Pounds, Six Shillings, and Six Pence, and usual Covenants, without any Fine, until a further Renewal.

The said Leases, and Reservations of Rent, declared to be valid.

And be it further enacted, That such several Leases, and such several Reservations of Rent, for the Premisses in the Tenure of the said John Howell, and the said Churchwardens, Overseers, and Inhabitants, of the said Parish, hereafter to be had and made respectively, shall be good and available in Law, to all Intents and Purposes, as if such separate Lease or Leases, and such separate Reservations, were of Lands accustomably so demised, and as if such Reservation was the Rent accustomably yielded or paid for such separate Lease or Leases, and the Lands therein respectively to be contained; any Law, Statute, Usage, or Custom, or any other Matter or Thing whatsoever, to the contrary notwithstanding.

And

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, if any Person or Persons, Bodies Politick, Corporate, or Collegiate, other than and except the said Zachary Lord Bishop of Rochester, and his Successors, who are, by the said recited Act, enabled to convey any Lands, Tenements, or Hereditaments, within the Limits aforesaid, shall refuse or neglect to treat and agree with the said Churchwardens, Overseers, and Inhabitants, it shall and may be lawful to and for the Commissioners in and by the said Act constituted and appointed, or any Seven or more of them, upon Application to be made to them for that Purpose by the said Churchwardens, Overseers, and Inhabitants, to give, or cause to be given, to the Owner or Owners, or to the principal Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical or Civil, or to leave, or cause to be left, at the House of the Tenant in Possession of the Lands or Hereditaments intended to be purchased, Twenty one Days Notice, denoting and particularly describing the same; and purporting, that the Value of such Lands and Hereditaments will be adjusted and settled by a Jury, at such Time and Place as shall be therein specified for that Purpose; and it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, upon such Application to be made to them, from time to time, to issue and direct a Warrant or Warrants, Precept or Precepts, to the Sheriff of the County of Surry, if the Premisses lie within the County at large, and, if within the Liberty of the Borough of Southwark, to the Bailiff of the said Borough, who are, and each of them is hereby authorized, directed, and required accordingly, to impanel, summon, and return, at such Time and Place as the said Commissioners shall nominate and appoint, Twenty four honest, substantial, and disinterested Persons, duly qualified to serve on Juries, upon the Trials of Issues at Law; and the said Commissioners then present, or any Seven or more of them, shall charge a Jury of Twelve of the said Persons, and cause them to be sworn, well and truly, on their Oaths, to assess the Value of the Lands or Hereditaments comprized in the said Notice, and the Damages and Recompence for the same to the respective Owner or

Where other Persons refuse to treat for Sale of Lands for the Use of the Market, Notice to be given them, that the Value thereof will be settled by a Jury.

Precepts to be issued accordingly for returning a Jury;

who are to assess the Damage and Recompence, on Oath.

Owners thereof, according to their respective Interest therein (which Oath the said Commissioners, or any Seven or more of them, are hereby authorized and required to administer to such Jury) and to which Jury the said Churchwardens, Overseers, and Inhabitants, and all Persons interested in the said Lands or Hereditaments, shall have their lawful Challenges; and after proper Evidence, upon Oath, to them the said Commissioners given, concerning the Nature, Quantity, and Value, of the said Lands and Hereditaments, the said Jury shall, by their Verdict, assess the Damages and Recompence to be given for the said Lands and Hereditaments to the respective Owner or Owners thereof, according to their respective Interests therein; which Verdict of the said Jury, and the Judgement of the said Commissioners upon the same, shall be finally binding and conclusive to the said Churchwardens, Overseers, and Inhabitants, and to all Persons interested in the said Lands or Hereditaments; and such Verdicts, and Judgements of the Commissioners upon the same, shall be transmitted to, and fairly entered and kept amongst the Records of, the Quarter Session of the Peace of the County of Surry; and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and shall in all Respects be as effectual as if the said Jury had been charged, and the Judgement given by the Justices of the Peace at their Session, or the Adjournment thereof.

Jury may be challenged.

Verdict of the Jury, and Judgement of the Commissionersthereon, to be binding and conclusive, and to be filed among the Records of the Quarter Sessions.

And be it further enacted by the Authority aforesaid, That all Contracts, Agreements, Bargains, Sales, Assignments, Surrenders, and other Conveyances, made or to be made by any Person or Persons whatsoever, to or with the said Churchwardens, Overseers, and Inhabitants, or any Person or Persons in Trust for them, by virtue of the said recited Act, or of this Act, shall be good and valid against all Persons whatsoever, and shall extend to be deemed and construed to bar the Dower and Dowers of the Wife or Wives of such Person or Persons, and all Estates Tail and Remainders, as fully and effectually as a Fine or Recovery would do, or would have done, if suffered by proper Parties in due Form of Law.

All Contracts and Sales deemed valid,

and to bar all Dower, and Estate, &c.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, it shall and may be lawful to and for the said Churchwardens, Overseers, and Inhabitants, or any Seven or more of them, and they are hereby authorized and impowered to raise, borrow, take, and receive, of and from any Person or Persons whomsoever, or any Body or Bodies Politick or Corporate whatsoever, who are willing to lend or advance the same, any further Sum or Sums of Money, not exceeding in the Whole, the Sum of Two thousand Pounds, for the Payment of such Purchase-money, and for such other Purposes as are by the said Act directed; and for discharging the said further Sum or Sums of Money so to be borrowed, and for doing and completing all Things necessary for carrying the said Act into Execution, it shall and may be lawful for any Person or Persons to contribute, advance, and pay, into the Hands of the said Churchwardens, Overseers, and Inhabitants, or any Seven or more of them, any Sum or Sums of Money, not exceeding in the Whole, the said further Sum of Two thousand Pounds, for the Purchase of One or more Annuity or Annuities, to be paid during the natural Life of such Contributor, or of such other Person as shall be nominated by such Contributor; which Annuity or Annuities shall not exceed the Rate of Eight Pounds per Centum per Annum, and not exceed in the Whole, the Sum of One hundred and Sixty Pounds per Annum; and shall be payable in such Manner, and at such Times and Places, and shall be publickly sold, as the Annuities appointed to be purchased by the said recited Act are appointed to be paid and sold, and shall be likewise charged upon the Rents and Profits of the Sheds, Stands, Buildings, and Erections, upon the Ground set out and appointed for the Site of the said Market, and all other the Profits of the said Market.

The further Sum of 2000 *l.* may be borrowed for the Purposes of the Act,

on Annuity for Lives, at the Rate of 8 *l. per Cent. per An.*

to be charged on the Rents and Profits of the Market.

And, for the better and more effectual securing the Payment of the Annuities sold or to be sold, by virtue of the said recited Act, and also of this Act, if the Rents and Profits of the said Ground, and the Buildings and Erections thereon, and the Rents and Profits of the said Market, shall not be sufficient to pay the said Annuities; it is hereby further enacted by the Authority aforesaid, That from and after the passing of this Act, the said Churchwardens, Overseers, and Inhabitants, to be chosen

Rate to be made for making good Deficiencies in the said Fund,

as by the said Act is appointed, or the major Part of them, shall, from time to time, make a Rate or Assessment on all Lands, Houses, Tenements, and Hereditaments, within the same Parish, not exceeding Six Pence in the Pound, for the yearly Rent of such Lands, Houses, Tenements, and Hereditaments, as the same shall be ascertained and rated to the Land Tax, for raising and levying such Sum or Sums of Money, as, together with the Rents and Profits arising from the said Market, shall be sufficient to pay the said Annuities; and that the said Rates or Assessments shall be charged on, and paid by the Tenants or Occupiers of the said Lands, Houses, Tenements, and Hereditaments, and shall be made yearly or otherwise;

to be allowed and signed by the Justices,

and such Rates or Assessments shall be allowed and signed by Two Justices of the Peace for the County of Surry, or for the said Borough of Southwark, who are hereby likewise authorized and impowered to grant a Warrant or Warrants for collecting and levying the same;

and collected quarterly;

and the said Rates or Assessments, after the same shall be so allowed and signed by the said Two Justices, shall be collected quarterly by such Person or Persons as by the said Churchwardens, Overseers, and Inhabitants, or any Seven or more of them, shall be appointed to collect the same; and if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money which he, she, or they, shall be rated or assessed, for the Space of Ten Days after Demand made thereof,

and may be levied by Distress and Sale.

it shall and may be lawful for the said Collector or Collectors, and they are hereby authorized and required to levy the Sum assessed, by Distress and Sale of the Goods and Chattles of such Person or Persons so neglecting or refusing to pay the same; or to distrain upon the Lands, Houses, Tenements, or Hereditaments, so charged with any such Sum or Sums of Money; and the Goods and Chattles then and there found, and the Distress so taken, to keep by the Space of Four Days; and if the Owner of such Goods and Chattles does not pay the Sum or Sums of Money so rated or assessed within the Space of Four Days, then the said Distress to be appraised by Two or more sufficient Persons, and to be sold by the said Collector or Collectors, for Payment of the said Money, and the Charges of taking and keeping the said Distress; and the Overplus arising

ing by such Sale (if any be) shall be returned to the Owner thereof; and if any Person shall think himself or herself aggrieved by any of the said Rates or Assessments, such Person or Persons shall or may appeal to the General Quarter Session of the Peace for the said County, or for the said Borough, to be held next after Demand shall be made of Payment by the Collector or Collectors thereof, giving Notice of such his Appeal to the said Collector or Collectors Ten Days before such General Quarter Session of the Peace; and the said Justices, at their said next General Quarter Session of the Peace, shall hear and determine the same; which Determination of the said Justices shall be final without any further Appeal therefrom.

Persons aggrieved by the Rate, may appeal to the Quarter Sessions.

And be it further enacted by the Authority aforesaid, That the Person or Persons appointed to be Collector or Collectors of the said Rates or Assessments shall, from time to time, pay into the Hands of the said Churchwardens, Overseers, and Inhabitants, or into the Hands of such Person or Persons as they, or any Seven or more of them, shall appoint, all such Sum and Sums of Money as he or they shall collect, levy, or receive, by virtue of the said Rates or Assessments; and shall also account before any Two Justices of the Peace of the said County, or for the said Borough, once, or oftener, in every Year, if required thereunto, for all Monies received by him by virtue of the said Rates; and shall pay unto the said Churchwardens, Overseers, and Inhabitants, all such Monies as shall, upon making up such Account, appear to be remaining in his or their Hands; and in Default thereof, it shall be lawful for any Two Justices of the Peace for the said County, or for the said Borough, to commit such Collector to the Common Gaol of the said County, there to remain until he hath fully accounted and paid the Money so remaining in his Hands.

Collector to pay over the Monies to the Churchwardens, or to their Order;

and to account before the Justices yearly, or oftener, and pay over the Balance on making up his Accounts.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, if any Butcher, or other Person, shall sell, utter, or set to Sale, any Manner of Flesh, or other raw Victuals, upon or within any Stall, Shop, Cellar, or Window, of any House within the said Borough, not being the Owner or Occupier of all the said House, every such

Penalty on Persons selling, or exposing Meat to Sale, in any House, &c. except their own.

such Person being thereof convicted, upon the Oath of One or more Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County of Surry, or for the said Borough (which Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, One Moiety whereof shall be paid to the Informer or Informers; and the other Moiety shall be paid and applied to the Use of the Poor of the Parish where the Offence shall be committed.

Penalty on Persons hawking, or exposing to Sale, Meat, or other Provisions, within 1000 Yards of the Market, except in their own Shops, &c. in Market Time.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, if any Poulterer, Country Chapman, Lader, Kidder, Victualler, Gardener, Fruiterer, Fish-seller, or any other Person or Persons, shall sell, utter, or put to Shew or Sale, by way of hawking, or as a Hawker, or otherwise, any Beef, Mutton, Lamb, Veal, Pork, Poultry, Butter, Cheese, Fish, Fruit, Herbs, Oatmeal, or other Victuals or Provision whatsoever, in any private House, Lane, Alley, Inn, Warehouse, Street, Stall, common Passage, or other Place or Places whatsoever, within One thousand Yards of the said Market, within the County of Surry, but only in his, her, or their own Shop or Shops, or in the publick Market-place in the said recited Act and this Act described, and in Market Time only, every such Person being thereof convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace for the County of Surry, or for the said Borough (which Oath such Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay the Sum of Forty Shillings, One Moiety whereof shall be paid to the Informer or Informers, and the other Moiety shall be paid and applied to the Use of the Poor of the Parish where the Offence shall be committed.

Forfeitures may be levied by Distress and Sale;

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act incurred, the Manner of Recovery whereof is not particularly mentioned, shall be levied by Distress and Sale of the Offenders Goods and Chattles, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of the Justice or Justices before whom the Per-

son or Persons so incurring shall be convicted (which Warrant or Warrants such Justice or Justices is and are hereby impowered to grant) returning the Overplus, if any be, to the Owner or Owners thereof, after deducting the said Penalty or Forfeiture, and the Charges of such Distress and Sale; and in case the Person or Persons so offending and convicted, shall have no Goods and Chattles sufficient to answer such Penalty or Forfeiture, then it shall and may be lawful for such Justice or Justices, by Warrant to commit such Offender to the House of Correction, for any Time not exceeding One Month for the First Offence; and for the Second, and every other Offence of the same Kind, for any Time not exceeding Three Months, nor less than One Month; or until such Penalty or Forfeiture shall be fully paid.

and for want of sufficient Distress, Offender to be committed.

And be it further enacted by the Authority aforesaid, That if any Person shall think him or herself aggrieved by any Act, Order, or Determination, of any Justice or Justices of the Peace as aforesaid, it shall and may be lawful for such Person to appeal to the General Quarter Session of the Peace, to be next holden for the said Borough, or for the County of Surry, he or she causing Ten Days Notice in Writing to be given to the Person or Persons on whose Oath or Oaths such Act, Order, or Judgement, shall be so done, made, or awarded; which Justices at their said Session, upon Proof of such Notice being given, shall proceed in, and hear and determine the Causes and Matters of the said Appeal; and the Order and Judgement of the said Justices there shall be final and conclusive to all Parties.

Persons aggrieved by Order of Justices, may appeal.

And be it further enacted by the Authority aforesaid, That all the Powers, Authorities, Penalties, and Clauses, in the said recited Act contained, except such as are hereby particularly varied or altered, shall remain and be in full Force, and be executed for the Purposes of the said recited Act, and this Act, as fully and effectually as if the same were herein again repeated and re-enacted.

Powers of the recited Act confirmed, and extended to this Act.

And be it further enacted by the Authority aforesaid, That the Charges and Expences of obtaining and passing this Act, shall in the first Place be paid out of the Money raised, or to be raised, by virtue of the said recited Act, and this Act.

Charges of this Act to be paid out of the first Monies raised.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

6

FINIS.