Anno quarto

Georgii III. Regis.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Twenty fourth Year of the Reign of His late Majeſty, intituled, *An Act for making, widening, and keeping in Repair, ſeveral Roads in the ſeveral Pariſhes of* Lambeth, Newington, Saint George Southwark, *and* Bermondſey, *in the County of* Surrey, *and* Lewiſham *in the County of* Kent; and for repairing *Lambeth Back Lane*; and for Lighting and Watching the ſaid Roads.

WHEREAS by an Act paſſed in the Twenty fourth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for making, widening, and keeping in Repair, the ſeveral Roads in the ſeveral Pariſhes of *Lambeth*, *Newington*, *Saint George Southwark*, and *Bermondſey*, in the County of *Surrey*, and *Lewiſham* in the County of *Kent*, it is enacted, Preamble.

That the Truſtees appointed by and in purſuance of an Act made in the Tenth Year of the Reign of his ſaid late Majeſty, intituled, An Act for explaining and amending, and making more effectual, ſeveral Acts of Parliament made in the Fourth, Sixth, and Tenth Years of the Reign of His late Majeſty King *George* the Firſt reſpectively, for repairing the ſeveral Roads therein mentioned in the Counties of *Surrey*, *Kent*, and *Suſſex*; and for enlarging the Term and Powers by the ſaid Acts granted; and for repairing the Road lying between *Noneſuch* and *Worceſter* Parks, in the Pariſh of *Cuddington*, in the County of *Surrey*; and their Succeſſors, ſhould and might give Directions for opening and widening the Road leading from the Stones End at Lambeth, to the Alms-houſes at Newington, in ſuch Manner as to them ſhould appear to be moſt convenient; and alſo ſhould lay out and make a new Road from a Place called Symond's Corner on the new Road aforeſaid, croſs Saint George's Fields, to the Stones End in Blackman-ſtreet, in the Pariſh of Saint George, in the Borough of Southwark, in the County of Surrey; and alſo another new Road from the ſaid Alms-houſes at Newington, croſs certain Grounds, into the Kentiſh Road near the Lock Hoſpital, at the End of Kent-ſtreet, in the County of Surrey, and to extend the ſame Road, croſs certain Grounds, to the Road called the Grange Road, in the Pariſh of Saint Mary Magdalen Bermondſey, in the ſaid County; and alſo to lay out and make a new Road from the End of the ſaid new Road, made by the Commiſſioners for building Weſtminſter Bridge, to Kennington Common, in the ſaid County of Surrey; and for defraying the Charges of maintaining the Road then made from the Eaſt End of Weſtminſter Bridge to Lambeth Lane, and laying out, making, repairing, widening, and keeping in Repair, the reſt of the aforeſaid Roads, directed to be made, repaired, and widened, the ſaid Truſtees are impowered to erect a Toll-gate upon the ſaid new Road at or near Symonds's Corner, and to take ſuch Tolls as are directed in the ſaid Act; which Tolls are by the ſaid Act veſted in the Commiſſioners of Weſtminſter Bridge, upon Truſt to aſſign the ſame to the ſaid Truſtees, as ſoon as the ſaid Truſtees, or any Seven or more of them, ſhould ſignify their Conſent to accept the ſame: And whereas the ſaid Roads lie near the Cities of London and Weſtminſter, and the Borough of Southwark, and great Numbers of Carriages of all Sorts, as

as well as Foot Passengers, are constantly obliged to pass the same, as well by Night as by Day, and are thereby exposed to great Danger, and frequent Outrages and Violences; the said Roads being, in the Night-time, greatly infested with Robbers; which Evil might, in a great Measure, be prevented, if the said Roads were enlightened, and a proper Guard were kept thereon; but the present Tolls and Term, granted by the said Act of the Twenty fourth Year of His late Majesty, are insufficient for the Purpose of preserving and amending the said Roads, and watching and enlightening the same: Therefore, for the more effectual repairing, widening, and keeping in Repair, the said several Roads, and for the securing and preserving the Persons and Properties of His Majesty's Subjects travelling through the same, May it please Your most Excellent 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 Act of the Twenty fourth Year of His late Majesty, and all and every the Powers, Directions, Penalties, Forfeitures, Clauses, Matters, and Things therein contained, or thereby given, made, and provided, or any other Act therein recited or referred to (except so far as they or any of them respectively are varied, made void, or explained by this present Act) shall be exercised, applied, and put in Execution, from and after the Expiration of the said Act of the Twenty fourth Year of the Reign of His late Majesty, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as fully and effectually as if the same were repeated and re-enacted in the Body of this present Act.

Recited Acts further continued.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby authorized and impowered from and after the Twenty fourth Day of June, One thousand seven hundred and sixty four, for and during the Continuance of the said Act of the Twenty fourth Year of His late Majesty's Reign, and this Act, to receive and take the Tolls and Duties following, at all the Gates or Turnpikes erected or to be erected by virtue of the said Act, in lieu of the Tolls or Duties by the said Act granted; that is to say,

The Trustees impowered to take new Tolls.

Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, drawing or not drawing, One Penny.

For every Drove of Oxen or Neat Cattle, Two Pence per Score, and so in Proportion for any less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, One Penny per Score, and so in Proportion for any less Number.

Tolls vested in Trustees.

And be it further enacted by the Authority aforesaid, That the said Tolls shall be, and they are hereby declared to be, vested in the said Trustees, during the Continuance of the said Act of the Twenty fourth Year of the Reign of His late Majesty, and of this present Act; and shall be recovered, levied, applied, and disposed of, in the Manner that the Tolls granted by the said Act are directed to be recovered, levied, applied, and disposed of; and also to defray the Expences of obtaining this present Act, and of lighting and watching the said Road in Manner herein after mentioned.

Trustees to cause Lamps to be erected;

And be it further enacted by the Authority aforesaid, That the said Trustees, appointed or to be appointed by and under the said Act of the Twenty fourth Year of His late Majesty's Reign, or this present Act, or any Seven or more of them, shall have full Power and Authority to cause such and so many Lamps to be erected upon the said Roads, from the East End of Westminster Bridge to Lambeth Lane, and thence to Kennington Common, and from the Stones End at Lambeth, to the Alms-houses at Newington, and on the Road from Symon's Corner, cross Saint George's Fields, to the Stones End in Blackman Street; and also upon the said Road from the Alms-houses at Newington, cross certain Grounds, into the Kentish Road near the Lock Hospital at the End of Kent Street, and upon the Road cross certain Grounds to the Road called the Grange Road, in the Parish of Saint Mary Magdalen, Bermondsey; or to fix so many of such Lamps as they shall think proper to the Freehold of any Person whatsoever, with the Consent of the Owner thereof, making good the Damages which shall be done thereto by the same; and also to appoint such a Number of fit and able bodied Men to watch and guard such Part of the said Roads so to be lighted in the Night-time, as they the said Trustees, or any Seven or more of them, shall think proper and necessary; and shall also have full Power and Authority from

and to appoint Watchmen;

from time to time to contract with any Person or Persons for lighting, maintaining, and repairing, the said Lamps, and to make such Allowances to the said Watchmen for their Attendance, and to give such Orders and Directions concerning the same, and the Manner in which the said Watchmen shall be armed and stationed upon the said Roads, and for the due and regular Performance of the said respective Services, as they the said Trustees, or any Seven or more of them, shall judge reasonable, necessary, or expedient, and as the Nature of the said Services may require; and shall also have full Power and Authority from time to time to remove any of the said Watchmen, and appoint others in their Stead, if they the said Trustees shall see Cause; and that the Expences of erecting, lighting, and maintaining such Lamps, and the Allowances to be made to such Watchmen, and all other Charges incident to the said respective Services, shall be paid and defrayed out of the Money to be raised by virtue of the said former Act or this present Act, or either of them; any thing in the said former Act to the contrary notwithstanding.

and to contract with Persons for lighting Lamps.

Provided always, That the Treasurer appointed by the Trustees for the time being, shall and he is hereby declared to have Power to suspend any Watchman or Watchmen to be appointed by virtue of this Act, and to appoint another Watchman or Watchmen in his or their Place or Places, until the next Meeting of the said Trustees; which Watchman or Watchmen, so appointed by the said Treasurer, shall be vested with all the Powers and Authorities vested in the said Watchmen by this Act.

Treasurer may suspend Watchmen, and appoint others.

And be it further enacted by the Authority aforesaid, That the said Watchmen shall, during the Time of their being stationed upon the said Roads, use their best Endeavours to prevent Murders, Robberies, and all other Outrages and Misdemeanors; and to that End it shall be lawful to and for the said Watchmen, or any of them, to apprehend and secure all Malefactors, Rogues, Vagabonds, and other disorderly Persons, who shall be found loitering, wandering, or misbehaving themselves, or committing any Disorders or Offences, or whom the said Watchmen shall have Reason to suspect of any evil Designs; and the Person or Persons so apprehended, shall be delivered as soon as conveniently may be into the Custody of a Con-

Duty and Power of the Watchmen.

stable

stable or other Peace Officer, who is hereby required to secure such Person or Persons, and as soon as conveniently may be to convey him, her, or them, before some Justice or Justices of the Peace for the said County of Surrey, to be examined and dealt with according to Law.

For punishing Persons wilfully damaging Lamps.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any of the said Lamps which shall be so erected by the said Trustees, or any of the Posts, Irons, or other Furniture thereof, or extinguish any of the said Lamps when lighted, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said County of Surrey, and he and they is and are hereby required, upon Oath made of the Commission of any such Offence (which Oath such Justice or Justices is and are hereby impowered and required to administer) to issue a Warrant or Warrants for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons whatsoever, who shall see such Offence committed, to apprehend, as also for any other Person or Persons to assist in apprehending such Offender or Offenders, and by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County of Surrey, or the Party offending taken to be dealt with as herein after is directed; and the Party or Parties accused being brought before any such Justice, or Oath being made before him that such Party or Parties cannot be found and apprehended (which Oath the said Justice is hereby also impowered and required to administer) such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted, shall, for the First Offence respectively, forfeit the Sum of Ten Shillings for each Lamp so broken, thrown down, damaged, or extinguished as aforesaid; and for the Second Offence, the Sum of Fifteen Shillings; and for the Third and every other subsequent Offence, the Sum of Twenty Shillings; and full Satisfaction shall also be made

to

to the said Trustees, or any Seven or more of them, or to their Surveyor, by such Offender or Offenders, for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not, upon Conviction, pay such Forfeiture by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him, her, or them to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he or they shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Moiety of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Moiety shall be applied in the repairing of the said Road; and if any Person shall accidentally break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not, upon Demand, make Satisfaction to the said Trustees, or any Seven or more of them, or to their Surveyor, for the Damage by such Person done as aforesaid, it shall be lawful for any Justice of the Peace for the said County of Surrey, and he is hereby required, upon Complaint to be made by any Seven or more of the said Trustees, or by their Surveyor, to summon the Party complained of, and upon his or her Appearance, or making Default to appear (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling-house, or Place of Abode, if known, or that he or she could not be found) such Justice shall proceed to examine the Matter of the said Complaint, and upon Proof thereof, either by the Confession of the Party complained of, or by the Oath of One or more credible Witness or Witnesses (which Oath the said Justice is hereby impowered and required to administer) shall award and order such Satisfaction to be made by the Party complained of, for the Damage so by him or her done, as to such Justice shall appear just and reasonable; and shall cause the Sum so awarded (in case the same be not paid forthwith upon the making of such Award or Order) to be levied by

Persons accidentally damaging Lamps, to make Satisfaction.

Distress and Sale of the Offender's Goods and Chattles, rendering to him or her the Overplus, if any be, upon Demand, after the Charges of prosecuting such Complaint and of such Distress and Sale shall be deducted; and in case sufficient Distress cannot be found, such Justice shall commit the Party complained of to the common Gaol or House of Correction for the County of Surrey, until he or they shall pay the Sum so awarded, or for any Time not exceeding the Space of One Calendar Month.

Property of Lamps vested in Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all such Lamps as shall be erected or fixed in pursuance of this Act, with the Posts, Irons, and other Furniture of such Lamps, and also all Watch-houses, Coats, Implements, and Things to be provided for the said Watchmen, and all the Right and Property of all and every the Gates, Bars, Turnpikes, Toll-houses, Storehouses, Rooms, Sheds, Carts, Engines, Weights, Mile-stones, Materials for Repairs, Pavements, Posts, Rails, Implements, Utensils, and Things whatsoever, which are or shall be erected and set up, or bought and purchased by the said Trustees, or any Seven or more of them, or by their Order, or otherwise belonging to and used by them for the putting in Execution this present Act or the said former Acts, or any of them, shall be vested in the said Trustees; and they, or any Seven or more of them, are hereby impowered to dispose of the same as they shall think fit, and to bring Actions in the Names of any Seven or more of them, or in the Name of their Treasurer or Clerk for the time being, or to prefer and prosecute with Effect Bills of Indictment against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same, or any of them, to their own Use or Uses, or shall disturb them the said Trustees in the Possession of the Property thereof.

To impower Surveyors to remove Annoyances.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Surveyor or Surveyors, nominated or to be nominated and appointed by the said Trustees, or any Seven or more of them, and to and for such Person and Persons as he or they shall appoint, from time to time to prevent and remove all Obstructions, Annoyances, and Encroachments on the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise, and to stop or turn any Watercourses,

courses, Sinks, or Drains, running into, along, or out of any Part of the said Roads, or otherwise, to the Prejudice thereof; and to open, scour, and cleanse, as often as it shall be necessary, any Ditches or Water-courses adjoining to any Part of the said Roads, and to make the same as deep and large as he or they shall think necessary; and also to cut down, lop, or top any Trees, Branches, or Bushes, growing or to grow on any Part of the said Roads, or on the Banks or Hedges adjacent thereto, in case the Owners or Occupiers of the Premisses where such Obstructions, Annoyances, and Incroachments respectively, or the Persons causing the same shall neglect to reform or remove them, or to open, scour, or cleanse such Ditches or Water-courses, or to cut down, lop or top such Trees, Branches, or Bushes, for the Space of Ten Days after Notice in Writing given or left for that Purpose, under the Hand or Hands of any Seven or more of the said Trustees, or of their Surveyor or Surveyors for the time being by their Order, the Charges whereof shall be paid and reimbursed by such Owners and Occupiers respectively to the said Surveyor or Surveyors; and in case any of the Owners or Occupiers shall refuse or neglect to pay such Charges upon Demand, it shall and may be lawful to and for the said Surveyor or Surveyors, by Warrant under the Hand and Seal of any One Justice of the Peace for the said County of Surrey, which said Warrant the said Justice is hereby authorized and impowered to grant, upon the Information or Evidence of the said Surveyor, or any other credible Witness upon Oath, (which Oath the said Justice is hereby impowered and required to administer) to levy the same by Distress and Sale of the Goods and Chattles of such Owners or Occupiers respectively, by such Ways and Means, and in such Manner, as any other Penalty or Forfeiture is directed to be levied by the said Act of the Twenty fourth Year of the Reign of his late Majesty; and if, after Removal of any such Obstructions, Annoyances, or Encroachments as aforesaid, any Person or Persons shall offend again in the like Kind, every such Person so offending, and being thereof convicted by his own Confession, or on the Oath of any One credible Witness before any One or more Justice or Justices of the Peace for the said County of Surrey (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence,

Property of Lamps vested in Trustees.

Offence, forfeit and pay to the said Trustees, or any Seven or more of them, or their Surveyor for the time being, the Sum of Ten Shillings, to be levied and applied in such Manner as any Penalty or Forfeiture is by the said Act of the Twenty fourth Year of the Reign of his late Majesty directed to be levied and applied.

Lambeth Marsh Back Lane to be repaired, watched, and lighted;

And whereas the Lane leading from a Place near the Turnpike at Symons's Corner to Lambeth Town, commonly called Lambeth Marsh Back Lane, which communicates with the said Roads at each End, is very ruinous and narrow, and cannot be repaired by the ordinary Course of Law; be it therefore enacted by the Authority aforesaid, That the Trustees appointed or to be appointed to put the said former Acts and this present Act in Execution, shall be and they are hereby impowered to repair, amend, widen, and enlarge the said Lane, and to cause the same to be watched and lighted in such Manner as any other Part of the Roads mentioned in this Act, and to defray the Expence thereof out of the Tolls or Duties granted by the said former Acts or this present Act; and that all and every the Powers, Directions, Penalties, Forfeitures, Clauses, Matters, and Things in this Act contained, given, made, and provided, or in any other Act therein recited or referred to, shall be exercised, applied, and put in Execution by the said Trustees in respect to the said Lane.

and to be widened, so as to be 42 Feet between the Ditches.

Provided always, That the said Lane shall be widened, so as to remain of the Breadth of Forty two Feet between the Ditches in the narrowest Part; but that nothing in this Act, or in any other Act contained, shall impower the said Trustees to widen the said Lane to a greater Breadth than Forty two Feet between the Ditches; any Thing in the said former Acts or this Act contained to the contrary notwithstanding.

No new Buildings to be erected within 15 Feet of the said Lane when widened.

Provided always, and be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, no new Building shall be erected within the Distance of Fifteen Feet from either Side of the said Lane so widened as aforesaid; and if any such Building shall be hereafter erected, contrary to the true Intent and Meaning of this Act, the same shall be deemed a common Nuisance.

Provided

Provided also, and be it further enacted by the Authority aforesaid, That no Toll, directed to be taken by this Act, shall be demanded or taken for any Horse or other Beast going to be shoed. Proviso.

And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and sixty four, it shall and may be lawful to and for the said Trustees, from time to time, at any General Meetings to be called for that Purpose (at which General Meetings no less than Nine of the said Trustees shall be present) to lessen or reduce all or any of the Tolls granted by this present Act, as they the said Trustees, or the major Part of them, shall think fit; and also from time to time, at such like Special General Meetings, to raise and increase the same Tolls as they, or the major Part of them, shall see convenient; and to order and direct the said Tolls, so lessened and reduced, or raised and increased, to be collected and taken in such Manner, Parts, and Proportions, as they shall think fit; so as the Tolls so varied do never exceed the present Tolls by this Act granted, nor be ever lessened until the Money borrowed, or which shall be borrowed, on the Credit thereof, with the Interest for the same, be repaid, or the Persons to whom such Money and Interest shall be due consent to such lessening the said Tolls; any thing in the said former Acts or this present Act contained to the contrary notwithstanding: And the said Tolls and Duties so varied, and every of them, shall be collected, recovered, laid out, and applied in the same Manner as the Tolls and Duties by the said former Acts or this Act granted are directed to be collected, recovered, and applied. Trustees may reduce the Tolls.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made by virtue of the said former Acts or this present Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, or Warrant of Distress, or in the Appointment of the Collector or Collectors, Surveyor or Surveyors, or any other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of any Irregularity which No Advantages to be taken for Defect in Form.

shall happen to be done in making such Distress; but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages which he or they shall have sustained thereby, with usual Costs, and no more, in an Action of Trespass, or on the Case, at the Election of the Party or Parties so aggrieved.

No Damages to be recovered, if sufficient Tender of Amends.

Provided nevertheless, That no Plaintiff shall recover in any Action for any Irregularity as aforesaid, if Tender of good and sufficient Amends shall have been made by or on the Behalf of the Party or Parties distraining before such Action brought, nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, together with Costs of Suit to the Time of the last-mentioned Tender; but on Proof made of such Tender, on any Trial to be had on such Action, the Plaintiff or Plaintiffs shall suffer Judgement as in Cases of Nonsuit, with Treble Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law.

Treble Costs.

Publick Act.

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

FINIS.