ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 86.

An Act for altering and amending an Act paſſed in the Sixth Year of His preſent Majeſty, for paving the Streets and Lanes within the 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, ſo far as the ſame relates to the Weſt Diviſion thereof, as therein mentioned.

[20th *July* 1804.]

WHEREAS an Act was paſſed in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for paving the Streets and Lanes within the Town and Borough of* Southwark, *and certain Parts adjacent in the County of* Surrey, *and for cleanſing, lighting, and watching the ſame, and alſo the Courts, Yards, Alleys, and Paſſages adjoining thereto, and for preventing Annoyances therein*: And whereas by the ſaid Act the ſeveral Streets, Lanes, Courts, Yards, and other Places included therein, are, for the Purpoſes thereof, divided into Two Diſtricts or Diviſions, in Manner therein mentioned, and the Pariſhes of *Saint George*, *Saint Saviour*, *Saint Mary Newington*, and ſo much of the *High* 6 G. 3.

High Street of the said Borough, as is in the Parish of *Saint Olave*, are thereby directed to make One Division, and to be called *The West Division*, and divers Powers for paving, cleansing, lighting, watching, and regulating the said several Streets, Lanes, Courts, Yards, and other Places, are thereby given to and vested in the Commissioners for putting
11 G. 3. the said Act in Execution: And whereas an Act was passed in the Eleventh Year of the Reign of His present Majesty to explain and amend so much of the said Act as relates to the Commissioners of Sewers, and for regulating the Manner of taxing Churches and other Publick Buildings within the Limits of the said Act: And whereas the Money arising from the Rates authorized and directed by the said first recited Act to be taken and levied is insufficient for the Purposes of defraying the Expences of paving, cleansing, lighting, and watching the several Streets, Lanes, Courts, Yards, Alleys, and Passages in the said West Division, it is expedient that such Rates should be increased: And whereas the Powers and Provisions of the said Acts have in many Respects been found defective and insufficient, and the good Purposes thereby intended cannot be fully effected, unless the said Act passed in the Sixth Year of the Reign of His present Majesty, so far as the same relates to the said West Division therein mentioned, is altered and amended, and further and other Powers granted: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Commissioners appointed and to be appointed in and for the West Division in the said Acts mentioned, by and in pursuance of the said recited Acts passed in the Sixth and Eleventh Years of the Reign of His present Majesty, or by either of them, shall be and are hereby appointed Commissioners for putting this Act in Execution with respect to the said West Division.

Commissioners under old Acts to execute present Act as to the West Division.

Qualification of future Commissioners.

II. Provided always, and be it further enacted, That no Person hereafter to be elected a Commissioner for the said West Division shall be capable of acting as a Commissioner in the Execution of this Act, or either of the before recited Acts, so far as relates to the said West Division, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession or Receipt of the Rents of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or possessed of or entitled to a Personal Estate of the Value of One thousand Pounds; and if any Person, not being so qualified, shall presume to act in the Execution of the said recited Acts or this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint, or Information, together with Costs of Suit, and wherein the Proof of Qualification shall be on the Person prosecuted, and it shall be sufficient on the Part of the Prosecutor to maintain his said Action by Proof that the Person so prosecuted had acted as a Commissioner in the Execution of this or either of the before recited Acts; and that no Person so hereafter to be elected shall take on himself to act as a Commissioner in the Execution of this Act, or either of the before recited Acts, until he shall likewise have taken and subscribed the Oath following before any Three or more of the said Commissioners; (that is to say,)

'I *A. B.*

'I *A. B.* do ſwear, That I truly and *bonâ fide* am in my own Right [*or*, if married, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment [*or* Receipt] of the Rents of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, over and above all Incumbrances [*or* poſſeſſed of, or entitled to, a Perſonal Eſtate of One thouſand Pounds, over and above the Payment of my Debts; and that I will diſcharge the Duty of a Commiſſioner without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever. Oath.

'So help me GOD.'

III. And be it further enacted, That if any Perſon ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid any Coal, Aſhes, Duſt, Dirt, Rubbiſh, Offal, Dung, Soil, or other Filth or Annoyance, or ſhall put or place any Stall Board, Baſket, Wares, Merchandize, Caſks, or Goods of any Kind whatſoever, or ſhall hoop, waſh, or cleanſe any Pipe, Barrel, Caſk, or Veſſel, in or upon any of the Carriage or Foot Ways, or ſhall drain, or permit or ſuffer to drain, any Soil, Blood, or other Filth, into any of the Channels of the Streets, Lanes, and Places within the Limits of the ſaid Weſt Diviſion, or drive or place, or cauſe to be driven or placed, any Coach, Cart, Waggon, Dray, or other Carriage, upon any of the ſaid Carriage Ways, ſo as to occaſion any Obſtruction or Annoyance, and ſhall not immediately remove the ſame when required ſo to do by any Perſon or Perſons whomſoever; or if the Driver of any Hackney Coach or other Perſon ſhall ſet or place, or cauſe to be ſet or placed, any Hackney Coach in any of the Streets, Lanes, or Paſſages within the ſaid Weſt Diviſion, contrary to the Order and Directions of the ſaid Commiſſioners, or any Five or more of them, from Time to Time, after the paſſing of this Act, and which ſaid Commiſſioners are hereby authorized and empowered to make ſuch Rules and Orders for regulating the Places and Manner in which every Hackney Coach ſhall be ſet or placed within the ſaid Weſt Diviſion, as they, or any Five or more of them, ſhall think fit; or if any Perſon or Perſons ſhall ſet or place, or permit or ſuffer to be ſet or placed, any Cart, Waggon, Dray, or other Carriage, in any Part of the ſaid Streets, Lanes, or Places, any longer than is needful and neceſſary for the loading or unloading thereof; which in any Caſe ſhall not exceed Fifteen Minutes, or ſhall ſet or place, or cauſe or ſuffer to be ſet or placed, any Coach, Cart, Waggon, Dray, or other Carriage, athwart or acroſs any of the ſaid Streets, Lanes, and Places, either for the Purpoſe of taking up or ſetting down any Fare, or for loading or unloading thereof, or on any other Pretence whatever; or if any Carter, Drayman, Carman, Waggoner, or other Driver, ſhall ride upon any Cart, Dray, or Waggon, within the Limits of the ſaid Weſt Diviſion, or upon any Horſe drawing the ſame; or ſhall drive, lead, or ride, or permit or ſuffer any Horſe or Horſes to be driven, led, or rode, within the Limits aforeſaid, without having a leading Rein or Cord of Four Feet long at the moſt to the Shaft Horſe, which Rein or Cord, ſuch Driver or Drivers ſhall, and he and they is and are hereby required to hold in his or their Hand or Hands, and to walk by the Side of the Horſe which he or they ſhall ſo lead or drive, every Perſon or Perſons offending in any One or more of theſe Particulars ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Twenty Shillings; or if any Perſon or Perſons ſhall ſet or place, or cauſe to be ſet or placed, in any of the ſaid Carriage For preventing Annoyances, *etc.*

Carriage

Carriage or Footways, any Timber, Stones, Bricks, Lime, or other Materials or Things whatſoever, for the Purpoſe of building or repairing (except the ſame ſhall be encloſed by a Hoard) any Houſe, Shop, or other Building, and ſhall not immediately remove the ſame, being thereunto required by the Surveyor or other Officer of the ſaid Commiſſioners; or if any Perſon ſhall run, drive, or draw, or cauſe to be run, driven, or drawn, any Coach, Waggon, Cart, Dray, or other Carriage, or any Wheel, Sledge, or Wheelbarrow, or ſhall ride, lead, place, or drive, or cauſe to be rode, led, placed, or driven, any Horſe, Aſs, or other Cattle, upon any of the Foot Pavements, or ſhall hang out or expoſe to Sale any Butchers Meat, or other Matter or Thing whatſoever, beyond the Upright of any Houſe or Houſes, or ſhall place or put out any Garden Pots, or other Matter or Thing, in Front of any Houſe or Houſes, or ſhall permit or ſuffer any Hog, Pig, or other Swine, to ſtray or be in any of the Streets, Ways, or Paſſages within the Limits of the ſaid Weſt Diviſion, every Perſon offending in any or either of the Caſes aforeſaid ſhall for the Firſt Offence forfeit and pay any Sum not exceeding Ten Shillings, for the Second Offence any Sum not exceeding Twenty Shillings, and for the Third and every other Offence any Sum not exceeding Forty Shillings; and any One or more of the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint for the Removal of Annoyances and Obſtructions, may ſeize any ſuch Stall Board, Baſket, Ware, Merchandize, Caſk, Goods, Coach, Cart, Waggon, Dray, or other Carriage, and all Goods or other Things which may be therein, together with the Horſe or Horſes, (if any ſhall be thereunto belonging,) with the Harneſs, Gears, and Accoutrements thereof, or any ſuch Timber, Stones, Brick, Lime, or other Materials or Things aforeſaid, and every ſuch Horſe, Aſs, or other Cattle aforeſaid, with the Accoutrements thereof, and alſo ſuch Wheel, Sledge, Wheelbarrow, and all Goods or Things which may be on or in the ſame or other Carriage, Butchers Meat, Garden Pots, and every other Article, Matter, and Thing, and cauſe the ſame to be removed to ſuch Place or Places as he or they ſhall think convenient and proper, giving Notice to the Owner, Driver, or other Perſon or Perſons having any Intereſt therein, (if he, ſhe, or they can be found,) of the Place or Places whereunto the ſame ſhall be ſo removed, and the ſame ſhall be there kept and detained until ſuch Owner, Driver, or other Perſon intereſted therein as aforeſaid, ſhall cauſe to be paid the ſaid Penalty, together with the Charges of removing the ſame, and of keeping ſuch Horſe or Horſes, or other Cattle (if any); and in caſe the Goods, Carriages, Drays, Horſe or Horſes, or other Cattle, Materials, or other Things ſo removed, ſhall not be claimed, and the ſaid Penalty and Charges paid within the Space of Three Days next after ſuch Removal thereof, then it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to order the ſame to be appraiſed and ſold, and the Surplus of the Money ariſing by ſuch Sale ſhall be returned to the Owner or Owners thereof on Demand, after deducting the ſaid Penalty, and the Charges attending ſuch ſeizing, removing, keeping, appraiſing, and ſelling the ſame; and it ſhall be lawful for any Perſon or Perſons whomſoever who ſhall ſee any or either of the ſaid Offences committed, by Authority of this Act, and without a Warrant, to ſeize and apprehend, and alſo for any other Perſon or Perſons to aſſiſt in ſeizing and apprehending the Offender or Offenders, and he and they is and are hereby authorized and required ſo to do, and to convey ſuch Offender or Offenders

Penalty on obſtructing the Footways.

Goods, *&c.* may be ſeized, and detained until the Penalties paid.

Perſons ſeeing any ſuch Offence committed may ſeize the Offender.

Offenders before ſome Juſtice of the Peace acting or having Power to act in the ſaid Diviſion, who, upon Oath being made of any ſuch Offence or Offences aforeſaid, ſhall and may commit the Offender or Offenders to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Time not exceeding One Calendar Month, nor leſs than Seven Days, unleſs the ſaid Penalty, and all Charges attending the ſame, ſhall be ſooner paid.

Offenders in Default of Payment to be committed.

IV. And be it further enacted, That, from and after the paſſing of this Act, the ſaid Commiſſioners ſhall and they are hereby empowered and required, Twice in every Year or oftener, if they think proper, to make and ſign a Rate, to be an equal Pound Rate, according to the annual Rent or annual Value, to be raiſed upon all and every Perſon or Perſons who do and ſhall inhabit, hold, uſe, occupy, poſſeſs, or enjoy any Land, Ground, Houſe, Shop, Warehouſe, Coach Houſe, Stable, Cellar, Vault, Building, Tenement, or Hereditament, within the ſaid Weſt Diviſion, ſuch annual Rent or annual Value being Five Pounds or upwards, ſo that no ſuch Rate ſhall exceed in the Whole the Sum of Three-pence in the Pound in any One Year of the annual Rent or annual Value of ſuch Lands, Grounds, Houſes, Shops, Warehouſes, Coach Houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments (over and above the Rates or Aſſeſſments authorized to be taken and levied by the ſaid firſt recited Act); and which ſaid Rate, and the Money to be from Time to Time raiſed thereby, ſhall be applied for the Purpoſes of this Act and the ſaid recited Acts within the ſaid Weſt Diviſion.

Rates to be made upon the Inhabitants ſhall not exceed Three-pence in the Pound above Rates levied by Act of 5 G. 3.

V. And be it further enacted, That towards defraying the Charges and Expences of executing the ſaid recited Acts and this Act, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered and required, Twice in every Year, or oftener if they ſhall think proper and needful, after the paſſing of this Act, to make and ſign a Rate to be aſſeſſed upon all and every Owner or Proprietor, Landlord or Leſſor of any Land, Ground, Houſe, Shop, Warehouſe, Coach Houſe, Stable, Cellar, Vault, Building, Tenement, Hereditaments, or Tenter Ground, within the ſaid Weſt Diviſion, exceeding the yearly Value of Five Pounds, in ſuch competent Sum or Sums of Money as the ſaid Commiſſioners ſhall from Time to Time order and direct; ſo that ſuch Rate or Aſſeſſment upon the Owner or Proprietor, Landlord or Leſſor, do never in any One Year exceed the Sum of Sixpence in the Pound; which Rate the Tenant or Occupier, Tenants or Occupiers for the Time being of ſuch reſpective Land, Ground, Houſe, Shop, Warehouſe, Coach Houſe, Stable, Cellar, Vault, Building, Tenement, Hereditament, or Tenter Ground, ſhall be liable and compellable to pay, and the ſame ſhall and may be recovered and levied in Manner as in the ſaid firſt recited Act directed; and every ſuch Tenant or Occupier ſhall and may deduct the Whole of every ſuch laſt mentioned Rate from and out of the next or any other Rent due or to become due and payable to the reſpective Owner, Proprietor, Landlord, or Leſſor, for ſo much Money as ſhall be ſo paid by him, her, or them, or ſhall have been levied on his, her, or their Goods and Chattels; and the ſaid Commiſſioners ſhall and may alſo rate and aſſeſs all Burial Grounds, and all Meeting Houſes, Schools, and other publick Buildings whatſoever, and all dead Walls and void

Rates upon Proprietors.

Spaces of Ground within the ſaid Weſt Diviſion, at the Rate of Two-pence *per* Square Yard for every Yard of Pavement belonging thereto reſpectively; which Rate to be charged for ſuch Burial Grounds ſhall be paid by the reſpective Churchwardens of the Pariſh to which ſuch Burial Grounds ſhall belong, and the Rates to be charged for all Meeting Houſes, Schools, dead Walls, and void Spaces of Ground, ſhall be paid by the reſpective Owners or Proprietors thereof.

VI. Provided always, That all Houſes, Shops, Warehouſes, Cellars, Vaults, or other Tenements within the ſaid Courts, Yards, Alleys, Paſſages and Places as aforeſaid, and Inns and Livery Stables, (the Entrances or Gateways only of which ſaid Inns and Livery Stables are in the ſaid Streets or Lanes reſpectively,) ſhall be charged with or liable to pay One Half only of the ſaid Rate; any Thing herein contained to the contrary notwithſtanding.

Perſons paying full Rates to be exempted from the Charges, &c. of repairing Highways.

VII. And be it further enacted, That all and every Perſon and Perſons paying the full Rates and Aſſeſſments by the ſaid firſt recited Act and by this Act laid within the ſaid Weſt Diviſion, ſhall be and they and every of them is and are hereby exempt and diſcharged from the Charges and Expences of repairing or amending any of the Highways, Lanes, or other Places within any of the Pariſhes in the ſaid Weſt Diviſion mentioned; any Law heretofore made to the contrary notwithſtanding.

No Perſon to collect Aſhes but the Scavenger employed by the Commiſſioners.

VIII. And be it further enacted, That no Perſon or Perſons other than the Scavenger for the Time being employed by or under the Commiſſioners for the ſaid Weſt Diviſion, or ſuch other Perſon as ſhall be appointed by the ſaid Commiſſioners, ſhall go about for the Purpoſe of collecting or gathering, or ſhall collect or gather, or ſhall aſk for, receive, or carry away any Duſt, Dirt, Cinders or Aſhes, from any Houſe, Outhouſe, Shop, or Warehouſe, or other Premiſes, or in or out of or from any of the Streets, Lanes, Squares, Yards, Courts, Alleys, Paſſages, or Places under the Management of the ſaid Commiſſioners; and it ſhall be lawful for any Perſon or Perſons who ſhall ſee ſuch Offence committed to ſeize (and alſo for any other Perſon or Perſons to aſſiſt in ſeizing) the Offender or Offenders, together with the Horſe or Horſes, or other Beaſt or Beaſts, Cart or Carts, Wheelbarrow or Wheelbarrows, or other Carriage or Carriages, or other Implement or Implements made uſe of for carrying away the ſame, and he, ſhe, and they, is and are hereby required ſo to do, and by the Authority of this Act, and without any other Warrant, to convey and deliver ſuch Offender or Offenders into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace acting or having Power to act in the ſaid Diviſion; and ſuch Juſtice ſhall and is hereby authorized and required to examine upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) the Perſon or Perſons apprehending ſuch Offender or Offenders, and any Witneſs or Witneſſes who ſhall appear to give Information touching ſuch Offence; and if the Party or Parties ſhall be convicted of any ſuch Offence upon the Oath of One or more credible Witneſs, he, ſhe, or they, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings nor leſs than Twenty Shillings, and One Moiety of every ſuch Penalty or Forfeiture ſhall be paid to the Perſon or Perſons who ſhall apprehend, ſeize, and take the Offender or Offenders,

Offenders, or ſuch Horſe or Horſes, Beaſt or Beaſts, and other Thing or Things as aforeſaid, and the other Moiety to the ſaid Commiſſioners, and applied to the Purpoſes of the ſaid recited Acts and this Act; and if ſuch Offender or Offenders ſhall not immediately on Conviction pay the ſaid Forfeiture, ſuch Juſtice is hereby required to direct ſuch Horſe or Horſes, or other Beaſt or Beaſts, Cart or Carts, Wheelbarrow or Wheelbarrows, or other Carriage or Carriages, or Implement or Implements, which ſhall have been ſo ſeized, (and which the Perſon or Perſons ſeizing or aſſiſting in ſeizing ſhall and may and is and are hereby required to drive, remove, and take, or cauſe the ſame to be driven, removed, and taken to any Place to be appointed by the ſaid Commiſſioners,) to be appraiſed and ſold, and after deducting out of the Monies to ariſe by ſuch Sale the Forfeiture incurred, together with the Charges and Expences attending the removing, detaining, keeping, and maintaining the ſame; and after ſuch Appraiſement and Sale, the Overplus thereof (if any) ſhall be returned upon Demand to the Party or Parties whoſe Horſe or Horſes, Beaſt or Beaſts, or ſuch other Thing or Things as aforeſaid, ſhall be appraiſed and ſold; and in caſe there ſhall have been no ſuch Seizure as aforeſaid, or if the Horſe or Horſes, Beaſt or Beaſts, or ſuch other Thing or Things as aforeſaid, which ſhall be ſo appraiſed and ſold, ſhall not produce a ſufficient Sum of Money to pay the ſaid Penalty or Forfeiture, Charges and Expences, then if ſuch Offender or Offenders ſhall not immediately upon Conviction pay the Whole of the ſaid Penalty or Forfeiture, or ſo much of the ſaid Forfeiture, Charges, and Expences, which ſhall remain over and above the Produce of the Sale of the Horſe or Horſes, Beaſt or Beaſts, Thing or Things ſold, after deducting the Coſts and Charges of ſuch Appraiſement and Sale, then ſuch Juſtice may and is hereby authorized and required to commit ſuch Offender or Offenders to the Houſe of Correction for the ſaid County, there to be kept to hard Labour for any Time not exceeding Two Calendar Months nor leſs than One Calendar Month, to be computed from the Day of Commitment, unleſs ſuch Penalty or Forfeiture, Charges and Expences, ſhall be ſooner paid and ſatisfied.

Owners of Duſt, *etc.* may remove it for their own Uſe.

IX. Provided nevertheleſs, That nothing in this Act contained ſhall extend to prevent or hinder the Owner or Owners of ſuch Duſt, Dirt, Cinders, or Aſhes, from carrying away the ſame for his, her, or their own Uſe, to be applied to any Manufacture of ſuch Owner or Owners, or to the manuring of any Ground occupied by him, her, or them, but not for Sale.

If the Perſon taking away the Aſhes cannot be apprehended, the Owner of the Horſes, *etc.* to be ſubject to the Penalty.

X. And be it further enacted, That if the Perſon or Perſons who ſhall ſo go about for the Purpoſe of collecting or gathering, or ſhall collect or gather, or ſhall aſk for, receive, or carry away any ſuch Duſt, Dirt, Cinders, or Aſhes, contrary to the Directions of this Act, cannot be apprehended, then and in every ſuch Caſe the Owner or Owners of the Horſe or Horſes, or other Beaſt or Beaſts, Cart or Carts, Wheelbarrow or Wheelbarrows, or other Carriage or Carriages, or Implement or Implements uſed or employed in carrying away the ſame, ſhall be ſubject to the like Penalty or Forfeiture, and which Penalty or Forfeiture ſhall be recovered and levied by ſuch Diſtreſs and Sale, and divided and diſpoſed of in ſuch and the like Manner as laſt mentioned and directed; and if the Monies to ariſe by ſuch Diſtreſs and Sale ſhall not be ſufficient to anſwer

anſwer and ſatisfy ſuch Penalty or Forfeiture, Charges and Expences, or if no ſuch Diſtreſs can be made, ſuch Juſtice is hereby authorized and required to commit him, her, or them, to the Houſe of Correction for the ſaid County, for any Term not exceeding Two Calendar Months nor leſs than One Calendar Month, unleſs ſuch Penalty or Forfeiture ſhall be ſooner paid.

Footways to be ſwept.

XI. And be it further enacted, That every Occupier of any Houſe or Tenement within the ſaid Weſt Diviſion, and in reſpect to Houſes let to Inmates, every Houſe Owner ſhall Once in every Day, before the Hour of Nine of the Clock in the Forenoon, ſcrape, ſweep, or otherwiſe cleanſe the Footway and Channel all along the Front of their reſpective Houſes or Tenements, or cauſe the ſame to be ſcraped, ſwept, and cleanſed, and in Default thereof ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Shillings, to be levied, recovered, and applied in like Manner as the Penalties herein-before inflicted for laying Duſt or Aſhes in any of the ſaid Streets, Lanes, and Places, is directed to be levied, recovered, and applied.

Certain Penalties to be recovered within Fourteen Days.

XII. Provided always, That all and every the Penalties herein-before inflicted for any Nuiſance, Annoyance, or Obſtruction, in any or either of the ſaid Streets, Lanes, and Places, and for collecting or taking of Aſhes, and for not ſweeping the Footways, ſhall be levied and recovered within Fourteen Days next after any of the ſaid Offences ſhall be committed, except hereby otherwiſe directed.

Commiſſioners may give Notice to Owners of Houſes to remove Nuiſances.

XIII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may, at any Time after the paſſing of this Act, (any Thing in the ſaid firſt recited Act contained to the contrary notwithſtanding,) cauſe to be given to the reſpective Owners, Proprietors, Feoffees, Truſtees, or Occupiers of the ſeveral Houſes, Shops, Warehouſes, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, and Hereditaments in the ſaid Weſt Diviſion, to alter or affix all Spouts and Gutters on the Fronts of their reſpective Houſes and other Buildings, ſo that the Water be conveyed down by the Fronts or Sides of ſuch Houſes or other Buildings into their own private Ground or Premiſes, or into the Common Channel or Drain; and alſo to take away and remove, alter and regulate, all Steps projecting into the Street beyond the Upright of the Houſe or Premiſes to which they belong; and all Pent Houſes, Dripping Eaves, Stall Boards, Shewboards, Stalls, Window Shutters, Doors, Flaps, and Porches, projecting over and beyond the Upright of any Houſe or Building, or projecting over or opening into any of the ſaid Streets, Lanes, Ways, Paſſages, or Places; and alſo all Flaps, Doors, and Cellar Windows, leading down out of the Footways into any Cellars, Vaults, or other Places belonging to any Building, Shop, Warehouſe, or Tenement, and all other Incroachments, Projections, Nuiſances, or Annoyances whatſoever, (except ſuch as are herein-before provided for,) which, at the Time of paſſing this Act or at any Time hereafter, ſhall be or be placed, ſet up, or happen to be within the ſaid Weſt Diviſion; and all Cellar Windows, Window Flaps, and Steps leading down into Cellars, ſhall not on any Account or Pretence whatſoever extend into any of the ſaid Streets, Lanes, and Places, or any of the Footways thereof, more than Eighteen Inches, to be meaſured from the

the Upright of the Houſe or Building to the Extent of the Kirb of any ſuch Cellar Window; and in caſe the Owners or Proprietors, Feoffees, Truſtees, or Occupiers, ſhall refuſe or neglect to do as before directed, for the Space of One Calendar Month next after ſuch Notice ſhall be given to him, her, or them reſpectively (which Notice ſhall be given in Writing under the Hands of the ſaid Commiſſioners, or any Five or more of them, or under the Hand of their Clerk or Surveyor for the Time being, and delivered to or left at the Dwelling Houſe or uſual Place of Abode of ſuch Owner or Proprietor, Feoffee, Truſtee, or Occupier reſpectively,) it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to cauſe ſuch Spouts and Gutters to be properly placed, and all other Incroachments, Projections, Nuiſances, or Annoyances whatſoever, to be taken down, carried away, filled up, or removed, altered and regulated, in ſuch Manner as they ſhall think proper, and ſhall return or cauſe to be returned to the reſpective Owners, or to be left on the Spot, or as near as conveniently may be for ſuch Owner or Owners, ſo much of ſuch Incroachments, Projections, Nuiſances, or Annoyances, as ſhall not be affixed or put up or otherwiſe made uſe of in the Alterations directed by this Act; and the Charges and Expences attending the ſame ſhall be reimburſed to the ſaid Commiſſioners, and be paid and payable by the reſpective Tenants or Occupiers of ſuch Houſes and Premiſes; and if any Tenant or Occupier of any ſuch Premiſes ſhall neglect or refuſe to pay ſuch Charges within Fourteen Days after Demand made thereof, or by Notice in Writing under the Hand of the ſaid Surveyor, Clerk, or other Perſon appointed by the ſaid Commiſſioners, or to be delivered to or left at the Dwelling Houſe of ſuch Tenant or Tenants, Occupier or Occupiers, the ſame ſhall and may be levied on every ſuch Tenant or Tenants, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Juſtice or Juſtices of the Peace acting or having Power to act in the ſaid Weſt Diviſion, which Warrant the ſaid Juſtice or Juſtices is and are hereby authorized and empowered to grant upon Information on Oath of ſuch Neglect or Refuſal, returning the Overplus (if any) of the Monies raiſed by ſuch Diſtreſs and Sale, after deducting all Coſts and Charges attending the ſame, to the Owner or Owners of ſuch Goods or Chattels ſo diſtrained and ſold on Demand.

In caſe the Owners neglect to alter after Notice, Commiſſioners may do it at the Expence of the Owner,

XIV. Provided always, That nothing in this Act contained ſhall prevent the ſaid Commiſſioners, at their Diſcretion, from making any Allowance or paying Part of the Expence incurred by the Proprietors of any ſuch Houſe or Building, in removing any of the Obſtructions, Nuiſances, or Annoyances as aforeſaid, in ſuch Caſes where the ſaid Proprietors ſhall or may be materially injured, and whereby ſuch Caſes may be particularly entitled to ſome Compenſation: Provided alſo, that nothing in this Act ſhall be conſtrued to enable Tenants to deduct out of the Rents due to their Landlords any Payments which they have made for the Removal of Obſtructions or Annoyances which the Tenants themſelves have cauſed or erected.

Commiſſioners may make Allowances to Perſons injured.

XV. And be it further enacted, That in caſe any Owner or Occupier of any Houſe, Tenement, or Building, ſhall be unable to bear and pay any Rate or Aſſeſſment already made or hereafter to be made for paving, cleanſing,

Poor Perſons to be relieved from Payment.

cleanſing, lighting, and watching, as directed to be made by the ſaid Act paſſed in the Sixth Year of His preſent Majeſty's Reign, or any Rate or Aſſeſſment to be made in purſuance of this Act, or of taking down, removing, or altering Projections, or of any other Charges and Expences to be incurred by virtue of this Act, (ſuch Inability being proved to the ſaid Commiſſioners, or any Five or more of them,) no Diſtreſs ſhall be taken or made of his or her Goods and Chattels for recovering of ſuch Charges and Expences, but the ſame ſhall be charged upon and paid out of the Rates to be made by virtue of this Act.

All new Buildings to riſe perpendicularly, or they ſhall be pulled down at the Expence of the Owner.

XVI. And be it further enacted, That all Houſes and Buildings hereafter to be built or new-fronted, or any Part thereof within the Weſt Diviſion aforeſaid, ſhall, for the effectual and more abſolute Prevention of all Manner of Projections, Incroachments, Annoyances, and Inconveniencies, thereby riſe perpendicularly from the Foundation; and if any Perſon or Perſons ſhall at any Time or Times hereafter preſume to build or new-front any Houſe or other Building, or any Part thereof, within the Weſt Diviſion aforeſaid, or cauſe the ſame to be done or riſe otherwiſe than perpendicularly from ſuch Foundation, or permit or ſuffer any Bow Window or projecting Window to be made, put, or placed in the Front of any Houſe or Building within the Limits of the ſaid Diviſion, after the paſſing of this Act, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, to give Notice to ſuch Perſon or Perſons to take down and remove ſuch Building or Buildings within Fourteen Days from the Date thereof; and in caſe of Refuſal or Neglect ſo to do, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, by an Order under their Hands, to direct the ſame to be taken down and removed by any Perſon, Workmen, or Perſons they ſhall think fit, the Coſts and Charges whereof ſhall be paid and reimburſed to the ſaid Commiſſioners, or any Five or more of them, or their Order, by the Owner or Owners of ſuch Houſes or Buildings, or other Perſon or Perſons ordering or directing the ſame; and in caſe of Refuſal or Neglect in paying or reimburſing the ſame to the ſaid Commiſſioners, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint to receive the ſame, it ſhall be lawful for any Five or more of them to cauſe any Action or Actions to be brought in the Name of the Treaſurer for the Time being, to be appointed by virtue of the ſaid firſt recited Act or of this Act, for the Recovery thereof, with Coſts of Suit.

Where any of the Water Pipes break, Notice thereof to be given to the Water Company to whom they belong.

XVII. And be it further enacted, That when and ſo often as it ſhall happen that any Pipe or Pipes belonging to any Water Company ſhall break or burſt, or the Pavement over or near the Spot where any of the ſaid Pipes may lie ſhall ſink or give way on Account of any Defect in the ſaid Pipes, notwithſtanding the Water may not ooze through the Surface of the ſaid Pavement in the ſaid Streets, Lanes, or other Places, or either of them, it ſhall be lawful for the Surveyor to the ſaid Commiſſioners for the Time being, or ſuch other Perſon as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint for that Purpoſe, to give immediate Notice thereof to the Paviour of the Water Company, to whom he apprehends ſuch Pipe or Pipes does or do or may belong, and require him to take up the Pavement, and open the Ground at or near the Place where the Water ſhall or may iſſue by reaſon of ſuch Pipe or

or Pipes breaking or burſting, or where the Pavement may have given way or ſunk as aforeſaid, within Two Days next after ſuch Notice given to ſuch Paviour, or left at his laſt or uſual Place of Abode; and if, upon taking up the Pavement and opening the Ground, it ſhall appear that the Pipe or Pipes ſo broke or burſt do not belong to the Water Company whoſe Paviour ſhall have taken up ſuch Pavement and opened ſuch Ground, that then and in ſuch Caſe the Paviour belonging to the Water Company who ſhall have opened ſuch Ground, ſhall, within Two Days afterwards, give Notice in Writing to the Paviour of that Company to whom it ſhall appear that the ſaid Pipe or Pipes belong, (ſuch Notice to be given or left with ſuch Paviour, or at his laſt or uſual Place of Abode,) and the Paviour of the Company to whom ſuch Pipe or Pipes ſhall belong is hereby required to repair the ſame, and fill in the Ground within Two Days after ſuch Notice given or left as aforeſaid; and alſo, within Two Days after ſuch Pipe ſhall be repaired and the Ground filled in, to give Notice in Writing to the Paviour or Paviours contracting with or employed by the ſaid Commiſſioners, or to the Surveyor or other Perſon aforeſaid, of ſuch Pipe or Pipes being repaired and ſuch Ground being filled in, ſuch Notice to be given to ſuch Contractor, Paviour, or Commiſſioners Surveyor, in Writing, and left at his or their laſt or uſual Place of Abode; and in caſe it ſhall happen that the Paviour who firſt receives Notice to take up the Pavement and open the Ground for the Purpoſes aforeſaid ſhall take up ſuch Pavement and open ſuch Ground, and it ſhall then be diſcovered that the Pipe or Pipes which is, are, or ſhall be burſt or broke, doth or do not belong to the Company to whom he is a Paviour, that then and in ſuch Caſe the Paviour of the Company to whom ſuch Pipe or Pipes belong ſhall make Satisfaction to the Paviour who ſo took up ſuch Pavement and opened ſuch Ground for ſuch Work; and in caſe the Paviour to whom ſuch Notice ſhall be ſo given to take up ſuch Pavement and open ſuch Ground ſhall neglect or refuſe to do the ſame within the ſaid Two Days after Notice given, he ſhall for the Firſt Offence forfeit and pay any Sum not exceeding Twenty Shillings, for the Second Offence any Sum not exceeding Forty Shillings, and for the Third and every other Offence any Sum not exceeding Three Pounds; and in caſe the Paviour of the Company to whom ſuch Pipe or Pipes ſo broke or burſt ſhall belong, or where the Pavement ſhall have ſo ſunk or given way as aforeſaid, ſhall neglect or refuſe to repair and amend the ſame, and fill in the Ground ſo taken up, for the Space of Two Days next after ſuch Notice given, or ſhall neglect to give Notice to the Paviour or Paviours contracting with or employed by the ſaid Commiſſioners, or to the Surveyor to the ſaid Commiſſioners, ſuch Paviour ſhall for the Firſt Offence forfeit any Sum not exceeding Twenty Shillings, for the Second Offence any Sum not exceeding Forty Shillings, and for the Third and every other Offence any Sum not exceeding Three Pounds; and if the Perſon or Perſons contracting with or employed by the ſaid Commiſſioners to relay ſuch Pavement ſo broke or taken up for the Reaſons aforeſaid ſhall neglect or refuſe to relay ſuch Pavement in a good, ſufficient, and effectual Manner, within Two Days after ſuch Notice given to him as aforeſaid, or if the Paviour or other Perſon to whom ſuch Notice ſhall be given ſhall neglect to acquaint the Contractor or Paviour employed by the ſaid Commiſſioners, of ſuch Notice, then and in every ſuch Caſe the Perſon or Perſons ſo offending ſhall for the Firſt Offence forfeit any Sum not exceeding Twenty Shillings,

When completed Notice to be given to the Commiſſioners Paviour.

If it proves that the Pipe does not belong to the Company who firſt opens the Ground, they are to be paid their Charges by the Company to whom it does belong.

Shillings, for the Second Offence any Sum not exceeding Forty Shillings, and for the Third and every other Offence any Sum not exceeding Three Pounds.

Inhabitants may be Witneſſes.

XVIII. And be it further enacted, That in all Actions, Proſecutions, Informations, Cauſes, and Proceedings, relating to or concerning the Execution of this Act, or of the ſaid firſt recited Act, no Inhabitant within the ſaid Weſt Diviſion ſhall be incompetent to be a Witneſs and be admitted to give Evidence by reaſon of his being an Inhabitant, and charged with or liable to pay any Rate, by virtue of this or the ſaid firſt recited Act.

Powers of the former Acts to apply to this Act.

XIX. And be it further enacted, That all and every the Powers, Authorities, Penalties, Clauſes, Matters, and Things in the ſaid recited Acts contained, (except ſuch as are hereby varied, altered, or repealed, and except ſuch Parts thereof as relate to Exemptions from Stamp Duties,) ſhall extend to this Act, and ſhall remain and be in full Force and Effect, and be executed for the Purpoſes of the ſaid recited Acts and this Act, ſo far as the ſame reſpects the ſaid Weſt Diviſion, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein repeated and re-enacted.

Premiſes at the Corner of *King Street* to be purchaſed, and the Ground laid into the Street.

XX. And whereas an Act was paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for enlarging the preſent or providing a new Workhouſe for the Uſe of the Pariſh of* Saint Saviour, Southwark, *and for regulating the Poor in ſuch Workhouſe; for widening* King Street, *at the Entrance into the* High Street, Southwark; *for making a Carriage Way from the ſaid* High Street, *through the* Greyhound *Inn, into* Queen Street, *and for improving the Paſſage from thence into* Gravel Lane, *leading towards the* Black Friars Bridge *Road in the Pariſh of* Chriſt Church; by which ſaid Act the Truſtees therein named were authorized and empowered (amongſt other Things) to treat and agree with the Owners and Occupiers of, and all other Perſons intereſted in, Two Houſes at the South Corner of *King Street* in the Borough *High Street*, with Sheds, Slaughter Houſe, and Bakehouſe behind the ſame, then in the Occupation of *John Mitchell*, *William Wortley*, and *Richard Holden*, and to purchaſe and become ſeiſed or poſſeſſed of the ſame; and upon Payment of ſuch Sum or Sums of Money as ſhould be agreed upon for ſuch Purpoſes, or adjudged and determined as therein deſcribed, to cauſe ſuch Houſes and Buildings, or ſo much thereof as ſhould be neceſſary, to be taken down, and the Ground whereon ſuch Houſes and Buildings ſtood, or ſo much thereof as ſhould be neceſſary, to be laid open, towards opening, widening, and improving the Streets and Paſſages deſcribed in the Schedule to the ſaid Act annexed: And whereas the ſaid Truſtees named and appointed in and by the ſaid laſt recited Act, have, in many Reſpects, carried the ſame into Effect, but for want of ſufficient Funds, and the ſaid Pariſh of *Saint Saviour* being now very heavily burthened with Poor, the ſaid Truſtees have not as yet purchaſed or agreed to purchaſe the ſaid Houſes and Buildings at the South Corner of *King Street* in the ſaid Borough: And whereas it would be of great publick Utility if the ſaid Houſes and Buildings were taken down, and the Ground whereon the ſame ſtand, if a Part thereof was laid open towards opening, widening, and improving the ſaid Street: And whereas the

the ſaid Houſes and Buildings are ſituate within the ſaid Weſt Diviſion in the preſent Act mentioned, and the Commiſſioners appointed under and by virtue of the ſaid recited Act of the Sixth Year of the Reign of His preſent Majeſty, are deſirous of advancing a Sum of Money towards the Purchaſe of the ſaid Houſes and Buildings, in order that the Ground, or Part thereof, whereon the ſame ſtand may be laid open, towards opening, widening, and improving the ſaid Street called *King Street*; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time or Times after the paſſing of this Act, to pay or cauſe to be paid, out of the Monies to be raiſed by virtue of this Act, or from the Monies to be raiſed by virtue of the ſaid recited Acts of the Sixth and Eleventh Years of the Reign of His preſent Majeſty, any Sum not exceeding the Sum of One thouſand Pounds to the Truſtees appointed under or by virtue of the ſaid recited Act of the Fourteenth Year of His ſaid Majeſty, towards enabling them to carry into Effect the ſaid laſt mentioned Act, ſo far as relates to the Purchaſe of the ſaid Two Houſes and Buildings at the Corner of *King Street* aforeſaid, and taking down the ſame, and laying the Ground, or Part thereof, whereon the ſame ſtand open, towards opening, widening, and improving the ſaid Street.

Paying Expences of the Act.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, and they are hereby required to pay and diſcharge the Charges and Expences of procuring and paſſing this Act, and all other Expences incident thereto, out of the Firſt Monies which ſhall be raiſed by the ſaid Commiſſioners in purſuance of this Act, or by the ſaid recited Acts or either of them.

Limitation of Actions.

Defendants may plead the General Iſſue.

XXII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty Days Notice ſhall be thereof given in Writing to the Clerk or Treaſurer to the ſaid Commiſſioners, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the County of *Surrey*, and not in any other County or Place; and the Defendant or Defendants in ſuch Actions and Suits, and every of them, may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial or Trials which ſhall be had thereupon, and that the Matter or Thing for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought, was done in purſuance and by Authority of this Act; and if the ſaid Matter or Thing ſhall appear to have been ſo done, or if it ſhall happen that ſuch Action or Suit was brought before Twenty Days after Notice thereof given as aforeſaid, or that ſufficient Satisfaction was made or tendered as aforeſaid, or if any ſuch Action or Suit ſhall not be commenced within the Time before for that Purpoſe limited, or ſhall be laid in any other County than the County of *Surrey* aforeſaid, then the Jury or Juries ſhall find for the Defendant or Defendants therein; and if a Verdict or Verdicts ſhall be found for ſuch Defendant or Defendants, or if the Plaintiff or Plaintiffs in ſuch Action or Actions, Suit or Suits, ſhall become nonſuited, or ſuffer a Diſcontinuance of ſuch Action or Actions, or if upon any Demurrer or Demurrers in any Action

If Plaintiff nonſuited, Defendants ſhall have Coſts.

or Actions Judgement ſhall be given for the Defendant or Defendants therein, then and in either of the Caſes aforeſaid, ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering of the ſame, as any Defendant or Defendants may have for his, her, or their Coſts, in any other Caſes by Law.

Publick Act. XXIII. And be it further enacted, That this Act ſhall be taken and allowed in all Courts of Juſtice as a Publick Act, and all Judges, Juſtices, and others, are required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded.

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