ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 191.

An Act for extinguishing all Right of Common in, over, and upon certain Parcels of Land in *Saint George's Fields*, in the County of *Surrey*; and for repealing so much of Two Acts passed in the Twenty-sixth and Forty-seventh Years of His present Majesty, as prevents the erecting Buildings on certain Parts of the said Parcels of Land, within a limited Distance from the Sides of such of the Roads therein mentioned as abut thereon; and for improving *Saint George's Fields* aforesaid.

[15th *June* 1810.]

WHEREAS the Mayor and Commonalty and Citizens of the City of *London*, are Lords of the Manor of *Southwark*, in the County of *Surrey*, and are Owners or Proprietors of certain Lands, situated in *Saint George's Fields*, within the said Manor, and which now lie in many small Pieces dispersedly, and contain in the Aggregate Sixty-four Acres or thereabouts: And whereas in former Times certain Rights of Common were claimed and exercised in, over, and upon the Whole of the said Tract of Land called *Saint George's Fields*: And whereas the said Tract of Land, except the Ways or Passages through the same, hath long since been built upon or inclosed, and no Right of Common hath, for many Years past, been exercised or claimed to be exercised thereon, by reason that from local Circumstances, the same became, and is of no Value to the Persons entitled thereto: And whereas by an Act made in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for making, widening, and keeping in Repair certain Roads in the several Parishes of* Lambeth, Newington, Saint George Southwark, Bermondsey, *and* Christchurch, 26 G. 3. c. 131.

Chriſtchurch, *in the County of* Surrey, *and for watching and lighting the ſaid Roads*, it was enacted amongſt other Things, that nó Building ſhould be erected by any Proprietor or Occupier of the Lands adjacent to ſuch Part of the ſaid Roads as lie between the South End of *Blackfriars Bridge* and *Newington*, and from the *Circus* to the *Dog and Duck*, within Ten Feet on either Side of the ſaid Roads; and that no Buildings ſhould be erected within the Diſtance of Fifteen Feet from either Side of the Lane called *Lambeth Back Lane*; and that no Building ſhould be erected by any Proprietor or Occupier of the Lands adjacent to any other Parts of the ſeveral Roads thereby directed to be repaired and amended (Part of which Lands had been formerly purchaſed by virtue of the therein recited Act of the Twenty-fourth Year of His late Majeſty King *George* the Second) within Fifty Feet of the ſaid laſt-mentioned Roads reſpectively, ſave and except ſuch Part of the Road as lies between *Weſtminſter Bridge* and the Road leading from *Church Street*, *Lambeth*, to the *Grange Road* in *Bermondſey*; nor by any Proprietor or Occupier of Lands on either Side of the new-intended Road therein mentioned, and *Higler's Lane*, nearer than Ten Feet on either Side of the ſaid Roads; and that if any ſuch Building ſhould thereafter be erected contrary to the true Intent and Meaning of the ſaid Act, the ſame ſhould be deemed a common Nuiſance: And whereas in the Forty-ſeventh Year of His preſent Majeſty an Act was made, intituled, *An* 47 G. 3. c. 115. *Act for enlarging the Powers of an Act of the Twenty-ſixth Year of His preſent Majeſty, for making and keeping in Repair certain Roads in the Pariſhes of* Lambeth, Newington, Saint George Southwark, Bermondſey, *and* Chriſtchurch, *in the County of* Surrey, *and for watching and lighting the ſaid Roads*: And whereas the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common Council aſſembled, are deſirous to build upon or otherwiſe improve the Pieces or Parcels of Land herein-before mentioned, and for that Purpoſe it would be of great Advantage to them, and no Detriment to the Perſons (if any) ſtill entitled to any Right of Common in or over the ſaid Pieces or Parcels of Land, or to the Public in general, if all Right of Common thereon were extinguiſhed, and if the ſaid in Part recited Acts, ſo far as the ſame prevent the Erection of Buildings on certain of the ſaid Pieces or Parcels of Land belonging to the ſaid Mayor, and Commonalty and Citizens, lying between the South End of *Blackman Street* in the ſaid Pariſh of *Saint George Southwark*, and a Place called *Symonds' Corner*, in the ſaid Pariſh of *Lambeth*; and alſo lying between the *Dog and Duck* and the *Fiſhmongers' Alms Houſes*, in the Pariſh of *Saint George* aforeſaid, which abut on the Sides of the Roads leading through the ſaid Pieces or Parcels of Land, within the Diſtance of Fifty Feet as aforeſaid from the Sides of the ſaid Roads, were repealed; but as ſuch Purpoſes cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, 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 from and immediately after the paſſing of this Act, all Rights of Common in, over, or upon all and ſingular the Pieces or Parcels of Land, formerly Part, or reputed Part of the ſaid Tract of Land called *Saint George's Fields*, and every Part thereof, ſhall ceaſe, determine, and be for ever extinguiſhed, to all Intents and Purpoſes whatſoever.

Right of Common in St. George's Fields extinguiſhed.

For making Satisfaction to Perſons injured by the Extinguiſhment of the Right of Common.

II. And, in caſe it ſhall hereafter appear that any Perſon or Perſons ſhall ſuſtain Damage or Loſs in conſequence of the Extinguiſhment of ſuch Right of Common as aforeſaid, be it further enacted, That the ſaid Mayor, Aldermen, and Commons in Common Council aſſembled, ſhall make Recompence and Satisfaction to every Perſon and Perſons, Body Politic or Corporate, entitled to any Right of Common in, over, or upon the Pieces or Parcels of Land, the Right of Common in, over, or upon which is hereby extinguiſhed, for the Damage or Loſs which he, ſhe, or they ſhall ſuſtain by ſuch Right of Common being extinguiſhed; and in caſe the ſaid Mayor, Aldermen, and Commons, and any ſuch Perſon or Perſons, Body Politic or Corporate, cannot agree as to the Amount of the Recompence or Satisfaction to be made in reſpect of any ſuch Right of Common, then every ſuch Perſon or Perſons, Body Politick or Corporate, ſhall, or lawfully may, ſue the Mayor, and Commonalty, and Citizens of the ſaid City of *London*, for the Recovery of Recompence or Satisfaction for ſuch Right of Common in any of His Majeſty's Courts of Record at *Weſtminſter*; but in caſe in any ſuch Action the Plaintiff ſhall not recover any Damages, or ſhall not recover Damages exceeding in Amount the Sum or Sums of Money which the ſaid Mayor, Aldermen, and Commons, in Common Council aſſembled, or any Perſon or Perſons authorized by them, ſhall have previouſly offered to pay as and for ſuch Recompence and Satisfaction, then the ſaid Mayor, and Commonalty, and Citizens, ſhall be allowed and paid their Coſts in ſuch Action by the Plaintiff therein, and ſhall or may deduct the ſame out of the Damages or Sum adjudged to be paid to ſuch Plaintiff, or ſhall recover the ſame in ſuch Manner as any Coſts are recoverable by Law in ſuch Court.

Compenſations due to Bodies Corporate, &c. to be laid out to the ſame Uſes, &c.

III. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, for or on Behalf of any Lunatics, Idiots, Femes Covert or other *Ceſtuique* Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, for the Recompence or Satisfaction to be made in reſpect of the Extinguiſhment of ſuch Right of Common as aforeſaid, ſhall be paid and applied in Manner following; (that is to ſay), in caſe the ſame ſhall amount to or exceed the Sum of Two Hundred Pounds, it ſhall with all convenient Speed be paid into the Bank of *England*, in the Name of and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Mayor, and Commonalty, and Citizens of the City of *London*, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to ſuch Right of Common, in the Redemption or Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Charge or Incumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting any Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, or upon ſuch and the like Uſes,

Truſts,

Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, and Hereditaments to which ſuch Right of Common belonged or was attached, ſtood ſettled, or limited, or ſuch of them as at the Time of making ſuch Recompence or Satisfaction ſhall be exiſting, undetermined, and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to ſuch Right of Common hereby extinguiſhed.

Application where the Compenſation Money ſhall be leſs than 200*l.* and above 20*l.*

IV. Provided always, and be it further enacted, That in caſe the Money ſo payable to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two Hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to ſuch Right of Common, in reſpect whereof the ſame ſhall be paid, or of his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or other Perſon or Perſons acting as ſuch as aforeſaid, to be ſignified in Writing under their reſpective Hands, be paid into the Bank in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the ſaid Mayor, and Commonalty, and Citizens of the City of *London* (ſuch Nomination and Approbation to be ſignified in Writing by the nominating and approving Parties), in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where leſs than 20*l.*

V. And be it further enacted, That in caſe the Money payable to ſuch Corporation, or to any Perſon under any Diſability or Incapacity as aforeſaid, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to ſuch Right of Common, in reſpect whereof the ſame ſhall be paid, in ſuch Manner as the ſaid Mayor, and Commonalty, and Citizens of the City of *London* ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, or other Perſon or Perſons acting as ſuch, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively, and the Receipt or Receipts of the Perſon or Perſons to whom the ſaid Mayor, and Commonalty, and Citizens of the City of *London* ſhall direct the ſame to be paid, ſhall be ſufficient Diſcharges for the ſame.

VI. And

VI. And be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for ſuch Recompence or Satisfaction, or any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been entitled to ſuch Right of Common, in reſpect whereof ſuch Money ſhall have been ſo paid at the Time of paſſing this Act, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled thereto, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Perſon or Perſons was or were not entitled thereto, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Right of Common, or to ſome Eſtate or Intereſt therein.

Where any Queſtion ſhall ariſe touching the Title to the Money to be paid, the Perſon who would have been entitled to the Right of Common to receive the Dividends.

VII. Provided always, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Right of Common to be extinguiſhed under the Authority of this Act, the Recompence or Satisfaction for the ſame ſhall be required to be paid into the ſaid Court and to be applied in the Purchaſe of Meſſuages, Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Mayor, and Commonalty, and Citizens, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

The Court may order reaſonable Expences to be paid of Purchaſes, &c.

VIII. And be it further enacted, That from and after the paſſing of this Act, ſo much of the ſaid in Part recited Act of the Twenty-ſixth Year of His preſent Majeſty, and of the ſaid Act of the Forty-ſeventh Year of His preſent Majeſty, as prevents the Erection of Buildings on the ſaid Pieces or Parcels of Land belonging to the ſaid Mayor, and Commonalty, and Citizens herein-before mentioned, or any of them, within the Diſtance of Fifty Feet therein mentioned from the Sides of ſuch of the Roads therein mentioned as abut or adjoin, or are adjacent to the ſaid Pieces or Parcels of Land, or any of them, or any Part thereof, ſhall be, and the ſame is hereby repealed; and the ſaid Pieces or Parcels of Land ſhall or may be built upon, in the ſame Manner as if neither of the ſaid recited Acts had been made, except as herein-after mentioned.

So much of the Road Acts as prevents Buildings within certain Diſtances of the Roads, repealed.

IX. And be it further enacted, That no Houſes or other Buildings ſhall be hereafter erected or built on the Fronts of the ſeveral Pieces or Parcels of Ground belonging to the ſaid Mayor, Commonalty, and Citizens of *London*, herein-before mentioned, on either Side of the ſaid Road or Roads leading from the South End of *Blackman Street* to *Symonds' Corner* aforeſaid, or from the *Dog and Duck* to the *Fiſhmongers' Alms Houſes* aforeſaid, which ſhall be inferior to the Third Rate of Building deſcribed in the Act

For the Regulation of Buildings on the Sides of the Roads.

passed in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act for the further and better Regulations of Buildings and Party Walls, and for the more effectually preventing Mischief by Fire within the Cities of* London *and* Westminster, *and the Liberties thereof, and other Parishes, Precincts, and Places within the weekly Bills of Mortality; the Parishes of* Saint Mary-le-Bone, Paddington, Saint Pancras, *and* Saint Luke *at* Chelsea, *in the County of* Middlesex; *and for indemnifying under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law*; and if any such Houses or Buildings shall hereafter be erected or built in the Fronts of the said Pieces or Parcels of Ground, next the said Roads, inferior to the Third Rate of Building before mentioned, contrary to the true Intent and Meaning of this Act, the same shall be deemed a Common Nuisance, and the Builder or Builders thereof respectively, or the Occupier or Occupiers, or other Person or Persons, who for the Time being shall occupy or use such House or Building, shall be deemed the Owner and Proprietor of the same respectively, and shall be liable to be prosecuted for the same: Provided always, that nothing herein contained shall authorize or permit the reducing of the Circus or Area, near the Middle of the Road from *Blackman Street* to *Symonds' Corner* aforesaid, to a less Diameter than Two hundred and Forty Feet between the Buildings abutting upon the Sides of the said Circus or Area.

To prevent Obstruction to the Drainage of the Roads.

X. And be it further enacted, That in case any Ditch or Watercourse, in or upon the said Pieces or Parcels of Land belonging to the said Mayor, and Commonalty, and Citizens, shall be altered or diverted, so as to prevent or obstruct the Drainage of the Roads into or along the same, then the Drains from the Roads communicating therewith shall be forthwith lengthened or altered by, or at the Expence of, the said Mayor, and Commonalty, and Citizens, in such Manner as to give effectual Drainage to the said Roads, and to the Satisfaction of the Surveyor to the Trustees of the said Roads for the Time being.

Preserving Rights of the Trustees of the Roads.

XI. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give to or invest the said Mayor, Commonalty, and Citizens of *London*, or any other Person or Persons whomsoever, with any Right, Power, or Authority which may alter or interfere with or derogate from the Rights, Powers, Authorities, Regulations, Directions, and Provisions granted in and by the said recited Acts, passed in the Twenty-sixth and Forty-seventh Years of His present Majesty, or either of them, except such as are hereby expressly mentioned and declared.

Publick Act.

XII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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