



ANNO DECIMO TERTIO & DECIMO QUARTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. lxxxv.

An Act for repairing the Road leading from a certain Point in the *Kennington Road* in the Parish of *Saint Mary Lambeth* in the County of *Surrey* to *Highgate* in the County of *Sussex*, and thence to *Witchcross* in the same County, and several other Roads therein mentioned. [29th July 1850.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for more effectually amending the Road* 9 G. 4. c. 120. leading from the *Stones End* in *Blackman Street* in the Borough of *Southwark* in the County of *Surrey* to *Highgate* in the County of *Sussex*, and several other Roads therein mentioned, and for other Purposes relating thereto: And whereas another Act was passed in the last Session of Parliament, intituled *An Act to alter and amend an Act* 12 & 13 Vict. c. 47. passed in the Ninth Year of the Reign of His Majesty King *George the Fourth*, intituled “ *An Act for more effectually amending the Road* “ leading from the *Stones End* in *Blackman Street* in the Borough of “ *Southwark* in the County of *Surrey* to *Highgate* in the County of “ *Sussex*, and several other Roads therein mentioned, and for other “ Purposes

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“ *Purposes relating thereto:*” And whereas considerable Sums of Money are now due and owing on the Credit of the Tolls authorized to be taken by virtue of the said Acts, and such Sums cannot be paid off, or the Interest of the same discharged, nor can the several Roads herein-after mentioned be properly and effectually amended and repaired, unless further Powers are granted, and the Term of the said Acts continued, so far as relates to the Roads herein-after mentioned: And whereas it is expedient that the Provisions of the said recited Acts should be consolidated into One Act, and that certain of such Provisions should be amended; but the Purposes aforesaid 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 Queen’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and after the Commencement of this Act the said Acts severally herein-before recited shall be and the same are hereby repealed (except so far as the same repealed or altered any former Act or Acts), and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Acts repealed, and this Act to take effect.

Roads to which this Act is applicable.

II. And be it enacted, That this Act shall be put into execution for the Purpose of repairing, widening, and improving the Roads herein-after mentioned; (that is to say,) the Road from the Point next herein-after mentioned in the Road called or known as the *Kennington Road*, (that is to say,) from the North End of a certain House called or known as “*The Mansion House*” Public House, situate on the Western Side of the same Road, in the Parish of *Saint Mary Lambeth* in the County of *Surrey*, and thence through *Croydon*, *Godstone*, and *East Grinstead*, to *Highgate* in the County of *Sussex*, and thence to *Witchcross* in the same County; the Road from the said Road at or near the present Turnpike Gate at *Kennington Common*, through *Clapham*, *Tooting*, and *Mitcham*, to *Sutton* in the said County of *Surrey*; the Road from the Point next herein-after mentioned in the Road called or known as the *Wandsworth Road*, (that is to say,) from the Southern Side of the Piers or Abutments of a certain Arch or Viaduct by means of which the *London and South-western* Railway is carried over the said last-mentioned Road in the Parish of *Saint Mary Lambeth* in the County of *Surrey*, through *Wandsworth*, to the “*King’s Arms Inn*” in the Town of *Kingston-upon-Thames* in the said County of *Surrey*; the Road from the Point next herein-after mentioned in the Road called or known as the *South Lambeth Road*, (that is to say,) from the Southern Side of the Piers or Abutments of a certain Arch or Viaduct by means of which the said *London and South-western* Railway is carried over the said last-mentioned Road in the said Parish of *Saint Mary Lambeth*,

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*beth*, through *South Lambeth* and *Stockwell*, to the first-mentioned Road at or near *Brixton Causeway*; the Road from the Western End of the Road or Street called *Harleyford Street*, situate on the Eastern Side of *Kennington Oval* in the said Parish of *Saint Mary Lambeth*, and thence along *Harleyford Street* aforesaid, and across *Kennington Common*, to *Camberwell Green* in the said County of *Surrey*; the Road from the Point next herein-after mentioned in the Road called or known as the *Walworth Road*, (that is to say,) from the Southern Side of the Street called *Hanover Street*, situate on the Western Side of the said last-mentioned Road in the Parish of *Saint Mary Newington* in the said County of *Surrey*, and thence through *Walworth*, *Camberwell*, and *Peckham*, to the East End of *Peckham Lane* in the said County of *Surrey*; and the Road from *Camberwell Green* aforesaid to the *Fox Public House* at *Denmark Hill* in the said County of *Surrey*.

III. And be it enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies now due and owing or secured upon or made payable out of the Tolls authorized to be taken by virtue of the recited Acts hereby repealed, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be taken.

New Term  
and Tolls  
liable to for-  
mer Debts.

IV. And be it enacted, That all Arrears of Tolls or Rents or other Monies due to, and Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees acting under the said recited Acts hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such Trustees shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act.

Former  
Debts, &c.  
vested in new  
Trustees.

V. And be it enacted, That it shall be lawful for the Trustees for executing this Act to take possession of all and singular the Toll Houses, Toll Gates, and Toll Bars, and the Appurtenances thereto, on all or any of the Roads comprised in the recited Acts; and the said Trustees shall, within Three Months after the Commencement of this Act, take down, remove, and dispose of the Materials of all and singular the Toll Houses, Toll Gates, and Toll Bars, and the Appurtenances, in or upon any of the Roads which were comprised in the recited Acts, but are not comprised in this Act or in any other

Toll Houses,  
Toll Gates,  
&c. on Parts  
of Road  
comprised in  
recited Acts,  
but not in  
this Act, to  
be removed.

Turnpike

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Turnpike Road Act passed in the present Session of Parliament, and shall repair and amend any Damage to the said Roads caused by such Removal.

Appointment  
of Trustees.

VI. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said Counties of *Surrey* and *Sussex* respectively, together with *John Allnut, Thomas Allcock M.P., Spencer Ashlin, Edward Richards Adams, John Baker Baker, George Cuddington Bethune Clerk, Henry Bilke, Edward Bilke, James Bailey, John Bocket, Edward Burmester, Henry Butterworth, George Parker Bidder, James Bridger, John Bradbury, Henry Butler, Ambrose Boyson, John Courage, William Curling, William Cooper, Jesse Curling, William Miller Christy, Thomas Castle, James Coster, Charles Chatfield, James Cox, Joseph Dowson, Beriah Drew, George Drew, John Deacon, Frederick Owens Dickins, George Neale Driver, Thomas Dunnage, William Evans, Charles Evans, Joseph Ellis, Samuel Elyard, Robert Wells Eyles, Thomas Fleming, Samuel Fisher, Charles Francis, Thomas Farncomb, Henry Floud, Francis Fuller, Charles Few, John Farley, Thomas Farley, William Fossett, Robert Alexander Gray, Samuel George, Joseph Henry Goodhart, James Goding, William Gilpin, Robert Garrard, John Gray, Nicholas Gedye, William Haslam, John Owen Hart, John Nether-ton Hayward, Charles Nairne Hastie, George Head, William Hedger, James Hunt, Thomas Horne, Edward Harvey, James Eland Hobson, James Horne, Thomas Alers Hankey, William Mackintosh Hutton, George Smith Hayter, James Hill, William Hood Hemmans, Edward I'Anson, John Edward Johnson, Thomas Jones, Henry Kemble, Henry Garrett Key, James Kingdon, John Bicknell Langton, John Locke, James Leyton, John William Lidiard, George Lawdell, John Dorrien Magens, John Gilbert Meymott, Richard Mathews, Henry M'Kellar, William Mitcalfe, William Thomas Nixon, William Nottidge, William Steward Owens, James Courthorpe Peache, Thomas Bless Pugh, Thomas Penfold, David Riddall Roper, William Rogers, Lawrence Redhead, James Marmaduke Rossiter, William Shadbolt, James Henry Shears, John William Sutherland, John Stenning, Edward Stenning, Thomas Allen Shuter, Thomas Turner, Charles Hampden Turner, Edward Taylor, William Woodyer, William Woodbridge, Daniel Watney, Charles Webb, John Watney, Stephen Wilson, William Westall, Henry Walmisley, Edward Westall, James Watney, William Wood, James Forbes Young, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution, and it shall be necessary for Five at least of such Trustees to be present to constitute a Quorum and to act at a Meeting of Trustees.*

VII. And

*The Surrey and Sussex Roads Act, 1850.*

VII. And be it enacted, That when any of the Trustees (except the Justices of the Peace) hereby appointed, or to be appointed in manner herein-after mentioned, shall die, neglect, refuse, or decline to act, or shall cease to reside in either of the said Counties of *Surrey* or *Sussex*, or within One Mile of either of such Counties, the surviving or remaining Trustees may and they are hereby empowered and required from Time to Time to choose and appoint any other Person residing in either of the said Counties, or within One Mile of either of such Counties, in the Place of any such Trustees so dying, neglecting or refusing or declining to act, or ceasing to reside in either of the said Counties, or within One Mile of either of such Counties: Provided always, that Ten Days previous Notice of the Meeting for every such Election shall be given by publishing the same once in some Newspaper which shall be published in *London* at least Six Days in the Week, and by affixing a Copy of such Notice in Writing or in Print upon all the Toll Gates which shall be then standing upon the said Roads; and every such Trustee who shall be so appointed is hereby empowered to act in the Execution of this Act in such and the same Manner to all Intents and Purposes as if he had been named and appointed a Trustee in and by this Act.

Appoint-  
ment of new  
Trustees.

VIII. And be it enacted, That the said Trustees shall hold their First Meeting at the Sessions House at *Newington* in the said County of *Surrey*, or at some other convenient House or Place on or near the said Roads, on the Fourth *Saturday* next after the passing of this Act, or as soon after such Fourth *Saturday* as conveniently may be, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times, and at such Place or Places on or near to the said Roads, as the said Trustees shall think proper and appoint.

Meetings of  
Trustees.

IX. And be it enacted, That the said Trustees may appoint Committees, each Committee to consist of not less than Five, out of their own Number, to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General or Special Meeting; and the said Trustees may prescribe any Number not less than Three to be a Quorum at Meetings of any such Committee; and such Committees and their Officers may proceed and act according to such Appointment, Instructions, and Regulations.

Power to  
appoint  
Committees.

X. And be it enacted, That the several Roads by this Act authorized to be repaired shall be distinguished and known by the Name of "The *Surrey and Sussex Roads*," and the Trustees for executing this Act shall be styled "The Trustees of the *Surrey and Sussex Roads*."

Style of the  
Trust.

[*Local.*]

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XI. And

*The Surrey and Sussex Roads Act, 1850.*

Trustee,  
Clerk, or  
other Officer  
competent  
Witnesses in  
Actions.

XI. And be it enacted, That no Trustee, Clerk, or other Officer acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee, Clerk, or other Officer, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Toll Gates  
to be con-  
tinued until  
removed by  
Order of the  
Trustees.

XII. And be it enacted, That the several Toll Gates, Toll Bars, and Toll Houses now standing or being on the said Roads hereby authorized to be repaired, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees, subject to the Provisions herein-after contained, to order and cause to be erected and set up, in, upon, or across the said Roads or on the Sides thereof, any Turnpike, Toll Gate or Bar, and to remove the present or any future Turnpikes, Toll Gates or Bars, or any of them, as they shall think proper.

Tolls.

XIII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, at any Toll Gate continued on the said Roads hereby authorized to be repaired, or to be erected by virtue of this Act or any Act for regulating Turnpike Roads in *England*, such Tolls or Sums of Money as they shall think proper, not exceeding the following; (that is to say,)

For every Horse or Mule not drawing, the Sum of One Penny  
Halfpenny:

For every Ass not drawing, the Sum of One Penny:

For every Horse or other Beast drawing any Chaise, Curricule, Hearse, or other such like Carriage on Two Wheels only, by whatsoever Name the same may be called, the Sum of Three-pence:

For every Horse or other Beast drawing any Post Coach, Post Chaise, Coach, Chariot, Landau, Hearse, Chaise, Sociable, or other such like Carriage on more than Two Wheels, by whatsoever Name the same may be called, (not being any Stage Coach or other such like public Carriage for the Conveyance of Passengers,) the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Caravan, Van, Cart, Dray, Sledge, or other such like Carriage, by whatsoever Name the same may be called, drawn by One Horse or other Beast only, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Caravan, Van, Cart, Dray, Sledge, or other such like Carriage, by whatsoever Name the same may be called, drawn by Two or more Horses or other Beasts, the Sum of Two-pence:

For every Dog drawing any Cart or Vehicle, the Sum of One Penny:

For

*The Surrey and Sussex Roads Act, 1850.*

For every Carriage with Four or more Wheels, not drawn by any Horse or other Beast, but propelled or moved by Machinery, the Sum of Two Shillings :

For every Carriage with Three or a less Number of Wheels, not drawn by any Horse or Beast, but propelled or moved by Machinery, the Sum of One Shilling :

For Oxen or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number :

And for Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number.

XIV. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to demand or take, or cause to be demanded or taken, any Toll on the said Road herein-before described as commencing at "The *Mansion House*" Public House aforesaid, and passing thence through *Croydon*, *Godstone*, and *East Grinstead*, to *Highgate* in the County of *Sussex*, and thence to *Witchcross* in the same County, or on the said *Walworth Road* herein-before described, at any Toll Gate or at any Point on the said Roads which shall be situate as after mentioned ; (that is to say,) on the said first-mentioned Road at any Toll Gate or at any Point which shall be situate within the Distance of One Half Mile, to be measured along the said Road, from the Northern End of "The *Mansion House*" Public House aforesaid, or between the Northern End of the Town of *Croydon* and a Point Fifty Yards to the South of the Point of Junction at *Foxley Hatch* between the said Road and the *Reigate* Turnpike Road, or on the said *Walworth Road* at any Toll Gate or at any Point which shall be situate within the Distance of One Half Mile, to be measured along the said last-mentioned Road, from the Southern Side of *Hanover Street* aforesaid.

No Toll to be collected between certain Points.

XV. And be it enacted, That on all the said Roads, notwithstanding anything contained in any general Act relating to Turnpike Roads in *England*, One Half more than the Toll herein-before made payable for every Horse or other Beast drawing any Waggon, Caravan, Van, Cart, Dray, or other such like Carriage, by whatever Name the same may be called, shall be demanded and taken for every Horse or other Beast drawing any such Carriage having the Bottoms or Soles of any of the Wheels thereof of less Breadth than Four and a Half Inches ; and that One Fourth more than the said Toll herein-before made payable shall be demanded and taken for every Horse or other Beast drawing any Waggon, Caravan, Van, Cart, Dray, or other such like Carriage, by whatever Name the same may be called, having the Bottoms or Soles of the Wheels thereof of the Breadth of Four and a Half Inches, but of less Breadth than Six Inches ; and that for every Horse or other Beast drawing any Waggon, Caravan, Cart,

Additional Tolls in respect of narrow Wheels, and Wheels not having a flat Surface.

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Cart, Dray, or other such like Carriage, by whatever Name the same may be called, having the Bottoms or Soles of the Wheels thereof of the Breadth of Four and a Half Inches, or of any greater Breadth, but having the Tires thereof deviating in any respect whatsoever more than Half an Inch from a flat and level Surface, the same additional Toll shall be demanded and taken as is herein-before made payable for every Horse or other Beast drawing any such Carriage having the Bottoms or Soles of the Wheels thereof of less Breadth than Four and a Half Inches: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the levying of additional Toll for any Horse or other Beast drawing any Cart or such like Carriage, not having more than Two Wheels, when not drawn by more than One Horse or Two Oxen, or to alter any Provision in any general Act relating to Turnpike Roads in *England* which provides that Two Oxen or Neat Cattle shall be considered as One Horse with respect to Tolls or other Things.

Tolls on  
Stage  
Coaches.

XVI. And be it enacted, That it shall be lawful for the said Trustees to demand and take or cause to be demanded and taken the Sum of Two-pence for every Horse or other Beast drawing any Stage Coach, Omnibus, or other such like public Carriage for the Conveyance of Passengers, every Time the same shall pass along or upon the said Roads or any or either of them.

Tolls on Post  
Chaises.

XVII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the Tolls hereby granted, for and in respect of all Horses or other Beasts drawing any Post Coach, Post Chaise, or other such like Carriage, every Time the same shall pass along or upon the said Roads or any or either of them, in case of a fresh Hiring of such Post Coach, Post Chaise, or other such like Carriage.

Tolls on  
Hackney  
Coaches, &c.

XVIII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, for every Hackney Coach, Hackney Chariot, and Cabriolet, or other such like Carriage, passing through any Toll Gate erected or to be erected on the said Roads, the Sum or Toll of Three-pence for each Horse or other Beast drawing the same every Time the same shall pass through any Toll Gate, save and except when not hired, or save and except the Person or Persons hiring the same shall have already paid on the same Day (to be computed from Twelve of the Clock on one Night to Twelve of the Clock on the succeeding Night) in respect thereof such Toll as aforesaid, and shall produce a Ticket denoting such Payment; and every Collector of the said Toll shall, on Demand, deliver *gratis* to the Person or Persons aforesaid a Ticket denoting such Payment as aforesaid; and in case any such



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Collector shall refuse to deliver, or shall not, on Demand, deliver such Ticket, he shall be liable to forfeit and pay in every such Case any Sum not exceeding the Sum of Five Pounds nor less than Forty Shillings.

XIX. And be it enacted, That it shall be lawful for the said Trustees to order and direct the whole or any Part or Parts of so much of the said Roads by this Act authorized to be repaired as shall be within the Distance of Ten Miles, to be measured as herein-after mentioned, from the *Stones End* in *Blackman Street* in the Borough of *Southwark*, to be watered in such Manner, and at such Time or Times between the last Day of *February* and the First Day of *November* in every Year, as the said Trustees may think fit; and it shall also be lawful for the said Trustees, their Lessees, Collectors, and Receivers, to take, collect, levy, and receive, for every Horse or Mule, drawing or not drawing, the Sum of One Halfpenny, over and above and in addition to the other Tolls granted by this Act; and the said additional Toll shall be paid and payable between the Days or Times aforesaid, in such and the same Manner and as often as the other Tolls granted by this Act are made payable and directed to be paid, provided that such additional Tolls shall only be paid on those Parts of the said Roads which the said Trustees shall order and direct to be watered as aforesaid.

An additional Toll may be taken at certain Times for watering the Roads.

XX. And whereas great Injury may be done to the Roads included in this Act by reason of large Quantities of Chalk or Lime being carried and conveyed thereon: Be it therefore enacted, That nothing in this Act, or in any Act relating to Turnpike Roads in *England*, shall extend or be construed to extend to exempt any Horse or other Beast employed in carrying or conveying Chalk or Lime from the Payment of the Tolls imposed by this Act, except such Horse or other Beast shall be employed in carrying or conveying Lime to be used in improving Lands.

No Exemption from Toll for Chalk.

XXI. And be it enacted, That, except as by this Act is otherwise directed, it shall be lawful for every Horse or other Beast for which the Tolls hereby granted shall have been paid at any Toll Gate to pass and repass, either drawing or not drawing, on the same Day (to be computed as aforesaid), through the same Toll Gate, or any other of the said Toll Gates distant not exceeding Eight Miles from the Toll Gate at which such Toll shall previously have been paid, measured as herein-after mentioned, if such Toll Gate shall be situate on any Part of the Roads included in this Act North of the Town of *Croydon*, or distant not exceeding Six Miles from the Toll Gate at which such Toll shall previously have been paid, measured as herein-after mentioned, if such Toll Gate shall be situate on any Part of the said

Tolls payable but once a Day (except as otherwise directed).

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Roads South of the Town of *Croydon*, Toll-free, upon Production of a proper Ticket denoting such previous Payment: Provided always, that if from any Cause whatever any such Horse or other Beast shall at the Time of so passing or repassing as aforesaid be subject and liable to a higher Toll than the Toll previously paid, then it shall be lawful for the said Trustees to demand and take the Difference between the said last-mentioned Toll and such higher Toll.

After passing Eight Miles on the Road North of *Croydon* and Six Miles South of *Croydon* a fresh Toll to be payable.

XXII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, for every Horse or other Beast and Carriage for which Toll shall have been paid and payable at any Toll Gate, and which shall afterwards on the same Day, to be computed as aforesaid, pass through any other Toll Gate distant Eight Miles or upwards, as measured on the Roads included in this Act, from the Toll Gate at which the former Toll was paid, if such Toll Gate shall be situate on any Part of the Roads included in this Act North of the Town of *Croydon*, or distant Six Miles or upwards, as measured on the said Roads, from the Toll Gate at which the former Toll was paid, if such Toll Gate shall be situate on any Part of the said Roads South of the Town of *Croydon*, a further full Toll, as if no former Toll had been paid.

Power to reduce and increase Tolls.

XXIII. And be it enacted, That, notwithstanding anything contained in this Act, or in any general Act relating to Turnpike Roads in *England*, it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose (of which One Calendar Month's Notice shall be given in Writing or Print to be affixed on all the Turnpike Gates which shall be then erected upon such Roads, and by the Insertion of an Advertisement once in some Newspaper which shall be published in *London* at least Six Days in the Week), from Time to Time to lessen or reduce all or any or either of the Tolls granted by this Act, for and during such Time as the said Trustees shall think proper, and afterwards at any Meeting to be held as aforesaid (of which such Notice shall be given as aforesaid) from Time to Time, as and when they shall see Occasion, to advance all or any or either of the Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates or Sums by this Act granted; and it shall not be imperative upon the said Trustees to reduce or advance the said Tolls, or any or either of them, proportionably according to the Mode or Scale prescribed by an Act passed in the Third Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, but it shall be lawful for the said Trustees (subject as herein-after mentioned) to make any such Reduction or Advance so and in such Manner in all respects as they shall think fit and proper, anything in the

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the said last-mentioned Act or in any other Act to the contrary notwithstanding: Provided always, that whilst any Money borrowed or to be borrowed or now due and owing and charged upon the Tolls granted by this Act shall remain unpaid, no such Tolls shall be lessened or reduced as aforesaid without the Consent of the Person or Persons for the Time being entitled to Five Sixths of the Money so remaining unpaid.

XXIV. And be it enacted, That all the Tolls and other Monies raised by virtue of the recited Acts hereby repealed, and now in the Treasurer's Hands, and all the Tolls and other Monies to be received by the said Trustees by virtue of this Act, shall be applied as follows; (that is to say,) Application of Tolls.

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incidental thereto:

Secondly, in paying and discharging the Interest, at the Rate of Three Pounds Ten Shillings for the Hundred Pounds by the Year, and at no higher Rate, upon or in respect of the Principal Sums (other than and except such as may be hereafter borrowed) which may for the Time being be owing or secured on the Credit of the Tolls authorized to be taken by the said recited Acts hereby repealed, or by this Act:

Thirdly, in paying and discharging the Interest upon or in respect of any Principal Sums which may (with such Consent as hereinafter mentioned) be hereafter borrowed on the said Tolls:

Fourthly, in or towards paying off and discharging, in accordance with the Provisions herein-after contained, the Principal Sums (other than and except such as may be hereafter borrowed) for the Time being due or secured on the Credit of the said Tolls, by the annual Composition or Proportions herein-after directed:

Fifthly, in paying the Expenses of improving, maintaining, and keeping in repair the said Roads, and putting this Act into execution with reference thereto:

Sixthly, in reducing, paying off, and discharging the several Principal Sums which have been borrowed or may hereafter be borrowed on the Credit of the Tolls authorized to be taken by the said recited Acts hereby repealed, or by this Act.

XXV. And be it enacted, That it shall not be lawful for the said Trustees to borrow any Sum or Sums of Money on the Credit of the Tolls collected and received by virtue of this Act, or on any other Security, or to make any Mortgage or give any Security for Arrears of Interest, Purchase Money of Land, or other Monies owing, without the Consent in Writing of One of Her Majesty's Principal Secretaries of State first obtained: Provided nevertheless, that a Recital or Statement of such Consent which shall be inserted in any Mortgage for securing Money not to be borrowed on Credit of Tolls or on Mortgage without Consent of Secretary of State.

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securing any Money so borrowed shall, so far as respects any Person claiming under such Mortgage or any Transfer thereof, be sufficient Evidence of such Consent; and in case any such Trustees shall make any such Mortgage with such Recital or Statement therein, without having first obtained such Consent, the Trustees executing such Mortgage shall be jointly and severally liable to indemnify the Tolls or other Monies out of which the Monies secured by such Mortgage shall be paid; and it shall be lawful for the Treasurer of such Road to sue for and recover such Money so paid, by Action of Debt in any of Her Majesty's Courts of Record, with full Costs of Suit, to be taxed as between Attorney and Client.

For paying off a certain Sum yearly as a Composition for certain Securities on the Tolls.

XXVI. And be it enacted, That it shall be lawful for the said Trustees and they are hereby required to reserve and set apart Twelve Pounds Ten Shillings *per Centum* at least yearly of the Monies and Tolls collected and received by virtue of this Act which shall remain after paying and discharging the Expenses of obtaining and passing this Act or incidental thereto, and to apply the Sum so set apart in or towards Satisfaction of the Monies (except such as may be hereafter borrowed) from Time to Time remaining due on the Security of the said Tolls, in manner following; (that is to say,) that the said Trustees shall, Twenty-one Days at least before the annual General Meeting in each Year, cause public Notice to be given Three Times or oftener in some One or more Newspaper or Newspapers which shall be published in *London* at least Six Days in the Week, that a Composition or Compositions to an Amount to be specified in the Notice, not exceeding the Sum for the Time being reserved and set apart, will be paid to such Creditor or Creditors on the said Tolls as shall be willing to accept the smallest Composition for or for any Portion of his, her, or their Security or Securities, and that such Creditors are required to transmit Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor or Creditors will accept and take for each and every or any Security of which he, she, or they may be possessed, or for any Portion thereof; which said Proposals shall, as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient, be publicly opened by the Clerk to the Trustees at the said Meeting, and the Creditor or Creditors whose Proposal or Proposals shall specify the Rate *per Centum*, not being greater than the full Amount due, which shall in the Judgment of the said Trustees render it most advantageous that the Security in respect of which such Proposal or Proposals shall be made should be paid, shall have the Preference, and be paid by the Treasurer of the said Trustees, at the Expiration of Six Calendar Months next after such Meeting, or sooner if such Creditor or Creditors shall be willing to accept the same, such Sum

or

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or Sums of Money as he, she, or they may have proposed to accept (if the Amount proposed to be accepted shall not exceed the Sum for the Time being reserved and set apart, or otherwise such Portion of the same Amount as the Sum reserved and set apart shall extend to satisfy); and if Two or more of the said Creditors shall deliver in Proposals for accepting a Composition for any such Security or Securities, or for any Portion of any such Security, at a Rate *per Centum* which shall in the Judgment of the said Trustees be equally advantageous to the Interests of the said Trust, and the Sum reserved and set apart shall not be sufficient to satisfy the whole of the Compositions so proposed to be taken, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk of the said Trustees, to which of the said Creditors Preference shall be given in Payment of such Composition or Compositions, and the Creditor or Creditors having the casting Lot shall be paid, at the Time and in Manner herein-before mentioned, his, her, or their Composition or Compositions, or such Part of the same as the Sum reserved and set apart shall extend to satisfy, and the Money paid shall go and be in or towards Satisfaction of the Security or Securities according to the Rate of Composition mentioned in the Proposal or Proposals in respect thereof; but if at any annual General Meeting there shall not be any Proposals delivered in by any of the Creditors for accepting any such Composition or Compositions, or if the Proposal or Proposals delivered in shall not exhaust the Sum for the Time being reserved and set apart, then and in any of such Cases, but not otherwise, the said Trustees shall and may and they are hereby required at such annual General Meeting to cause the Numbers of all the Securities for the Time being unsatisfied, and in respect of which no Proposal for accepting a Composition shall have been delivered in at such Meeting, with the several Sums for which they were given, to be separately set down in Writing, and put together into a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Numbers of so many of the said Securities as shall be equal as nearly as may be in Amount to the Sum reserved and set apart as aforesaid, or to so much of the same Sum as shall not be exhausted by the Payment of any Composition or Compositions the Proposal or Proposals for which shall have been delivered to such Meeting; and immediately after such Meeting the Clerk to the said Trustees shall transmit by Post to the respective Creditor or Creditors entitled to the Security or Securities the Numbers of which shall be drawn, addressed to him, her, or them by such Address as shall be last known to the said Trustees, a Notice in Writing of the Amount intended to be paid by the said Trustees in or towards Satisfaction of such Security or Securities, and that the same will be payable at the Expiration of Six Calendar Months from the Date of the Notice at some Office in or near *London*, to be specified

[*Local.*]

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in

*The Surrey and Sussex Roads Act, 1850.*

in the Notice, and the Trustees shall cause their Treasurer or other Officer to attend at the Office or Place and at the Time specified in such Notice, and to pay the Amount specified therein to the Person or Persons entitled to and applying for the same, with all Interest due on the Security in respect of which the same shall be paid; and if Default shall be made in such Payment by reason of Neglect to apply for the same on the Part of the Person or Persons entitled thereto, Interest shall nevertheless thenceforth cease on the Amount of the Security or Securities which would have been paid off; but the Person or Persons for the Time being entitled to the Security shall be entitled, on Application afterwards to the Treasurer of the said Trustees, to be paid the Amount of the Principal Money which on Application, in pursuance of such Notice as aforesaid, would have been paid off: Provided always, that if the Amount due on any Security of which the Number shall be drawn as aforesaid shall exceed the Sum for the Time being reserved and set apart as aforesaid, or shall exceed such Part of the same Sum as shall remain after Payment of any Security which shall previously have been drawn out, then the said Trustees shall pay or cause to be paid to the Person or Persons entitled to the Security so exceeding the Sum reserved and set apart, or so exceeding the Remainder thereof as aforesaid, such Portion of the said Amount due on such Security as the Sum reserved and set apart or such Remainder thereof will extend to satisfy: Provided also, that no Creditor on the said Tolls shall be obliged to receive, nor shall the Trustees be entitled to pay to any Creditor, unless with Consent of such Creditor, a less Sum than One hundred Pounds in part of his or her Security, unless such less Sum will satisfy the same Security, nor shall any Creditor be obliged to receive, nor shall the Trustees be entitled to pay to any Creditor, unless with Consent of such Creditor, any Sum in part of his or her Security which shall leave a less Sum than One hundred Pounds due on such Security: Provided further, that if and whenever by reason of the Provision last aforesaid, or for any other Cause, any of the Monies so to be reserved and set apart as aforesaid shall not for the Time being be applicable to the Payment of any of the Securities in pursuance of the Provisions aforesaid, it shall be lawful for the said Trustees to permit the same to remain in the Hands of their Treasurer, or, if they shall think fit, to invest the same in Exchequer Bills on account of the said Trustees, and to add thereto any Interest received on account thereof.

So long as  
Interest paid  
upon Mort-  
gage Debt  
Mortgagees  
not to enter  
into pos-

XXVII. And be it enacted, That whenever and so long as Interest after the Rate of Three Pounds and Ten Shillings for every One hundred Pounds by the Year shall be paid upon the Mortgage Debt, within Three Months after such Interest shall have become due, and a Demand in Writing for Payment of the same shall have been given  
to

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to the Clerk of the said Trustees, or left for him at his Place of Abode or Business, no Holder of a Mortgage of the Tolls collected and received upon the Roads included in this Act shall be entitled to enter into or take possession of all or any of the Toll Gates, Toll Bars, Chains, Toll Houses, or Buildings upon the said Roads, or to collect, levy, have, or receive all or any of the Tolls by this Act granted, anything in this Act, or any Law or Statute in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

session of  
Toll Gates,  
&c.

XXVIII. And be it enacted, That all new or complete Main Pipe or Pipes (not being Service Pipes fitted to any House or Building) for the Conveyance of Water or inflammable Air or Gas, which after the passing of this Act shall be laid down beneath the Surface of the Roads by this Act authorized to be repaired, by or on account of any Water or Gaslight Company, and whether such new or complete Main Pipe or Pipes shall or shall not be substituted for or added to any other complete Main Pipe or Pipes theretofore laid down for the Conveyance of Water or inflammable Air or Gas, shall consist and be made of Iron or of such other Material as the said Trustees for the Time being shall order or approve, and of no other Material, and the Ground, Soil, or Pavement of or in any of the Roads by this Act authorized to be repaired, or of any Part thereof, shall not at any Time be broken or taken up for the Purpose of laying down, altering, or repairing any such Main Pipe or Pipes between the Twenty-ninth Day of *September* in any Year and the Twenty-fifth Day of *March* in the following Year, without the Consent in Writing of the said Trustees or any Five or more of them; and if any Water or Gaslight Company, or any other Person acting by or under their Authority, shall break or take up, or cause to be broken or taken up, any such Ground, Soil, or Pavement, for the Purpose aforesaid, without such Consent as aforesaid, or shall lay or cause to be laid down any Main Pipe or Pipes consisting or made of any Materials other than Iron, or other than such as the said Trustees shall order or approve as aforesaid, then and in every such Case the Company or other Person so offending shall forfeit and pay to the said Trustees the Sum of Twenty Pounds for every Square Foot of Ground, Soil, or Pavement, to be measured upon the Surface thereof, which shall be so broken or taken up by them or on their Authority, and the like Sum for every Foot in Length of Pipe which shall be so laid down consisting or made of any Material other than as aforesaid.

Mains of  
Water and  
Gas Pipes,  
&c. to be  
made of Iron,  
or otherwise  
as the Trus-  
tees shall  
approve, and  
not to be  
laid down  
without  
Consent of  
Trustees.

XXIX. And be it enacted, That after such Consent as aforesaid it shall not be lawful for any Water or Gaslight Company, or any other Person as aforesaid, to break, take up, or disturb, or cause to be broken, taken up, or disturbed, any such Ground, Soil, or Pavement, for the Purpose of laying down or repairing any Main Pipe or Pipes

Notice to  
be given of  
breaking up  
Roads.

(except

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(except Service Pipes as aforesaid), or of altering the Position of any such Main Pipe or Pipes (except as aforesaid), unless Notice in Writing of the Intention to break or take up such Ground, Soil, or Pavement, signed by the Clerk or Inspector or Surveyor to such Company, or by such other Person as aforesaid, specifying the Road and particular Part of such Road in which such Ground, Soil, or Pavement is intended to be broken or taken up, shall have been given to the Clerk or Surveyor of the said Trustees, or left for him at his Dwelling House or Office, for the Space of Twelve Hours at the least before such Ground, Soil, or Pavement, or any Part thereof, shall be so broken or taken up (except in case of sudden Emergency, in which such Notice as aforesaid shall be given to such Clerk or Surveyor immediately after such Ground, Soil, or Pavement, or any Part thereof, shall be broken or taken up); and if the said Company, or any Person or Persons acting by or under their Authority, shall break, take up, or disturb, or cause to be broken, taken up, or disturbed, any such Ground, Soil, or Pavement, without such Notice being given or left as aforesaid (except as aforesaid), then and in every such Case the Company or other Person so offending shall forfeit and pay to the said Trustees the Sum of Twenty Pounds for every Square Foot of Ground, Soil, or Pavement, to be measured upon the Surface thereof, which shall be so broken or taken up without such Notice as aforesaid.

Companies,  
&c. to rein-  
state Roads  
to the Satis-  
faction of  
Trustees.

XXX. And be it enacted, That whenever and so often as any such Company or Persons as aforesaid shall have lawfully broken or taken up or removed any such Ground, Soil, or Pavement, such Company or Persons shall and they are hereby required, as soon as practicable, to reinstate and make good, under the Superintendence and to the Satisfaction of the said Trustees or their Surveyor, such Ground, Soil, or Pavement, in as good sound State or Condition as the same was or were in at the Time of being so broken or taken up, and such Company or Persons shall carry away or cause to be moved all the old Pipes and Materials, and all surplus Earths, Filth, and Rubbish occasioned thereby, at their own Costs and Charges; and during the Period of constructing Works of the said Company or Persons, and of reinstating such Ground or Soil as aforesaid, such Company or Persons shall, at their own Costs, provide proper Watchmen, with good and sufficient Lights at Night, and otherwise secure and guard the said Works so as to prevent any Injury, Damage, or Inconvenience happening to Passengers, Cattle, or Carriages; and in case such Company or Persons shall neglect and make default in making good and reinstating such Ground, Soil, or Pavement as aforesaid, within Twenty-four Hours next after Notice given to or left for such Company or Persons at their Office or House, it shall be lawful for the said Trustees to reinstate and make good the same, and



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and the Charges and Expenses thereof shall be reimbursed and repaid by such Company or Persons, or their Treasurer, to the said Trustees or their Treasurer; and in default of Payment thereof within Ten Days next after Demand thereof in Writing to be given or left as aforesaid shall have been made by the Clerk to the said Trustees (Proof of such Demand being made by the Oath of One credible Witness before any Justice of the Peace for the County in which such Works shall be situate), such Charges and Expenses shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Company or Persons or Commissioners, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, and which Warrant such Justice is hereby empowered and required to grant; and such Charges and Expenses shall be paid to the said Trustees or their Treasurer; and in case such Company or Persons or Commissioners shall neglect to provide proper Watchmen, with good and sufficient Lights at Night, and otherwise secure and guard the said Works as aforesaid, such Company or Persons or Commissioners shall for every such Neglect forfeit and pay to the said Trustees any Sum not exceeding Five Pounds.

XXXI. And be it enacted, That such Main Pipe or Pipes for the Conveyance of Water or inflammable Air or Gas shall be laid Twelve Inches at least below the Surface of the Ground, to be measured from the upper Side of such Mains or Pipes, and such Main Pipe or Pipes shall be laid on the Sides of the said Roads, and as near to the Footpaths as conveniently may be (or in or under the Footpaths, if the said Trustees shall think proper, and shall so direct), unless in Cases where the Intervention of a Common Sewer or other unavoidable Hindrance or Obstruction shall make a Deviation absolutely necessary for the Purpose of carrying any Main or Pipes across the said Roads; for the Purposes of Communication from one Main Pipe to another; and that no Pipe or Pipes shall be so laid down under the said Roads as in any Manner to prevent the draining of Water off the said Roads.

Pipes to be laid on Sides of Roads, and no Pipes to be laid which shall prevent the draining the Water off the Roads.

XXXII. And be it enacted, That when and so often as it shall appear to the said Trustees that any Main or Mains, Pipe or Pipes, Stopcock, Plug, or other Thing belonging to any Water or Gaslight Company, beneath the Surface of the said Roads or any Part thereof, shall be broken or damaged or in want of Repair or Alteration, it shall be lawful for the said Trustees to cause Notice to be given, in Writing signed by their Clerk, to the Company to whom such Main, Pipe, Stopcock, Plug, or other Thing shall or may belong, by either giving such Notice to a Clerk or Secretary or to a Turncock of such Company, or to some or one of them, or by leaving the same at the

Trustees may require Repair of Pipes, &c.

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Place or Places of Abode of some or one of them, or at the Office or Counting-house of such Company, requiring that such Mains, Pipes, Stopcock, Plug, or other Thing be forthwith repaired, altered, amended, or renewed by such Company; and that within Forty-eight Hours after such Notice shall be so given or left the said Company to or for whom, or to or for whose Officer or Servant, such Notice shall have been given or left as aforesaid, shall cause to be taken up the Ground or Soil beneath which the Main, Pipe, Stopcock, Plug, or defective Thing shall be, and shall cause the Ground to be opened, and also cause the said Main, Pipe, Stopcock, Plug, or other Thing to be substantially repaired, altered, amended, or renewed, and the Ground or Soil properly filled in with hard Rubbish or other good Materials, and rammed down and reinstated, within Forty-eight Hours next after such Notice shall be given or left as aforesaid, or with all convenient Expedition, in the Judgment of the said Trustees, and to their Satisfaction; and also, within Forty-eight Hours after such Main, Pipe, Stopcock, Plug, or other Thing shall be so substantially repaired, altered, amended, or renewed, and the Ground or Soil above the same shall be so filled in and rammed down and reinstated, the said Company shall cause Notice thereof to be given to the said Trustees that such Reparation, Alteration, Amendment, or Renewal has been made, and that the Ground or Soil has been refilled, rammed down, and reinstated in the Manner directed by this Act; and in case the said Water or Gas Company to or for whom such Notice shall have been given or left as aforesaid, and to whom such Main, Pipe, Stopcock, Plug, or other Thing referred to in such Notice shall belong, shall neglect to cause the same to be repaired, altered, or amended, or renewed, as the Case may be, and the Ground, Soil, or Pavement to be filled in and rammed down and reinstated to the Satisfaction of the said Trustees, in manner and within the Time aforesaid, or shall neglect to give or cause to be given Notice thereof as aforesaid, then the said Company shall for every such Neglect or Offence forfeit and pay to the said Trustees any Sum not exceeding Ten Pounds nor less than Forty Shillings.

For regu-  
lating Stand-  
cocks during  
Frost.

XXXIII. And be it enacted, That no Water Company or any Person or Persons whose Mains or Pipes shall be laid beneath the Surface of the said Roads or any of them, or any Part thereof, shall place or set up, or cause or suffer to be placed or set up, any Standcock or Pump, or other Instrument, Machine, or Thing for the Supply of Water in Times of Frost or otherwise, in the said Roads or any of them, or any Part thereof, which shall be furnished with any other than a Metal Cock and Spout, to be to the Satisfaction of the said Trustees or their Surveyor; and any Water Company or other Person or Persons who shall set up or cause or suffer to be set up any Standcock, Pump, or other Instrument, Machine, or Thing furnished with

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with any other than a Metal Cock and Spout, and which shall not be to the Satisfaction of the said Trustees or their Surveyor, shall forfeit and pay to the said Trustees for every such Offence the Sum of Twenty Shillings.

XXXIV. And be it enacted, That in case any Water or Gaslight Company at any Time or Times shall neglect to take up the Ground or Soil in the said Roads or any of them, or any Part thereof, or to substantially repair, alter, amend, or renew any Main, Pipe, Plug, Stopcock, or other Thing, (as the Case may be,) according to the Direction of this Act, or to give the Notices required by this Act, or to remove or take away any Pipes or other Materials or Things from the said Roads, or to collect and carry away or remove the old Pipes and Materials, and all Dirt, surplus Gravel, Filth, Rubbish, and other Things from the said Roads, and continue all necessary Posts, Rails, Bars, or Ropes, Lanterns, Watchmen, or to do and execute all and every such Works and Things, and all or any such other Works and Things directed and required by this Act to be done and executed by any such Company, in manner and within the Times and Periods directed by this Act, then and in every or any of such Cases, and at all Times afterwards, it shall and may be lawful to and for the said Trustees and their Surveyor, and they and he are and is hereby empowered and required, forthwith to cause all and every such several Works, Matters, and Things which shall not be executed and performed by every such Company, or which shall not be well, substantially, and effectually executed and performed to the Satisfaction of the said Trustees, to be well and effectually performed, to the Satisfaction of the said Trustees, at the Costs and Charges of such Company who shall have so neglected well, substantially, and effectually to perform and execute the same and every of them, and every Part thereof; and that such Costs and Charges and every of them shall be reimbursed and paid by any and every such Company to the said Trustees or their Treasurer, or to such Person or Persons as they shall appoint to receive the same; and the Amount of such Costs and Charges, and of the Monies so to be paid, shall be recovered and levied (over and above all and every the Penalties and Forfeitures which may be incurred for any Neglect by virtue of this Act) in the same Manner as Penalties and Forfeitures by this Act imposed are directed to be recovered, levied, and applied.

Works neglected by Companies, &c. may be executed by Trustees.

XXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to impose any Penalty upon, or to alter or abridge any of the Rights, Powers, or Privileges vested in the Company of Proprietors of *Lambeth Waterworks*, or in any Manner to alter or interfere with any of the Provisions of "The Waterworks Clauses Act, 1847," or of

Nothing to interfere with *Lambeth Waterworks*, or Provisions of 10 & 11 Vict. cc.15 & 17. as incorpo-

"The

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rated with  
any special  
Act.

“The Gasworks Clauses Act, 1847,” which may have been or may hereafter be incorporated with any special Act relating to any Water or Gaslight Company.

Footpaths  
deemed Part  
of Roads.

XXXVI. And be it enacted, That all and every the Footpaths on the Sides of and adjoining the said Roads by this Act authorized to be repaired and maintained shall be and the same are hereby declared to be subject to the Regulations of this Act, and shall be repaired and amended by the said Trustees by such Ways and Means and in such Manner as the said Roads are and shall be repaired and maintained.

For remov-  
ing and regu-  
lating Signs,  
Stalls, &c.

XXXVII. And be it enacted, That the said Trustees shall and may, at any Time or from Time to Time, cause Notice to be given to the respective Owners or Proprietors, Feoffees, Trustees, Lessees, Tenants, or Occupiers of the several Houses, Shops, Warehouses, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, or Hereditaments on the Sides of the said Footpaths or of the said Roads, to take down, fill up, remove, alter, or regulate all Signs or other Emblems used to denote Trade, Occupation, or Calling of any Person or Persons, and all Signs and Sign Irons, Bow Windows and projecting Windows, Showboards, Window Shutters, Flaps, Water-spouts, Doors projecting over or upon any Part of the said Footpaths or Sides of the said Roads, and also outer Doors opening on and Steps projecting into the Footways, and all Doors and Steps leading down out of the Footways into any Cellars, Vaults, and other Places belonging to any Buildings, Shop, Warehouse, or Tenement, and other Annoyance whatsoever on the said Footpaths or Sides of the said Roads, and to cause all Signs and other Emblems as aforesaid, or such Parts thereof as the said Trustees shall think fit, to be affixed and placed on the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto the same respectively belonged or were before affixed, and not otherwise; and in case the Owners or Proprietors, Feoffees, Trustees, Lessees, Tenants, or Occupiers, shall refuse or neglect to do as before directed for the Space of Thirty Days next after such Notice shall be given to him, her, or them respectively (which Notice shall be given in Writing or Print, and signed by the said Trustees or 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, Lessee, Tenant, or Occupier respectively), it shall be lawful for the said Trustees to cause such Signs or other Emblems, and other Matters and Things herein-before mentioned, and all other 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 their respective Owners, or to be left on the Spot,

In case any  
Owners, &c.  
neglect to  
remove the  
same, Trus-  
tees may do  
it, and charge  
the Expenses.

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Spot, or as near as conveniently may be, for such Owner or Owners, so much of such Signs or other Projections or Annoyances whatsoever as shall not be affixed or put up or otherwise made use of in the Alterations, and the Charges and Expenses attending the same shall be reimbursed to the said Trustees, 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 Five Days after Demand made thereof by Notice in Writing or Print, under the Hand of the said Surveyor, Clerk, or other Person appointed by the said Trustees, 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 One or more Justice or Justices of the Peace for the County in which such Houses or Premises shall be situate, which Warrant the said Justice or Justices is and are hereby authorized and empowered to grant, upon 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 Expenses attending the same, to the Owner or Owners of such Goods or Chattels, on Demand.

XXXVIII. Provided always, and be it enacted, That where any House, Shop, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or Hereditaments shall be let or demised to more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the actual Tenant or Tenants, Occupier or Occupiers, for the Purposes of this Act, and the said Charges shall be levied by Distress and Sale of all or any of the Goods and Chattels in such respective Premises.

Any One  
Tenant liable  
for such  
Expenses.

XXXIX. And be it enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of such House, Shop, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or other Hereditament, before such Charges shall be paid by him, her, or them, or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to defray such Charges, or if it shall happen that any of the said Premises shall be untenanted, then and in every such Case such Houses, Shops, Warehouses, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, and Hereditaments shall be and the same are hereby made a Security for and chargeable with all such Charges and Expenses, and the same shall be levied by Distress and Sale (by Warrant as aforesaid) of any Goods and Chattels which shall afterwards be found in or upon the said

For Recovery  
of such Ex-  
penses in case  
of Removal  
of Tenants,  
&c.

[Local.]

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respective

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Remedy for  
Tenants.

respective Premises, or of the Goods and Chattels of the Owner or Proprietor, Feoffee or Trustee thereof, in case such Owner or Proprietor, Feoffee or Trustee, shall neglect or refuse to pay the same for the Space of Five Days next after the same shall be demanded of him, her, or them, by Notice in Writing or in Print, signed by the said Surveyor or Clerk or other Person, to be delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Proprietor, Feoffee or Trustee; and all such Charges shall be levied in like Manner, by Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, City, Town, or Place where such Owner or Proprietor, Feoffee or Trustee, shall reside, or where such Goods and Chattels shall be found; and it shall be lawful for any Tenant or Occupier who shall have performed any of the Works, Matters, or Things in manner as directed by this Act, or who shall have paid and reimbursed to the said Trustees the Expenses of doing the same, or on whom any such Expenses shall have been levied, to deduct out of his or her Rent the Charges and Expenses which such Tenant or Occupier shall pay, or which shall have been levied upon him or her on any of the Accounts aforesaid; and the Owner or Proprietor, Feoffee or Trustee of such Premises, is hereby required to allow such Deductions and Payments, upon the Receipt of the Residue of his or her Rent; and in case any Tenant or Occupier shall pay or have levied upon him or her more Money, on account of anything done by virtue of this Act, than shall be due from him or her for the Rent of his or her House, Shop, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall and may be levied on the Owner or Proprietor, Feoffee or Trustee of such respective Premises, by Distress and Sale of the Goods and Chattels of such Owner or Proprietor, Feoffee or Trustee, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices for the County, City, Town, or Place where such Goods or Chattels shall be found, such Owner or Proprietor, Feoffee or Trustee, having refused or neglected to pay the same for the Space of Five Days after Demand made thereof by such Tenant or Occupier, his or her Attorney or Agent: Provided also, that nothing in this Act contained shall prevent the said Trustees, at their Discretion, if they shall think fit so to do, from making any Allowance, or paying Part of the Expenses incurred by the Proprietors, Tenants, or Occupiers of any such House or Building in removing any of the Obstructions, Nuisances, or Annoyances as aforesaid, in such Cases where the said Proprietors, Tenants, or Occupiers shall or may be materially injured by such Removal, and whereby such Cases may be particularly entitled to some Compensation.

XL. And

*The Surrey and Sussex Roads Act, 1850.*

XL. And be it enacted, That if any Person or Persons shall erect or set up, or cause or procure to be erected or set up, any Shed or Awning, or any Kind of Erection or Projection, upon or over any of the Footpaths belonging to the said Roads, or any other Parts of the said Roads, or shall in any other Manner obstruct or impede the free Passage of any of the said Roads or Footpaths, or shall put or place or cause or suffer to be put or placed any Furniture, Goods, Materials, or other Things on the said Roads or Footpaths, or any Part thereof, such Person or Persons shall forfeit and pay a Penalty or Sum of not less than Two Shillings and Sixpence nor more than Ten Shillings; and it shall be lawful for the said Trustees or their Surveyor to cause any such Shed, Awning, Erection, Projection, Obstruction, Furniture, Goods, Materials, or other Things to be removed or taken or carried away, deposited and kept in such Place or Places as the said Trustees or their Surveyor shall direct or appoint, there to remain and be kept until the Owner or Owners, Offender or Offenders, shall have paid such Penalty or Fine, and discharged all Costs, Charges, and Expenses attending the Imposition of such Penalty or Fine, and such removing, carrying away, depositing, and keeping as aforesaid, such Costs, Charges, and Expenses being first settled and ascertained by any Justice of the Peace for the County within which such Offence shall have been committed; and in case such Penalty, Fine, Costs, Charges, and Expenses shall not be paid within Five Days next after the same shall have been so settled and ascertained, then such Shed, Awning, Erection, Projection, Furniture, Goods, Materials, and Things shall be sold by the said Trustees or their Surveyor; and after defraying the Expenses of such Sale, and deducting such Penalty or Fine, Costs, Charges, and Expenses as aforesaid, the Surplus (if any) of the Proceeds of such Sale shall be returned, upon Demand, to such Owner or Owners, Offender or Offenders; and in case the Proceeds of such Sale shall not be sufficient for the Purposes aforesaid the Deficiency shall be recoverable as such Justice shall direct.

To prevent  
Persons  
setting up  
Sheds on  
Footpaths,  
&c.

XLI. And be it enacted, That if any Person or Persons shall erect, build, or set up, or cause or procure to be erected, built, or set up, any Inclosure, Post, Bar, or Rail, or lay or deposit any Bricks, Lime, Timber, or other Matter, Materials, or Thing in or upon any Part of the said Roads or Footpaths, without the Consent of the said Trustees in Writing first had and obtained, or beyond such Bounds or Limits as shall be expressed in such Consent, or without such Inclosure, or continue the same beyond the Time directed or allowed by the said Trustees, it shall be lawful for the said Trustees or their Surveyor, in any or either of the said Cases, to cause the same to be removed, taken, and carried away, and deposited in such Place or

No Inclo-  
sures to be  
made or  
Materials for  
building laid  
on the Roads  
without Con-  
sent of the  
Trustees.

Places

*The Surrey and Sussex Roads Act, 1850.*

Places as the said Trustees shall direct or appoint, there to remain and be kept until the Owner or Owners, Offender or Offenders, shall have paid and discharged all Costs, Charges, and Expenses attending the removing and taking away, depositing, and keeping the same as aforesaid, such Costs, Charges, and Expenses being first settled and ascertained by any One Justice of the Peace for the County in which such Offence shall have been committed; and in case the said Owner or Owners, Offender or Offenders, shall neglect or omit to pay such Costs, Charges, and Expenses within Five Days after the same shall have been so settled and ascertained, it shall be lawful for the said Trustees or their Surveyor to sell all such Materials, Matters, and Things, and reimburse themselves and himself such Costs, Charges, and Expenses as aforesaid, and of such Sale or Sales, rendering the Overplus (if any) to such Owner or Owners, Offender or Offenders, on Demand.

Trustees  
may appoint  
Stands for  
Hackney  
Coaches, &c.

XLII. And be it enacted, That the said Trustees may from Time to Time, if they think fit, but not otherwise, order and direct the Place and Places for the standing and plying of all Hackney Coaches, Hackney Chariots, Cabriolets, and other such like Carriages on the several Roads hereby authorized and directed to be repaired, and may from Time to Time, and as often as to them shall seem fit, alter, vary, or extend such Place and Places or any of them, and may direct such other Place or Places, as to them shall seem fit, to be used in lieu thereof or in addition thereto; and no Hackney Coach, Hackney Chariot, Cabriolet, or other such like Carriage shall stand or ply in any other Place or Places on the said Roads for Hire than shall be directed by the said Trustees, unless pursuant to the Direction of the Commissioners of Police, or other competent Authority legally authorized in that Behalf; and if any Driver of any Hackney Coach, Hackney Chariot, Cabriolet, or other such like Carriage shall put or place his Coach, Chariot, Cabriolet, or other such like Carriage, or shall ply therewith for Hire, in or upon any other Place or Places on the said Roads than shall be ordered and directed by the said Trustees for that Purpose, except as aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

For regulat-  
ing the  
Height of  
loaded Wag-  
gons, Cara-  
vans, &c.

XLIII. And be it enacted, That no Waggon, Caravan, Van, Cart, or other such Carriage which shall travel upon or use the Roads by this Act authorized to be repaired, or any of them, shall carry any Load or Loading which shall exceed the Height of Fourteen Feet from the Ground; and if any Person or Persons, being the Owner or Owners of any such Waggon, Caravan, Van, Cart, or Carriage, shall infringe the Provision herein-before contained, he or they shall for



*The Surrey and Sussex Roads Act, 1850.*

every such Offence forfeit and pay to the said Trustees any Sum not exceeding Five Pounds; and every Driver of any such Waggon, Caravan, Cart, or other Carriage shall forfeit and pay to the said Trustees any Sum not exceeding Forty Shillings.

XLIV. Provided always, and be it enacted, That nothing herein contained shall alter, take away, or abridge, or be construed to alter, take away, or abridge, any of the Rights, Powers, Privileges, or Authorities vested in the Commissioners of Sewers for the Limits extending from *East Moulsey* in *Surrey* to *Ravensbourne* in *Kent*, but all such Rights, Powers, Privileges, and Authorities shall be as good, valid, and effectual, to all Intents and Purposes, as if this Act had not been made.

Saving the Rights of the Commissioners of Sewers.

XLV. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Roads not exempt from Provisions of future general Acts.

XLVI. And be it enacted, That this Act shall commence on the Fourth *Saturday* next after the passing thereof, and shall continue in force for the Term of Eleven Years, and from thence to the End of the Session of Parliament which shall next follow.

Commencement and Term of Act.

XLVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Construction of Terms.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporations:

Words importing the Masculine Gender shall include Females:

The Expression "the Trustees" shall be understood to mean the Trustees from Time to Time acting in the Execution of this Act:

The Expression "Toll Gate" shall be understood to include Toll Bars, Side Bars, Side Gates, and Chains, now or hereafter to be erected, set up, or continued on the Roads comprised in this Act, or by virtue of this Act:

The Word "Month" shall mean Calendar Month.

XLVIII. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, or in Pleadings, legal Instruments,  
[Local.] 14 D or

Short Title.

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*The Surrey and Sussex Roads Act, 1850.*

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or other Proceedings, it shall be sufficient to use the Expression "The *Surrey and Sussex Roads Act, 1850.*"

Public Act. XLIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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