



ANNO QUINQUAGESIMO SEXTO  
**GEORGI II. REGIS.**

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*Cap. xlv.*

An Act for altering, amending, and explaining Two Acts of His present Majesty's Reign, for widening and improving the Street leading from *Tower Hill* to the Street called *Upper East Smithfield*, in the County of *Middlesex*. [31st May 1816.]

**W**HEREAS an Act was passed in the Fifty-second Year of the Reign of His present Majesty King George the Third, intituled *An Act for widening and improving the Street or Road leading from Tower Hill to the Street called Upper East Smithfield, in the Parish of Saint Botolph without Aldgate in the County of Middlesex*: And whereas an Act was passed in the Fifty-third Year of the Reign of His present Majesty King George the Third, intituled *An Act for enlarging the Powers of an Act of His present Majesty, for widening and improving Upper East Smithfield in the Parish of Saint Botolph without Aldgate in the County of Middlesex*: And whereas the Trustees authorized to put the said Acts into execution have caused a Toll House to be erected at or near the North End of *Butcher Row* in the said first-recited Act mentioned, for the Purpose of collecting the Tolls under the said Act; but the said Tolls having been greatly evaded, and one single Place of Collection having been found to be insufficient to prevent such Evasion, the Persons to whom the said Trustees, pursuant to the Powers in the said Act contained, had leased the said Tolls, did, with the Approbation of the said Trustees, in the Month of *December* last, with a View to prevent such Evasion, cause a Gate or Bar to be fixed and placed in or across another Part of the said Street called *Upper East Smithfield*, whereat and by means whereof the Evasion was and could be more effectually prevented: And whereas the Payment and Collection of the said Tolls or Duties at the said last-mentioned Gate or Bar hath been refused and opposed, and Doubts have arisen whether the Powers vested in the said Trustees under the said Acts are sufficient to authorize the Erection of any Gate, Turnpike, or Bar at the Place last mentioned,

[Local.] 10 Z



Power to  
erect a Gate  
at Upper East  
Smithfield,  
and to take  
Toll thereat.

tioned, or in, upon, or across any such other Part of the said Street called *Upper East Smithfield*, as will prevent the Evasion of the said Tolls, and the Loss of such Tolls consequent thereupon; and it is therefore expedient that the said Doubts should be removed, and that the said recited Acts should be altered, amended, explained, and rendered more effectual for the due Collection of such Tolls, and for preventing Evasion of the said Tolls; but the same cannot be effected without the Aid and 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, and for the more effectual and due Collection of the Tolls by the said first-recited Act authorized to be demanded and taken, and for preventing the Evasion thereof in future, it shall be lawful for the said Trustees, or any Seven or more of them, to erect and set up, or cause to be erected and set up, (in addition to the Toll House already erected and set up as aforesaid, (a Gate or Gates, Turnpike or Turnpikes, Bar or Bars, and a convenient and suitable Toll House or Toll Houses, with proper and necessary Buildings, Fences, and other Works near or adjoining to such Gate or Gates, Turnpike or Turnpikes, or Bar or Bars, in or upon any such Part of the Southern Side of the said Street or Road called *Upper East Smithfield* as lies between the North-west Angle of the Wall of the *London Docks* and the House situate at the North-west Corner of *Nightingale Lane*, now in the Occupation of *Thomas Boon*, which they the said Trustees, or any Seven or more of them, shall deem most proper for preventing the Evasion of the said Tolls; and that it shall be lawful for the said Trustees, or any Seven or more of them, or any Person or Persons appointed or to be appointed by virtue of the said first-mentioned Act as Collector or Collectors as therein mentioned, to demand and take at such Gate or Gates, Turnpike or Turnpikes, or Bar or Bars as last mentioned, the several Tolls and Duties which by the said first-recited Act were and are authorized and empowered to be demanded and taken, in like Manner in all respects, and to all Effects, Constructions, and Purposes, and with all the same or the like Powers, Provisoos, Remedies, and Authorities for enforcing and compelling Payment thereof, as if such Tolls and Duties had been or were demanded and required to be paid under the Powers and Authorities in the said first-recited Act contained.

Toll to be  
paid for every  
Time of pass-  
ing.

II. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken from any Person or Persons for or in respect of any Horse, Mare, Gelding, or Mule, or Oxen, Cattle, Swine, Sheep or Lambs, for once passing the said Toll House or Toll Houses, and through the said Gate or Gates or Bar or Bars, and such Toll shall be paid either at the said Toll House, or at the Gate or Bar, to which any such Person shall first come, and upon the Production of a Ticket or Tickets shewing that the Toll has been so paid, no further Toll shall be demanded, taken, or received for passing the other Place of Collection, and which Ticket or Tickets every Toll Gatherer or Collector receiving the Toll shall and he is hereby required to deliver upon Payment of the proper Toll or Tolls, which Ticket or Tickets shall name and specify the Gate or Gates, Bar or Bars, freed by such Payment: Provided always, that no such Ticket shall in any Case operate as giving any Right of Exemption from

from the said Tolls, unless the Person or Persons claiming such Exemption by virtue thereof shall give up and deliver such Ticket to the Toll Gatherer or Collector to whom the same shall be so produced.

III. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to charge or make liable to the said Tolls or Duties any Horse or Horses drawing any Waggon, Cart, Dray, or other Carriage having thereon the Name and Residence, and being the Property of any Person or Persons residing in or occupying any House, Wharf, Warehouse, or other Premises within that Part of the Parish of *Saint John Wapping*, in the said County of *Middlesex*, which lies to the Westward of the Entrance Lock of the *London Docks* in the said Parish, or within that Part of the said Parish of *Saint Botolph without Aldgate* which lies to the Eastward or South-eastward of the Toll House already erected in *Upper East Smithfield* as herein-before mentioned, or any Horse or Horses drawing any Coach, Berlin, Landau, Chariot, Chaise, or Chair belonging to any such Person or Persons as last aforesaid, or which shall be rode or led by any such Person or Persons, or his, her, or their Servant or Servants, in passing through *Nightingale Lane* to or from *Well Street*, or any other Street or Place to the Eastward of the said intended Bar or Gate.

Allowing certain Exemptions.

IV. And be it further enacted, That if any Person or Persons shall with any Horse or other Cattle pass through the said Gate or Gates, or Bar or Bars, whereby the Payment of any of the said Tolls shall be evaded, or if any Person shall give to or receive from any Person, other than the Collector or Collectors of the said Tolls, any Note or Ticket by this or the said recited Acts directed to be given by the said Collector or Collectors, or shall forge or counterfeit any such Note or Ticket, or make use of any such forged or counterfeited Note or Ticket, knowing the same to have been forged or counterfeited, whereby the Payment of any of the said Tolls shall be evaded; or if any Person or Persons shall forcibly pass through any of the said Toll Gate or Gates, Bar or Bars, with any Carriage, Horse, or other Cattle, without having first paid the Tolls for or in respect of the same, or shall take off, or cause to be taken off, any Horse or other Cattle from any Carriage, or shall leave or cause to be left upon or near any Part of the said Street or Road any Carriage, Horse, or other Cattle, with Intent to evade the Payment of the said Tolls, or any Part or Parts thereof, every Person so offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, whereof one Moiety shall be paid to the Informer or Informers, and the other Moiety to the Treasurer or Clerk to the said Trustees.

Penalty on Persons evading Payment of Tolls.

V. And whereas the said Street or Road so widened and improved as aforesaid passes behind and on the North Side of Eight Messuages and Premises in and fronting towards *Manor Row*, *Tower Hill*, the Freehold of Dame *Philadelphia Cotton* Widow, Lady of the Manor of *East Smithfield*, and now in the several Occupations of *John Smith*, *John Rose*, *Noah Davis*, *Hales*, *Richard Malinson*, *John Wyatt*, and *Henry Jenkins*; be it therefore enacted, That the said *John Smith*, *John Rose*, *Noah Davis*, *Hales*, *Richard Malinson*, *John Wyatt*, and *Henry Jenkins*, and all future Occupiers of the said Premises in *Manor Row* aforesaid, shall from and after the passing of this Act be and are hereby exempted from the

Occupiers of certain Premises exempt from Payment of Rates under the former Acts.



the Payment of any Rate or Assessment whatsoever imposed by the aforesaid Acts, or any of them, so long as the said Houses occupied by the different Persons aforesaid respectively shall not have Shops fronting towards the Mint.

Justice may settle Disputes as to the Amount of Tolls due, &c.

VI. And be it further enacted, That if any Dispute shall happen about the Amount of Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain the Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress (as the Case may happen), be ascertained by some Justice of the Peace for the County of *Middlesex*, who, upon Application made to him for that Purpose, shall examine the Matter by the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof, forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

The said Acts and this Act to be deemed as One Act.

VII. And be it further enacted, That the said recited Acts and this Act shall be deemed and construed as One Act, in such and the same Manner as if the Provisions in this Act contained had been inserted in the first-recited Act.

Public Act.

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

Term and Continuance of this Act.

IX. And be it further enacted, That this Act shall commence and take effect on the passing thereof, and shall continue and remain in force and be executed for and during the Residue now to come and unexpired of the Term granted and continued by the said recited Acts.

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