



ANNO QUINQUAGESIMO OCTAVO

GEORGI III. REGIS.

Cap lxxvi.

An Act to continue the Term, and to amend, alter, and enlarge the Powers, of an Act passed in the Forty-second Year of His present Majesty's Reign, for repealing an Act of the Twenty-fifth Year of His said present Majesty, for repairing the Roads 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 other Roads therein mentioned; and for making a new Road from *Kennington Lane* to *Camberwell Green*, in the said County of *Surrey*. [28th May 1818.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His present Majesty King George the Third, intituled *An Act for repealing an Act passed in the Twenty-fifth Year of the* 42 G. 3. c. 76.
Reign of His present Majesty King George the Third, for more effectually repairing the Roads 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 granting other Powers for those Purposes: And whereas the Trustees appointed in and by virtue of the said recited Act have proceeded in the Execution thereof, to the Advantage of the Public; and there is a considerable Sum of Money still remaining due and owing on the Credit of the Tolls thereby granted and authorized to be taken on the said Roads, which cannot be paid off, and

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the new Line of Road herein-after mentioned made and maintained, nor can the said several Roads be properly and effectually amended, widened, improved, made, and kept in Repair, unless the Term of the said recited Act be continued, and the Powers and Provisions thereof altered, amended, extended, enlarged, and rendered more effectual: And whereas the making and maintaining a Turnpike Road from *Kennington Lane*, in the Parish of *Saint Mary Lambeth*, in the said County of *Surrey*, to *Camberwell Green*, in the Parish of *Saint Giles Camberwell*, in the same County, commencing at or near to a certain House in the Occupation of *William Mabley*, in *Kennington Lane* aforesaid, and running in nearly a straight Line to a certain Place called *The Oval* at *Kennington*, passing round or along the South Side of the said *Oval*, to, through, and along *Harleyford Street*, and from thence in nearly a direct Line to the South-west End of *Camberwell Green*; and also the widening, altering, and otherwise improving the South Side of the said *Oval*, and the Road through and along *Harleyford Street*; and also the widening, altering, and otherwise improving the Road at the South-west End of *Camberwell Green*, and from thence to the East End of *Peckham Lane*; and also the Road from or near to a certain Public House called *The George*, at *Camberwell*, to the *Fox under the Hill*, in the said County of *Surrey*, will be of great Benefit, and attended with much Convenience and Accommodation to the Owners and Occupiers of Estates contiguous thereto, and to the Inhabitants of the said Parishes; and the said new Line of Road will open a much shorter and better Communication between the Western Parts of the County of *Middlesex* and the County of *Kent*, and the Parts adjacent, and between various other Parts of the Country, and will also be of great public Utility; and it will also be of great Benefit to the Public if the said new Line of Road was put under the Care and Management of the said Trustees, and made Part of the Roads included in the said recited Act; but such beneficial Purposes 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 the said recited Act, and all and every the Tolls, Duties, Powers, Authorities, Provisions, Clauses, Matters, and Things therein contained (except such as are varied, altered, or repealed), shall be and continue in full Force and Effect, and be executed for the Purposes of the said recited Act and this Act, for and during the Term herein-after mentioned, as fully and effectually to all Intents, Constructions, and Purposes whatsoever, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Alterations and Variations herein contained, and which shall commence and take effect on the passing of this Act; which said Term, and the Tolls, Duties, Powers, Authorities, Provisions, Clauses, Matters, and Things hereby continued, granted, and enacted, are hereby made subject and liable to the Payment of all Sum and Sums of Money now due and owing, as well upon the Credit of the Tolls granted by the said recited Act, as on any other Security given or entered into on account of or for the Use of the said Roads, and all other Monies owing on account of the said Roads, and also of such other Sum and Sums of Money as shall be borrowed for the Purposes of the said recited Act and this Act, or either of them, and the Interest due and to grow due for the same respectively.

The said recited Act continued.

II. And

II. And be it further enacted, That the Trustees appointed and to be appointed by and in pursuance of the said recited Act, and their Successors, to be elected in Manner therein mentioned, together with the several Persons herein-after named, shall be and they are hereby appointed Trustees for putting this Act into Execution; and all and every the Powers, Authorities, Directions, Matters, and Things by the said recited Act or by this Act given to or directed to be done by or before the said Trustees, shall and may be exercised, had, and done by or before any Seven or more of them (except only where some other Number is appointed by the said recited Act or this Act); and all such Acts, Matters, and Things shall be of as full Force and Effect as if done or executed by or before all the said Trustees.

III. And be it further enacted, That Sir *John Delves Broughton* Baronet, *Charles Bowles*, *William Disney*, *Charles Jemmett*, *Henry Knight*, *Charles Nicholas Palmer*, *Henry Swann*, *Sir Charles Sullivan* Baronet, *William Shrubsole*, and *William Walton*, shall be and they are hereby added to and joined with the Trustees named in or appointed by or in pursuance of the said recited Act, for putting the said recited Act and this Act in Execution, in such Manner and as fully and effectually to all Intents and Purposes as if they had been named in and appointed Trustees by the said recited Act.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case, in the Execution of the said recited Act or this Act, if at the Time of his acting he shall be directly or indirectly interested or concerned in any Contract or Contracts, or shall receive or derive any Profit or Emolument under the Trustees acting in the Execution of the said recited Act or this Act: Provided nevertheless, that nothing herein contained shall extend to disqualify the Treasurer and Sub-Treasurers appointed under the Powers of the said recited Act from acting as a Trustee or Trustees in the Execution of the said recited Act and this Act, or either of them, by reason of he and they being such Treasurer and Sub-Treasurers; and if any Person (except as aforesaid) being so interested or concerned in any Contract or Contracts, or receiving or deriving such Profit or Emolument, shall presume to act as a Trustee in the Execution of the said recited Act or this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance, shall be allowed: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed by any such Person, touching the Execution of the said recited Act or this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had not been concerned or interested as aforesaid.

V. And be it further enacted, That the said Trustees, or any Seven or more of them, shall meet at the Sessions House, *Horsemonger Lane*, *Newington*, in the said County of *Surrey*, on the *Thursday* Four Weeks next after the passing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon, or as soon after as conveniently may be, and shall then and there proceed to the Execution of the said recited Act and

Trustees.

For appointing additional Trustees.

No Person holding any Place of Profit to act as a Trustee.

Validating Acts of unqualified Trustees before Conviction.

Trustees First Meeting.

and this Act (notwithstanding any Adjournment may then have been made by the said Trustees by virtue of the said recited Act), and adjourn themselves, and afterwards meet there, or at any other Place on or near the said Roads, as the said Trustees or any Seven or more of them shall think proper and appoint, as often as may be necessary for putting the said recited Act and this Act into Execution, in such and the same Manner, and under and subject to such and the same Directions and Provisions, as in the said recited Act are contained for that Purpose.

Special Meetings to be held at same Place as preceding General Quarterly Meeting.

VI. And be it further enacted, That no Order, Resolution, or Proceeding made or had by the said Trustees, and entered in the Book in which their Orders, Resolutions, and Proceedings are usually entered, shall be revoked, repealed, or altered at any Special Meeting or Meeting on Emergency, unless such Meeting shall be held at the same Place where the last preceding General Quarterly Meeting of the said Trustees shall have been held, and Notice thereof given in Manner directed by the said recited Act; and that every Adjournment from such Special Meeting or Meeting on Emergency shall be to the same Place where such last-mentioned Meeting shall have been held: Provided always, that no further or other Business shall be entered upon or taken into Consideration at any such Special Meeting or Meeting on Emergency, than such as shall have been set forth in the Order and Notice for calling such Meeting.

Trustees may erect Turnpikes.

VII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may erect and set up, or cause to be erected or set up, One or more Gate or Gates, Turnpike or Turnpikes, Bar or Bars, in, upon, or across the said intended Road hereby directed to be set out and made; and also to erect and set up, or cause to be erected and set up, any Gate or Gates, Turnpike or Turnpikes, Bar or Bars, as they or any Seven or more of them shall from Time to Time think proper, on the Side or Sides of the said intended Road, or at the End thereof, or at the End or Opening of any Street, Lane, or Way which may lead or open into or upon the said Road, together with Toll Houses, and proper and necessary Buildings, Conveniences, and Fences, near to each Gate, Turnpike, or Bar; and that the Tolls mentioned in and granted by the said recited Act shall be demanded and taken at all and every such Toll Gates, Turnpikes, and Bars, before any Horse, Cattle, or Carriage shall be permitted to pass through the same; which said Tolls shall be and the same are hereby vested in the said Trustees for the Purposes of the said recited Act and this Act, and shall and may be demanded, collected and levied, recovered and paid, in such and the same Manner, to all Intents and Purposes, as the Tolls granted and made payable by the said recited Act are directed to be demanded, collected, levied, recovered, and paid; and shall be applied for the Purposes of the said recited Act and this Act, in Manner therein or herein mentioned and provided for.

Tolls.

Only One Toll to be paid.

VIII. Provided always, and be it further enacted, That no Person who shall have paid the Toll for passing through any Gate, Turnpike, or Bar now erected or hereafter to be erected on the Roads directed to be repaired by the said recited Act or this Act, or on the said intended Road hereby directed to be set out and made, shall be liable to the Payment of another Toll for afterwards passing on the same Day with the same Horse, Cattle, or Carriage through the other Gate or Gates, Bar or Bars,

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on the said Roads or either of them, or any Part thereof respectively, but shall be exempt from the Payment of any further Toll there on producing a Note or Ticket denoting the Payment of the Toll at the same or some other Gate or Bar.

IX. And be it further enacted, That the said Trustees shall and they are hereby required to find and provide or cause to be found and provided Tickets to be delivered to all and every Person and Persons on Payment of Toll at each and every the said Gate or Gates, Turnpike or Turnpikes, Bar or Bars, erected and set up or to be erected and set up on the said Roads; and each and every such Ticket shall contain the Name of all and every the said Gates, Turnpikes, and Bars, and shall express thereon that the said Ticket will clear the same; and each and every such Ticket and Tickets to be delivered at all and every the said Gates and Bars shall bear on the same Day the same Number and no other; and in case any Collector or Collectors of the said Tolls, or any Lessee or Lessees, Farmer or Farmers of the said Tolls, or his, her, their, or either of their Agents, Servants, or Collectors, do and shall issue, use, or give any Ticket of a different Form or Description than as aforesaid (except any Ticket or Tickets by Law required to be of a different Form or Description), and which shall not have thereon written or printed the Name of all and every the Gates and Bars, or contain any different Number from that delivered or given at each and every other Gate or Bar during the same Day, then and in every such Case, and so often as the same shall happen, such Collector or Collectors, Lessee or Lessees, Farmer or Farmers, their Agents, Servants or Collectors, for each and every Ticket so delivered, issued, used, or given of a contrary Form and Description than herein-before mentioned, shall forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered, levied, paid, and applied in such and the same Manner as Penalties by the said recited Act or this Act imposed are directed to be recovered, levied, paid, and applied.

Tickets to be provided denoting the Payment of Toll.

X. And be it further enacted, That in case all or any of the Tolls arising by virtue of the said recited Act and this Act, or any of them, or any of the Gates, Turnpikes, or Bars, or Houses or Buildings, at which the same shall be collected, shall be demised or let to farm, or be agreed to be demised or let to farm, at any Time or Times, to any Person or Persons, and such Person or Persons shall neglect or refuse to perform the Terms and Conditions of the Demise or Contract by which the same shall be let, or be agreed to be let, to him, her, or them, either by taking a greater or less Toll in respect of any Horse, Cattle, or Carriage than those demised or let, or agreed to be demised or let, to him, her, or them, or in any other Way or Manner, or in case the Rent for which such Tolls shall be demised or let, or be agreed to be demised or let, or any Part thereof, shall be in Arrear and unpaid by the Space of Seven Days next after any of the Days or Times whereon the same shall become due and ought to be paid, pursuant to such Demise or Contract; and the said Gates, Turnpikes, or Bars, Houses and Buildings, shall be in the Possession of any such Lessee or Lessees, Farmer or Farmers, or any Person or Persons by him, her, or them appointed or nominated to collect the Tolls thereat; then and in any or either and in every such Case it shall and may be lawful to and for the said Trustees or any Seven or more of them (if they shall think proper) to vacate and determine such Demise and Con-

To enable Trustees to take Possession of Toll Houses.

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tract,

tract, giving Notice in Writing of such their Determination by leaving the same at any one of the said Toll Houses ; and such Lease and Contract, and the Term for which the said Tolls shall be let or be agreed to be let, shall from that Time be utterly void and at an End to all Intents and Purposes whatsoever, (save as to the Covenants and Agreements therein contained on the Lessee or Lessee's Part and Behalf,) as if the same had not been made ; and in case any such Lessee or Lessees, Farmer or Farmers, shall not on Service of such Notice as aforesaid deliver up the Possession of such Gates, Turnpikes, or Bars, Houses and Buildings, with the Appurtenances so demised or let, or agreed to be demised or let, to him, her, or them, it shall and may be lawful for any Justice of the Peace for the said County of *Surrey*, by Warrant under his Hand and Seal, (which Warrant such Justice is hereby empowered and required to grant upon the Request of the said Trustees or any Seven or more of them,) to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter and take Possession of such Gates, Turnpikes, or Bars, Houses and Buildings, and Premises, in the Day-time, and to remove the Person or Persons who shall be found therein, and his, her, and their Goods, and put such Person or Persons into Possession of the said Gates, Turnpikes, or Bars, Houses and Buildings, and into the Receipt and Collection of the said Tolls, and to do such other Act in the Premises as the said Trustees or any Seven or more of them shall appoint and think proper.

Exemptions.

XI. Provided always, and be it further enacted, That in addition to the Exemptions from Tolls granted by the said recited Act, no Toll shall be demanded or taken by virtue of the said Act or this Act for any Horse, Beast, Cattle, or Carriage attending any Soldiers on their March, or on Duty, or attending them with their Arms or Baggage ; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of, for, or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from attending them on such Occasions ; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise or Review ; provided that such Persons are in the Uniforms of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemptions as aforesaid ; or for any Horse, Cart, Waggon, or other Carriage employed in the Conveyance of Vagrants sent by legal Passes, or returning from such Employment ; and if any Person or Persons shall claim and take the Benefit of any of the Exemptions by the said recited Act or this Act granted, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds, any thing in the said recited Act or this Act contained to the contrary notwithstanding.

Owners or Drivers of Waggon in the King's Service not subject to the

XII. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any

Penalty

Penalty or Forfeiture for Overweight in any such Waggon, Wain, Cart, or other Carriage, or for being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act contained to the contrary notwithstanding.

Penalties for Overweight.

XIII. Provided always, and be it further enacted, That this Act shall not, nor shall the said recited Act, extend or be construed to extend to charge with Toll any Horses or Carriages belonging to Their Majesties or any of the Royal Family, or for any of the Horses of His Majesty's Guards, or any Horses or Carriages conveying Persons regularly attending Their Majesties or any of the Royal Family.

Exempting the Royal Family from Payment of Tolls.

XIV. And be it further enacted, That every Collector appointed by the said Trustees of the Tolls payable at any Turnpike Gate or Toll Bar now erected and set up, or hereafter to be erected and set up on the said Roads, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Gate, immediately upon his coming on Duty, each of the Letters of such Name to be at the least Two Inches in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the said recited Act and this Act, or either of them, or shall demand or take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Tolls or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Toll, and naming or specifying the Gate or Gates freed by such Payment, or shall without sufficient Cause detain or delay any Person or Persons travelling the said Roads, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, paid, and applied in such and the same Manner as other Penalties are by the said recited Act and this Act, or either of them, directed to be levied, recovered, paid, and applied.

Toll Collectors to put up their Names.

XV. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector or the Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein

For settling Disputes concerning Tolls.

such

such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on 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 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) upon 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.

Toll Collec-
tors not
deemed in-
competent
Witnesses.

XVI. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise concerning the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting under or by the Authority of the said Trustees, shall not be incompetent to give Evidence on any such Dispute, Suit, or Litigation, by reason of his, her, or their being so appointed or interested under such Appointment, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees.

None to col-
lect Toll but
those ap-
pointed by
the Trustees.

XVII. And be it further enacted, That if any Person or Persons not duly authorized and empowered by the said Trustees shall take, collect, or receive any of the said Tolls granted by the said recited Act or this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as the Justice by and before whom such Offender or Offenders shall be convicted shall adjudge proper.

For punish-
ing Toll
Collectors
guilty of
Misconduct.

XVIII. And be it further enacted, That if any Toll Collector so to be appointed as aforesaid shall be guilty of any Misconduct in his Office, or shall insult, abuse, or ill-treat any Passenger or Person on the said Roads, or otherwise misbehave himself to such Passenger or Person, every such Toll Collector so offending, and being thereof convicted before any one Justice of the Peace for the County or Place where the Offence shall be committed, shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, as the Justice before whom such Offender shall be convicted shall adjudge proper.

Accounts to
be kept of
the Receipts
and Disburse-
ments, which
shall be open
to the In-
spection of
the Trustees
and Credi-
tors.

XIX. And be it further enacted, That the said Trustees shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any Creditor or Creditors on the Tolls by the said recited Act and this Act granted and continued, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit any Sum not exceeding

exceeding Five Pounds, to be levied and recovered in such Manner as Penalties and Forfeitures are by the said recited Act or this Act directed to be levied and recovered.

XX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said Act and this Act, nor to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act and this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act and this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance, shall be allowed.

Clerk restrained from acting as Treasurer, and viceversâ.

XXI. And whereas by the said Act passed in the Forty-second Year of the Reign of His present Majesty it is enacted, that all the Tolls and other Money which should come to the Hands of the said Trustees or any of them, or their Treasurer, by virtue of the said Act, should be applied in the first Place in paying and defraying the Charges and Expences incident to and attending the obtaining and passing such Act, paying the annual Sum of Two hundred Pounds to the Trustees for carrying into Execution an Act passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Term granted by an Act of the Twenty-eighth Year of His late Majesty's Reign, for repairing and widening the Road from Sutton in the County of Surrey, through the Borough of Reigate by Sidlow Mill to Povey Cross, and from Sutton aforesaid through Cheam, and over Howell Hill to Ewell, and also the Road from Tadworth by the Windmill to the Bottom of Pebble Hill in the said County; and for empowering the Trustees appointed by an Act of the Tenth Year of His late Majesty King George the First, for repairing several Roads in the Counties of Surrey and Sussex, to make a yearly Allowance to the Trustees appointed by the said Act of the Twenty-eighth of George the Second; and for taking certain Roads out of the Power of the Trustees appointed by the said Act of the Tenth of George the First, and putting them under the Direction of the Trustees appointed by the said Act of the Twenty-eighth of George the Second; and for repairing the Road from Povey Cross in the County of Surrey, to the Oak dividing the Counties of Surrey and Sussex, and also the Road from Woodhatch to Peteredge Lane in the County of Surrey, according to the Direction of the said Act: And whereas in and by a certain other Act of Parliament made and passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act for repairing the Road from Sutton in the County of Surrey, through the Borough of Reigate by Sidlow Mill to Povey Cross, and several other**

Enabling the Trustees to enter into an Agreement with the Trustees for executing the Act of 55 G. 3. for repairing the Sutton and Reigate Roads, respecting an annual Payment of Two hundred Pounds.

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Roads

Roads therein mentioned in the same County; the said several Acts passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, and in the Tenth Year of the Reign of His present Majesty; and also another Act passed in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and enlarging the Powers of Two Acts passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Second, and in the Tenth Year of the Reign of His present Majesty, for repairing and widening the Road from Sutton in the County of Surrey, through the Borough of Reigate by Sidlow Mill to Povey Cross, and several other Roads therein mentioned in the same County*, relating to the same Roads, were thereby repealed; and it was by the same Act enacted, that the said Trustees for executing the said recited Act of the Forty-second Year of the Reign of His present Majesty should pay or cause to be paid the said annual Sum of Two hundred Pounds, directed to be paid to the Trustees for executing the said recited Act of the Tenth Year of the Reign of His present Majesty unto the Trustees for the Time being for executing the said Act of the Fifty-fifth Year of the Reign of His said Majesty, or unto such other Person or Persons as they should appoint, at the Times and in Manner directed by the said recited Acts of the Tenth Year of the Reign of His said present Majesty, for and during the Continuance of the said recited Act of the Forty-second Year of the Reign of His present Majesty, in lieu of and in full Satisfaction of any Share or Shares of any Toll thereafter to arise by virtue of the said Act passed in the Tenth Year of the Reign of His late Majesty King George the First, or of any subsequent Act for continuing the same: And whereas it is expedient to make Provision by this Act for the Payment of the said annual Sum of Two hundred Pounds during the Continuance of this Act, or a Sum in gross to be paid in lieu thereof, to the Trustees for executing the said Act passed in the Fifty-fifth Year of the Reign of His present Majesty: And whereas the Execution of this Act, as well as the Execution of the said Acts herein recited, might be facilitated, and the Objects thereof more beneficially attained, if the Trustees for executing the said Act of the Forty-second Year of the Reign of His present Majesty, and this Act, were empowered, after the Twenty-fifth Day of *December* which will be in the Year of our Lord One thousand eight hundred and twenty, to pay out of the Tolls and Monies to arise by virtue of the said Act passed in the Forty-second Year of the Reign of His present Majesty, and this Act, a Sum in gross in lieu of such annual Payment of Two hundred Pounds, in case the Trustees for executing the said Act of the Fifty-fifth Year of the Reign of His present Majesty should be willing to accept such Sum of Money in gross instead of the said annual Payment of Two hundred Pounds for the future: Be it therefore further enacted, That all the Tolls and other Money which shall come to the Hands of the Trustees for executing this Act, by virtue of the said Act passed in the Forty-second Year of the Reign of His present Majesty, or this Act, shall be subject to the Payment of the said annual Sum of Two hundred Pounds to the Trustees for executing the said Act passed in the Fifty-fifth Year of the Reign of His present Majesty during the Continuance of this Act, or to the Payment of such Sum of Money in gross as may be agreed upon to be paid in lieu thereof; and it shall be lawful for any Seven or more of the Trustees acting in the Execution of the said Act passed in the Forty-second Year of the Reign of His present Majesty, and this Act, to

enter

enter into an Agreement with any Five or more of the Trustees acting in the Execution of the said Act passed in the Fifty-fifth Year of the Reign of His present Majesty, as to what Sum of Money in gross shall, after the Twenty-fifth Day of *December* One thousand eight hundred and twenty, be paid to the said Trustees for executing the said Act, passed in the Fifty-fifth Year of the Reign of His present Majesty, in lieu of and full Satisfaction for the said annual Payment of Two hundred Pounds; and in case such Agreement shall be entered into, it shall be lawful for the Trustees for executing the said Act passed in the Forty-second Year of the Reign of His present Majesty and this Act, and they are hereby required, to pay and advance any Sum of Money so to be agreed upon, not exceeding the Sum of Two thousand Pounds, out of any Monies collected or received by virtue of the said Act passed in the Forty-second Year of the Reign of His present Majesty or this Act, to the Treasurer to the Trustees for executing the said Act passed in the Fifty-fifth Year of the Reign of His present Majesty, or to such other Person as they shall appoint to receive the same, at such Times and in such Manner as shall be so agreed upon; and from and after the Payment of such Sum of Money in gross, the said annual Payment of Two hundred Pounds shall thenceforth cease, determine, and be no longer payable: Provided always, that any such Sum of Money in gross to be received by the Treasurer to the Trustees for executing the said Act, passed in the Fifty-fifth Year of the Reign of His present Majesty, shall be applied and expended for the general Purposes of such Act.

XXII. And be it further enacted, That all the Tolls and other Money which shall come to the Hands of the said Trustees or any of them, or their Treasurer, by virtue of the said recited Act or this Act, shall be applied in the first Place in defraying the Costs, Charges, and Expences relating to the obtaining and passing this Act, and in paying the annual Sum of Two hundred Pounds to the Trustees for executing the said Act passed in the Fifty-fifth Year of the Reign of His present Majesty, until the Twenty-fifth Day of *December* One thousand eight hundred and twenty, and until such further Time during the Continuance of this Act as the Trustees for executing the said Act passed in the Forty-second Year of the Reign of His present Majesty and this Act, and the Trustees for executing the said Act passed in the Fifty-fifth Year of the Reign of His present Majesty, shall agree upon a gross Sum to be paid in lieu of such annual Payment, and then in paying such gross Sum of Money not exceeding Two thousand Pounds; in continuing, erecting, supporting, providing, and maintaining from Time to Time the several Toll Gates or Turnpikes, Toll Houses and other Buildings, to be continued or erected by virtue of the said recited Act of the Forty-second Year of the Reign of His said present Majesty and this Act, or either of them; in paying and discharging the Salaries and Allowances to the several Clerks, Collectors, Surveyors, and other Officers and Persons employed and to be employed, and all other Charges and Expences incurred or to be incurred or occasioned in or relating to the Execution of the said recited Act, of the Forty-second Year of the Reign of His said present Majesty and this Act, (except such as particularly relate to or concern the amending, widening, or repairing the said several Roads); and afterwards from Time to Time in laying out and expending such Sum or Sums of Money as shall be necessary in the amending the Roads leading from *Newington* through

Application
of the Tolls
and the Mo-
nies raised.

through *Camberwell* to the East End of *Peckham Lane*, and from *Camberwell Green* to the *Fox under the Hill*; and after Payment, Satisfaction, and Discharge of the several Sums of Money, Charges, and Expences aforesaid, and of the Interest of the Money now due and owing, and of all such other Sum or Sums of Money as shall or may be hereafter borrowed by virtue of the said recited Act of the Forty-second Year of the Reign of His said present Majesty or this Act, and of laying out, forming, and making the said new-intended Road, and defraying all the necessary Costs, Charges, and Expences attending the same, all the Surplus of the Tolls and other Monies which shall come to the Hands of the said Trustees or any Seven or more of them, or their Treasurer, by virtue of the said recited Act of the Forty-second Year of the Reign of His said present Majesty or this Act, shall be settled, paid, and applied, at the Discretion of the said Trustees or any Seven or more of them, and of their Treasurer, in repairing and amending the several Roads under their Care and Management, in such Proportions, under such Regulations, and to be settled at such Times, and in such Manner and Form, as are in and by the said recited Act of the Forty-second Year of the Reign of His said present Majesty directed, or as near thereto as the Nature and Circumstances of the Case will admit; any thing in the said recited Act of the Forty-second Year of the Reign of His said present Majesty contained to the contrary in anywise notwithstanding.

For removing a Doubt as to the Termination of the Road near Kingston.

XXIII. And whereas a Doubt has arisen as to the particular Place in the Parish of *Kingston* to which the said recited Act extends, and to which Place the said Trustees ought to repair the said Road to *Kingston*, and it is necessary that such Doubt should be removed; be it therefore enacted and declared, That the said recited Act and this Act, and the Powers thereof, shall extend and be executed to the House known by the Sign of the *King's Arms*, situate at the West End of a certain Street, called *Norbiton Street*, at the Entrance into the Town of *Kingston*.

The Piece of Road near to Kingston to be put in complete Repair before the same becomes a Part of the Roads included in this and the said Act.

XXIV. Provided always, and be it enacted, That nothing in the said recited Act or in this Act contained shall authorize, compel, or empower the said Trustees for putting the said recited Act or this Act into Execution, to begin to repair, amend, or alter the said last-mentioned Piece of Road, until the same and every Part thereof shall have been put into good and substantial Repair and Condition, and the necessary Sewers, Drains, and Culverts made for preserving and keeping the same in repair by the Surveyors of the Highways of the said Parish of *Kingston*, and to the Satisfaction of any Two of His Majesty's Justices of the Peace acting in and for the County of *Surrey*, and until the same shall be by some Writing under their Hands duly certified to be in such good and substantial Repair and Condition; and such Sewers, Drains, and Culverts made as aforesaid, and until such Certificate shall have been filed with the Clerk of the Peace of the County of *Surrey* at the next or some General Quarter Sessions of the Peace to be holden for such County, or some Adjournment thereof; and that from and after such Certificate shall have been made, signed, and filed as aforesaid, the said Piece of Road shall be deemed and considered Part of the Roads by the said recited Act and this Act directed to be repaired and kept in repair; and it shall and may be lawful to and for the said Trustees for putting the said recited Act and this Act into Execution to repair and amend the said Piece of Road in such and the

same Manner as if the same had formed a Part of the Roads by the said recited Act directed to be repaired and amended.

XXV. Provided always, and be it further enacted and declared, That no Turnpike or Toll Gate shall be erected or set up, nor any Toll demanded or taken, by virtue of the said recited Act and this Act or either of them, in or upon the Road between the East End of *Manningate Lane* and the *King's Arms* in the said Town of *Kingston*.

No Gate to be erected or Toll taken between Manningate Lane and Kingston.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Seven or more of them to set out and make, or cause, order, and direct to be set out and made, a new Road from *Kennington Lane* aforesaid, in the said Parish of *Saint Mary Lambeth*, in the said County of *Surrey*, to *Camberwell Green* in the Parish of *Saint Giles's, Camberwell*, aforesaid, in the said County, commencing at or near to a certain House in the Occupation of *William Mabley* in *Kennington Lane*, and then running in nearly a straight Line to a certain Place called the *Oval* at *Kennington*, passing round or along the South Side of the said *Oval*, to, through, and along *Harleyford Street*, and from thence in nearly a direct Line to the South End of *Camberwell Green* aforesaid, in such Manner as the said Trustees or any Seven or more of them shall think proper; and the said Road when made shall afterwards be amended, improved, and kept in Repair by the said Trustees, in such and the same Manner as the Roads now included in the said recited Act are directed to be amended, improved, and kept in Repair.

Power to make a new Road from Vauxhall to Camberwell Green.

XXVII. And whereas a Map or Plan describing the Line of the said new Road to be made by virtue of this Act, and the Lands, Hereditaments, and Premises through which the same is intended to be made or carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, has been deposited at the Office of the Clerk of the Peace for the said County of *Surrey*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the said County of *Surrey*, to the end that all Persons may at any seasonable Time have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace One Shilling for every such Inspection of the said Map, Plan, and Book of Reference; and that the said Trustees, in making and forming the said Road herein-before described, shall not deviate more than One hundred Yards from the Line of the said Road described in the said Map or Plan, without the previous Consent in Writing of the Owner or Owners, and Occupier or Occupiers, or Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Plan deposited in Office of Clerk of the Peace for Surrey to remain.

XXVIII. And be it further enacted, That the said new Road, when it shall have been set out and made, shall be and continue of the Width of Fifty Feet, including a Foot-path on each Side, of such Width as the said Trustees or any Seven or more of them shall think proper.

Width of Road.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Seven or more of them to take and

Power to take Lands, &c. for the use of Road.

[Local.]

use any Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments which may be deemed necessary for the setting out and making of the said new Road hereby authorized to be made, and the Mounds, Banks, Fences, and Ditches, Drains and Sluices necessary and convenient thereto, upon giving Six Calendar Months Notice of such their Intention to the Owner or Owners, and Occupier or Occupiers of such Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments, and first making Satisfaction to the Owner or Owners and Occupier or Occupiers of such Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments, in Manner in the said recited Act or this Act directed: Provided always, that no Lands, Grounds, Houses, Erections, Buildings, Tenements, or Hereditaments shall be taken or made use of by the said Trustees for the Purposes of this Act, except such as are mentioned in the said Schedule hereunto annexed, without the Consent in Writing of the Owner or Owners thereof first had and obtained for that Purpose; and provided also, that it shall not be lawful for the said Trustees to retain after the said new Road shall have been set out and made, any Lands or Grounds to be so taken as aforesaid, exceeding the Breadth of Fifty Feet, (except for the necessary and convenient Mounds, Banks, Fences, Ditches, Drains and Sluices thereto, and except a Piece of Ground at or near the Eastern Extremity of the said new-intended Road for the Purpose of erecting a Watch-house by the Trustees for watching and lighting of the Village of *Camberwell*, with the Consent and Approbation of the Trustees for executing the said recited Act and this Act, for the Use of the said Village of *Camberwell*); nor to erect or build upon any Part of the said Lands or Grounds so to be retained as aforesaid, any Houses or Buildings, except such Toll Houses and Weighing Houses or Machines, and other Erections and Buildings, as may be necessary for the Purposes of the said recited Act and this Act, or either of them, as the said Trustees or any Seven or more of them shall think proper and necessary, and such Watch-house as aforesaid.

Harleyford
Street to be
widened.

XXX. And whereas the public Road or Way passing round or along the South Side of the said *Oval* and the said Street called *Harleyford Street*, might be rendered more commodious if Part of the said *Oval*, and certain Buildings and the Fore Courts of certain Houses on the South Side of the said Street in the said Schedule mentioned, or Parts thereof, were laid into the same; be it therefore enacted, That from and after the passing of this Act the said public Road or Way passing round or along the said South Side of the said *Oval* and the said Street called *Harleyford Street* shall be deemed and considered to be Part of the Road hereby authorized to be set out and made; and the said Trustees or any Seven or more of them shall have full Power and Authority to widen, alter, and improve the said Road or Way and Street in such Manner as they shall think proper, and to take the said Part of the said *Oval*, and to take down the said Buildings, and to lay the Sites thereof, and also of the said Fore Courts or Parts thereof, into the same.

Road from
Newington to
East End of
Peckham
Lane, and
from Cam-

XXXI. And whereas the Road leading from *Newington* through *Camberwell*, to the East End of *Peckham Lane*, and from *Camberwell Green* to the *Fox under the Hill*, being Parts of the Roads included in the said recited Act, might be rendered much more safe and commodious if a Part of

Camberwell

Camberwell Green, at the South-west Corner thereof, specified in the said Schedule hereunto annexed, and certain Messuages, Fore Courts, Gardens, and Premises in the said Schedule also mentioned, or Parts thereof, were laid into the said Roads; be it therefore enacted, That the said Trustees or any Seven or more of them shall have full Power and Authority to alter, widen, and improve the said Roads in manner as they shall think proper, and to take a Part of *Camberwell Green*, and the said Messuages, Fore Courts, Gardens, and Premises, or Parts thereof, and lay the same into the said Roads.

berwell
Green to the
Fox under
the Hill, to
be widened.

XXXII. Provided always, and be it further enacted, That if any or either of the Premises mentioned in the Map or Plan herein-before mentioned, or in the Schedule hereunto annexed, or the Owner or Owners thereof, or any Person or Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described in the said Map or Plan and Schedule, such Misnomer or inaccurate Description shall not prevent or retard the said Trustees in the Execution of this Act; but the same Premises and every Part thereof shall and may be used, sold, conveyed, disposed of, and applied to and for the Purposes of this Act, in such and in the same Manner, and as fully and effectually to all Intents and Purposes, as if the same were accurately, correctly, and more particularly described or named; any thing herein contained to the contrary notwithstanding.

Misnomers
not to pre-
vent the Exe-
cution of this
Act.

XXXIII. And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for making and maintaining a Navigable Canal from the River Thames, at or near a Place called Wilkinson's Gun Wharf, in the Parish of Saint Mary Rotherhithe in the County of Surrey, to the Town of Mitcham, in the Parish of Mitcham, in the said County; and also divers Collateral Cuts or Branches communicating from the same to certain Parishes and Places within the Counties of Surrey and Kent*: And whereas an Act was passed in the Forty-seventh Year of His said present Majesty's Reign, intituled *An Act for better enabling the Company of Proprietors of the Grand Surrey Canal to complete the same*: And whereas an Act was passed in the Forty-eighth Year of the Reign of His said present Majesty, intituled *An Act to enable the Company of Proprietors of the Grand Surrey Canal to supply with Water the several Towns, Districts, and Places therein mentioned, and to amend the several Acts relating to the said Canal*: And whereas an Act was passed in the Fifty-first Year of His said present Majesty's Reign, intituled *An Act to enable the Company of Proprietors of the Grand Surrey Canal to make a Collateral Cut communicating therewith in the Parish of Saint Mary Rotherhithe in the County of Surrey, and to enable the said Company to complete the said Canal, and for amending the several Acts relating thereto*: And whereas the said Company of Proprietors are by the said first-mentioned Act (amongst other Things) empowered to make and maintain a Collateral Cut from the main Line of the said Canal at *Kennington Common*, to communicate with the *River Thames*, at or near a certain Place called *Cumberland Gardens* at *Vauxhall* in the said County of *Surrey*: And whereas the Line of the said intended new Road will intersect the Line of the said Canal at or near a Place called *Hazard's Bridge* on the Road leading from *London* to *Croydon*, and it will be necessary, in case the said Line of Canal shall be made and completed according to the Directions of the said last-mentioned Acts, that

Recital of
Grand Surrey
Canal Acts of
the 41st, 47th,
48th & 51st
Geo. 3.

a Bridge

Trustees of
the Roads to
build a Bridge
across the
said Canal at
or near a
Place called
Hazard's
Bridge, &c.

a Bridge should be made and erected over the said Line of Canal at the Place where the same shall be so intersected by the said intended new Road; be it therefore further enacted, That in case the said Company of Proprietors of the Grand Surrey Canal shall within Four Years from the Time of passing this Act make and finish the Canal from the *Camberwell Road* to the Road leading from *London* to *Croydon* at or near a Place called *Hazard's Bridge*, or to the Place where the Line of Canal will be intersected by the said intended new Road; and if the said Company of Proprietors shall then be desirous and be enabled and undertake to make and complete the said Canal to the River *Thames* at or near *Vauxhall*, then and in such Case the said Trustees shall and they are hereby required, when thereunto requested by the said Company of Proprietors, by Notice in Writing to be delivered to the Clerk to the said Trustees for the Time being, or left at his usual Place of Abode, and by and out of the Money arising or to arise by virtue of the said recited Act and this Act or either of them, to build and erect, or cause to be built and erected, and within Twelve Calendar Months from the Time of such Request complete a Bridge over the said Line of Canal, where the same shall be so intersected by the said intended new Road as aforesaid, the Foundation and Abutment Walls whereof shall be substantially built with Stone or Brick, and the Soffit of the Arch thereof shall be of the Height of Eight Feet Six Inches from the Top of the Water of the Canal, and the Width of the Waterway from the Springing of the Arch to the opposite Side to be Nineteen Feet, and the Width of the Roadway over the Bridge, including the Foot-paths, shall be at least Thirty Feet; and that a Road or Towing-path shall be made under the Arch adjoining the North Abutment, of the Width of Five Feet at the least; and that the Ground that shall be raised on each Side of the said Canal, for the Purpose of making the Road and Accesses on the East and West Sides of the Bridge, shall be properly sloped, so as to form such a regular and gradual Ascent and Descent across the End of the Bridge in the Line of the Canal as shall be required by the said Company of Proprietors or their Surveyor or Surveyors for the Time being; and the Road at each End of the said Bridge, and also the Accesses or Roads across the Abutments in the Line of the Canal, shall be maintained, secured, and supported by proper Embankments faced with Stone or Brick on each Side above the Surface of the Approach thereof; and that all such Drains and Culverts shall be made in the Abutments, Approaches, and Accesses to the said Bridge in the Line of the Canal, as may be necessary to carry off the Water; and that the said Bridge or Bridges, Roads, Abutments, Approaches, Accesses, and Towing-path, shall be built, formed, constructed, and made with good and substantial Materials, under the Inspection and to the Satisfaction of the Surveyor or Surveyors of the said Company of Proprietors for the Time being, and the same, except the said Towing-path when so built and made, shall, during the Term hereby granted, be maintained and kept in repair by the said Trustees by and out of the Tolls and other Monies arising or to arise by virtue of the said recited Act and this Act: Provided always, that in case the said Trustees shall, by Deviation in their Line of Road or otherwise, intersect the Line of the said Canal at the Distance of upwards of Two hundred Feet from the *Croydon Road*, that then and in such Case the said Trustees shall and they are hereby required, if thereunto requested by the said Company of Proprietors within the said Period of Four Years, to build and erect, or cause to be built and erected, such a Bridge over the said Canal as herein-before mentioned.

XXXIV. Pro-

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall in any Manner extend or be construed to extend to make or declare the said Bridge, so hereby directed to be built or erected across the said Canal, a County Bridge, or to subject the said County of *Surrey* to the future Repair or Amendment thereof, or of any Part or Parts thereof.

The said Bridge not to be deemed a County Bridge.

XXXV. And be it further enacted, That nothing herein nor in the said recited Act contained shall authorize the said Trustees to erect or set up any Toll Gate or Toll Gates, Bar or Chain, in any Place where the same may obstruct the Towing-path or Towing-paths of the said Canal, or any of the Roads, Ways, or Passages communicating therewith; nor to prevent the said Company of Proprietors and the Persons using and navigating the said Canal, or using any of the said Towing-paths, Roads, Ways, or Passages, from crossing or passing along the said intended Road, to the Extent of One hundred Yards, in their Way to the said Canal, or to the Towing-path, Roads, Ways, or Passages belonging thereto; nor in any Manner to prevent such Person or Persons from having at all Times free Access with their Goods and Merchandize from the said Canal, and the Wharfs and other Premises belonging thereto, to the said intended new Road, without paying any Toll or Duty for so doing; nor shall any thing in this or the said recited Acts contained extend or be deemed or construed to extend to prejudice, diminish, or take away any of the Rights, Powers, or Authorities vested in the said Company of Proprietors, (except as hereinbefore mentioned).

Saving the Rights of the Grand Surrey Canal Company.

XXXVI. And be it further enacted, That it shall and may be lawful to and for all and every Bodies and Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, and to and for all Tenants for Life, and Tenants in Fee Tail General or Special, or for Years determinable upon any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower, or otherwise interested therein, and to and for all and every other Person and Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, Waters, Erections, Buildings, Houses, Tenements, and Hereditaments which shall be so set out for the Purposes aforesaid, to contract for, lease, sell, or convey the same and every Part thereof to the said Trustees; and all such Contracts, Agreements, Leases, Sales, Conveyances, and Assurances shall be valid and effectual to all Intents and Purposes whatsoever; and the Expences attending such Contracts, Agreements, Leases, Sales, Conveyances, and Assurances, shall be paid out of the Tolls and other Monies arising on the said Roads; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Bodies Politic and other incapacitated Persons empowered to sell and convey.

[*Local.*]

20 A

XXXVII. And

Power to
purchase
Lands of the
Duchy of
Cornwall.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Seven or more of them to purchase, take, and use any Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments of or belonging to the Duchy of *Cornwall*, which may be deemed necessary for the Purposes of the said recited Act or this Act, in such and the like Manner in all respects as the said Trustees are under and by virtue of the said recited Act and this Act, or either of them, authorized and empowered to purchase, take, and use any Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments of any Bodies Politic, Corporate, Collegiate, or other Person or Persons whomsoever, for the Purposes thereof; and it shall and may be lawful for the Surveyor General of the Duchy of *Cornwall* now or for the Time being to contract and agree with the said Trustees or any Seven or more of them for the Sale to the said Trustees of such Lands, Grounds, Houses, Erections, Buildings, Tenements, and Hereditaments of or belonging to the said Duchy of *Cornwall*, as shall be necessary for the Purposes aforesaid; and the Purchase Money to be paid for the same shall be paid by the said Trustees into the Bank of *England*, to be there received by the Cashiers of the Bank on account of the Duchy of *Cornwall*, and to be invested in the Purchase of Three Pounds *per Centum* Bank Annuities in the Name of the Duke of *Cornwall*, in like Manner as is directed and provided under an Act passed in the Forty-second Year of His present Majesty's Reign, intituled *An Act for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into One Act, and for making further Provision for the Redemption and Sale thereof, and for removing Doubts respecting the Right of Persons claiming to vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements; the Land Tax upon which shall have been redeemed or purchased.*

What Notice
to be given
where Com-
mon or
Waste Land
taken.

XXXVIII. And be it further enacted, That when and as often as it shall be necessary and expedient for the Purposes of the said recited Act and this Act, or either of them, to take or make use of any Common or Waste Ground, or any Part or Parts of any Common or Waste Ground, then and in every such Case the said Trustees or any Seven or more of them shall cause Notice of their Intention of taking and making use of such Common or Waste Ground, or such Part or Parts thereof, to be affixed on the Church Door of the Parish or Place, or Parishes or Places, wherein such Common or Waste Ground is situate, lying, and being, in such conspicuous Place where Notices of Vestry Meetings for such Parish or Place are usually affixed, and of requiring a Jury to be summoned, impannelled, and returned on a certain Day, and at a Time and Place in such Notice to be specified, in Manner herein-after directed, for the Purpose of settling and determining the Purchase Money or Satisfaction to be paid, given, or made for such Common or Waste Ground, or for such Part or Parts thereof to be taken and made use of for the Purposes of the said recited Act and this Act, or either of them; and the said Trustees shall cause the like Notice to be given to or left at the last or usual Place of Abode of the Lord or Lords, Lady or Ladies of the Manor or Manors in which such Common or Waste Ground shall be situate, lying, and being, or his, her, or their Steward or Agent; and such Notices, when affixed and given in Manner aforesaid, shall be and be deemed and taken to be full and sufficient Notice to all and every Person and Persons, Bodies Politic, Corporate,

rate, or Collegiate, concerned or having any Right or Interest in, to, over, or upon such Common or Waste Ground: Provided always, that there shall be Twenty-one Days at the least between the Day on which such Notices shall be so affixed and given as aforesaid, and the Day on which such Jury shall appear for the Purpose of settling and determining such Purchase Money or Satisfaction as aforesaid.

XXXIX. And whereas the said Trustees may purchase Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments which may not be necessary to be made use of for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees or any Seven or more of them to sell, dispose of, and absolutely grant and convey such Part or Parts of the Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments which shall be so purchased by and conveyed to the said Trustees as aforesaid, and which shall not be wanted for the Purposes of this Act; and that all such Conveyances from the said Trustees shall be valid and effectual (any Law, Statute, or Custom to the contrary notwithstanding); and upon Payment of the Money which shall arise by the Sale or Sales of such Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments, or any Part or Parts thereof, it shall be lawful for the Treasurer or Treasurers for the Time being of the said Trustees to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for such Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments, or any Part or Parts thereof, as shall be sold, or for so much Money as in such Receipts respectively shall be expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or any Part thereof: Provided always, that in all Cases in which any Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments, not necessary to be made use of for the Purposes of this Act, or for erecting the said Watch House, shall have been purchased by and conveyed to the said Trustees for executing the said recited Act and this Act, the said Trustees shall resell the same to the Person or Persons from whom the same respectively shall have been purchased, or to the real or personal Representatives (as the Case may be) of such Person or Persons, if such Person or Persons, their real or personal Representatives (as the Case may be), shall be willing to re-purchase the same, upon the same Terms in every respect at which the same shall have been purchased by the said Trustees of the said Person or Persons; and that every Sale and Conveyance of any such Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments, hereafter to be made by the said Trustees, or any Person or Persons, other than to the Person or Persons, their real or personal Representative (as the Case may be); from whom the same shall have been purchased by the said Trustees, shall be null and void to all Intents and Purposes whatsoever, unless the same shall have been first offered for Sale in Writing to and refused by the Person or Persons, or the real or personal Representative of such Person or Persons (as the Case may be), from whom the same shall have been purchased by the said Trustees as aforesaid, except as to the said Piece of Ground for the Erection of the said Watch House: Provided also, that the said Trustees shall, before they shall sell and dispose of such Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments,

Trustees empowered to sell Lands, &c. not wanted.

to

to any other Person or Persons as aforesaid, (except as aforesaid,) offer the same in Writing, upon the Terms aforesaid, to the Person or Persons, or the real or personal Representative (as the Case may be) of the Person or Persons, of whom the same shall have been purchased by the said Trustees, and shall leave such Offer in Writing at the last or usual Place or Places of Abode of the Person or Persons to whom such Offer in Writing shall be made; and in case the Person or Persons to whom such Offer in Writing shall be so made shall not then and thereupon agree, or shall refuse or neglect to repurchase the same upon the Terms aforesaid, or shall not signify his, her, or their Intention of repurchasing the same within Fourteen Days after such Offer of Resale, then and in every such Case, an Affidavit being sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Surrey*, by some competent Person or Persons, stating that such Offer was made by or on Behalf of the said Trustees, and was then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made, the same shall in all Courts be sufficient Evidence and Proof that such Offer was made and was agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be): Provided also, that if the said Trustees shall not offer to sell, upon the Terms at or upon which the same shall have been purchased by the said Trustees, any of the Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments not necessary to be made use of for the Purposes of this Act, or for erecting the said Watch House as aforesaid, to the Person or Persons, or the real or personal Representative (as the Case may be) of the Person or Persons, of whom the same shall have been purchased, then and in that Case it shall be lawful for such Person or Persons, or the real or personal Representatives of such Person or Persons (as the Case may be), to make an Offer in Writing, to be delivered to the Clerk or Treasurer of the said Trustees, for the Purchase of the same, upon the same Terms at or upon which the same shall have been purchased by the said Trustees; and if the said Trustees shall not, within Six Calendar Months next after the Delivery of such Offer in Writing, on having the Purchase Money tendered to them by the said Person or Persons, or his, her, or their real or personal Representative, convey such Lands, Grounds, Erections, Buildings, Houses, Tenements, or Hereditaments so offered to be purchased as last aforesaid, to such Person or Persons, his, her, or their Representative (as the Case may be), in that Case the said Trustees shall be deemed Trespassers on such Lands and Hereditaments from the Day of the Expiration of such Notice, and such Person or Persons, or his, her, or their Representative (as the Case may be), shall and may recover the same by Action of Ejectment, and the Rents and Profits thereof by an Action for the Mesne Profits from the Day on which such Notice shall expire, in which Actions such Person or Persons shall recover on proving that such Lands or Hereditaments were purchased by the said Trustees of such Person or Persons, and that such Offer in Writing and Tender were made as aforesaid, unless the said Trustees shall shew that the said Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments are necessary for the Purposes of this Act, or for erecting the said Watch House as aforesaid; and the same Damages, Costs, Judgments, and Executions shall be given and issue in such Actions as in other Actions of Ejectment and for Mesne Profits; any thing herein contained to the contrary notwithstanding.

XL. Pro.

XL. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, and Tenant and Tenants for Life, and Tenant and Tenants in Fee Tail General or Special, or for Years determinable upon any Life or Lives, whether in Possession, Remainder, Reversion, Expectancy, or otherwise; and all Feoffees in Trust, Executors, Administrators, Femes Covert, Husbands, Guardians, Committees, Trustees, and all and every other Person or Persons who is and are seised, possessed of, or interested in any Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments hereby authorized to be taken for the Purposes of this Act, may accept and receive Satisfaction for the Value of such Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments, and for the Damages to be sustained by taking thereof, in gross Sums as shall be agreed upon by and between the said Parties respectively, or any of them, and the said Trustees or any Seven or more of them; and in case the said Parties so interested in any such Lands, Grounds, Erections, Buildings, Houses, Tenements, and Hereditaments, or any of them, and the said Trustees, cannot agree as to the Amount or Value of such Satisfaction, the same shall be settled and ascertained in the same Manner as is directed by the said recited Act with respect to any Lands, Tenements, or Hereditaments therein mentioned to be contracted for and purchased; and all the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, and Clauses in the said recited Act contained in relation to the settling and ascertaining the Amount or Value of any such Damage or Satisfaction, and Payment and Application of any Money so assessed by the Verdict of any Jury, shall be in force and applied for the Purposes aforesaid in like Manner in every respect as if they were severally and respectively re-enacted in the Body of and made Part of this Act; and the said Act and this Act shall be construed as one Act.

Satisfaction
to be made.

XLI. And be it further enacted, That all and every Person or Persons who, in any Examination to be taken upon Oath by virtue of the said recited Act or this Act, shall wilfully give false Evidence, or otherwise forswear himself, herself, or themselves, before any Jury, or before any Justice or Justices of the Peace acting as such in the Execution of the said recited Act or this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing
Persons
guilty of
Perjury.

XLII. And be it therefore further enacted, That upon Payment or legal Tender of such Sum or Sums of Money, or giving such Security as the said Trustees shall approve, for Payment of any Sum or Sums as shall have been contracted and agreed for between the Parties, or adjusted and determined by the said Trustees, or assessed by such Juries in Manner in the said recited Act mentioned, for the Purchase of any such Lands, Grounds, Houses, Erections, Buildings, Tenements, or Hereditaments, as herein-before mentioned, to the Proprietor or Proprietors of such Lands, Grounds, Houses, Erections, Buildings, Tenements, or Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Purchase Money, or to his, her, or their Agent or Agents, at any Time after the same shall have been actually so agreed upon, determined, or assessed, or upon depositing the same in the Bank of England in

Lands to vest
in Trustees
upon Pay-
ment or Secu-
rity for the
Value or the
Amount of
Damages.

[Local.]

20 B

Manner

Manner by the said recited Act or this Act directed, it shall and may be lawful to and for the said Trustees or any Seven or more of them, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, Houses, Erections, Buildings, Tenements, or other Hereditaments respectively (or before such Payment, Tender, or Security given, by Leave of the Owners or Occupiers thereof); and then and thereupon such Lands, Grounds, Houses, Erections, Buildings, Tenements, or other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Trustees, to and for the Purposes of the said recited Act and this Act, for ever; and such Tender, Payment, Security, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion, Remainder, Expectancy, or otherwise, of his, her, or their Issue, and of all and every other Person or Persons interested therein: Provided nevertheless, that before such Payment, Tender, Security, or Deposit made or given as aforesaid shall be made, it shall not be lawful to or for the said Trustees, or any Person or Persons acting under or by virtue of their Authority, to dig or cut or otherwise affect any Lands or Grounds, or to take down, remove, or otherwise affect any Tenements or other Hereditaments of the Person or Persons entitled to such Payment or Security, for the Purposes of the said recited Act or this Act, without the Leave and Consent in Writing of such Person or Persons respectively.

Monies assessed to be paid out of the Tolls.

XLIII. And be it further enacted, That all and every Sum and Sums of Money so agreed or assessed as aforesaid is and are hereby charged upon the Monies which shall be raised by virtue of the said recited Act and this Act, and shall be paid thereout by the said Trustees or any Seven or more of them, or their Treasurer, according to the Directions in the said recited Act or this Act contained, into the Bank of *England*, (or as the Case may be) to the Persons respectively entitled thereto, or their Agents; and upon Payment thereof, or (in case such Persons or their Agents cannot be met with, or upon Tender of such Money shall refuse to receive the same then) upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of the respective Persons entitled thereto, and Notice thereof in Writing, signed by any Three or more of the said Trustees, or their Treasurer, given to such Persons, or left at their respective last or usual Places of Abode, such Lands, Tenements, or Hereditaments shall by the said Trustees or their Surveyor or Workmen be laid into and made Part of the said Roads, and shall to all Intents and Purposes whatsoever become and be, and be deemed and taken to be, a Public and Common Highway, and shall be for ever afterwards deemed Part of the said Roads, and shall be repaired and kept in Repair by such Ways and Means, and in all respects in such Manner, as the Roads mentioned and included in the said recited Act are kept in Repair.

How Monies to be paid in case of Failure in making out Titles.

XLIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of this or the said recited Act, shall refuse to accept the same,

or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Seven or more of them, or in case the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees or any Seven or more of them to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in such Lands, Tenements, and Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceedings or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received to such Person or Persons as shall pay such Sum or Sums of Money into the Bank as aforesaid.

XLV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, in pursuance of this or the said recited Act, for the Purchase of 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 Interest or Dividends of such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, in respect whereof such Money shall have been 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 to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall have been shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the said Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, or that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise as to the Title to the Money, the Person in Possession of the Lands, &c. to be deemed entitled thereto.

XLVI. 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 Lands, Tenements, or other Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, it shall and may be lawful to and 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

The Court may order reasonable Expences to be paid by the Trustees.

and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sum and Sums of Money for such Purposes as the said Court shall direct and order.

Tenants at Will to deliver Possession on Six Months Notice.

XLVII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up Possession of such Premises to the said Trustees or any Seven or more of them, or to such Person or Persons as they shall appoint to receive Possession of the same, upon having Six Calendar Months Notice to quit and deliver up such Possession from the Clerk to the said Trustees, or from the Person or Persons authorized by them to receive such Possession; and such Person or Persons in Possession shall, at the End of the Six Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenants holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up Possession of the said Premises to the said Trustees or any Seven or more of them, or the Person or Persons authorized by them to take the Possession thereof, (such Authority being signified in Writing under the Hands of the Trustees or any Seven or more of them); and in case any Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid (all reasonable Satisfaction being first made or tendered), it shall be lawful for the said Trustees or any Seven or more of them to issue their Precept or Precepts to the Sheriff of the said County of *Surrey*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Mortgagees to convey on Tender of Principal and Six Months Interest.

XLVIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, or Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on Tender of the principal Money by the said Trustees, or by such Person or Persons as they or any Seven or more of them shall appoint, or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Trustees, or from such Person or Persons as they shall appoint, that they will pay off and discharge the principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of the Six Calendar Months to be computed from the Day of giving such Notice, then and in such Case, at the End of the said Six Calendar Months, upon Payment or Tender of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Trustees, or to such Person or Persons as they or any Seven or more of them shall appoint in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Payment or Tender, then and in such Case all Interest on every such Mortgage or Mortgages shall from thenceforth cease and determine: Provided always, that in case the Sum due upon such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises to be ascertained in Manner by the said recited Act or this Act directed, then and in such Case the said Trustees shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises ascertained as

aforesaid:

aforesaid: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey and assign as aforesaid, then upon Payment of the principal Money and Interest due on any such Mortgage or Mortgages, or the real Value of such Premises to be ascertained as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is directed in or by this or the said recited Act in Cases of other Payments into the Bank; and thereupon all the Estate, Right, Title, and Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person or Persons in Trust for him, her, or them, shall vest in the said Trustees, and they shall be deemed to be in actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents, Constructions, and Purposes whatsoever.

XLIX. And be it further enacted, That no Windmill shall be erected or built within the Space of Two hundred Yards from any Part of the Roads included in the said recited Act or this Act.

No Windmill to be erected within 200 Yards.

L. And be it further enacted, That from and immediately after the passing of this Act all and every the Footpaths on the Sides of or adjoining the said Roads shall be and the same are hereby declared to be Part of the said Roads, 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 amended.

Footpaths deemed Part of Roads.

LI. And be it further enacted, That all and every Gate and Gates, Door and Doors, to be hereafter placed in any Field or Ground, or to any Erection or Building adjoining any Part of the said Roads included in the said recited Act and this Act, shall be made and hung to open and swing inwards towards such Field or Ground, Erection or Building, and not outward, or into the said Roads or Footpaths thereof; and it shall and may be lawful to and for the said Trustees or any Seven or more of them to order all such Gates and Doors as are now erected or may be hereafter erected, and open and swing outward towards the said Roads or Footpaths, to be altered and made to swing inward towards such Fields, Erections, or Buildings, as the said Trustees shall think fit; and if any Occupier or Occupiers of such Field or Ground, Erection or Building, upon or belonging to which any Gate or Gates, Door or Doors, is or are, or shall be constructed so as to open and swing outward towards the said Roads or Footpaths, shall (after Fourteen Days Notice from the Surveyor of the said Trustees, requiring him or them to alter such Gate or Gates, Door or Doors, and make the same to open and swing inward towards such Fields, Erection, or Building) refuse or neglect to make such Alteration, or, after such Alteration shall have been once made, shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Gates not to open or swing into the Road.

LII. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or cause to be injured, destroyed, broken down, or otherwise damaged, or shall ride on or drive or lead any Horse, Beast, Cattle, or Carriage, or

Penalty on riding, &c. on the Footpaths.

[Local.]

20 C

cause

cause any Horse, Beast, Cattle, or Carriage to be rode or driven or led along any Footpath or Causeway made or to be made on the Side or Sides of the said Roads, or any of them or any Part thereof, or shall wilfully or negligently deface, damage, or destroy any Mile Stone, Direction Post, Fence, Wall, or Gate on or on the Sides of the said Roads or Footpaths and belonging thereto, or shall wilfully or carelessly break or damage any Post, Rail, or Stone which now are or may be erected for the Security of the said Footpaths or Causeways, or shall plough over or drag any Plough or Harrow along any Part of the said Roads or Footpaths, or in ploughing or harrowing shall turn any Horse or other Beast drawing any Plough or Harrow upon any Part of the said Roads or Footpaths to the Prejudice or Injury thereof, or to the Annoyance or Hinderance of any Person or Persons travelling thereon, or if any Person or Persons shall scrape off or cause or procure to be scraped off any Mud, Soil, or any other Matter or Thing which shall be or lie upon any Part of the said Roads or Footpaths, or if any Person shall draw or cause to be drawn along any Part of the said Roads or Footpaths any Tree or Piece of Timber, or any Stone (otherwise than upon Wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone which shall be carried upon a Wheeled Carriage to drag upon any Part of the said Roads or Footpaths to the Injury thereof, or if any Person shall place or use any Slide or Skid Pan under the Wheel or Wheels of any Waggon, Wain, Cart, or other Carriage, in such Manner as to injure the said Roads or any Part thereof, or if any Person driving any Pig or Swine upon the said Roads, or the Owner of any Pig or Swine, shall suffer the same to root up or damage the said Roads or Footpaths, or any Part thereof, or any Fence, Hedge, or Wall upon either Side thereof, or if any Person or Persons shall leave or suffer, or cause or permit or suffer, any Horse, Cattle, Sheep, Beast, or Pig to be and remain loose on the said Roads, or the Footpaths or Sides thereof, or if any Person driving any Coach, Chaise, or Waggon, Cart or other Carriage, upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or near Side of the said Roads, or if any Person shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care, or if any Person shall make or assist in making any Fire, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or wantonly fire any Gun or Pistol, or play at Foot-ball; or fly any Kite, trundle any Hoop, or play at any other Game whatsoever, on any Part of the said Roads or Footpaths, or if any Person or Persons shall leave or cause to be left any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, save and except with regard to such Waggon, Wain, Cart, or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Roads as conveniently may be, in, upon, or on the Side of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto, or if any Person shall set or place any Waggon, Wain, Cart, or other Carriage across the said Roads, or any Part thereof, or if any Person shall lay or cause to be laid any Piece of Timber, or any Stone, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Roads or Footpaths, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance,
3
Hinderance,

Hinderance, or Prejudice of any Person or Persons travelling thereon, or shall shew forth or expose to Sale, or put or place any Goods or Furniture, Matter or Thing whatsoever, upon the said Roads or Footpaths, for Sale, or any other Purpose, or shall do, or cause, permit, or suffer to be done, any Damage or Injury to the said Roads or Footpaths, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds, to be levied, recovered, and applied in such Manner as Penalties and Forfeitures by the said recited Act or this Act are directed to be levied, recovered, and applied.

LIII. And be it further enacted, That if any Person or Persons shall run, roll, drive, draw, or place, or cause or permit or suffer to be run, rolled, driven, drawn, or placed, any Waggon, Cart, Dray, Sledge, or other Carriage, or any Wheel, Wheelbarrow, or Truck, or any Hogshead, Cask, or Barrel, or shall wilfully ride, lead, or drive any Horse or other Beast, along any of the Footpaths on either Side of the said Roads, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered, levied, and applied in such and the same Manner as Penalties imposed by the said recited Act or this Act are to be levied, recovered, and applied.

To prevent driving on Footpaths.

LIV. And whereas Persons, without Leave of the Trustees, inclose or otherwise occupy Part of the Roads or Footpaths for the making of Mortar, and depositing of Goods, Furniture, Bricks, Lime, Timber, and other Materials, Matters, and Things, to the great Annoyance, Obstruction, and Damage of Passengers and Carriages passing and repassing along the said Roads and Footpaths, and to the Detriment of the said Roads and Footpaths; be it therefore further 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, Hoard, Post, Bar, or Rail, or lay or deposit any Goods, Furniture, Bricks, Lime, Timber, or other Materials, Matter, or Thing whatsoever, in or upon any Part of the said Roads or Footpaths, without the Consent of the said Trustees or any Seven or more of them in Writing first had and obtained, or beyond such Bounds or Limits, or without such Inclosure or Hoard, or continue the same beyond the Time as shall be directed and allowed of by the said Trustees or any Seven or more of them, it shall be lawful for the said Trustees or any Seven or more of them, or their Surveyor or Surveyors, in any or either of the said Cases, to cause the same to be removed, taken, or carried away, and deposited in such Place or Places as the said Trustees or any Seven or more of them shall direct or appoint, there to remain and be kept until the Owner or Owners, Offender or Offenders, shall have paid and discharged all such Costs, Charges, and Expences attending the removing, taking, carrying away, depositing, and keeping the same as aforesaid, such Costs, Charges, and Expences being first settled and ascertained by any One Justice of the Peace for the County or Place where the Offence shall be committed; and in case the said Owner or Owners, Offender or Offenders, shall refuse or neglect or omit, within Five Days after such Offence committed, to pay the said Costs, Charges, or Expences, it shall be lawful for the said Trustees or any Seven or more of them, or their Surveyor or Surveyors, to sell all such Goods, Furniture, Mortar, Bricks, Lime, Timber, Materials, Matters, and Things, and reimburse themselves such Costs, Charges, or Expences as aforesaid, and of such Sale or Sales, rendering the Overplus (if any) to such Owner or Owners, Offender or Offenders, on Demand.

No Inclosure to be made, or Materials for Buildings, &c. to be laid upon the Roads, without Consent of Trustees.

LV. And

Materials
vested in the
Trustees.

LV. And be it further enacted, That all Timber, Stones, Bricks, Tiles, Slates, Planks, Iron, Lead, Glass, and all other Materials belonging or appertaining to the said Houses, Buildings, and Premises which shall be taken down by virtue of this Act, shall be and they are hereby vested in the said Trustees, and they are hereby required with all convenient Speed, when and as the same are taken down, or taking down, to cause such Materials from Time to Time to be removed off the Premises, and to use and employ so much thereof as they shall see fit for the Purposes of the said recited Act or this Act, and the remaining Part of the said Materials shall be sold and disposed of for as much Money as can be reasonably gotten for the same, which Money shall be applied for and towards the Purposes of the said recited Act or this Act.

Power to
reward In-
formers.

LVI. Provided nevertheless, and be it further enacted, That it shall be lawful for the said Trustees or any Seven or more of them (if they shall see Cause) from Time to Time to pay and apply any Part of the said Penalties and Forfeitures or any of them to and for the Use of the Informer or Informers, or any Person or Persons (not being a Witness or Witnesses) aiding or assisting in the Apprehension of any Offender or Offenders therein, or any of them; any thing herein contained to the contrary notwithstanding.

Penalties and
Forfeitures,
how to be
recovered.

LVII. And be it further enacted, That all Penalties and Forfeitures by the said recited Act or this Act imposed or inflicted (the Manner of recovering and levying whereof is not otherwise particularly directed) shall, upon Proof of the Offences respectively before any Justice of the Peace for the County wherein the Offence shall be committed, either by the Confession of the Parties respectively, or by the Oath of One credible Witness (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), or upon the View of such Justice, be levied and recovered by Distress and Sale of the Goods and Chattels of the respective Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered to grant,) and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and the said Penalties and Forfeitures, when so levied and recovered, shall from Time to Time be paid to the said Trustees or any Seven or more of them, or to their Treasurer, and shall be applied (if not otherwise directed by the said recited Act or this Act) for and towards amending the said Roads, and other the Purposes of the said recited Act and this Act; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause such Offenders respectively to be committed to the Common Gaol of such County, there to remain without Bail or Mainprize, for such Term as such Justice shall direct, not exceeding Two Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

For compel-
ling Payment
of Money ad-
vanced or to

LVIII. And be it further enacted, That the several Persons who have subscribed, or agreed in Writing to subscribe and advance, or shall at any Time or Times hereafter agree in Writing to advance, any Sum or Sums
of

of Money on the Credit of the Tolls arising or to arise upon the said Roads, for or towards the Expence of making the new Road by this Act authorized to be made, and for otherwise carrying such Work, or the Provisions of the said recited Act and this Act, or either of them, into Execution, shall pay, and they are hereby directed and required to pay, the respective Sums so by them subscribed or agreed to be advanced, at such Time or Times, in such Manner, and to such Person or Persons, as the said Trustees or any Seven or more of them shall by Writing under their Hands order or direct; and in default of Payment of such respective Sums, or any Part thereof, the same shall and may be recovered by Action at Law, to be brought in any of His Majesty's Courts of Law at *Westminster*, in the Name of the Clerk or Treasurer to the said Trustees.

be advanced
for making
the new Road.

LIX. 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.

Public Act.

LX. And be it further enacted, That the Term granted by the said recited Act shall upon the passing of this Act cease and determine, and that the said recited Act (subject to the Alterations, Additions, and Amendments herein contained) and this Act shall from thenceforth commence, continue, and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commence-
ment and
Term of Act.

The SCHEDULE referred to by the foregoing Act.

Nos. on the Plan.	Description of the Property.	Names of the Owners or reputed Owners.	Names of the Occupiers.
1	A Piece of Land in Kennington Lane, opposite Vauxhall Gardens, Part of the late Coach Field	Samuel Marshall, Vitruvius Lawes, and Faithful Croft, Devises in Trust of the late Thomas Holloway	John Dormer.
2	Part of a Garden	The Representatives of the late Sir Joseph Mawbey, Bart. deceased	David Macnib.
3	Part of a Garden	Ditto	W. Horn Pierpoint.
4	Part of a small Grass Field	Ditto	John Humble.
5	Ditto	Ditto	Ditto.
6	Part of the Aqueduct of the South London Water Works, and Land adjoining the Sides thereof	The Company of Proprietors of the South London Water Works	The Company of Proprietors of the South London Water Works.
7	Part of a Grass Field	His Royal Highness the Prince Regent, as Duke of Cornwall, and Lord of the Manor of Kennington	Jemima Watts.
8	Part of the Nursery Ground, called the Oval	Ditto	James Mitchelson and John Arthur.
9	The Public Highway round the South Side of the said Oval		
10	A Dwelling House and Garden, near the Corner of Harleyford Street	His Royal Highness the Prince Regent as aforesaid	Heneage Ogilvie Pennington.
11	A Dwelling House and Garden adjoining the last, and being the Corner of Harleyford Street	Ditto	William Barker.
12	The Fore Court of a House being No. 8, on the South Side of Harleyford Street	Ditto	William Owen.
13	Ditto of the House No. 7, adjoining	Ditto	William Knight.
14	Ditto of the House No. 6, adjoining	Ditto	John Spottiswood.
15	Ditto of the House No. 5, adjoining	Ditto	Ann Smith.

Nos. on the Plan.	Description of the Property.	Names of the Owners or reputed Owners.	Names of the Occupiers.
16	A small Slip of Garden on the South Side of the said Street, and Part of the Fore Court }	His Royal Highness the Prince Regent as aforesaid }	Benjamin Browne.
17	The Public Highway called Harleyford Street - - }		
18	Part of the Fore Court to a House at the Corner of Harleyford Street - - }	Ditto - - - - -	Whitaker Cooper.
19	Part of the Turnpike Road from London to Clapham }		
20	Part of the smaller Kennington Common - - }	Ditto - - - - -	Unknown.
21	Part of the Turnpike Road from London to Croydon }		
22	Part of the larger Kennington Common - - }	Ditto - - - - -	Unknown.
23	Part of an Arable Field, adjoining the Common - }	— Nainby - - - - -	John Shelton.
24	Part of a Grass Field - }	His Grace the Archbishop of Canterbury - - }	Robert Martin.
25	Part of an Orchard and Garden - - - - }	Ditto - - - - -	Ditto.
26	A small Part of an Arable Field - - - - }	Sir William Smyth, Bart. and the Rev. Edward Smyth, as Committee for Thomas Smyth, Esq. a Lunatic - }	Isaac Bates.
27	Part of an Arable Field - - - - }	Ditto - - - - -	Robert Martin.
28	Part of a Grass Field - - - - }	Isaac Minett - - - - -	John Devoll.
29	Part of the public Foot-path.		
30	Part of a Grass Field - - - - }	— Watkins - - - - -	William Lancefield.
31	Part of an Orchard and Garden - - - - }	Isaac Minett - - - - -	John Devoll.
32	Part of a Grass Field - - - - }	Ditto - - - - -	Ditto.
33	Part of the public Footway.		
34	A small Piece of Ground - - - - }	Isaac Minett - - - - -	John Devoll.
35	Part of a Garden - - - - }	Ditto - - - - -	Ditto.
36	Part of a Garden - - - - }	John Fell - - - - -	William Lancefield.
37	Part of a Farm Yard - - - - }	Isaac Minett - - - - -	John Devoll.
38	Part of a Stone Mason's Workshop and Yard - - - }	Ditto - - - - -	John Day.
39	Part of a Dwelling House, Fore Court, and Wheelwright's Yard; and the whole of the Workshop - }	The Rev. Philip Stanhope Dodd, and Charles Dodd, Esq. - - - - }	Richard Dye.

Nos. on the Plan.	Description of the Property.	Names of the Owners or reputed Owners.	Names of the Occupiers.
40	Part of Camberwell Green	Sir William Smyth, Bart. and the Rev. Edward Smyth, as Committee for Thomas Smyth, Esq. and S. W. Halliday and William Whitton, Esqrs.	In hand.
41	Part of the Shop and Fore Court of Mr. Bold's Dwell- ing House, and Part of the Fore Courts of Two small Tenements on the West Side of the Turnpike Road leading from Camberwell Green towards the Fox under the Hill		
42	Part of the Fore Court of the adjoining House, being No. 1. in York Place	Ditto	Hannah Butters.
43	Ditto of the House adjoining, being No. 2. in York Place	Ditto	Thomas Mills.
44	Ditto of the House adjoining, being No. 3. in York Place	Ditto	John Harding.
45	Ditto of the House adjoining, being No. 4. in York Place	Ditto	Martha Colston.
46	Ditto of the House adjoining, being No. 5. in York Place	Ditto	Empty.
47	Part of a Garden adjoining	Ditto	— Chatfield.
48	Part of a Dwelling House and Passage adjoining	John Tennant	James Williams.
49	The Fore Court of a House adjoining	The Rev. Dr. Warneford	Henry Wapshott.
50	Ditto adjoining	Sarah Dixon	William Vincent.
51	Ditto adjoining	Ditto	Elizabeth Brimmer.