



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. cxxv.

An Act for more effectually repairing and improving certain Roads in the Counties of *Kent* and *Surrey*, commonly called *The New Cross Turnpike Roads*. [26th May 1826.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act passed in the Twenty-first Year of the Reign of His present Majesty, for repairing the Roads leading from the Stones End in Kent Street, in the Parish of Saint George, Southwark, to Dartford, and other Roads therein mentioned, in the Counties of Kent and Surrey, and for more effectually repairing and improving the said Roads, and for lighting and watching, or guarding the same, and also for increasing the Compositions payable in lieu of Statute Duty by the Parishes of East Greenwich and Saint Paul, Deptford, to the Treasurer of the said Roads*: And whereas another Act was passed in the Forty-ninth Year of the Reign of His said late Majesty, intituled *An Act for continuing, explaining, and amending an Act passed in the Forty-second Year of His present Majesty, for repairing and improving the Roads leading from the Stones End in Kent Street, in the Parish of Saint George, Southwark, to Dartford, and other Roads therein mentioned, in the Counties of Kent and Surrey*: And whereas it is expedient to repeal the said Acts, and to extend the Powers of the Trustees of the said Turnpike Roads: And whereas

[Local.] 42 S a certain

42G.3.c.63.
49G.3.c.128.

a certain Part of the said Turnpike Road situate at *Blackheath Hill*, in the County of *Kent*, is very narrow and inconvenient to Travellers and Passengers, and it is very necessary for the Public Safety and Accommodation that the same should be widened and improved, by taking down several Houses standing and being upon *Blackheath Hill* aforesaid, and at the Sides of the said Road, and taking the Sites thereof, and a Portion of the Fore Courts in the Front of certain Houses on *Blackheath Hill* aforesaid, into the said Turnpike Road: And whereas the Line of a Part of the said Turnpike Road at *Lee* hath lately been varied, and the Improvements thereof have been proceeded in and are now nearly completed, at a very heavy Expence, and a Part of the Money for the Payment thereof has been borrowed upon the Credit of the Tolls: And whereas the above-mentioned several Objects cannot be effected without the Aid and Assistance of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes to act as Trustees for repairing and maintaining Turnpike Roads*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Forty-second Year of His said late Majesty King *George* the Third and of the Forty-ninth Year of the Reign of His said late Majesty shall be and the same are hereby repealed; and that this Act shall commence and take effect and be put in execution for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in Repair the Whole of the said Roads commonly called or known by the Name of *The New Cross Turnpike Roads*, and which said Roads are situate, lying, and being in the said Counties of *Kent* and *Surrey*, and are more particularly described as follows; (that is to say,) from the *Stones End*, in *Kent Street*, in the Parish of *Saint George, Southwark*, to the End of *Watery Lane*, at the West End of the Town of *Dartford*, and from the Turnpike Road near the *Green Man* Turnpike Gate on the *Kent Road*, to the Boundary Post of the Parish of *Saint George, Southwark*, on the *Grange Road*, and from the Turnpike Road near *Deptford Bridge* to the Corner of the Wall of a House now occupied by *Lord Henry Smith*, in *London Street*, in the Parish of *Greenwich*, and from the Six Mile Stone on *Blackheath* through *Charlton* to the Arsenal Gate at the East End of the Parish of *Woolwich*, and from the Lime Kilns in *Greenwich* to join the Turnpike Road in the Parish of *Lewisham*, and from a Place called *New Cross*, in the Parish of *Saint Paul Deptford*, through *Lewisham*, to *Farnborough Well*, and from the first Mill Pond at *Southend*,
Lewisham,

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.

Former Acts
repealed.Situation of
the New
Cross Roads.

Lewisham, through *Beckenham*, to the West End of *Stroud Green*, *Croydon*, in the County of *Surrey*, and from the Turnpike Road near *Lewisham Bridge*, through *Lee* and *Eltham*, to *Footscray Bridge*, in the said County of *Kent*, or howsoever otherwise the Roads known as the *New Cross* Turnpike Roads have heretofore been designated.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisoos, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His said present Majesty or by this Act, and also the said recited Acts of the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except as aforesaid, shall be as good, valid, and effectual in and for carrying this Act into execution as if the same had been respectively repeated and re-enacted in the Body of this Act.

Powers of the Acts of 3, 4, & 5 G. 4. extended to this Act.

III. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls heretofore authorized by Law to be taken or received, and to the Payment of all the Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act.

New Term and Tolls liable to former Debts.

IV. And be it further enacted, That all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees for carrying the said recited Acts hereby repealed or either of them into execution, or to any Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act.

Persons owing Money to the Trust under former Act to be accountable under this Act.

V. And be it further enacted, That all Bonds, Covenants, Contracts, Agreements, and Securities entered into by any Person or Persons in the Name of or on Behalf of the said Trustees, according to the Provisions of such Acts so repealed as aforesaid, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account of the Trust created by this Act; and all Contracts and Agreements duly made or entered into by the said Trustees or their Clerk or Treasurer, or other Person or Persons on their Behalf as aforesaid, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act according to the Terms or Stipulations thereof respectively, and notwithstanding the Repeal of the said recited Acts or either of them.

Bonds and Agreements, &c. to remain in force.

VI. And

Books under former Acts to be Evidence under this Act.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts so repealed as aforesaid, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, Actions, and Proceedings whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Present Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Kent* and *Surrey* respectively, together with *George Absolom, Edward Richard Adams, Benjamin Aislabie, John Allen, John Angerstein, John Atkins, John Auldjo, Edward Austen, Thomas Austin, John Baines, Samuel Baker, Edward George Barnard, the Reverend Edward Barnard, Thomas Barnes, Edward Bate, William Beattie M.D., William Bennett, Joseph Berens, Joseph Berens junior, Richard Best, Sir Thomas Blomefield Baronet, Thompson Bonar, Thomas Bonton, George Bramwell, Thomas Brandram, the Reverend John Kenward Shaw Brooke, Lieutenant Governor William Browell, the Reverend Charles Parr Burney D.D., Bertie Cornelius Cator, John Cator, John Calcraft, John Hales Calcraft, Granby Hales Calcraft, Charles Calvert, Robert Campbell, Archibald Russell Campbell, Christopher Chapman, Joseph Chitty, the Reverend Samuel Cole D.D., Edward Collins, Abraham Constable, Thomas Peregrine Courtenay, Thomas Cox, Francis Cresswell, Charles Cunningham, Major General William Cuppage, Edward Spencer Curling, Jesse Curling, John Wilson Davies, the Reverend Richard Davies, George Davies, the Reverend Francis Dawson, William Dixon, Richard Dobson M.D., John Dorington, Thomas Augustus Douce, Beriah Drew, George Drew, George Neale Driver, James Beveridge Duncan, Sir Thomas Dyke Baronet, Percival Hart Dyke, Captain William Edge, Henry Edmeades, James Edmeades, William Edmeades, Richard Edmonds, Robert Edmonds, John Ellies, Joseph Ellis, George Emmett, George Enderby, Samuel Enderby, Stewart Erskine, Isaac Espinasse, George Evelyn, William Euston, Samuel Farmer, the Reverend Sir Charles Farnaby Baronet, Thomas Farncomb, Lieutenant Colonel Henry Farrington, Charles Ferguson, Matthew Ffinch, Colonel Ford Royal Artillery, Edward William Forman, John Forster, Colonel Thomas Franklyn, the Reverend Hugh Fraser, the Reverend Edward Cockayne Frith, Thomas Gaitskell, Sir William Geary Baronet, John Giles, William Gladstone M.D., John Godby, Christopher Godmond, Adam Gordon, Charles David Gordon, John Lane Green, John Green (Eltham), John Green (Blackheath), Jere Greenland, the Reverend William Greenlaw, Olinthus Gregory L.L.D., James Greig, Stephen Groombridge, George Grote, Nathaniel Hadley, Jacob Hagen, Robert Hains, John Haines, Thomas Halifax, John Harrison, Philip Davies Hart, John Hartshorne, John William Hartshorne, William Harrison Harvey, Henry Hawley, Sir Henry Hawley Baronet, William Hedger, Frederick Heisch, John Hicks, Captain John Hill R.N., John Hillman, Sir Thomas Hislop, William Philip Honeywood, John Hough, General Sir Samuel Hulse, Matthew Isacke, John Jackson, Joseph Jackson, George Jenner, Herbert Jenner, John Johnson, John Jones, the Reverend Hugh Jones, the Reverend
William*

William Jones B. D., Colonel John Thomas Jones, Major Jones, Major Richard Jones, William Jones, Sir Richard Goodwin Keats, David King, Sir Edward Knatchbull Baronet, the Honourable Warwick Lake, Captain Robert Larkan, Thomas Larkins, Richard Lea, the Honourable Admiral Sir Arthur Kaye Legge, the Honourable Henry Legge, Richard Leigh junior, Sir William Leighton, Thomas Lett, Richard Lewin, Thomas Lewin, Samuel Isaac Lilley, William Limbery, Martin Lindsay, Thomas Lingham, Major William Lloyd, Lancelot Loat, the Reverend George Lock, Edward Hawke Locker, the Right Honourable Sir Charles Long, Thomas Hayter Longden, James Lowe, Matthias Prime Lucas, William Lucas, Edward Ludlow, Lieutenant Thomas Lynne, Lieutenant General Gother Man, the Reverend John Manley, the Honourable and Reverend Jacob Marsham, Thomas Martyr, the Reverend George Mathew, Robert Richard Manley, the Reverend John Messiter, James M^cDowall, the Reverend Thomas William M^cGuire, General Miller, Henry Mills, Isaac Minet, John Lewis Minet, Captain George M^cKinley, Lachlan M^cLean, Captain M^cLeod, Lieutenant General John M^cLeod, the Reverend George Moore, Edward Mortimer, John Mumford, Paul Sandby Munn, George Munro, Doctor Thomas Myers, Edward Neale, William Alexander Newsome, Isaac Nicholson, William Nicholson, George Norman, William Nottidge, Patrick Ogilvie, George Oliver, Charles Rowland Parker, Thomas Watson Parker, Peter Pemell, Frederick Perkins, Frederick Pigou, John Grove Platt, Richard Price, the Reverend Peter Rashleigh, Thomas Rashleigh, Edward Rawlins, Major Rhode, Robert Rich, Charles Ritchie, Thomas Roberts, Robert Robertson M. D., John David Rolt, the Reverend William Rose, Henry Samson, James Saunders, Robert John Saunders, James Scott, Samuel Scott, William Seymour, Sir John Gregory Shaw Baronet, Thomas Edward Sherwood, Thomas Shipman, Thomas Allen Shuter, Emanuel Silva, Joseph Sladen, William Smallbone, George Smith, John Smith, Lord Henry Smith, Captain Matthew Smith, Richard Smith, Thomas Smith, Grange Yard, William Smith, William Henry Smith, Thomas Solly, Robert Sowerby, William Stace, Timothy Stansfield, Joseph Staple, Joseph Steele, George Stokes, Thomas Stokes, the Reverend John George Storie, George Stone, John Stratton, Thomas Sunderland, John Sutton, Doctor Thomas Sutton, Samuel White Sweet, Robert Talbot, Thomas Tanner, Vice Admiral William Taylor, John Thackery, Sir Thomas Thompson Baronet, James Trimbey, the Reverend Stephen Tucker, Charles Hampden Turner, Heneage Twisden, the Reverend Doctor Thomas Waite, James Walker, John Warde, Joseph Warner, Simeon Warner, William Warrington, the Reverend Doctor Samuel Watson, John Webb, John Wells, John Joseph West, James Rice Williams, Charles Willmott, Sir Thomas Maryon Wilson Baronet, Thomas Wilson, Joseph Woollett, Adam Young, Charles Allen Young, Captain William Young R. N., and their Successors, being duly elected, and being qualified in manner directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty or either of them, shall be and they are hereby appointed Trustees for the Purposes of the said Acts and of this Act.

Power to
appoint ad-
ditional
Trustees.

VIII. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Notice shall be given as is directed by the said recited Act of the Third Year of the Reign of His present Majesty respecting the Appointment of Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act as if they had been nominated and appointed in and by this Act.

Style of the
Trustees.

IX. And be it further enacted, That the several Roads by this Act authorized to be repaired shall and may be distinguished and known by the Name of *The New Cross Turnpike Roads*, and the Trustees of the said Roads shall and may in all Proceedings be styled the Trustees of the *New Cross Turnpike Roads*, which shall be a good and sufficient Description of the Trustees of the said Roads, without setting out the Names of the said Trustees, or giving any further Description of them whatever.

Meetings of
Trustees.

X. And be it further enacted, That the said Trustees shall meet at the House known by the Sign of *The Green Man*, at *Blackheath* aforesaid, or at some other convenient Place in the Vicinity of *Blackheath* aforesaid, or adjoining or near to some Part of the said Turnpike Roads, on the last *Saturday* of every Month, for carrying this Act into execution, or at such other Times and Places as Occasion shall require.

Former Of-
ficers to con-
tinue till re-
moved, &c.

XI. And be it further enacted, That the Clerk, Surveyor, and other Officers of the said Turnpike Trust who have been appointed under and employed in the Execution of the said Acts hereby repealed, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or removed by the said Trustees, or become incapable of executing their said Offices, and shall be subject to the like Rules and Regulations, Pains and Penalties, in all respects, as if they had been severally appointed under or by virtue of this Act.

Treasurer
and Clerk
not to be the
same Person.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Trustees; and if any
Person

Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Trust or Profit under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit 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 of Law, nor more than one Imparlance, shall be allowed.

XIII. And be it further enacted, That all Persons who are or have been employed, or who have received any Money on account of the Roads by the said recited Acts or any of them authorized to be made and kept in Repair, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties and Forfeitures, as the said several Persons receiving any Money or retaining any Books and other Things, by virtue of the said recited Acts of the Forty-second and Forty-ninth Years of His said late Majesty and of this Act, were or could be rendered accountable for the same.

Books to be delivered to Trustees under this Act.

XIV. And be it further enacted, That it shall and may be lawful for the said Trustees to continue the several Turnpikes, Toll Gates, Side Gates, Bars, and Toll Houses erected or continued by the Trustees acting under the said Acts hereby repealed, or to remove or change the Situations of any Turnpikes, Toll Gates, Side Gates, Bars, or Toll Houses, and from Time to Time to erect any other Turnpikes, Toll Gates, Side Gates, Bars, and Toll Houses, if they shall think fit, upon, across, or by the Side of any of the Roads mentioned or referred to in this Act, upon giving such and the like public Notice thereof as is required by the general Turnpike Laws now in force relating to Side Gates or Bars.

Power to continue to erect Turnpikes.

XV. And be it further enacted, That the respective Tolls following may be demanded and taken at each and every Turnpike, Toll Gate, Side Gate, or Bar, which is now or shall be hereafter set up or continued upon, across, or by the Side of any of the said Roads, by each and every Person who shall be appointed or continued a Collector of the said Tolls, before any Horse, Mule, Ass, Beast, or other Cattle respectively shall be permitted to pass through any such Turnpike, Toll Gate, Side Gate, or Bar; (that is to say,)

Tolls to be taken.

For

Table of
Tolls.

For every Horse or Mule drawing any Cocah, Chariot, Caravan, Chaise, Calash, Hearse, or such like Carriage, drawn by One or more Horses, and for every Horse or Mule drawing any other Carriage whatever driven with Reins, (except Stage Coaches with Four Horses,) Three-pence :

For every Horse drawing any Stage Coach with Four Horses, Two-pence :

For every Horse or Mule drawing any Waggon, Wain, Cart, Dray, or other such like Carriages, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches, One Penny ; and having the Fellies of the Wheels of the Breadth or Gauge of Six Inches, Three Halfpence ; and having the Fellies of the Wheels of less Breadth or Gauge than Six Inches, Two-pence Farthing :

For every Ox drawing any Waggon, Wain, Cart, Dray, or other such like Carriages, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches, One Halfpenny ; and having the Fellies of the Wheels of the Breadth or Gauge of Six Inches, Three Farthings ; and having the Fellies of less Wheels of less Breadth or Gauge than Six Inches, One Penny :

And for every Horse or Mule not drawing, Three Halfpence :

And for every Ass, drawing or not drawing, One Penny :

For every Ox or other Neat Cattle, One Halfpenny :

And for every Calf, Hog, Sheep, or Lamb, One Farthing :

And for every Horse or Mule drawing any Coach or other such like Carriage, which shall be licensed to carry more than Six Inside Passengers and less than Twelve, the Sum of Four-pence Halfpenny ; and which shall be licensed to carry Twelve or more Inside Passengers, the Sum of Sixpence, instead of the several Tolls herein-before mentioned and set out :

After passing Ten Miles on the Road, &c. a fresh Toll payable.

And for every Horse and Head of Cattle, for which Toll shall have been paid and payable at any Gate or Bar of the said Trust, and which shall afterwards have travelled and passed upon the said Roads or any of them, or any Part thereof, on the same Day, Ten Miles or upwards in a direct Line, or shall pass through any Gate at a Distance of Ten Miles from the Gate at which the former Toll was paid, a further full Toll, as if no former Toll had been paid :

For every Horse or other Beast drawing any Carriage returning from *London*, having been laden with Fish, and carrying, drawing, or conveying any Person or Persons other than the Driver thereof, the like Toll as is payable for every Horse and Beast drawing any Carriage travelling and carrying Passengers for Hire :

Additional Toll for a certain Time and Purpose.

And an additional Toll of One Halfpenny for every Horse or other Beast chargeable with Toll upon the Roads of the said Trust or any of them ; which said Toll shall be paid and payable until the Money raised and to be raised by virtue of this Act for the making of certain Improvements, and widening and straightening the said Turnpike Road at *Blackheath Hill* and *Lee* aforesaid, and all Interest payable thereon, together with the Costs of this Act, and the Costs and Charges of raising the said Monies, shall be fully defrayed, and until Notice of the ceasing of the said additional Toll shall be given as herein-after mentioned.

XVI. And

XVI. And be it further enacted, That as soon as the Money borrowed for carrying into effect the said Improvements at *Blackheath Hill* and *Lee*, and all Interest thereon, and all Monies expended in the making and completing such Improvements, and the Costs and Charges of this Act, shall have been fully paid off, discharged, and satisfied, it shall be lawful for the said Trustees or any Three or more of them, and they are hereby required, at a General Meeting (assembled upon public Notice thereof given upon all the Turnpike Gates and Bars of the said Trust at least Ten Days before the said Meeting) to declare and give public Notice that the said additional Toll of One Halfpenny *per* Horse shall cease and determine, and the said additional Toll of One Halfpenny *per* Horse so granted to defray the Expence of such Improvements and Charges shall, immediately upon such Declaration being made and such Notice being given, cease and determine, and be no longer collected or payable.

When Money for such Improvements paid off, additional Toll of One Halfpenny per Horse to cease.

XVII. And be it further enacted, That a true and distinct Account of the Expence of carrying into effect the said Improvements at *Blackheath Hill* and at *Lee*, and of the Produce of the said additional Toll of One Halfpenny for defraying such Expences, shall be kept by the said Trustees separate and distinct from the other Receipts and Expenditure of or relating to the said Roads; and that the Money to be raised and collected from such additional Toll shall be paid and applied in and towards the Discharge of the Expence of making the aforesaid Improvements, and widening and straightening the Part of the said Turnpike Road at *Blackheath Hill* and *Lee* aforesaid, and all Interest payable thereon, together with the Costs of this Act and the Costs and Charges of raising the said Monies, and for no other Purpose.

Distinct Account with respect to the said additional Toll to be kept separate.

XVIII. And be it further enacted, That for or in respect of all Horses or Beasts of Draught drawing any Carts, Waggon, and other Carriages laden with Bricks, Tiles, Stones, Lime, or Timber, which shall have passed through any Turnpike Gate or Bar upon the said Roads or at the Side thereof, and for which Toll shall have been paid thereat, and which shall afterwards pass through the same Turnpike Gate or Bar again on the same Day, laden as aforesaid, a Third Time, a further Toll shall be paid for such Horse or other Beasts of Draught drawing any such Carriage; and after every Second Payment the Horses or other Beasts of Draught, for or in respect of which such Payments shall have been made shall be permitted to pass Toll-free for the Remainder of that Day; any thing in this or any other Act contained to the contrary notwithstanding.

Carriages laden with Materials for Building to pay the First and Third Time of passing laden, and then free for the Remainder of the Day.

XIX. And whereas it is a great Accommodation to the Public to have certain Parts of the said Roads watered at particular Times and Seasons of the Year; be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at any Time or Times between the First Day of *March* and the First Day of *October* in every Year, to order and direct such

An Additional Toll may be taken at certain Times for watering the Road.

[Local.]

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Part

Part or Parts of the said Roads as they shall think fit to be watered, when and as often as they shall think fit; and it shall also be lawful for the said Trustees, their Lessees, and their Collectors and Receivers, during such of the said Months as the said Roads are watered, to collect, levy, and receive for every Horse or Mule the Sum of One Penny, over and above the Tolls hereby granted: Provided that such additional Tolls shall only be paid and payable upon those Parts of the said Roads which shall be actually watered as aforesaid.

Tolls to be paid only once a Day, except in certain Cases.

XX. Provided always, and be it further enacted, That in case the Tolls authorized by Law shall have been paid for or in respect of any Horse, Mule, Ass, Beast, or Cattle, for passing through any of the Turnpikes, Toll Gates, Side Gates, or Bars now erected or hereafter to be erected or continued by virtue of this Act (except in the Cases herein-before and herein-after provided for), no Toll shall be demanded or taken for or in respect thereof for returning, passing, or repassing through the same Turnpike, Toll Gate, Side Gate, or Bar on the same Day before Twelve of the Clock at Night; but that every Person, on producing a Note or Ticket denoting the Payment of Toll, shall (except in the Cases herein-before and herein-after provided for) be permitted to pass through such Turnpike, Toll Gate, Side Gate, or Bar, with such Horse, Mule, Ass, Beast, or Cattle, Toll-free.

Horses, &c. drawing different Carriages to pay each Time of passing.

XXI. Provided always, and be it further enacted, That no Horse or Horses, Mules, Asses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, Side Gates, or Bars, returning the same Day through the same Turnpike, Toll Gate, Side Gate, or Bar, drawing another or different Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through the same Turnpikes, Toll Gates, Side Gates, or Bars the same Day without again paying Toll; any thing herein contained to the contrary thereof in anywise notwithstanding.

Stage Coaches, &c. to pay upon passing the first Time, and then upon repassing, and afterwards to go free for the Remainder of the Day.

XXII. Provided also, and be it further enacted, That for and in respect of all and every Horse and Horses or other Beast of Draught drawing any Stage Carriage, Van, Caravan, or other Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike, Toll Gate, Side Gate, or Bar, the Tolls hereby made payable (except the Tolls for watering the said Roads, which shall be paid but once on each Day,) shall be paid on repassing through every such Turnpike, Toll Gate, or Side Gate, in like Manner as if no Toll had been before paid thereat; and after every Second Payment the Horse or Horses, Beast or Beasts, for or in respect of which such Payment shall be made, shall be permitted to pass Toll-free for the Remainder of that Day; and the Toll hereby made payable for or in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, shall be paid for every Time of passing or repassing along the

said Road on the same Day as often as a fresh Hiring thereof shall take place.

XXIII. And be it enacted, That for or in respect of all Horses or other Beasts drawing any Waggon, Wain, Cart, or other such like Carriage, in respect of which any Tolls may be demanded and taken by virtue of this Act, having the Sole or Bottom of the Fellies of the Wheels thereof deviating more than Half an Inch from a flat Surface, or having the Interior Diameter deviating from the Exterior Diameter thereof more than One Sixth Part of the Breadth of the Sole or Bottom of the Felly, or having One or more of the Tires of such Wheels to project more than the other Tires of the same Wheels, shall be paid the Tolls which are by the said Act imposed in respect of Horses drawing any such Carriages having the Wheels of a less Breadth or Gauge than Six Inches.

Regulating
Toll for
Waggons,
&c. where
the Wheels
do not roll
on a level
Surface.

XXIV. And be it further enacted, That all and every the Tolls by this Act authorized to be taken shall be vested in the said Trustees; and the same and every Part thereof shall be levied, collected, paid, applied, and disposed of in the Manner directed by the said hereinbefore recited Acts made in the Third and Fourth Years of the Reign of His present Majesty, so far as the same shall not be otherwise provided for by this Act.

Tolls vested
in Trustees.

XXV. And be it further enacted, That in case Complaint shall be made against any Collector of Tolls payable at any of the Gates of the said Trust, at a General Meeting of the Trustees of the said Turnpike Road, and Proof shall be given in the Presence of the Person against whom such Complaint is made (which Collector so complained against the said Trustees may summon before them for that Purpose), or in his Absence, (if upon being so summoned the said Collector shall neglect or refuse to appear at the Time and Place named in such Summons,) that such Collector has been guilty of any gross Misconduct while acting as a Collector upon any of the said Roads, whereby such Collector shall be considered and declared an unfit and improper Person to be or continue a Collector of Tolls upon the said Roads, that then it shall be lawful for the said Trustees, or any Three or more of them, by Writing under their Hands, to require the Lessees or Lessee of the Tolls payable upon the said Turnpike Roads or any of them to dismiss the Collector so offending from being a Collector upon any of the Roads of the said Trust; and if after the Expiration of Two Days from such Requisition being delivered to or left at the last Place of Abode of the said Lessee or Lessees of the said Tolls, the said Collector shall continue to take Tolls at any of the said Turnpike Gates, the said Collector shall pay the Sum of Twenty Shillings for every Day he shall continue to take Tolls; such Sum of Twenty Shillings to be levied and recovered and disposed of as other Penalties imposed by this Act are directed to be recovered and disposed of.

Trustees
may require
Collectors
to be dis-
charged
upon Misbe-
haviour,
and fine Col-
lector if con-
tinued Two
Days after
Requisition.

XXVI. And whereas a Map or Plan describing the Line of the said Alteration and Improvement intended to be made at *Blackheath Hill* in the County of *Kent*, and of the Messuages or Tenements, Fore

Improve-
ment and
Alteration
to be made

at Black-
heath Hill,
according to
the Plan de-
posited with
the Clerk of
the Peace.

Fore Courts and Premises, over and through which the said Alter-
ation and Improvement are respectively intended to be carried,
together with a Book of Reference containing Lists of the Names of
the Owners or reputed Owners and Occupiers of such Tenements
and Premises, have been deposited with the Clerk of the Peace for the
County of *Kent*; be it therefore enacted, That the said Map or Plan
and Book of Reference shall remain in the Custody of the Clerk of
the Peace for the said County of *Kent*, to the end that all Persons
may at all seasonable Times have Liberty to peruse or inspect the
same, and to take Copies and Extracts therefrom at their Will and
Pleasure, paying to such Clerk of the Peace the Sum of One Shilling
for every such Inspection, and at the Rate of Sixpence for every
One hundred Words of such Copies or Extracts of the said Map or
Plan and Book of Reference; and the said Trustees making the
said Alteration and Improvements shall not deviate more than One
hundred Yards from the Line laid down in the said Map or Plan,
without the Consent in Writing of the Owners and Proprietors of
the Lands or Grounds through which such Deviation shall be made.

Trustees not
to pull down
Houses, &c.
except as
herein men-
tioned.

XXVII. Provided always, and be it further enacted, That the Powers
and Authorities hereby given to the said Trustees for putting this Act
into execution shall not extend to the taking down of any Dwelling
House or Building, or taking in the Site of any House or other
Building, or to the taking of any Garden, Yard, or Court, without the
Consent of the Owners and Proprietors thereof respectively, save and
except the several Messuages or Tenements, Yards, Fore Courts,
Hereditaments, and Premises, mentioned and described in the Schedule
to this Act annexed; which said last-mentioned Messuages or Tene-
ments, Yards, Fore Courts, Hereditaments, and Premises, the said
Trustees for putting this Act into execution may and they are hereby
empowered to take down and take possession of and use for the Pur-
poses of widening and improving the said Road,

Houses
marked in
the Plan
may be
taken and
used, not-
withstanding
Errors in the
Book of
Reference.

XXVIII. Provided also, and be it further enacted, That it shall be
lawful for the said Trustees to make the said Widening and Improve-
ment of the said Road through, across, or over the several Messuages,
Tenements, Fences, Yards, Hereditaments, and Premises of any
Person or Persons who is or are or may be the Owner or Owners, or
Occupier or Occupiers of the Tenements or Premises over which the
said Widening or Improvement is meant or intended to be made, as
set forth and described in the said Map, Plan, or List as aforesaid,
although such Messuages or Tenements, Fore Courts, Yards, Here-
ditaments, or Premises, or the Name or Names of such Person or
Persons, may happen to be erroneously described, omitted, or mis-
stated in this Act, or in the said Map or Plan or List, in case it
shall appear to any Two or more Justices of the Peace for the said
County of *Kent*, and be certified in Writing under their Hands, that
such Error or Omission proceeded from Mistake, or was not wilful;
and such Certificate shall be deposited with and remain in the Custody
of the Clerk of the Peace for the County of *Kent*.

Trustees
may treat
for Property

XXIX. And be it further enacted, That it shall be lawful for the
Trustees of the said Turnpike Road or any Three of them, and
they

they are hereby authorized and empowered, to treat and agree for the Purchase of the Houses, Buildings, Lands, Tenements, Scites, and Hereditaments described in the Schedule to this Act, and of any subsisting Leases, Terms, Estates, and Interests therein, and Charges thereon, or such of them, or such Parts thereof as the said Trustees shall think fit; and that in case the said Trustees cannot agree with such Person or Persons as aforesaid for their respective Interests in the said respective Premises, then it shall and may be lawful for the said Trustees, by Writing under the Hand of their Clerk, to call for and demand of and from the said respective Persons and every of them a Particular of the Nature, Term, and Value of the Estate or Interest for which Compensation shall be claimed by him, her, or them, and the Amount of Compensation claimed for the same; which said Particulars the said Person or Persons so claiming is or are required to deliver, signed with his, her, or their proper Handwriting, at the Office of the Clerk of the said Trustees within Twenty-one Days after the same shall have been so demanded; and if such Person or Persons as aforesaid shall neglect or refuse to deliver such Particular as aforesaid, the whole Expence, Costs, and Charges attending the causing and procuring any Value, Recompence, or Compensation to be assessed or awarded shall be paid and deducted out of the Compensation awarded, before Payment of such Compensation.

wanted for
this Act by
Private Con-
tract.

XXX. Provided always, and be it enacted, That in case the said Trustees shall not make and execute the said Improvements within the Space of Five Years from the passing of this Act, then and in such Case it shall not be lawful for the said Trustees to make and execute the same without the Consent in Writing of the Owners of the Land or Tenant over and through which any such Improvements shall thereafter be made first had and obtained.

Improve-
ments to be
made in Five
Years.

XXXI. And be it further enacted, That when the said Road at *Blackheath Hill* and at *Lee* aforesaid shall be altered, widened, enlarged, improved, and finished, the Ground which shall be laid into the said Roads shall be used by the Public accordingly.

Sites of
Houses, &c.
when laid
into the
Roads to be
public Road.

XXXII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or from Year to Year, of any of the Premises which shall or may be taken or purchased, whether by the said Trustees under or by virtue of the Powers and Authorities of this Act, or of the Powers and Authorities contained in any General Turnpike Act, shall deliver up Possession of such Premises to the said Trustees or any Three or more of them, or to such Person or Persons as they shall appoint to receive Possession of the same, upon Six Calendar Months Notice to quit and deliver up such Possession from the Clerk to the said Trustees, or from the Person or Persons who shall be so authorized by them to receive such Possession; and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, whether such Notice shall be given with reference to the Time or Times of such Tenant's 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 Three or more of them,

Tenants at
Will to deli-
ver Posses-
sion on Six
Months No-
tice.

[*Local.*]

42 X

or

On Refusal to quit, the Sheriff, on Precept, to give Possession.

Satisfaction to be settled by a Jury.

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

Mortgagee refusing to convey.

or the Person or Persons authorized by them to receive the Possession thereof, such Authority to be signified in Writing under the Hands of the said Trustees, or any Three or more of them; and in case any such Tenant or Lessee, or any Person or Persons so in Possession as aforesaid, shall refuse to give such Possession as aforesaid, it shall be lawful for the said Trustees, or any Three or more of them, to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall lie, to deliver 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 as aforesaid, by Distress and Sale of his, her, or their Goods; provided, that in case any Dispute shall arise touching the Amount of such Satisfaction as aforesaid, then the same shall be ascertained, settled, and determined by a Jury, as is directed by the said recited Acts of the Third and Fourth Years of His present Majesty.

XXXIII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Tenements, Hereditaments, Sites, or Premises required to be purchased by the said Trustees, not being in Possession thereof by virtue of such a Mortgage or Mortgages, shall, on Tender of the Principal Money and Interest by the said Trustees, or by such Person or Persons as they or any Three or more of them shall appoint, together with Six Calendar Months Interest thereon; 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 such Mortgage or Mortgages, at the End or Expiration of 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 Three 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 on such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained by a Jury in the Manner directed by the General Acts of Parliament for regulating Turnpike Roads in *England*, then and in such Cases the said Trustees shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of the said Premises, to be ascertained as 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

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 said Bank of *England* shall give a Receipt or Receipts for the said Money, in like Manner as is directed in and by the said General Turnpike Acts or either of them in case 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.

XXXIV. And be it further enacted, That all the Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be by the said Trustees and their Successors applied to the general Purposes of this Act.

Application
of Tolls and
Money bor-
rowed.

XXXV. And be it further enacted, That it shall not be lawful to or for any Gas Light Company, or any Person or Persons acting under the Authority of them or any of them, or on their Account, to break or take up or disturb the Ground, Soil, or Pavement in any of the said Roads, for the Purpose of laying down any Mains or Pipes, (except Service Pipes of a Diameter of One Inch in the Bore, or except in Cases of sudden Emergency,) without the Consent in Writing of the said Trustees, signified under the Hand or Hands of their Clerk or Clerks, or their Surveyor or Surveyors, or other proper Officer or Officers, first obtained; but nothing in this Act contained shall be deemed or construed to prevent any such Company from laying down, repairing, or altering such Mains or Pipes after such Consent obtained as aforesaid (subject as herein-after mentioned), or from laying down, repairing, or altering any Service Pipes or Apparatus leading from such Main Pipes after such Consent obtained as aforesaid.

Restriction
as to break-
ing up
Roads by
Water or
Gas Com-
panies, &c.

XXXVI. Provided always, and be it further enacted, That every such Company or other Persons, in laying or repairing any Mains, Pipes, Plugs, Cocks, Stopcocks, Syphons, Branches, or other Apparatus, shall do as little Damage as may be to the Roads, or the Ground, Footpath, or Pavement thereof, or otherwise, and shall forthwith fill in the Trenches, and re-instate and make good the said Roads, Footpaths, or Pavements, in as good State or Condition as the same was or were in at the Time of being so broken up; and every such Company or other Persons shall carry away the old Pipes and Materials, and the surplus Earth or Rubbish occasioned by such Works, without any Delay, and shall, during the Performance of such Works,

Roads to be
made good
when Pipes
are laid.

fence

fence, guard, and light the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages; the same several and respective Works and Repairs to be done under the Superintendence and to the Satisfaction of the Surveyor or Surveyors of the Trustees executing this Act: Provided also, that if any such Company, or any of their Agents or Servants, or other Person or Persons, shall not within Twenty-four Hours after Completion of the Work fill in such Ground, or carry away the old Pipes, surplus Earth or Rubbish, or make good any such Roads, Footpaths, or Pavements as aforesaid, or during the Continuance of the Work fence, guard, or light the Place where any such Ground shall be opened as aforesaid, then and in every such Case it shall and may be lawful to and for the said Trustees, or their Surveyor or Surveyors, to fence, guard, and light the Place where any such Ground shall be opened as aforesaid, and after the Completion thereof to fill in such Ground, and remove such old Pipes, Materials, surplus Earth, and Rubbish, and repair and make good any Road, Footpath, or Pavement so broken up as aforesaid, and the reasonable Costs and Charges thereof shall be paid by such Company or their Treasurer, or by such Person or Persons, as the Case may be, to the said Trustees or their Treasurer or Surveyor; and in default of Payment thereof for Ten Days next after Demand shall be made by the Treasurer, Clerk, or Surveyor, or other Person acting by or under the Authority of the said Trustees, (Proof of such Demand being made by the Oath of One credible Witness before One or more Justice or Justices of the Peace of the said Counties of *Surrey* or *Kent*, in which the said Road, Footpath, or Pavement broken up shall be situate, as the Case may be,) all such reasonable Costs and Charges, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Company or other Persons, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices, which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs, Charges, and Penalty shall be paid to the said Trustees or their Treasurer.

Notice to be given of breaking up Roads.

XXXVII. And be it further enacted, That after such Consent as aforesaid it shall not be lawful to or for any Gas Light Company, or any Person or Persons acting by or under their Authority, to break or take up or disturb, or cause to be broken or taken up or disturbed, the Ground, Soil, or Pavement in the said Roads, or any Part thereof, for the Purpose of laying down or repairing any Main Pipe or Pipes (except Service Pipes as aforesaid), or of altering the Position of any such Main Pipe or Pipes (except as aforesaid), unless Notice in Writing of their Intention to break or take up such Ground, Soil, or Pavement, signed by the Clerk, or Inspector, or Surveyor to such Company, specifying the Road or particular Part of such Road in which such Ground, Soil, or Pavement is intended to be broken or taken up, shall have been given to the superintending Surveyor of the said Roads, or shall have been left for him at his Dwelling House or Office for the Space of Twelve Hours at the least before such Ground, Soil, or Pavement, or any Part thereof, shall be so broken or
1
taken

taken up (except in all Cases of sudden Emergency, in which such Notice as aforesaid shall be given to such Surveyor immediately after such Ground, Soil, or Pavement, or any Part thereof, shall be broken or taken up); and that if such Company, or any Person or Persons acting by or under their Authority, shall break, or take up, or disturb, or cause to be broken, taken up, or disturbed, any such Ground, Soil, or Pavement, without Consent being obtained as aforesaid, and such Notice being given or left as aforesaid (except as aforesaid), or shall break, or take up, or disturb, or cause to be broken, taken up, or disturbed, any such Ground, Soil, or Pavement, for the Purpose of laying down any Main or Mains, without such Consent as aforesaid, then and in every such Case such Company shall forfeit and pay to the said Trustees the Sum of Five Pounds for every Square Yard of Ground, Soil, or Pavement, to be measured upon the Surface thereof, which shall be so taken or broken up without such Consent and Notice as aforesaid (except as aforesaid).

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

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

XXXIX. And be it further enacted, That when and so often as it shall appear to the said Trustees that any Main or Mains, Pipe or Pipes, Stopcock, Plug, or any other Thing belonging to any Water or Gas Light Company, be broken or damaged, or in want of Repair or Alteration, so as to cause a Flow of Water injurious to the Road, or in any other Way to prove injurious thereto, it shall be lawful for the said Trustees to cause Notice to be given in Writing, signed by their Clerk, to the Company to whom such Main, Pipe, Stopcock, Plug, or other Thing doth or may belong, by either giving such Notice to a Clerk or Secretary, or to a Turncock of such Company, or to some or one of them, or by leaving the same at the Place or Places of Abode of some or one of them, or at the Office or Counting-house of such Company, requiring that such Mains, Pipe, Stopcock, Plug, or other Thing be forthwith repaired, altered, amended, or renewed by such Company; and within Forty-eight Hours after such Notice shall be so given or left as aforesaid the said Company, to or for whom, or to or for whose Officer or Servant, such Notice shall have been given or left as aforesaid, shall cause to be taken up the Ground, Soil, or Pavement beneath which the Main, Stopcock, Plug, or other defective Thing shall be, and shall cause the Ground to be opened, and also cause the said Main, Pipe, Stopcock, Plug, or other Thing to be substantially repaired, altered, amended, or renewed,

Trustees may require Repair of Pipes, &c.

[*Local.*]

42 Y

and

and the Ground, Soil, or Pavement properly filled in with hard Rubbish or other good Materials, and rammed down and re-instated, within Forty-eight Hours next after such Notice shall be given or left as aforesaid, or with all convenient Expedition, in the Judgment of the said Trustees, or any Three or more of them, and to their Satisfaction; and also within Twelve Hours after such Main, Pipe, Stopcock, Plug, or other Thing shall be so substantially repaired, altered, amended, and renewed, and the Ground, Soil, or Pavement above the same shall have been so filled in and rammed down and re-instated, the said Company shall cause Notice to be given to the said Trustees that such Reparation, Alteration, Amendment, or Renewal hath been made, and that the Ground, Soil, or Pavement hath been refilled, rammed down, and re-instated in the Manner directed by this Act; and in case the said Water or Gas Company to or for whom such Notice shall have been given or left as aforesaid, and to whom such Main, Pipe, Stopcock, Plug, or other Thing referred to in such Notice shall belong, shall neglect to cause the same to be repaired, altered, or amended or renewed, as the Case may be, and the Ground, Soil, or Pavement to be filled in and rammed down and re-instated to the Satisfaction of the said Trustees in manner and within the Time aforesaid, or shall neglect to give or cause to be given Notice thereof as aforesaid, then the said Company shall for the first Neglect and Offence forfeit and pay any Sum not exceeding Five Pounds, and for the second Neglect and Offence the Sum of Eight Pounds, and for the third and every subsequent Neglect and Offence shall forfeit and pay the Sum of Ten Pounds, to be recovered as herein-after mentioned.

Penalty on
Neglect.

For regu-
lating Stand-
cocks dur-
ing Frost.

XL. And be it further enacted, That no Water Company, or any Person or Persons whose Mains or Pipes shall be laid beneath the Surface of the said Roads, or any Part thereof, shall place or set up any Standcock or Pump, or other Instrument, Machine, or Thing for the Supply of Water in Times of Frost or otherwise, in the said Roads or any of them, or any Part thereof, which shall be furnished with any other than a Metal Cock and Spout to the Satisfaction of the said Trustees or their Surveyors; and that any Water Company or any Person or Persons who shall set up or cause or suffer to be set up any Standcock, Pump, or other Instrument, Machine, or Thing, furnished with any other than a Metal Cock and Spout, and which shall not be to the Satisfaction of the said Trustees or their Surveyor, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Works neg-
lected by
Companies,
&c. may be
executed by
Trustees;

XLI. And be it further enacted, That in case any Water or Gas Light Company at any Time or Times shall neglect to take up the Ground, Soil, or Pavement in the said Roads, when required, for any of the Purposes aforesaid, or any of them or any Part thereof, or to substantially repair, alter, amend, or renew any Main, Pipe, Plug, Stopcock, or other Thing, as the Case may be, according to the Directions of this Act, or to give the Notices required by this Act, or to remove or take away any Pipes or other Materials or other Things from the said Roads, or to collect and carry away or remove

the old Pipes and Materials, and all Dirt, Gravel, Filth, Rubbish, and other Things from the said Roads and Place, and continue all necessary Posts, Rails, Bars or Ropes, Lanterns and Watchmen, or to do and execute all and every such Works and Things as are directed and required by this Act to be done and executed by any such Company in the Manner and within the Times and Periods directed by this Act, then and in every of such Cases, and at all Times afterwards, it shall and may be lawful to and for the said Trustees and their Surveyor, and they and he are and is hereby empowered and required, forthwith to cause all and every such several Works, Matters, and Things, which shall not be executed and performed by any such Company, or which shall not be well, substantially, and effectually executed and performed to the Satisfaction of the said Trustees, to be well and effectually performed to the Satisfaction of the said Trustees, at the Costs and Charges of such Company who shall have so neglected well, substantially, and effectually to perform and execute the same, and every of them and every Part thereof, and that such Costs and Charges and every of them shall be reimbursed and paid by any and every such Company to the said Trustees or their Treasurer, or to such Person or Persons as they shall appoint to receive the same; and that the Amount of such Costs and Charges, and of the Monies so to be paid, shall be recovered and levied, over and above all and every the Penalties and Forfeitures which may be incurred for any such Neglect by virtue of this Act, in the same Manner as Penalties and Forfeitures by this Act imposed are directed to be recovered, levied, and applied.

and Costs may be levied and recovered.

XLII. Provided always, and be it further enacted, That it shall be lawful to and for the said Trustees and they are hereby required to light or cause to be lighted the several Toll Gates, Bars, or Turnpikes already erected, built, or set up, or to be erected, built, or set up or continued, on the Roads by this Act authorized to be repaired, or any of them, and to pay and defray the Expence of such Lighting by and out of the Tolls by this Act granted.

Trustees may light Toll Houses, &c. during the Continuance of this Act.

XLIII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to fix and determine at what Place or Places upon the said Roads any Hackney Coaches, Hackney Chariots, Cabriolets, or other Carriages for Hire shall stand or be placed; and from Time to Time, as they shall think fit, alter and vary any such Place or Places, so that the Turnpike Road or any Part thereof may not be obstructed, or the Public inconvenienced thereby; and if the Driver or Proprietor of any such Carriage as aforesaid shall place or cause to be placed his said Coach or other Carriage upon any other Part of the said Roads than such as shall be fixed and determined upon by the said Trustees for that Purpose, every Person so offending shall upon Conviction forfeit and pay any Sum for his said Offence not exceeding Forty Shillings, in the Discretion of any Justice or Justices of the Peace of the County in which such Offence shall be committed, who are hereby empowered to hear and determine the same.

Trustees to regulate Hackney Coach Stands.

XLIV. And

Power to
alter Steps,
Areas,
Pipes, &c.

XLIV. And be it further enacted, That it shall be lawful for the said Trustees for the Purposes aforesaid, out of the Means to be applied for the Purposes of this Act, to raise, sink, or otherwise alter or cause to be altered, the Position of any of the Steps, Areas, Cellars, Windows, and Watercourses, Pipes, or Spouts, belonging to any of the Houses on the Sides of the said Roads or any Part thereof, and also the Mains and the Leaden or other Pipes which for the Purposes of conveying Water or Gas to any House or other Place shall be laid into or from any Main or Pipe laid down by any Companies or Societies who shall furnish the Inhabitants with Water or Gas, and to remove all other Obstructions, so as the same respectively be done with as little Detriment and Inconvenience to the said Companies, Societies, and Inhabitants, as the Circumstances of the Case will admit.

No Lime
Kiln or
Brick Kiln
to be set up
within the
Distance of
One hundred
Yards from
the Roads.

XLV. And be it further enacted, That no Person shall hereafter erect, set up, or use, or cause to be erected, set up, or used, any Lime Kiln or Brick Kiln, or any other Erection, Matter, or Thing, for the Purpose of burning Lime, Bricks, or Clay, within the Distance of One hundred Yards from any Part of the said *New Cross Turnpike Roads*, under the Penalty of Twenty Shillings for each and every Day such Lime Kiln, Brick Kiln, or other Erection, Matter, or Thing aforesaid shall continue, such Penalty to be recovered as herein-after mentioned.

To prevent
Obstruction.

XLVI. And be it further enacted, That if any Owner or Driver or other Person shall set, place, have, or leave any Cart, Coach, Waggon, or other Carriage, laden or unladen, so as to obstruct the Public Highway, (except on account of some Accident having happened thereto, and then only until the same can be conveniently removed or repaired,) in any Part of the said *New Cross Turnpike Roads*, or by the Side thereof, every Person so offending, and being thereof convicted, either by his own Confession or by the Oath of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace for the said County in which the Offence shall be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as other Forfeitures under this Act.

Penalty for
obstructing
the Road
by Water
Troughs,
&c.

XLVII. And be it further enacted, That if any Person whatever shall put or place or continue upon or at the Side of the said Road, or upon any of the Footpaths thereof, any Watering Place or Trough, or any Rack or Stand or other Thing, for the Provender or the feeding or watering of Horses or Cattle, whereby or by means whereof, or by reason or means of any Carts, Waggons, or Carriages drawn up or standing near to the same, for the feeding or watering of the Horses drawing such Waggons, Carts, or Carriages, any Obstruction shall arise to the free Passage of Carriages, Carts, or Waggons, or Passengers, upon the said Turnpike Road or any Part thereof, every Person so offending shall for every such Obstruction forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as herein-after mentioned: Provided always,
that

that it shall and may be lawful to and for the said Trustees of the said Roads, or any Three or more of them, to direct such Rewards and Recompence to be paid and given to any Informer against any Person for Offences committed against this Act as they shall from Time to Time think proper.

Trustees
may reward
Witnesses.

XLVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent the suing for and Recovery of any Penalty incurred for any Offence committed against the Provisions of the said first herein-before recited Acts or any of them previous to the Repeal of the said Acts in and by this Act, or to prevent or defeat any Prosecution commenced or to be brought for such Offence; but all Penalties incurred may be sued for, and all Encroachments, Nuisances, and other Offences made or committed previous to the Repeal of the said Acts against the Provisions of the said recited Acts or any of them may be abated or prosecuted, in the same Manner to all Intents and Purposes as if this Act had not been passed; and all Penalties and Forfeitures imposed by this Act shall and may be sued for and recovered by all or any of the Means and Forms pointed out and directed in and by the said recited Act of the Third Year of the Reign of His present Majesty.

Not to pre-
vent the Re-
covery of
Penalties
for Offences
against Acts
repealed.

XLIX. Provided always, and be it further enacted, That no Conviction before any Justice or Justices of the Peace for any Offence committed against this Act shall take place after Three Calendar Months from the Day of the Offence being committed; any thing in any Act or Acts contained to the contrary notwithstanding.

Convictions
under this
Act to take
place within
3 Months.

L. And be it further enacted, That no Benefit or Advantage which shall be made or arise from all or any of the additional Tolls granted and imposed by this Act, and which were not included in or imposed by either of the said recited Acts of the Forty-second and the Forty-ninth Years of His said late Majesty, shall belong to the present Lessee of the *New Cross* Turnpike Tolls, but that such additional Toll shall belong to and be received or demised by the said Trustees, either by Public Auction or Private Contract, up to the Day on which the now existing Lease of Tolls receivable upon the said Roads shall expire; and such additional Tolls shall thereafter be collected or demised under the Authority of and in the Manner prescribed by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty.

Additional
Tolls not to
belong to
the pre-
sent Lessee.

LI. And whereas by the said recited Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third so much of a certain Road leading from the *Stones End* in *Bermondsey Street* to the Turnpike Gate at *Saint Thomas a' Waterings*, as was within the Parish of *Saint Mary Magdalen, Bermondsey*, (being in the whole about Three Quarters of a Mile,) and which had been heretofore under the Care and Management of the Trustees of the *New Cross* Roads, was transferred to and placed under the Care and Management of the Trustees for putting in execution an Act of the Thirty-eighth Year of His late Majesty's Reign, intituled *An Act for making a new Road or Street from Free School Street, Southwark,*

150*l.* to be
paid an-
nually to the
Bermondsey
Road Trust;

38 G. 3. c. 25.

[Local.]

42 Z

Southwark,

Southwark, to Dock Head, and from thence through Hickman's Court, otherwise Rose Court, to Lilliput Hall Bridge in Bermondsey; and for enlarging for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Terms and Powers of Three Acts passed in the Twenty-second Year of His said late Majesty King George the Second, and the Seventh and Thirty-first Years of His present Majesty, for making a new Road from New Street in Southwark to and through the several Places therein mentioned, and for repairing the same and other Roads adjoining; and by the said recited Act of the Forty-second Year aforesaid the Sum of One hundred and fifty Pounds *per Annum* was authorized and directed to be paid by the said Trustees of the said *New Cross Turnpike Roads* to the Trustees appointed by the said recited Act of the Thirty-eighth Year of His said late Majesty, as a Compensation for keeping the said Road, from the *Stones End* in *Bermondsey Street* to the said Turnpike Gate at *Saint Thomas a' Waterings*, in repair as aforesaid: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing, amending, and improving certain Roads in the several Parishes of Saint Mary Magdalen, Bermondsey, and Saint Mary at Rotherhithe in the County of Surrey, and Saint Paul, Deptford, and Saint Nicholas, Deptford, in the County of Kent*, whereby the said Trustees for putting the said last-mentioned Act into execution were authorized to receive from the Treasurer to the said Trustees, for the Care of the said Roads directed to be repaired by the said recited Act of the Forty-second Year of the Reign of His said late Majesty, the said annual Sum of One hundred and fifty Pounds, upon the several Days and in the Manner the same is made payable by the said Act of the Forty-second Year of His late Majesty, to be applied to and for the Uses and Purposes of the said Act of the Fourth Year of His said present Majesty; be it therefore enacted, That the Trustees for putting this Act into execution, or their Treasurer for the Time being, shall, for a Space of Five Years from the First Day of *June* next, continue to pay, and they are hereby authorized and required from Time to Time, out of the Tolls and Monies to arise by virtue of this Act, to pay to the Trustees for putting into execution the said recited Act passed in the Fourth Year of His present Majesty, or to their Treasurer for the Time being, the said Annual Sum of One hundred and fifty Pounds, by equal Half-yearly Payments, upon the First Day of *December* and the First Day of *June* in every Year, to be applied to and for the Uses and Purposes of the said recited Act of the Fourth Year of His present Majesty's Reign, and for no other Use or Purpose whatsoever; and which said Sum of One hundred and fifty Pounds, or any Part or Portion thereof which shall remain unpaid after the Expiration of Twenty-eight Days next after the said Half-yearly Days whereon the same is herein-before appointed to be paid, shall and may be recovered in such and the like Manner as any Compensation or Satisfaction for any Material or Costs, or any Damage, Spoil, or Injury done by Trustees, or any Person acting by or under their Authority, may be recovered under or by virtue of the said first herein-before recited Acts of the Third and Fourth Years of His present Majesty's Reign or either of them.

4 G. 4. c. 84.

and to continue for Five Years from the First Day of June next.

LII. Provided always, and be it enacted, That nothing in this Act contained shall affect the Powers of an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for lighting and watching certain Parts of the Liberties, Hamlets, or Districts of Camberwell and Peckham, in the Parish of Saint Giles, Camberwell, in the County of Surrey*, or the Trustees acting under the said Act. Act not to affect Camberwell and Peckham Paving Act. 54G.3.c.213.

LIII. 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.

LIV. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall from thenceforth continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the next Session of Parliament. Commencement and Continuance of the Act.

The SCHEDULE to which this Act refers.

Description of Property.	Owners.	Tenants.
A House -	Morden College	Thomas Relph.
Ditto - -	Ditto - -	James Steer.
Ditto - -	Ditto - -	Ezekiel Harlow.
Ditto - -	Ditto - -	Mary Hillman.
Ditto - -	Ditto - -	Thomas Lavender.
Ditto - -	Ditto - -	An empty House.
Ditto - -	Ditto - -	James Whittenbury.
Ditto - -	Ditto - -	James Baggett.
Ditto - -	Ditto - -	James Dowding.
Ditto - -	Ditto - -	Thomas Moore.
Ditto - -	Ditto - -	Charles Hooker.
Ditto - -	Ditto - -	Anthony Reid.
Ditto - -	Ditto - -	Edwin Collins.
Ditto - -	Ditto - -	Joseph Ball.
Ditto - -	Ditto - -	Solomon Spencer.
Ditto - -	Ditto - -	George Bird.
Ditto - -	Ditto - -	James Nobbs.
Ditto - -	Ditto - -	Richard Roberts.
Ditto - -	Ditto - -	James Gittins.
Ditto - -	Ditto - -	Jeremiah Tillbroke.
Ditto - -	Ditto - -	William Young.
Ditto - -	Ditto - -	Bartholomew Slowley.
Ditto - -	Ditto - -	Mary Hams.
Ditto - -	Ditto - -	Thomas Ackland.
Ditto - -	Ditto - -	Crispin Terrel.
Ditto - -	Ditto - -	George Byrn.
Ditto - -	Ditto - -	William Hampshire.
Ditto - -	Ditto - -	Elizabeth Kimber.
A Fore Court -	Ditto - -	John Disney.
Ditto - -	Ditto - -	Matthew Garner.