



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 128.

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 *Stone's 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*. [27th May 1809.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His present Majesty, 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 Stone's 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; which said Act was to continue in force until the Twenty-fourth Day of June One thousand eight hundred and twenty-three: And whereas it is expedient that some of the Clauses, Provisions, and Restrictions contained in the said Act should be repealed, varied, altered, or explained, and that some further Tolls, Powers, and Authorities should be granted for the more effectually repairing and improving the said Roads, and that the said Act should be continued for a further Term: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty,*

[Loc. & Per.] 28 D Act 42 G. 3. recited.
by

42 G. 3. con-
tinued.

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 of the Forty-second Year of His present Majesty, and all the Tolls, Powers and Authorities, Remedies, Penalties, Forfeitures, Punishments, Exemptions, Directions, Provisions, Clauses, Matters and Things therein contained (except such of them as are hereby varied, altered, or repealed, or as are repugnant to any of the Provisions contained in this Act) and all and every the Powers, Authorities, Remedies, Exemptions, Directions, Provisions, Matters and Things contained in this Act, shall be and are hereby declared to be in full Force and Effect for and during the further Term herein-after mentioned, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if such Tolls, Powers, Authorities, Remedies, Penalties, Forfeitures, Punishments, Exemptions, Directions, Provisions, Clauses, Matters and Things (except as aforesaid) were expressly inserted and re-enacted in the Body of this Act, which said further Term shall be subject and liable to the Payment of all Monies now due and owing from the said Trustees, under or by virtue of the said recited Act.

Restrictions as
to erecting
Toll Gates
in particular
Places.

II. And be it further enacted, That so much of the said Act of the Forty-second Year of the Reign of His present Majesty, as restrains the Trustees authorized to put the same into Execution, from erecting Toll-Gates or Turnpikes and Toll-houses, in, upon, across, or on the Sides of certain Parts of the said Roads herein-after particularly mentioned, that is to say, the Road lying within the Distance of Three Miles from the *Cock and Lion* Back-Gate at the West End of the Town of *Dartford*; the Road lying between a Place called *Stump's Hill*, at the End of the Parish of *Lewisham*, and the West End of *Stroud Green*, in the Parish of *Croydon*; and the Road between the Top of *Bromley Hill* and *Farnborough Well*; and the Road between the Turnpike Road near *Lewisham Bridge* in the said Parish of *Lewisham*, and the North End of *Burnt Ash Lane* in the Parish of *Lee*; and the Road between the West End of *Greenwich Park Wall*, on the North Side of *Blackbeath*, and the Warren at *Woolwich*; and the Road between the North End of *Burnt Ash Lane* and *Footscray Bridge*, shall be and the same is hereby repealed; and that from and after the Commencement of this Act, it shall be lawful for the Trustees authorized to carry the said Act into Execution, or any Nine or more of them, to erect any Turnpikes, Toll-Gates, and Toll-Houses, with necessary Appurtenances, in, upon, across, or on the Sides of the said Roads herein-before particularly described or mentioned, or any Part or Parts thereof, in such Manner, and to take such Tolls thereat respectively, as they are authorized to erect and take upon or in respect of any other Part or Parts of the Roads comprised in the said Act.

Persons pay-
ing Toll, and
afterwards
travelling Ten
Miles on the
Road to be
liable to a
second Toll.

III. And be it further enacted, That every Person who shall have paid the Tolls granted by the said Act, and shall afterwards travel or pass upon the said Roads, or any of them, or any Part thereof with the same Horses or Cattle on the same Day, for the Distance of Ten Miles or upwards, shall on passing any other Toll-Gate or Turnpike be liable to the Payment of another full Toll, any Thing in the said Act to the contrary notwithstanding.

Additional
Exemption
from Tolls.

IV. 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, 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, provided such Persons are in the Uniform 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 Exemptions, or for Carts, Carriages, or Waggon attending them, or laden with their Arms or Baggage, nor 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 or belonging to His Majesty, or for the Use of His Majesty's Forces, nor shall any Toll be demanded or taken of or from any Rector, Vicar or Curate going to officiate or returning from officiating at any Church or other Place of Divine Worship, or visiting his Sick Parishioners.

V. 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 or Forfeiture, nor shall any Waggon, Wain, Cart, or other Carriage be stopt or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any 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 this Act or the said recited Act contained to the contrary notwithstanding.

Carriages in His Majesty's Service not to be subject to Regulations for Overweight.

VI. And whereas it will be for the Advantage and Accommodation of the Public, that the said Trustees should be empowered to make a Deviation in one of the Roads described in the said Act of the Forty-second Year of His present Majesty, *videlicet*, in the Road leading from the West End of *Greenwich Park* to the Wall on the North Side of *Blackbeath*, to the *Warren*, (now called the *Royal Arsenal*) at *Woolwich*, that such Part of the same Road as lies between the Western Entrance of the Village of *Charlton* and the *Warren* (now called the *Royal Arsenal*) at *Woolwich*, should cease and be discontinued to be repaired by virtue of the said Act, and that instead thereof, another Carriage Road should be made from the said Western Entrance of *Charlton* along the present Highway on the North Side of *Dame Jane Wilson's Park*, thence along the New Road lately made by the Principal Officers of His Majesty's Ordnance across *Little Heath*, then proceeding on the North Side of the Royal Artillery Barracks at *Woolwich* aforesaid, to the Corner of a certain Street called *Mulgrave Place*, and from thence across certain inclosed Lands, Grounds, and Tenements, the Property of *Richard and William Powis*, *Thomas Perceval*, and *Elizabeth Elder*, and in the Possession of the said *Richard and William Powis*, and *Thomas Perceval*, *Elizabeth Elder*, *Samuel Priest*, *William Carey* and *John Barket*, to a Place called *Green's End*, and thence along the present Highway, by the Side of which the Manor Pound stands, to the said *Warren* (now called the

Power to alter the Line of Part of the Road.

the *Royal Arsenal*) at *Woolwich* aforesaid; be it therefore enacted, That it shall be lawful for the said Trustees or any Five or more of them when and as they shall think it fit and expedient, at any Meeting to be holden in pursuance of this Act, (Fourteen Days Notice of the Time, Place, and Purpose of such Meeting being first inserted in Three Newspapers, published, or generally circulated in the said County of *Kent*,) to order and direct such Deviation and new Road as aforesaid to be made and completed, and from and after the making of any such Order it shall be lawful for the said Trustees or any Five or more of them to make, maintain, and keep in good Repair a convenient Carriage Road from the Western Entrance of *Charlton* aforesaid, along the present Public Highway to the End of the Street called *Mulgrave Place*, and from thence through the said inclosed Lands and Grounds to the said Place called *Green's End*, and from thence along the said present Highway to the said *Warren*, (now called the *Royal Arsenal*) at *Woolwich*, in such Course and Direction as the said Trustees or any Five or more of them (subject to the Restriction herein-after contained) shall order, direct, and appoint; and for effectuating those Purposes all and every the Powers, Authorities, Directions, and Provisions in the said recited Act or any other Act of Parliament contained and enacted with respect to the widening, turning, or altering the Course of any of the Roads therein described, and purchasing Lands for those Purposes, and making Satisfaction for Damages occasioned thereby, shall be in full Force and Effect, and shall be duly enforced, practised, applied, and put in Execution for opening and making the said new Road, and maintaining and repairing the same, so far as the said Powers, Authorities, Directions, and Provisions are applicable thereto, and from and after such Deviation and new Road shall be made and completed, the said recited Act and this Act, and all and every the Powers, Authorities, Directions, Clauses, and Provisions therein respectively contained, shall extend to the said new Road as fully and effectually to all Intents and Purposes as if the said intended new Road had been Part of the Roads directed to be made and repaired in and by the said first recited Act.

New Road to be made according to the Plan deposited with the Clerk of the Peace.

VII. And whereas a Map or Plan describing the Line of the said new Road and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said 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, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom at their Will and Pleasure, paying the 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 that the said Trustees in making the said new Road shall not deviate more than One hundred Yards of Three Feet from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic or Corporate, through whose Lands or Grounds such Deviation shall be made.

Trustees to be exonerated for Repairs of a Part of the Road.

VIII. Provided always, and be it further enacted, That when and as soon as the said Deviation and new Road shall have been made and completed,

pleted, the Trustees for executing the said recited Act and this Act shall be exonerated and discharged from any further Repairs of the Road leading from the Western Entrance of *Charlton* aforesaid, across *Woolwich Common* to the *Warren* at *Woolwich* aforesaid, any Thing in the said recited Act contained to the contrary notwithstanding, and that the said former Road shall from thenceforth be and become a Parish Road only.

IX. And whereas it is reasonable that some additional Toll should be imposed in respect of Carriages licensed to carry more than Six inside Passengers; be it therefore further enacted, That there shall be paid for every Horse, Mare, or Gelding 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 Six-pence; instead of the several Tolls imposed by the said recited Act.

Carriages licensed to carry more than Six inside Passengers to be liable to an additional Toll.

X. And be it further enacted, That all Carts, Waggon, and other Carriages laden with Bricks, Tiles, Stone, Lime, or Timber, save and except only such Carts, Waggon, and other Carriages as shall belong to any Inhabitant or Inhabitants of the Parish of *Saint Paul Deptford*, which shall have passed through any of the Turnpikes upon the said Roads, and shall have paid Toll thereat, and shall afterwards pass through the same again on the same Day laden as aforesaid, shall be liable to pay a further Toll for every Time the same Carriage shall pass again so laden on the same Day through the same Turnpikes at which Toll was before paid as aforesaid, or any of them, so that only One Payment be made for each such Load, any Thing in the said Act to the contrary notwithstanding.

Carriages laden with Materials for building to pay a further Toll on passing laden again through the same Gate.

XI. And whereas by the said Act all Horses going towards *London* laden with Fish or returning having been so laden, or the Horses of the Rippiers or Drivers of the Horses so laden, and which shall pass with them through any of the Turnpikes upon or on the Sides of the said Roads, are exempted from the Payment of any Toll; be it therefore enacted, That if any Horses or other Beasts drawing any Carriage returning from *London* having been so laden with Fish as aforesaid shall carry, draw, or convey any Person or Persons, other than the Driver thereof, then the same Horses and Beasts shall not be exempt from Toll as aforesaid, any Thing in the said Act to the contrary notwithstanding.

Fish Carts returning from *London* with Passengers for Hire to be liable to Toll.

XII. And whereas it would be a great Accommodation to the Public if certain Parts of the said Roads were watered at particular Times or Seasons of the Year, be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any Time or Times between the First Day of *May* and the First Day of *October* in every Year, to order and direct such 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, or any Five or more of them, and their Lessees, Collectors, and Receivers, to take, collect, levy, and receive for every Horse, Mare, or Gelding drawing any Coach, Chariot, Chaise, Chair, Whiskey, Taxed Cart, or other such like Carriage, and for every Horse, Mare, Gelding, or Mule used or employed as a Saddle Horse, the Sum of One Penny over and above the Tolls granted by the said Act of the Forty-second Year of His present Majesty's Reign, or this Act;

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

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.

For rendering more effectual the former Act in favour of BroadWheels

XIII. And whereas by the said Act of the Forty-second Year of the Reign of His present Majesty, it is enacted, That for every Horse or other Beast drawing any Waggon, Cart, or other such like Carriage, there shall be paid the following Tolls or Sums of Money, that is to say; where the Fellies of the Wheels of such Carriages are of the Breadth or Gauge of Nine Inches, the Sum of One Penny; where the same are of the Breadth of Six Inches, the Sum of One Penny Halfpenny; and where they are of less Breadth than Six Inches, the Sum of Two-pence, with the View of increasing the Use of Broad Wheels: And whereas the beneficial Purposes intended by the Use of Broad Wheels are evaded by the Soles or Bottoms of the Fellies of such Wheels not rolling a flat or level Surface, and by suffering One or more of the Tires of such Wheels to project beyond the other Tires of the same Wheels; be it therefore further enacted, That every 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 Wheel, shall be liable to pay the Toll by the said Act imposed in respect of Horses or other Beasts of Draught drawing any such Carriage having the Fellies of the Wheels of a less Breadth or Gauge than Six Inches.

Power to get Materials in Meadow Ground explained.

XIV. And whereas by the said recited Act it is enacted, that it shall be lawful for the Surveyor or Surveyors to the said Trustees, or any Five or more of the said Trustees, to search for, dig, and gather Gravel or other Materials proper for repairing the said Roads in, and to carry the same out of, the Fields, Meadows, or Grounds of any Persons, not being the Ground whereon any Houses or Buildings stand, or a Garden, Orchard, Yard, Meadow, Park, planted Walk or Walks, Avenue to any House, or any Plantation or Nursery for Trees, paying such Damages to the Owners and Occupiers thereof as are therein mentioned: And whereas Doubts have arisen whether the Powers given to get Materials for repairing the said Roads extend to Meadow Grounds; be it therefore enacted and declared, That the said last-mentioned Powers and Authorities shall extend to Meadow Grounds as well as Arable, Pasture, or any other Grounds, any Thing in the same Act contained to the contrary notwithstanding.

To prevent Damage to the Roads by drawing Timber thereon.

XV. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road (excepting only on crossing the same) 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 which shall be conveyed upon Wheeled-Carriages to drag upon any Part of the said Roads, to the Prejudice thereof, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay a Sum not exceeding Forty-Shillings.

XVI. And be it further enacted, That if any Person or Persons shall ride or drive any Horse, Afs, or other Cattle, or wheel, draw or thrust any Wheelbarrow or Truck on any Footpath immediately adjoining the said Roads, on either Side thereof, and which has been appropriated and is maintained as a Way exclusively for Foot Passengers, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings.

To prevent Injury to Footpaths by Wheelbarrows and Trucks.

XVII. And be it further enacted; That all the Powers, Authorities, Regulations, Restrictions, Provisions, Clauses, Matters and Things which in and by the said Act passed in the Forty-second Year of the Reign of His present Majesty, are severally contained and enacted, and which are not controlled by or repugnant to any of the Matters, Clauses, Provisions, or Regulations in the said Act contained, shall be in full Force and Effect, and shall be duly enforced, practised, applied, and put in Execution for the better effecting the several Purposes of this Act, so far as the same are applicable thereto respectively, as fully and effectually to all Intents and Purposes as if all and every such Powers, Authorities, Regulations, Restrictions, Provisions, Clauses, Matters and Things, had been expressly inserted and re-enacted in this Act with relation thereto.

Provisions of the Act of the 42 G 3. to extend to this Act.

XVIII. And be it further enacted, That the Expences of obtaining and passing this Act, together with legal Interest for Money advanced by any Person or Persons for that Purpose, shall be paid out of the first Money to be raised by virtue of the said recited Act and of this Act, or either of them.

Expences of the Act.

XIX. 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.

XX. And be it further enacted, That this Act shall commence upon the First Day of *June* One thousand eight hundred and nine, and shall continue in Force for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of the Act.

