



ANNO QUARTO

GEORGII IV. REGIS.

Cap. lxxxiv.

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*.

[30th May 1823.]

WHEREAS an Act was passed in the Twenty-second Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for opening and making a New Road from the East End of New Street, in the Parish of Saint John Southwark, to and through the several Places therein mentioned, and for keeping the said Road in repair for the future*; And whereas another Act was passed in the Seventh Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Twenty-second Year of His late Majesty King George the Second, for opening and making a New Road from the East End of New Street, in the Parish of Saint John Southwark, to and through the several Places therein mentioned, and for keeping the said Road in repair for the future, and for repairing several other Roads adjoining thereto*: And whereas another Act was passed in the Thirty-first Year of the Reign of His said late Majesty King *George the Third*, intituled *An Act for enlarging the Term, and for explaining, amending, and making more effectual the Powers of Two several*
[Local.] 20 E Acts, 22G.2. c.31. 7 G. 3. c. 64. 31G.3. c.110.

Acts, passed in the Twenty-second Year of the Reign of His late Majesty King George the Second, and the Seventh Year of His present Majesty, for making a New Road from New Street, in the Parish of Saint John Southwark, to and through the several Places therein mentioned, and for the keeping the same and several other Roads adjoining in repair: And whereas another Act was passed in the Thirty-eighth Year of the Reign of His said late Majesty King George the Third, intituled An Act for making a New Road or Street from Free-school Street Southwark to Dockhead, 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 Term and Powers of Three Acts passed in the Twenty-second Year of His late Majesty King George the Second, and in 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 whereas another Act was passed in the Forty-third Year of the Reign of His said late Majesty King George the Third, intituled An Act for enlarging and altering the Term and Powers of several Acts of Parliament, for making a Road from New Street Southwark to the Places therein mentioned, and from Free-school Street Southwark to Dockhead and Lilliput Hall Bridge in Bermondsey, and from the Stones End in Kent Street Southwark to Dartford, so far as respects the Road leading from the Stones End in Bermondsey Street, towards Saint Thomas-a-Waterings; and also for repairing and maintaining a certain Lane, called Long Lane, in the Parish of Bermondsey in the County of Surrey: And whereas another Act was passed in the Fifty-fifth Year of the Reign of His said late Majesty King George the Third, intituled An Act for amending and enlarging the Powers of an Act of His present Majesty, for repairing the Road from Southwark to Deptford, and other Roads therein mentioned; and for lighting, watching, and cleansing certain Parts thereof, and other Places in the Parish of Bermondsey, in the County of Surrey: And whereas the Term of Twenty-one Years, granted by the said recited Act of the Forty-third Year of the Reign of His late Majesty is near expiring, and there is a considerable Sum of Money still remaining due and owing, on the Credit of the Tolls granted and authorized to be taken on the said Roads: And whereas the Powers and Provisions of the said Act, being found in many respects defective or inefficient, it is expedient that the same should be repealed, so far as respects the repairing and amending the said Roads, and that further and other Powers and Provisions for those Purposes should be enacted instead thereof in one Act of Parliament; but the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: 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 so much and such Part and Parts of the said recited Acts passed in the Twenty-second Year of the Reign of His Majesty King George the Second, and in the Seventh, Thirty-first, Thirty-eighth, Forty-third, and Fifty-fifth Years of the Reign of His said late Majesty King George the Third, as

relate only to the repairing and maintaining and improving of the Turnpike Roads therein mentioned, and the collecting of any Tolls or Statute Duty or Composition in lieu thereof, shall, from and after the Thirty-first Day of *August* next after the passing of this Act, be and the same is and are hereby repealed.

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, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied or altered by this Act) shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

General Turnpike Act extended to this Act.

III. And whereas, under and by virtue of the Powers and Authorities contained in the said recited Acts hereby repealed, the Trustees acting in the Execution of such Acts have purchased, and had conveyed to them, divers Lands, Tenements, and Hereditaments, for the widening and improving of the Roads by the said Acts directed to be repaired and amended; and the said Trustees have also sold and disposed of and executed Conveyances and Assignments of such Parts of the said Lands, Tenements and Hereditaments, as were not required for the Improvement of the said Roads, and have entered into certain Agreements with the Commissioners for Paving in *Rotherhithe* in the County of *Surrey*, and with the Commissioners for Victualling His Majesty's Navy; be it therefore enacted, That all the Acts, Deeds, Conveyances, Agreements, Transactions, and Dealings, lawfully made, done, and executed by the Trustees executing the said recited Acts hereby repealed, shall, notwithstanding the Repeal of the said recited Acts, be as good, valid, and effectual to all Intents and Purposes, as if the said Acts, or either of them, had not been repealed as aforesaid.

All Acts, Conveyances, &c. done under or by virtue of former Acts to be valid.

IV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to prevent the suing for and recovery of any Penalty incurred for any Offence committed against the Provisions of the said 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 Act, 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.

Not to prevent the Recovery of Penalties incurred, or Proceedings for Offences against the Acts repealed.

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

Books used under former Acts to be Evidence.

VI. And be it further enacted, That on the First Day of *September* next after the passing of this Act, this Act shall commence and take effect

Roads to be repaired and maintained.

effect and be put in Execution, for and during the Term herein-after mentioned, for repairing, widening, and improving the Roads herein-after described; that is to say, the Road commencing at the Public Landing Way at *St. Saviour's Dock*, dividing the Parish of *Saint John Southwark* and the Parish of *Saint Mary Magdalen Bermondsey*, and the House nearly opposite, occupied by *Topham*, Grocer, at *Dockhead*, and continuing through *Hickman's Folly* and *Parker's Row* to *Lilliput Hall Bridge*, from thence through *Prospect Row* and *Jamaica Row* over *Mill Pond Bridge* to *Pasfield's Rents* in the Parish of *Saint Mary at Rotherhithe*; from the North-east End of *Paradise Street*, in the said Parish of *Rotherhithe*, through the East End of *Paradise Row*, along the *Deptford Road* to a House called the *Red Lion* and *Half-way House* to *Deptford*, situate at or near *Midway Place*, and from the said *Half-way House* along the said Road, called the *Deptford Road*, through *Prospect Place* and *Broomfield's*, to the Public House called the *Noah's Ark*, at the North End of *Butt Lane*, in the Parish of *St. Paul Deptford*, and from the *Noah's Ark* aforesaid to the South End of *Butt Lane*, adjoining the Turnpike Road from *London* to *Dartford*; also so much of the Road from the *Hand and Marygold*, or *Stones End*, in *Bermondsey Street*, to *St. Thomas-a-Waterings*, called the *Grange Road*, as is within the said Parish of *Bermondsey*; also the Road called the *Blue Anchor Road*, leading from *Fort Place*, in the Parish of *Bermondsey*, to *Mill Pond Bridge* aforesaid; also from the said Public House called the *Red Lion*, and *Half-way House*, to *Deptford* aforesaid, to the *Plough Turnpike*, and from the said Turnpike to *Trinity Street* and *Russell Street* in the said Parish of *Rotherhithe*, and from thence to the East End of *Trinity Street* aforesaid, and to the South End of *Russell Street* aforesaid; also from the said Turnpike called the *Plough Turnpike*, over the Bridge called the *Plough Bridge* or *Skinner's Bridge*, erected across *Earl Sewer*, through *Grove Street*, *Victualling Office Row*, up to the Main Road to *Deptford* herein-before described, at the South End of *Grove Street*; and also the Roads herein-after mentioned, that is to say, the *Spa Road*, and the *Neckinger Road* from the *Spa Road* to the South End of the Garden in the Occupation of *William Rattenbury* at the South End of *East Lane* in the said Parish of *Bermondsey*, the Road or Street called *Church Street* leading from *Paradise Street* to the North End of *Neptune Street*, and from the *Bell* in *Church Street* aforesaid to the Main Road to *Deptford* herein-before described, in the said Parish of *Rotherhithe*, and the Roads or Streets called *New Row* and *Queen Street*, otherwise called *Back Lane*, in the said Parishes of *Saint Nicholas* and *Saint Paul Deptford*, or one of them.

Trustees.

VII. And be it further enacted, That from and after the passing of this Act, all His Majesty's Justices of the Peace acting for the said Counties of *Surrey* and *Kent* for the Time being, together with *George Bayley*, *Samuel Bevington*, *Joshua Butterworth* the younger, *William Martin Carter*, *Jesse Curling*, *William Davies*, *Bryan Donkin*, *Beriah Drew* the younger, *Amos Drew*, *Simeon Elkington*, *Edmund Elkins*, *William Ewbank*, *William Foster*, *Thomas Gaitskell*, *John Gamble*, *John Harcourt*, *Cleeve Jehohannon Hooper*, *John Harvey*, *Thomas Hays*, *Joseph Jackson*, *Thomas Keeton*, *Jonathan Lacy*, *Thomas Larkin*, *Thomas Laurance*, *John Lloyd*, *Charles Miles*, *William Morris*, *George Alfred Muskett*, *Daniel Nelson*, *Joseph Nicholson*, *William Nottidge*, *Philip Pearce*, *Henry Phillips*, *William Rattenbury*, *John Rattenbury*, *Robert Rich*, *William Bennett Rich*, *James Riley*, *James Riley* the

the younger, *John Roberts, William Rolls, Thomas Smith, Alexander Smith, John Smith, Samuel Henry Sterry, Richard King Watts, William George Watts, John Whayman, James Williams, and Richard Williams,* and their Successors, being Persons inhabiting, occupying, possessing, or entitled unto Lands, Tenements, or Hereditaments within the Parish of *Saint Mary Magdalen Bermondsey*, in the County of *Surrey*; and also *David Beatson, William Bennett, Daniel Brent, Walter Brooks, George Cawthorn, Charles Carter, Thomas Courthope, John Bryan Courthope, Edward Vaughan Chowne, Joseph Cristall, Allen Dalziel, James Dummelow, Beeby Eilbeck, William Gaitskell the younger, Henry Gardiner, William Howard, Thomas Horncastle, George Lee, John William Nelson, William Northcote, George Ravens Pearson, Robert Allen Pearcey, John Pelham, John Preston, William Punnett, Thomas Ayles Punnett, Ebenezer Randall, William Skeggs, William Soper, Thomas Solly, Thomas Stevens, John Stokoe Stoddard, Thomas Trump, John Ward, William Blyvers Wallis, William Williams, Richard George Woodruff, Charles Wyatt, and William Yellowley,* and their Successors, being Persons inhabiting, occupying, possessing, or entitled unto Lands, Tenements, or Hereditaments within the Parish of *Saint Mary Rotherhithe*, in the said County of *Surrey*; and also *James Agutter, Thomas Agutter, John Ashford, Adam Bell, John Best, Samuel Bromley, Anthony Brady, William Brocklesbank, Thomas Brocklesbank, Joseph Carttar, Ambrose Chatfield, John Evelyn, George Evelyn, Charles Ferguson, Robert Ferguson, Matthew Finch, Charles David Gordon, Samuel Gardner, Reverend T. W. M'Guire* (Clerk), *John Hill, John Hillman, James Jacobs, John Mason, William Morrison, Thomas Marshall, Thomas Oswald, John Oswald, Edward Oswald, Stephen Parrell, John David Rolt, Peter Rolt, John Sandom, John Sewer, Thomas Shipman, Thomas Todd, William Whiffin,* and *William Young,* and their Successors, being Persons inhabiting, occupying, possessing, or entitled unto Lands, Tenements, or Hereditaments within the Parish of *Saint Paul Deptford* in the Counties of *Kent and Surrey*; and also *Edward George Barnard, Nicholas Cheminant, James Hall, John Hodgkin, Richard Hughes the elder, Thomas Roberts, and William Warrington,* and their Successors, being Persons inhabiting, occupying, possessing, or entitled unto Lands, Tenements, or Hereditaments within the Parish of *Saint Nicholas Deptford* in the said County of *Kent*, to be appointed in manner hereafter mentioned, shall be and they are hereby appointed the Trustees for putting this Act into Execution; and all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to or directed to be done by or before the said Trustees, shall and may be exercised, had, and done by the major Part of the said Trustees who shall be present at the respective Meetings of the said Trustees, the whole Number of Trustees present not being less than Three; and all Acts, Matters, and Things, when so done, shall be of as full force and effect as if done or executed by or before all the said Trustees.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act and the said last recited Act into Execution, unless he shall be qualified in such Manner as in and by the last recited Act is directed and prescribed, and unless, being so qualified, he shall before he shall act as a Trustee (except in administering the Oath mentioned in the last recited Act, and the Oath hereinafter mentioned) take and subscribe before any One or more of the said

[Local.]

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Trustees

Trustees to be qualified as directed by the General Turnpike Act, and to be sworn.

Trustees an Oath, or being a Quaker an Affirmation, in the Words or to the Effect following; that is to say,

‘ I *A. B.* do swear [*or, being a Quaker, do affirm*], That I will honestly
 ‘ and impartially, according to the best of my Judgment, execute the
 ‘ several Powers, Authorities, and Trusts reposed in me as a Trustee by
 ‘ virtue of an Act passed in the Fourth Year of the Reign of His Majesty
 ‘ King *George* the Fourth, intituled *An Act, &c.* [*here insert the Title of*
 ‘ *this Act*], and also an Act passed in the Third Year of the Reign of His
 ‘ said Majesty, intituled *An Act to amend the general Laws now in being*
 ‘ *for regulating Turnpike Roads in that Part of Great Britain called England.*
 ‘ So help me GOD.’

‘ *Or, being a Quaker, omit the Words, ‘ So help me God.’*

Which Oath or Affirmation any One or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, in any of His Majesty’s Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said last-mentioned Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

New Trustees to be appointed on Vacancies by Death or otherwise.

IX. And be it further enacted, That whenever the Number of the said Persons so appointed Trustees as aforesaid, as inhabiting, occupying, possessing, or entitled unto Lands, Tenements, or Hereditaments within any of the said several Parishes of *Saint Mary Magdalen Bermondsey, Saint Mary Rotherhithe, Saint Paul Deptford, and Saint Nicholas Deptford*, shall by Death or Refusal to act, or by ceasing to inhabit, occupy, possess, or be entitled unto any Lands, Tenements, or Hereditaments within any of the said Parishes, or by any of such Trustees becoming Bankrupt or Insolvent, or otherwise disqualified to act, be reduced to the Number of Thirty-four Persons for the said Parish of *Saint Mary Magdalen Bermondsey*, or of Twenty-six Persons for the Parish of *Saint Mary Rotherhithe*, or of Twenty-two Persons for the Parish of *Saint Paul Deptford*, or of Four Persons for the said Parish of *Saint Nicholas Deptford*; then it shall and may be lawful to and for the surviving or remaining Trustees, or any Three or more of them, by Writing or Writings under their Hands and Seals from Time to Time (at a Meeting to be held on the First *Tuesday* in the Month of *August* in every Year) to elect and appoint so many fit Persons inhabiting, occupying, possessing, or entitled unto Lands, Tenements, or Hereditaments, within the said several Parishes respectively, as will preserve and keep the Number of Trustees inhabiting, occupying, possessing, or entitled to Lands, Tenements, or Hereditaments, within the said Parish of *Saint Mary Magdalen Bermondsey*, to the Number of Thirty-four;

four; within the Parish of *Saint Mary Rotherhithe*, to the Number of Twenty-six; within the Parish of *Saint Paul Deptford*, to the Number of Twenty-two; and within the said Parish of *Saint Nicholas Deptford*, to the Number of Four; and every Person who shall be so elected and appointed a Trustee shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes as if he had been named and appointed a Trustee in and by this Act.

X. Provided always, and be it further enacted, That in case any or either of the Trustees herein-before named (except Justices of the Peace) shall, for the Space of Twelve Calendar Months next after the passing of this Act, or in case any Person or Persons hereafter elected and appointed a Trustee shall, for the Space of Twelve Calendar Months from the Day of his or their Election, neglect to take or subscribe the respective Oaths herein-before directed to be taken and subscribed, before he or they presume to act in the Execution of this Act, such Neglect shall be deemed a Refusal to act on the Part of the Person or Persons so elected a Trustee or Trustees; and it shall be lawful to and for the remaining Trustees, at the Meeting to be held on the first *Tuesday* in the Month of *August* next ensuing the Expiration of the said Twelve Calendar Months, to elect and appoint in manner herein-before mentioned, some other Person or Persons to be a Trustee or Trustees in the Room of such Person or Persons so neglecting to take such Oaths as aforesaid.

Trustees to take Oaths within 12 Months.

XI. And be it further enacted, That the said Trustees, and the Mortgagee and Mortgagees, Farmer, and Collectors of the said Tolls, and the Treasurer and Clerk and Surveyor under this Act shall not, nor shall any or either of them, be disqualified from giving his or their Testimony or Evidence in any Action, Suit, or other legal Proceedings under this Act, by reason of being such Trustee, Mortgagee, Farmer, Collector, Treasurer, Clerk, or Surveyor.

Trustees, &c. not disqualified from being Witnesses.

XII. And be it further enacted, That the several Roads by this Act authorized to be repaired, shall be distinguished and known by the Name of the *Bermondsey*, *Rotherhithe*, and *Deptford* Roads, and the said Trustees shall be styled the Trustees of the *Bermondsey*, *Rotherhithe*, and *Deptford* Roads.

Style of the Trustees.

XIII. And be it further enacted, That the First Meeting of the said Trustees for executing this Act shall be holden in the Committee Room of the Workhouse of the said Parish of *Bermondsey* in the said County of *Surrey*, or at some other convenient House or Place in the said County, on *Monday* the First Day of *September* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, or as soon after as conveniently may be; and the said Trustees, or any Three or more of them, shall then and there proceed to the Execution of this Act, and shall and may adjourn themselves to meet at any Place or Places on or near the said Roads, and at such Time or Times as the said Trustees, or the major Part of them present at any Meeting, shall appoint.

First and other Meetings.

XIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time, at any General Meeting, to appoint or depute any Number of the Trustees executing this

To appoint Committees.

this Act, to be a Committee to treat for the Purchase of any Lands, Tenements, Hereditaments, Rights, and Property for the Widening or Improvement of the said Roads, or any of them, or for superintending any Works or Proceedings authorized, directed, or required to be done by such or any previous General Meeting of the said Trustees; and also to authorize such Committee or Committees to conclude any Agreement for the Purchase of any such Lands, Tenements, Hereditaments, Rights, or Property, with the Owner or Owners, or other Person or Persons interested or entitled to the same; and also to give such Orders and Directions respecting the Works or Proceedings so authorized, directed, or required to be done, as to such Committee or Committees shall seem expedient, or to authorize such Committee to report their Proceedings from Time to Time to the Trustees at some subsequent General Meeting or Meetings; and all and every such Committee and Committees shall have Power to adjourn themselves from Time to Time as they may think fit; and all Agreements, Orders, and Directions made, entered into, or given by any such Committee or Committees respecting the Matters so deputed or referred to them, shall be as valid and effectual as if made at any General Meeting of the said Trustees: Provided always, that no such Agreement, Order, or Direction shall be made, entered into, or given by any Committee to be appointed as aforesaid, unless Three Trustees shall be present thereat, and that a Majority of the Trustees present at the respective Meetings of such Committee or Committees shall concur therein.

For appoint-
ing Officers.

XV. And be it further enacted, That the said Trustees, or any Three or more of them, shall and may, at their first or any subsequent Meeting to be held pursuant to this Act, elect and appoint, or continue, a Treasurer or Treasurers, and a Clerk or Clerks, Collector or Collectors of all Monies to be collected, or which shall be due and payable under or by virtue of this Act, and also shall appoint a Surveyor or Surveyors, and such other Officers as they the said Trustees, or any Three or more of them, shall think necessary; and the said Trustees, or any Three or more of them, shall and may from Time to Time, at any General Meeting, remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors, or other Officers, or any of them, as they shall see Occasion, and appoint others in their Stead; and the said Trustees, or any Three or more of them, shall and may, out of the Money to be raised by virtue of this Act, make such Allowance unto the Treasurers, Clerks, Collectors, Surveyors, and other Officers so appointed and continued, for and in consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as have or shall be employed or shall be assisting in the Execution of this Act, as to them the said Trustees, or any Three or more of them, shall seem reasonable.

Treasurer
and Clerk not
to be the
same Person.

XVI. 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 or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks of the said Trustees; and if
any

any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust 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 Fifty Pounds to any Person 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.

XVII. Provided always, and be it further enacted, That the present Treasurer, Clerk, Surveyors, and Collectors of the Tolls arising upon the said Roads, and other Officers appointed by virtue of the said recited Acts or either of them, for the Care and Management of or relating to the said Roads or any of them, shall and they are hereby authorized to act in the Execution of this Act, until they shall be removed or others appointed in their Stead.

Present Officers to continue till new ones appointed.

XVIII. And be it further enacted, That every Person who shall have been employed to receive, or who shall have received any Tolls or other Monies under or by virtue or on account of the Acts hereby repealed, or shall have in his or their Custody or Possession any Vouchers, Books, Accounts, Papers, Writings, or other Things relating to the said Roads hereby intended to be repaired or any of them, shall, when required so to do, account for and deliver the same to the said Trustees, or any Person or Persons appointed by them for that Purpose, in like Manner and under the like Penalties as are directed with respect to any Officer or Person appointed under this Act, or by the said recited Act of the Third Year of the Reign of His present Majesty.

Officers under former Act to account.

XIX. And be it further enacted, That all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts, shall be liable to the Payment thereof to the Trustees for executing this Act, in such and in the like Manner, and by such Ways and Means, as any Sum or Sums of Money which may become due to the said Trustees under or by virtue of this Act may be raised, recovered, or levied; and all Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities, made to or by, or entered into by any Person or Persons to or with the Trustees for executing the said recited Acts, shall remain in full force and effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trust under this Act, in the same Manner as if such Conveyances, Bonds, Covenants, Agreements, Contracts, and Securities had been entered into by such Person or Persons under and by virtue of this Act, and with the Trustees hereby appointed; and all Lettings of Tolls, Contracts, Agreements, or Notices, made, entered into, or given by the said Trustees for executing the said recited Acts to or with any Person or Persons, or for any other Purpose, shall remain in full force and effect,

All Persons owing any Money to continue liable, and all Bonds, Contracts, &c. to remain in force.

and be observed and kept by the Trustees for executing this Act, and by the other respective Parties thereto, according to the Terms, Stipulations and the true Intent and Meaning thereof.

Trustees may
enter into
Contracts.

XX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to contract and agree with any Person or Persons for the doing and performing all or any of the Works authorized or directed to be done and performed by the said Trustees, and which Contract shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times within which the same Works are to be performed and completed, and the Penalties to be suffered in case of Non-performance thereof; and also by the Persons contracting to perform the same, respectively: Provided also, that if the said Trustees shall be of Opinion that it will not be of advantage to the said Trustees to contract with the Person or Persons offering the lowest Price, it shall be lawful for the said Trustees to contract with such other Person or Persons as they shall think proper.

Trustees may
continue
Turnpikes
and erect
others.

XXI. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered to continue or take down all or any of the Toll Gates, Bars, or Turnpikes, and Toll Houses, now or hereafter to be erected in, upon, or across any of the Roads by this Act authorized to be repaired, or on the Side or Sides thereof; and also to erect or cause to be erected such Toll Gates, Bars, or Turnpikes in, upon, or across any of the Roads, or upon or near the Side or Sides thereof, across any Street, Lane, or Way leading into the same, as they shall think proper; and also to continue the Gate or Bars now erected and set up in, upon, or near to a certain Bridge situate at the East End of *Jacob Street* in the said Parish of *Bermondsey*, and in, upon, or across the Way called *Bermondsey Wall*, between *Nutkin's Corner* and *Mill Street* in the said Parish; and to continue or erect a Toll House adjoining or near to the said respective Toll Gates, Bars, or Turnpikes, or such of them as they shall think proper (except as by this Act is otherwise particularly provided) and the respective Tolls following shall be demanded and taken at all such Toll Gates, Bars, or Turnpikes, (except at the Turnpike Gates or Bars erected at *Fort Place* in the said Parish of *Bermondsey*, or any Turnpike or Bar to be erected on the Road leading from *The Hand and Marygold* or *Stones End* in *Bermondsey Street* to the Turnpike at *Saint Thomas-a-Waterings*, as lies within the said Parish of *Bermondsey* as aforesaid), before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through the same; that is to say,

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Landau, Chariot, Calash, Chaise, Hearse, Chair, or other such like Carriage, not being a Stage Coach or other such like public Carriage or Caravan or Carriage travelling for Hire, Sixpence:

For every Horse or Beast of Draught drawing any Stage Coach or other such like public Carriage or Caravan travelling for Hire, Three-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or such like Carriage, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches, Four-pence:

For every Horse or other Beast of Draught drawing any Waggon,
Wain,

Wain, Cart, Dray, or such like Carriage, having the Fellies of the Wheels of the Breadth or Gauge of Six Inches, Eight-pence :

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Dray, or such like Carriage, having the Fellies of the Wheels of less Breadth or Gauge than Six Inches, if drawn by Two or more Horses or other Beasts of Draught, One Shilling :

But in case any such Waggon, Wain, Cart, Dray, or such like Carriage shall be drawn only by One Horse or other Beast of Draught, then

For such Horse or other Beast of Draught, Sixpence :

For every Horse, Mule, or Ass, not drawing, Three-pence :

For every Ox or other Neat Cattle, One Penny :

For every Calf, Hog, Wether, Sheep, or Lamb, One Farthing.

XXII. And be it further enacted, That the said Trustees may and are hereby authorized and empowered to continue or take down the present Toll Gates, Bars, or Turnpikes, and Toll Houses, now or hereafter to be erected at or near *Fort Place*, in, upon, or across the said Road leading from *The Hand and Marygold* or *Stones End* in the said Parish of *Bermondsey*, to *Saint Thomas-a-Waterings*, called the *Grange Road*, and also to erect or cause to be erected such Toll Gates, Bars, or Turnpikes, in, upon, or across such Part of the said Road, called *The Grange Road*, as lies within the said Parish of *Bermondsey*, or upon or near the Side or Sides thereof, across any Street, Lane, or Way leading into the same, as they shall think proper ; and to continue or erect a Toll House adjoining or near to the said respective Toll Gates, Bars, or Turnpikes, or such of them as they shall think proper ; and the respective Tolls following shall be demanded and taken at the said Toll Gates erected at *Fort Place* aforesaid, and at all such other Toll Gates, Bars, or Turnpikes as shall hereafter be erected upon or across such Part of the said Road called *The Grange Road*, leading from *The Hand and Marygold* or *Stones End* in *Bermondsey Street* to *Saint Thomas-a-Waterings* aforesaid, as lies within the said Parish of *Bermondsey*, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through the same ; that is to say,

Tolls to be taken at *Fort Place*, &c.

For every Horse, Mule, or Ass, laden or unladen, drawing or not drawing, Two-pence :

For every Ox or other Neat Cattle, One Penny :

For every Calf, Hog, Wether, Sheep, or Lamb, One Farthing.

XXIII. And whereas it would be a great Accommodation to the Public if the said Roads, or certain Parts thereof, were watered at particular Times and Seasons of the Year ; be it further enacted, That it shall be lawful for the said Trustees, at any Time or Times between the First Day of *April* and the First Day of *November* in every Year, to order and direct such Part or Parts of the said Roads by this Act authorized to be repaired, 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, and their Lessees, Collectors, and Receivers, to take, collect, levy, and receive, for every Horse or other Beast, laden or unladen, drawing or not drawing, the Sum of One Penny over and above the Tolls granted by this Act, provided that such additional Toll shall only be paid and payable on those Parts of the said Roads which shall be actually watered by the said Trustees.

An additional Toll may be taken for watering the Road.

XXIV. Pro-

Carts not to pass more than Twice a Day without paying a fresh Toll.

XXIV. Provided always, and be it further enacted, That no Cart, Waggon, or other Carriage, laden with Bricks, Tiles, Timber, Iron, Lead, Wood, Clay, Coals, Corn, Grain, Stones, Brick Earth, Rubbish, Soil, Sand, Bark or Tan, or Ashes, or any Dray, shall be permitted to pass through any of the said Toll Gates, Bars, or Turnpikes, more than Twice in any one Day, without paying again the like Tolls as if the same had not already passed through any of such Toll Gates, Bars, or Turnpikes, except such Carts or Waggons as shall be employed and used in carrying and conveying Materials for the repairing and amending the said Roads, any thing herein contained to the contrary notwithstanding; but nevertheless, the said Tolls, in respect of any such Cart, Waggon, Dray, or other Carriage, or for the Horse or Horses or other Beasts drawing the same, shall not be required, demanded, or taken more than Twice in any one Day.

Tolls vested in Trustees.

XXV. And be it further enacted, That the said several and respective Tolls, and all other Tolls by this Act granted or authorized to be collected, shall be and are hereby vested in the said Trustees for the Purposes of this Act.

Tolls to be paid but Once a Day.

XXVI. Provided always, and be it further enacted by the Authority aforesaid, That any Person who shall have paid the Tolls hereby granted, or which the said Trustees shall agree to accept in lieu thereof, at any of the Toll Gates, Bars, or Turnpikes to be continued or erected by virtue of this Act (other and except on such Part of the Road leading from the *Hand and Marygold* or *Stones End* in *Bermondsey Street* towards *St. Thomas-a-Waterings*, called *The Grange Road*, as lies within the said Parish of *Bermondsey*), shall on the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) be permitted to pass and repass any Time or Times as often as he or she shall think proper through the same Toll Gate or Turnpike, or through all or any other Toll Gates, Bars, or Turnpikes, or Toll Gate, Bar, or Turnpike, which shall be continued or erected by virtue of this Act, for or in respect of the same Horses, Beasts, or Cattle, for which such Tolls shall have been so paid, except as aforesaid and as by this Act is otherwise directed: And that any Person who shall have paid the Tolls hereby granted and payable at the Gate or Gates on the said Road leading from the *Hand and Marygold* or *Stones End* in *Bermondsey Street* to *Saint Thomas-a-Waterings* aforesaid, called *The Grange Road*, for or in respect of any Horse, Beast, or Cattle, shall, on the same Day, to be computed as aforesaid, be permitted to pass and repass any Time or Times as often as he or she shall think proper, through the same Toll Gate or Turnpike, or through all or any other Toll Gate or Turnpike which shall be then standing upon the said last-mentioned Road, called *The Grange Road*, or on the Sides of the said last-mentioned Road (except as by this Act is otherwise directed), for or in respect of the same Horse, Beast, or Cattle, for which such Tolls shall have been so paid: And that no Person passing any of the said Toll Gates, Bars, or Turnpikes, with any Horses not drawing a Carriage, and paying a Toll for such Horses, and returning the same Day (to be computed as aforesaid) with the same Horses drawing a Carriage, shall be subject or liable to pay any greater Toll in respect of the Horse or Cattle drawing such Carriage, than will, with what shall have been paid for such Horses or Cattle

Cattle as aforesaid, make up the complete Toll authorized to be collected for the Horses or Cattle drawing such Carriage by virtue of this Act, such Persons respectively producing a Note or Ticket denoting such respective Payments.

XXVII. Provided always, and be it further enacted, That the said Trustees shall not set up, erect, place, or continue any Turnpike Gate or Bar upon or across any of the said Roads, unless such Trustees, or the Lessees of the Tolls hereby authorized to be taken for the Time being, shall appoint a proper Person to reside or be at and collect the Tolls payable at such Gate, unless such Bar shall be within Sight or Hearing of any Toll House.

Trustees not to erect Turnpikes, &c. without appointing a Collector thereat.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized to demand and take, or cause to be demanded and taken, the Toll payable by virtue of this Act, in respect of every Horse or Mule drawing any Stage Coach, or other public Carriage or Conveyance, or any Caravan or Carriage travelling for Hire (except Post Chaises), every Time such Coach or other public Carriage as aforesaid shall pass and repass along the said Roads included in this Act, or any or either of them, and to order and direct that the Tolls hereby granted for and in respect of all Post Horses or Mules drawing any Post Chaise or other such Carriage, shall be paid every Time they shall pass along or upon the said Roads, or any or either of them, in case of a fresh Hiring of such Post Chaise or other such Carriage.

Stage Coaches liable to pay every Time of passing.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken, the Toll payable by virtue of this Act, in respect of every Horse or Mule drawing any Hackney Coach or Hackney Chariot, every Time any such Hackney Coach or Hackney Chariot shall pass through any of the said Gates with any Fare, unless the Person or Persons inside such Coach or Chariot, or other Person or Persons hiring the same, shall produce a Ticket or Tickets, denoting that such Toll has been paid on that Day, for and in respect of the Horse or Horses, Mule or Mules, drawing any such Coach or Chariot; and each and every Collector or Collectors of the said Tolls shall, and he and they is and are hereby required to deliver to the Person or Persons in the Inside of such Coach or Chariot, or other Person or Persons hiring the same, a Ticket denoting the Payment of the said Toll; and in case any such Collector or Collectors shall refuse or neglect to deliver such Ticket *gratis* to such Person or Persons, then and in every such Case such Collector or Collectors shall forfeit and pay any Sum not exceeding the Sum of Five Pounds, nor less than Ten Shillings.

Tolls on Hackney Coaches.

XXX. Provided also, and be it further enacted and declared, That the Tolls to be collected and paid at any Turnpike or Turnpikes, Bar or Bars, Gate or Gates, now erected or to be erected or placed upon or across the said Roads, or any or either of them, for or in respect of any Horse or Beast drawing any Waggon or Cart employed by the Commissioners for paving, lighting, and watching the Waterside Division of the said Parish of *Bermondsey*, or for paving or cleansing the said Parishes

Certain Tolls to be returned.

[Local.]

of *Saint Mary Rotherhithe*, and *Saint Paul* and *St. Nicholas Deptford*, or either of them, or by any Scavenger or Dustman in their respective Employ or Service, shall be repaid to the Treasurer to the said Commissioners for Paving, or to their said Scavenger, on Proof being made to the Satisfaction of the said Trustees assembled at any Meeting, as the said Trustees shall think fit, of the actual Payment of such Tolls, and that such Waggon or Cart was *bond fide* employed by the said Commissioners, or their said Scavenger, in removing the Dust or Ashes from the Houses of the Inhabitants of the said respective Parishes.

Tolls to be a Security for Money borrowed.

XXXI. And be it further enacted, That the Tolls to be collected under and by virtue of this Act shall be and the same are hereby made subject and liable to the Repayment of all and every Sum and Sums of Money borrowed, and all other Monies now due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads by any of the said recited Acts hereby repealed, and all Interest due and to become due for the same, in such and the same manner as if all such Money had been borrowed by and become due from the said Trustees under the Powers of this Act.

Tolls may be reduced with Consent of Creditors.

XXXII. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time, and as often as they shall think proper, at any General Meeting, to lessen, alter, or reduce all or any of the Tolls hereby made payable, for such Time as they shall think proper, by and with the Consent of the Person or Persons entitled to Two-thirds of the Money which may be due and owing on the Credit of such Tolls, and to raise or restore again the Tolls so lessened, altered, or reduced, or any Part thereof, so that the same do never exceed the Tolls hereby granted; and the Tolls so lessened, altered, or reduced, or raised again, shall be collected or recovered in the same manner, and be subject to the same Penalties on Nonpayment or Evasion of Payment, and to the like Rules and Regulations, as the Tolls hereby granted are directed to be collected or recovered, or are subject or liable to.

Trustees may compound with His Majesty's Commissioners for the Navy and others for Tolls.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, from Time to Time, to compound and agree with the Commissioners of His Majesty's Navy, and the Commissioners for Victualling His Majesty's Navy, for the passing of any Coach, Chariot, Cart, Wain, or other Carriage, Horse, Beast, or other Cattle, belonging to or employed by any of the Principal Officers or Commissioners of His Majesty's Navy or Victualling, or by their Secretaries, or the Officers of His Majesty's Dock Yard at *Deptford*, or the Officers of His Majesty's Victualling Premises at *Deptford*, and their and every of their Officers, Clerks, Messengers, Workmen, or Servants, through all or any of the Toll Gates erected or to be erected across the said Roads, or the Sides thereof, for such Period as the said Commissioners and the said Trustees, or any Three or more of them, may agree, and also to compound and agree with any Surveyor of the Highways, or Commissioners or other Persons having the Jurisdiction of the Highways of any Parish, for the Removal or Discontinuance of all or any of the Turnpike Gates within any of the said Parishes through which the said Roads do pass, or for the Passage of any Carriage, Horse, Beast, or other Cattle,

belonging to all or any of the Inhabitants of any such Parish, or going to or from the Premises occupied by any such Inhabitant, and also to compound and agree with any Bodies Politic or Corporate for the Passage of any Carriage, Horse, Beast, or other Cattle, travelling on the said Roads, through all or any of such Toll Gates, for any Term not exceeding Three Years at any one Time, which said last-mentioned Compositions shall be paid by such Surveyor, Commissioners, or other Persons having the Jurisdiction of the Highways of any Parish, and by the said Bodies Politic or Corporate, so compounding, to the Treasurer of the said Trustees, at such Time or Times, and in such Manner, as shall be agreed upon at the Time of entering into such Compositions; and in default of such Payment, the Composition or Agreement with the said Surveyor, Commissioners, or other Persons having the Jurisdiction of the Highways, Bodies Politic or Corporate, making such default, shall from thenceforth (in case the said Trustees or any Three or more of them shall think fit) be void; and all such Composition Money shall be applied in such manner as the said Tolls are hereby directed to be applied.

XXXIV. Provided also, and be it further enacted, That no Turnpike, Toll Gate, or Bar, shall hereafter be erected across or on the Side of any of the said Roads, unless the same shall be ordered by the Trustees at a General Meeting, of which Ten Days Public Notice shall have been given in Writing affixed upon all the Toll Gates erected on the said Roads, and also published in some Public Newspaper circulated in that Part of the County, specifying the Place where such Toll Gate is proposed to be erected, and unless Five Trustees at least, being a Majority of those present, shall sign the said Order at such Meeting.

How Toll
Gates are to
be erected.

XXXV. Provided always, That none of the Toll Gates, Bars, or Turnpikes now standing or hereafter to be erected across or on the Sides of the said Roads shall be taken down or removed, except by Order of the said Trustees, or any Five or more of them, made at some Meeting to be holden in pursuance of this Act, of which Ten Days Notice in Writing (specifying the Business to be done at such Meeting) shall be affixed on all the Toll Gates or Turnpikes then standing upon or on the Sides of the said Roads.

No Turnpike
to be removed
except by
Order made
at Meetings.

XXXVI. And whereas by an Act made and 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 St. Paul Deptford, to the Treasurer of the said Roads*, it is enacted, that the Trustees for the Care of the Roads thereby directed to be repaired, or any Five or more of them, or their Treasurer for the Time being, should, and they were thereby respectively authorized and required from Time to Time during the Term granted by the said last-mentioned Act, out of the Money arising by virtue of the said Act, to pay to the Trustees for putting in Execution the several Powers granted in and by the said

The Annual
Sum of 150*l.*
to be paid by
the Trustees
of the Dart-
ford Road.
42 G. 3. c. 63.

Act

Act of the Thirty-eighth Year of His said Majesty's Reign, or to any Five or more of the said Trustees, or to their Treasurer for the Time being, the Annual Sum of One hundred and fifty Pounds, by equal Half-yearly Payments, upon the Twenty-fifth Day of *December* and the Twenty-fourth Day of *June* in every Year, which Money should be applied as well in repairing and keeping in repair the said Road leading from the *Stones End* in *Bermondsey Street* to *St. Thomas-a-Waterings*, by the said Act transferred to the said Trustees for putting into Execution the said Act of the Thirty-eighth Year of His late Majesty's Reign, as the several Roads which then were or should be under their Direction, Care or Management; be it therefore enacted, That the said Trustees for executing this Act shall and may, and they are hereby 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 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 recited Act of the Forty-second Year of His late Majesty, to be applied to and for the Uses and Purposes of this present Act, and for no other Use or Purpose whatsoever.

Application
of Tolls and
other Monies:

XXXVII. And be it further enacted, That all the Tolls and other Monies raised by virtue of the said former Acts and now in the Treasurer's Hands, and all the Tolls and other Monies to arise by virtue of this Act, shall be applied in the First Place, and in preference to all other Payments whatsoever, in paying and defraying the Charges and Expences incident to or in anywise relating to obtaining and passing this Act; in the Payment of Interest upon the Money borrowed or to be borrowed, or any Annuities granted in pursuance of this Act; in continuing, erecting, and supporting and lighting the several Toll Gates, Bars, Turnpikes, Toll Houses, Buildings, Lamps, and Lamp Posts, to be continued, erected, supported, or lighted by virtue of this Act; in paying the Salaries and Allowances to the several Clerks, Collectors, Surveyors, Superintendants, and other Officers and Servants to be employed under this Act; in paying and defraying all other Charges and Expences to be incurred or occasioned in or relating to the Execution of this Act; and in discharging all Bills, Warrants, and Mortgages, as are now due or shall hereafter become due from the said Trustees, and to and for no other Use or Purpose whatsoever.

Trustees au-
thorized to
receive Mo-
ney from the
Commission-
ers of Pave-
ments, &c.
towards wid-
ening, alter-
ing, or im-
proving the
Roads.

XXXVIII. And whereas the widening, altering, and improving of the Roads by this Act directed to be repaired and maintained will require a considerable Sum of Money, and the Tolls by this Act directed to be taken may not be sufficient to effect the same; and inasmuch as the Inhabitants of the East Division of the Borough of *Southwark*, and of the several Parishes of *Saint Mary Magdalen Bermondsey* and *Saint Mary Rotherhithe* in the County of *Surrey*, and of the said Parishes of *Saint Paul Deptford* and *Saint Nicholas Deptford* in the County of *Kent*, will be benefited and accommodated by the widening, altering, and improving the said Roads, and may be willing to contribute towards the Expences thereof; be it therefore enacted, That it shall and may be lawful to and for the said Trustees to receive and accept of and from the Commissioners or Trustees, or other Persons having the Controul of the Pavements or the Footpaths, or any Part of the Pavements or Footpaths, of

or

or in the said Parishes in which the said Roads hereby directed to be repaired and maintained shall be situate, and of and from the Commissioners for paving the East Division of the Borough of *Southwark*, and certain Parts adjacent, in the County of *Surrey*, and of and from the Inhabitants of the said several Parishes herein-before named, all and every such Sum and Sums of Money as the said respective Commissioners or Inhabitants may be willing to contribute, for the Purpose of widening, altering, or improving the said Roads.

XXXIX. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Paddock, Planted Walk, or Avenue to a House, or any enclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof first had and obtained.

Trustees not to take down Houses without Consent.

XL. 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 purchased by the said Trustees under or by virtue of the Powers and Authorities contained in the said recited Act passed in the last Session of Parliament, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, 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 having Six Calendar Months Notice to quit and deliver up such Possession, from the Clerk to the said Trustees, or from the Person or Persons who shall be 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 be given with reference to the Time or Times of such Tenants holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up Possession of the said Premises to the said Trustees, or any Three or more of them, 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, (all reasonable Satisfaction being first made or tendered), 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 said Counties of *Surrey* or *Kent*, in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods: Provided always, 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 by the last recited Act is directed in cases of

Tenants at Will to deliver Possession on Six Months Notice.
3 G. 4. c. 126.

[Local.]

20 I

ascertaining

ascertaining and making Compensation or Satisfaction for Lands to be taken by virtue of such Act.

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

XLI. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments, required to be purchased by the said Trustees, not being in Possession thereof by virtue of such 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 in the manner directed by the said recited Act passed in the last Session 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 such 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 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 or by the said recited Act for regulating Turnpike Roads in *England* 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 the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents, Constructions, and Purposes whatsoever.

Power for the
Trustees to
remove the
Gates at Ja-
cob Street and
Nutkins Cor-
ner.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered to take down and remove the Gates or Bars now erected and set up in, upon, or near to the said Bridge situate at the East End of *Jacob Street* in the said Parish of *Bermondsey*, and in, upon, or across the said Way called *Bermondsey Wall*, between

Nutkins Corner and *Mill Street*, in the said Parish, and in lieu of the said Bars or Gates so taken down and removed, by and with the Consent of the Commissioners for putting into Execution an Act of Parliament passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for better cleansing, lighting, and watching the Streets, Lanes, Yards, Courts, Alleys, and Passages, within that Part of the Parish of Saint Mary Magdalen Bermondsey, in the County of Surrey, called the Waterside Division, and for removing and preventing Nuisances and Annoyances therein; and for lighting and watching certain Parts of or belonging to the Turnpike Road leading from the East End of New Street, in Southwark, to Deptford in the County of Kent, within the said Waterside Division of the said Parish therein mentioned*, to erect or set up any other Bar or Bars, Gate or Gates, Turnpike or Turnpikes, in, upon, or across any other of the Streets, Lanes, or Places comprised or mentioned in the said last recited Act, as they the said Trustees and Commissioners shall mutually agree upon; and in like manner to remove such new Gate or Gates, Bar or Bars, to any other Place or Places within the said Waterside Division of the said Parish of *Bermondsey*, as often as the said Trustees and Commissioners may think necessary and expedient; and the same and the like Tolls as are hereby authorized to be demanded and received at the said Toll Gates or Bars at the said Bridge at the East End of *Jacob Street* and *Nutkins Corner*, shall be demanded and taken at each and every of the said new Gate or Gates, Bar or Bars, before any Horse, Cattle, Beast, or Carriage, shall be permitted to pass through the same.

25 G. 3. c. 23.

XLIII. Provided always, and be it further enacted, That it shall be lawful to and for the said Trustees to light the several Toll Gates, Bars, or Turnpikes, and Direction Posts, 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.

XLIV. And whereas several Parts of the said Roads are now paved, and other Parts thereof may be hereafter required to be paved, and it may be proper that Power should be given for the Commissioners appointed for putting into Execution the Acts of Parliament for paving, lighting, and watching certain Parts of the said Parishes of *Bermondsey*, *Rotherhithe*, and *Deptford*, and the said Trustees, to agree together for any Works necessary to be done on the said Roads; be it therefore enacted, That the said Trustees or any Three or more of them may, and they are hereby empowered from Time to Time at any of their Meetings, as occasion shall require, to contract with the said respective Commissioners, or any Three or more of them, for paving, raising, making, altering, and keeping in repair any Part of the said Turnpike Roads, or for exonerating the said Trustees therefrom, for such Time or Times, upon such Terms and Conditions, for such Sum or Sums of Money, Annual or in Gross, and in such Manner and Form, as they the said Trustees shall think fit.

Trustees empowered to contract with the Commissioners of Paving.

XLV. And be it further enacted, That all new or complete Mains of Pipes (not being Service Pipes fitted to any House or Building) for the Conveyance of Water or Inflammable Air or Gas, which after the passing of this Act shall be laid down beneath the Surface of any of the Roads

Mains of Water and Gas Pipes, &c. to be made of Iron, and not by

to be laid
down
between Mi-
chaelmas
and Ladyday.

by this Act authorized to be repaired, by or on account of any Water or Gas Light Company, and whether such new or complete Main of Pipes shall or shall not be substituted for or added to any other complete Main or Mains of Pipes for the Conveyance of Water or Inflammable Air or Gas, theretofore laid down for the Conveyance of Water or Inflammable Air or Gas, shall consist and be made of Iron alone, and of no other Material; and that the Ground, Soil, or Pavement of or in any of the Roads by this Act authorized to be repaired, or of any Part thereof, shall not be broken or taken up for the Purpose of laying down any Main of Pipes for the Conveyance of Water or Inflammable Air or Gas at any Time between the Twenty-ninth Day of *September* in every Year, and the Twenty-fifth Day of *March* in the following Year, without the Consent in Writing of the said Trustees or any Three or more of them; and that if any Water or Gas Light Company, or any other Person, shall break or take up, or cause to be broken or taken up, any such Ground, Soil, or Pavement for the Purposes aforesaid, during the Time aforesaid, or shall lay or cause to be laid down any Pipe or Pipes consisting or made of any Materials in Violation of this Act, then and in every such Case the Company or other Person so offending shall forfeit and pay the Sum of Five Pounds for every Square Foot of Ground, Soil, or Pavement, which shall be so broken or taken up by them, or on their Authority; and the like Sum for every Foot in length of Pipe which shall be so laid down not consisting or made of Iron as aforesaid.

Restriction as
to breaking
up Roads by
Water or Gas
Company, &c.

XLVI. And be it further enacted, That it shall not be lawful to or for any Water or Gas Light Company, or any Person or Persons acting by or under the Authority of them or any of them, or on their Account, to break, or take up, or disturb, or cause to be broken, or taken up, or disturbed, 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 not exceeding 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, Surveyor or Surveyors, or other proper Officer or Officers, first obtained; but that nothing in this Act contained shall be deemed or construed to prevent the said Company from laying down, repairing, or altering such Main or Pipes, after such Consent obtained as aforesaid, or from laying down, repairing, or altering any Service Pipes or Apparatus leading from such Main Pipes, after such Consent obtained as aforesaid.

Notice to be
given of
breaking up
Roads.

XLVII. And be it further enacted, That after such Consent as aforesaid, it shall not be lawful to or for any Water or 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 and particular Part of such Road in which such Ground, Soil, or Pavement is intended to be broken or taken up, shall have been given to the Clerk to the said Trustees, or shall have been left for him at his

Dwelling

Dwelling House or Office for the Space of Twelve Hours at the least before such Ground, Soil, or Pavement, or any Part thereof, shall be so broken or taken up (except in all Cases of sudden Emergency, in which such Notice as aforesaid shall be given to such Clerk to the said Trustees 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 broken or taken up without such Consent and Notice as aforesaid (except as aforesaid).

XLVIII. Provided always, and be it further enacted, That every such Company or other Persons, in laying or repairing any such 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 reinstate and make good the said Roads, Footpath, 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, 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 Superintendance, 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 next after Notice given to or left for such Company, or other Persons, in their respective Houses or Offices, fill in such Ground, or carry away the old Pipes, surplus Earth, or Rubbish, or make good any such Roads, Footpath, or Pavement as aforesaid, or fence, guard, and 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 fill in such Ground, and remove such old Pipes and Materials, surplus Earth and Rubbish, and repair and make good any Road, Footpath, or Pavement so broken up, and to fence, guard, and light such Places so opened 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

Roads to be made good when Pipes are laid.

Peace for the said Counties of *Surrey* or *Kent*, in which the 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 such 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.

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

XI.IX. And be it further enacted, That such 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, or where it shall be 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.

Trustees may require Repair of Pipes, &c.

L. 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 other Thing belonging to any Water or Gas Light Company, be broken or damaged, or in want of Repair or Alteration, it shall be lawful for the said Trustees to cause Notice to be given in Writing, signed by their Clerk, to the Company to whom such Main, Pipe, Stopcock, Plug, or other Thing, 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 that within Forty-eight Hours after such Notice shall be so given or left as aforesaid, the said Company to or from 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, Pipe, 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, and the Ground, Soil, or Pavement properly filled in with hard Rubbish, or other good Materials, and rammed down, and reinstated within Forty-eight Hours next after such Notice shall be given or left as aforesaid, or with all convenient Expedition in the Judgment of the said Trustees, 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, or renewed, and the Ground, Soil, or Pavement above the same shall be so filled in and rammed down, and reinstated, the said

Company shall cause Notice thereof to be given to the said Trustees, that such Reparation, Alteration, Amendment, or Renewal hath been made, and that the Ground, Soil, or Pavement hath been refilled, rammed down, and reinstated, in the Manner directed by this Act; and in case the said Water or Gas Company, to or for whom such Notice shall have been given or left as aforesaid, and to whom such Main, Pipe, Stopcock, Plug, or other Thing referred to in such Notice shall belong, shall neglect to cause the same to be repaired, altered, or amended or renewed, as the Case may be, and the Ground, Soil, or Pavement to be filled in, and rammed down, and reinstated to the Satisfaction of the said Trustees, in Manner and within the Time aforesaid, or shall neglect to give or cause to be given Notice thereof as aforesaid, then the said Company shall for the first Neglect and Offence forfeit and pay the Sum of Five Pounds, and for the Second Neglect and Offence shall forfeit and pay the Sum of Eight Pounds, and for the Third and every subsequent Neglect and Offence, shall forfeit and pay the Sum of Ten Pounds.

LI. 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, or cause or suffer to be placed or set up, any Stand Cock, 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 Surveyor; and that any Water Company or other Person or Persons who shall set up, or cause or suffer to be set up, any Stand Cock, 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 the Sum of Twenty Shillings.

For regulat-
ing Stand
Cocks during
Frosts.

LII. 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 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 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, Lanthorns, Watchmen, or to do and execute all and every such Works and Things, and all or any such other Works and Things directed and required by this Act to be done and executed by any such Company, in the Manner and within the Times and Periods directed by this Act, then and in every or any of such Cases, and at all Times afterwards, it shall and may be lawful to and for the said Trustees and their Surveyor, and they and he are and is hereby empowered and required forthwith to cause all and every such several Works, Matters, and Things, which shall not be executed and performed by every such Company, or which shall not be well, substantially, and effectually executed and performed to the Satisfaction of the said Trustees, to be well and effectually performed to the Satisfaction

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

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.

For regulat-
ing Signs,
Stalls, &c.

LIII. And be it further enacted, That the said Trustees shall and may at any Time and from Time to Time cause Notice to be given to the respective Owners or Proprietors, Feoffees, Trustees, Lessees, Tenants, or Occupiers of the several Houses, Shops, Warehouses, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, and Hereditaments on the Sides of the said Roads, to take down, remove, alter, or regulate all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, (except Boards affixed against any House or Building which shall not exceed Three Inches in Thickness, and be placed Ten Feet in Height at least from the Footpath), and all Sign Posts and Signs, Irons, Bow Windows, and Projecting Windows, Shew Boards, Window Shutters, Flaps, Water Spouts, Doors projecting over, on, or upon any Part of the Footpaths or Sides of the said Roads, except as aforesaid, and all Doors and Steps leading down out of the Footways into any Cellars, Vaults, and other Places belonging to any Building, Shop, Warehouse, or Tenement, and other Annoyance whatsoever on the said Footpaths or Sides of the said Roads, and to cause all Signs and other Emblems as aforesaid, or such Parts thereof as the said Trustees shall think fit, to be affixed and placed on the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto the same respectively belonged or were before affixed, and not otherwise; and in case the Owners or Proprietors, Feoffees, Trustees, Lessees, Tenants, or Occupiers shall refuse or neglect to do as before directed for the Space of Twenty-one Days next after such Notice shall be given to him, her, or them respectively, (which Notice shall be signed by the said Trustees, or their Clerk or Surveyor for the Time being, and delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Proprietor, Feoffee, Trustee, Lessee, Tenant, or Occupier respectively), it shall be lawful for the said Trustees to cause such Signs or other Emblems, and other Matters and Things herein-before mentioned (except as before excepted), and all other Annoyances whatsoever, to be taken down, carried away, filled up, or removed, altered, and regulated in such Manner as they shall think proper, and shall return or cause to be returned to their respective Owners, or to be left on the Spot, or as near as conveniently may be, for such Owner or Owners, so much of such Signs or other Projections or Annoyances whatsoever as shall not be affixed or put up or otherwise made use of in the Alterations; and the Charges and Expences attending the same shall be reimbursed to the said Trustees, and be paid and payable by the respective Tenants or Occupiers of such Houses and Premises; and if any Tenant or Occupier of any such Premises shall neglect or refuse to pay such Charges within Seven Days after

after Demand made thereof, or by Notice under the Hand of the said Surveyor, Clerk, or other Person appointed by the said Trustees, to be delivered to or left at the Dwelling House of such Tenant or Tenants, Occupier or Occupiers, the same shall and may be levied on every such Tenant or Tenants, Occupier or Occupiers; by Distress and Sale of his, her, or their Goods or Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Counties of *Surrey* or *Kent*, as the Case may require; which Warrant the said Justice or Justices is and are hereby authorized and empowered to grant upon Oath of such Neglect or Refusal, returning the Overplus (if any) of the Monies raised by such Distress and Sale, after deducting all Costs and Charges attending the same, to the Owner or Owners of such Goods or Chattels on Demand.

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

Any one Tenant liable for such Charges, &c.

LV. And be it further enacted, That in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of such House, Shop, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or other Hereditament, before such Charges shall be paid by him, her, or them; or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to defray such Charges; or if it shall happen that any of the said Premises shall be untenanted, then and in every such Case such Houses, Shops, Warehouses, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, and Hereditaments, shall be and the same are hereby made a Security for and chargeable with all such Charges and Expences; and the same shall be levied by Distress and Sale (by Warrant as aforesaid) of any Goods and Chattels which shall afterwards be found in or upon the said respective Premises, or of the Goods and Chattels of the Owner or Proprietor, Feoffee or Trustee thereof, in case such Owner or Proprietor, Feoffee or Trustee, shall neglect or refuse to pay the same for the Space of Seven Days next after the same shall be demanded of him, her, or them, by Notice in Writing or in Print, signed by the said Surveyor or Clerk or other Person, to be delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Proprietor, Feoffee or Trustee; and all such Charges shall be levied in like Manner by Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, City, Town, or Place where such Goods and Chattels shall be found; and it shall be lawful for any Tenant or Occupier, being a Tenant at Rack Rent, who shall have performed any of the Works, Matters, or Things, in manner as directed by this Act, or who shall have paid and reimbursed to the said Trustees the Expences of doing the same, or on whom any such Expences shall have been levied, to deduct out of his or her Rent the Charges and Expences which such Tenant or Occupier shall have paid, or which shall have been levied upon him or her on any of the Accounts aforesaid; and the Proprietor or Landlord of such Premises so

For Recovery of such Charges in case of Removal of Tenant, &c.

held at Rack Rent is hereby required to allow such Deductions and Payments upon the Receipt of the Residue of his or her Rent, except only in such Cases where the Encroachments, Obstructions, or Annoyances so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same; and in case any Tenant or Occupier shall pay or have had levied upon him or her more Money, on account of any thing done by virtue of this Act, than shall be due from him or her for the Rent of his or her House, Shop, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall and may be levied on the Owner or Proprietor, Feoffee or Trustee of such respective Premises, by Distress and Sale of the Goods and Chattels of such Owner or Proprietor, Feoffee or Trustee, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, City, Town, or Place where such Goods or Chattels shall be found, such Owner or Proprietor, or Feoffee or Trustee, having refused or neglected to pay the same for the Space of Seven Days after Demand made thereof by such Tenant or Occupier, his or her Attorney or Agent for that Purpose appointed: Provided also, that nothing in this Act contained shall prevent the said Trustees at their Discretion, if they shall think fit so to do, from making any Allowance or paying Part of the Expence incurred by the Proprietors, Tenants, or Occupiers of any such House or Building, in removing any of the Obstructions, Nuisances, or Annoyances as aforesaid, in such Cases where the said Proprietors, Tenants, or Occupiers shall or may be materially injured by such Removal, and whereby such Cases may be particularly entitled to some Compensation.

Footpaths
deemed Part
of Roads.

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

Exception as
to Footpaths
in Saint
Nicholas
Deptford.

LVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any of the Footpaths adjoining the said Roads hereby authorized to be repaired, where such Footpaths shall be, at the Time of the passing of this Act, paved under the Direction of the Commissioners for paving the said Parish of *Saint Nicholas Deptford*.

For prevent-
ing various
Nuisances
and Obstruc-
tions.

LVIII. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footpaths of the Roads, run, draw, drive, or carry thereon, any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading or unloading thereof unto, upon, from, or out of any Carriage or Cart, or wilfully ride, lead, or drive any Horse or other Beast or Cattle whatsoever on any of the said Footpaths, or wilfully permit or suffer any Horse or other Beast or Cattle, which such Person may be riding, driving, or leading, to go thereon, or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever, across any of the said Footpaths,

or set any Cask, Tub, Pail, Bucket, Stool, Bench, Shewboard, Chopping Block, Basket, or Stall, on or in the said Footpaths, or erect, set up, put, or place any Blind, Shade, Coverlid, Awning, Penthouse, or other Erection or Projection, on, upon, or over any of the Footpaths of the said Roads, or put or place any other Matter or Thing so as in any way to cause any Obstruction or Impediment in or upon the Footpaths; or shall hang or place any Flag, Banner, or any other Emblem or Thing, across the said Roads or Footpaths, or any Part thereof, or shall in or on any of the said Roads or Footpaths hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or cleanse any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage, except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot be conveniently moved for that Purpose; and also except for the necessary Time of any Stage Coach, Hackney Coach, or other Carriage let for Hire, taking up and setting down any Fare, or waiting for Passengers when actually hired; or shoe, bleed, or farry any Horse or other Beast; unless in case of sudden Accident, or clean, dress, drive, or turn loose any Horse or other Beast or Cattle, or shew or expose, or exercise, or expose to sale any Horse, or other Beast, or kill or slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop, or Shamble, into the said Roads or any of them, or shall sell or assist in selling by Auction or Public Sale any Cattle, Goods, Wares, Merchandize, or other Thing whatsoever, in or on any of the said Roads or Footpaths thereof, or hang up, place, or expose to sale, or cause or permit to be hanged up, placed, or exposed to sale, any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butcher's Meat, Offal, or other Matter or Thing, in or upon, or so as to project over or upon the Footpaths or Carriage Ways of any such Roads, or beyond the Line or on the Outside of the Window or Windows, or in the Area or Areas of the House, Shop, or Place, at which the same shall be so hanged up, placed, or exposed to sale, or so as to obstruct or incommode the Passage of any Person or Carriage, or shall put, place, or hang any Skin, Leather, or other Thing, in or upon the Fences or Hedges next to or adjoining the said Roads, or any of them, or the Footpaths thereof, or adjoining thereto, or leave open after Sun-set and before Sun-rise the Door or Window of any Area, Cellar, or other underground Room or Apartment, or Openings leading to any Building or Premises, without having placed or left a sufficient Light therein to warn and prevent Persons passing upon or over the said Roads, or any Part thereof, from falling into such Areas, Cellars, and other underground Rooms, Apartments, or Openings, or throw at any Cock or Fowl in the Manner called Cock Throwing, or set up any Cock or Fowl to be thrown at in such Manner, or play at Foot-ball, or at any other Game, to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers, or shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass or Window Frames or Windows, in or belonging to any Dwelling House or Building, or cause, make, or assist in making any Bonfire, or wantonly discharge or fire off any Gun, Pistol, or Blunderbuss, or other Fire Arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or shall occasion any Kind of Obstruction or Annoyance in or upon any such Roads, or shall

shall obstruct, incommode, hinder, or prevent the free Passage of any Footpaths of the said Roads, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon, within the said Limits, then and in every such Case, any Person so offending shall for every Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful to and for any Constable or other Peace Officer, or any One of the said Trustees, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or Justices of the Peace for the Counties of *Surrey* or *Kent* respectively, in order to his, her, or their Conviction of such Offence.

Articles occasioning Nuisances may be seized without any Warrant, &c.

LIX. And be it further enacted, That not only shall the said Penalties lastly enacted become payable, and be recovered, but it shall and may be lawful to and for any Person or Persons appointed, or to be appointed by the said Trustees as aforesaid, without any Warrant or other Authority than this Act, to seize any such Truck, Wheel, Sledge, Wheelbarrow, Bier or Carriage, Horse, Beast, or Cattle, Cask, Tub, Pail, Bucket, Stool, Bench, Shew-board, Chopping Block, Stall, Basket, Blind, Shade, Coverlid, Awning, Penthouse, or other Erection or Projection, Flag, Banner, or other Thing, Stone, Wood, or Timber, Coach, Chaise, Waggon, or other Carriage, together with the Horse or Horses, Ass or Asses, Mule or Mules, if any shall be thereunto belonging, with the Harness, Gear, and Accoutrements thereof, or any such Goods, Wares, Merchandizes, Fruit, Vegetables, or Garden Stuff, Butcher's Meat, Skin, Leather, or other Thing, or any of them, and forthwith, or with all convenient Speed, carry or cause the same to be carried before some Justice of the Peace for the County where the Offence shall be committed; and if it shall appear to such Justice, upon the Oath or Affirmation of any One or more credible Witness or Witnesses, that such Goods, Carriage, Horse, Ass, or Mule, Materials, Vegetables, Garden Stuff, Meat, or Things, occasioned any kind of Obstruction or Annoyance, or was or were in any Situation contrary to the Provisions of this Act, then and in such case it shall be lawful for the said Justice, in case any of the Goods, Wares, or Merchandizes so seized shall be perishable, or shall be Articles of Food, to order and direct the Person or Persons who shall seize the same to deliver or cause the same to be delivered to the Churchwardens or Directors of the Poor of the Parish where the Offence shall be committed, or to the Master of the Workhouse of such Parish, and the same shall and may be given and distributed by them or him unto and among the poor Inhabitants of the said Workhouse, to and for his, her, and their Benefit; but if the Goods, Wares, or Merchandizes, Materials, or Things so seized shall not be perishable, or shall not be Articles of Food, or if any Carriage, Horse, Mule, or Ass shall be so seized, then the said Justice shall order and direct the Person or Persons who shall have seized such last-mentioned Goods, Wares, Merchandizes, Materials, or Things, Carriage, Horse, Ass, or Mule, to remove the same to any Place appointed by the said Trustees for the Reception thereof, if any such there be, or otherwise to such Place or Places as the said Justice shall judge convenient; and the Person or Persons so seizing any such Goods, Wares, or Merchandizes, or any such Horse, Mule, Ass, Materials, or Things, shall give
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Parol or Written Notice of such Place or Places whereunto the same shall be removed, unto the Owner, Driver, or other Person having any Interest in the Goods, Carriages, Horse or Horses, Ass or Asses, Mule or Mules, Materials, or other Things so seized or removed, if he, she, or they shall be then and there present, and the same shall be kept and detained until such Owner, Driver, or other Person interested therein as aforesaid, shall cause to be paid the same Penalty, together with the Charges for taking or removing the same, and of keeping such Horse or Horses, Ass or Asses, Mule or Mules, if any; and in case the Goods, Carriage, Horse or Horses, Ass or Asses, Mule or Mules, Materials, or other Things so removed, (not being perishable or Articles of Food), shall not be claimed, and the said Penalty and Charges be paid within Five Days next after such Removal thereof, then and in every such Case it shall and may be lawful to and for the said Trustees, or their Surveyor, or other Person as aforesaid, to order the same to be appraised and sold, and the Overplus of the Money arising by such Sale shall be returned to the Owner or Owners thereof on Demand, after deducting the said Penalty, and such Costs, Charges, and Expences attending such seizing, removing, keeping, appraising, and selling the same, as the said Trustees shall ascertain and allow: Provided always, that it shall be lawful to and for the said Justice, if he shall think fit, to order and direct that any such Goods, Wares, Merchandizes, Carriage, Horse, Mule, Ass, Materials, or other Things, Fruit, Vegetables, or other Articles of Food so seized, to be returned to the Owner or Owners thereof, upon Payment of such reasonable Sum to the Person or Persons who shall seize the same, for his and their Pains and Trouble therein, as the said Justice shall think fit.

LX. And whereas the Form and Construction of certain Places erected at or near the Doors of Public Houses and other Houses abutting on the said Roads, for the Reception of Urine, or as Places for the Accommodation of Persons frequenting such Houses, and requiring the easing of Nature by making Water, are often such as to occasion many indecent and improper Exposures; be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, to order and direct any Alteration they shall think fit to be made by the Owners or Occupiers of such Houses in the Form and Situation of the Boxes, Screens, Shades, and other Conveniences, used or to be used as Depositories of Urine, or as Places for Persons requiring the easing of Nature by making Water, now or at any Time hereafter to be placed in the Front or Side of any or either of the Public Houses abutting upon any or either of the Roads and Places by this Act authorized to be repaired and maintained; and it shall and may be lawful for the said Trustees to order and direct the Owners or Occupiers of any Public House, Ale House, or other Place for the Sale of Beer or Spirituous Liquors, as have no such Box, Shade, Screen, or Conveniences aforesaid, to erect, at the Expence of such Owner or Occupier, a Box, Shade, Screen, or Convenience, for the Purposes aforesaid, according to a Plan to be laid down by the said Trustees, and in such Situation as they the said Trustees shall direct; and no such Convenience shall be hereafter constructed, erected and made, without the Consent in Writing of the Surveyor of the said Trustees for that Purpose first had and obtained; and the said Trustees are hereby empowered to direct the Owners or Occupiers of any such Public or other House as aforesaid, at or near which

Power to regulate the Form and Position of Watering Places.

any such Box, Shade, Screen, or other Convenience, for the Purposes aforesaid, shall be placed, to alter or pull down and rebuild such Box, Shade, Screen, or other Convenience, and place the same where the said Trustees shall direct; and in case such Owner or Occupier shall not within Twenty-one Days after having received Notice in Writing, signed by the Clerk of the said Trustees, and left at the Dwelling House of such Owner or Occupier, alter or pull down and rebuild such Box, Shade, Screen, or other Convenience, or erect, build, and put up such Box, Shade, Screen, or other Convenience where there shall be none, agreeably to a Plan to be furnished by the said Trustees, the Owner or Occupier so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, and also the further Sum of Five Shillings for each Day so long as the Nuisance shall be continued, or such Convenience shall not be erected, after such Notice as aforesaid, to be recovered in like manner as other Penalties under this Act may be recovered; and the Trustees are hereby authorized and empowered to cause such Alteration to be forthwith made, under the Direction of the Surveyor or other Person to be appointed by them for that Purpose.

No Inclosures to be made, or Materials for Building to be laid on Roads without Consent of Trustees.

LXI. And whereas Persons, without any sufficient Leave for that Purpose, inclose or otherwise occupy Part of the said Roads for the making of Mortar and depositing of Bricks, Lime, Timber, and other Materials, Matters, and Things, to the great Annoyance, Obstruction, and Danger of Passengers and Carriages, and to the Detriment of the said Roads; be it therefore further enacted, That if any Person or Persons shall erect, build, or set up, or cause or procure to be erected, built, or set up, any Inclosure, Post, Bar, or Rail, or lay or deposit any Bricks, Lime, Timber, or other Materials, Matter, or Thing, in or upon any Part of the said Roads or Footpaths, without the Consent of the said Trustees or their Clerk or Surveyor in Writing first had and obtained, or beyond such Bounds or Limits as shall be expressed in such Consent, or without such Inclosure, or continue the same beyond the Time directed or allowed by the said Trustees, it shall be lawful for the said Trustees or their Surveyor or Surveyors, in any or either of the said Cases, to cause the same to be removed, taken and carried away, and deposited in such Place or Places as the said Trustees shall direct or appoint, there to remain and be kept until the Owner or Owners, Offender or Offenders, shall have paid and discharged all Costs, Charges, and Expences attending the removing and taking away, depositing and keeping the same as aforesaid, such Costs, Charges, and Expences being first settled and ascertained by One Justice of the Peace for the said Counties of *Surrey* or *Kent*, in which the Offence shall be committed; and in case the said Owner or Owners, Offender or Offenders, shall neglect or omit to pay such Costs, Charges, and Expences, within Five Days after the same shall have been so settled and ascertained, it shall be lawful for the said Trustees or their Surveyor to sell all such Materials, Matters, and Things, and reimburse themselves and himself such Costs, Charges, and Expences as aforesaid, and of such Sale or Sales, rendering the Overplus, if any, to such Owner or Owners, Offender or Offenders, on Demand.

To prevent rescuing of Goods, &c.

LXII. And be it further enacted, That if any Person or Persons whomsoever, whether being the Owner or Proprietor of any Erection, Building, Shed, Stall, Portico, Porch, Penthouse, Awning, Covering, Inclosure,

Post, Bar, Rail, Bricks, Lime, Mortar, Furniture, Meat, Provisions, Vegetables, Goods, Matters, Materials, or Things, shall by any Ways or Means rescue or attempt to rescue the same or any, of them, or any Part thereof, from the Person or Persons who by Authority of this Act shall have the same in his or their Custody, Possession, or Power, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

LXIII. And whereas by the said recited Act passed in the Thirty-first Year of the Reign of His late Majesty King *George*, the Third, Provision was made, that no Building should be erected by any Proprietor or Occupier of the Land adjacent to the Roads thereby directed to be made and repaired, or other Person or Persons, within Ten Feet on either Side of the said Roads where the same are of the Width of Forty Feet or upwards, and within Thirty Feet from the Centre of the said Roads, where the same are of less Width than Forty Feet; and if any such Building should be thereafter erected contrary to the true Intent and Meaning of the said Act, the same should be deemed a common Nuisance; be it therefore further enacted; That no Erection or Building shall be erected, built, or rebuilt by any such Proprietor or Occupier of Lands adjacent to the Roads hereby directed or authorized to be repaired, or any of them, or any other Person or Persons, within the Distance of Ten Feet on either Side of the said Roads where the same are of the Width of Forty Feet or upwards, and within Thirty Feet from the Centre of the said Roads, where the same are of less Width than Forty Feet; and that if any such Erection or Building shall be hereafter erected, built, or rebuilt contrary to the true Intent and Meaning of this Act, the same shall be deemed a common Nuisance.

No Building to be erected within certain Distances of the Road.

LXIV. And whereas Doubts may arise as to what in future shall be deemed the Centre of the Road; be it therefore enacted; That only that Portion of the Ground shall be deemed and taken to be the Road, which at the Time of passing this Act shall be maintained and repaired by the Trustees as the Carriage Road; and the Centre of the said Road shall be the Middle of such Carriage Road, where a Line being drawn along the Road, or a Point marked, an equal Number of Feet of Carriage Road, so maintained and repaired as aforesaid, shall be found on each Side of such Line or Mark; and the said Trustees shall provide a Plan of the said Roads, shewing the Width of the said Roads at the Time of passing this Act, and which Plan shall be left with the Clerk to the said Trustees, who is hereby required at all seasonable Times to permit the same to be inspected by the Owners or Occupiers of the Lands and Premises adjoining the Roads hereby authorized to be repaired and maintained.

What shall be deemed the Centre of the Road.

LXV. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, be convicted on any Indictment or Indictments, Presentment or Presentments, against him, her, or them preferred or to be preferred for the erecting, building, or rebuilding any Erection or Building within the respective Distances of the said Roads herein-before mentioned, after the passing of this Act, then and in every such case the Court before whom such Indictment or Presentment shall be tried, at the Time of giving Judgment thereon, shall order and direct the Building or Erection so erected, built, or rebuilt, or so much of such Building or Erection

Costs of Prosecution to be paid by the Persons convicted of erecting Buildings contrary to the Act.

Erection as shall be within the respective Distances before-mentioned, and for which Offence such Offender or Offenders shall be so convicted, to be pulled down and the Materials thereof removed, and to award full Costs (to be ascertained and settled by the Sheriff of the County in which such Indictment shall be tried, or by his Under Sheriff), to be paid by the Person or Persons so indicted or presented, to the Person or Persons prosecuting such Offender or Offenders to Conviction, and which Costs shall and may be recovered and levied in such and the like Manner, and by such Ways and Means as any Sum or Sums of Money which may become due to the said Trustees under or by virtue of this Act, may be raised, levied, or recovered.

When any Houses or other Buildings erected within certain Distances of the Road are rebuilt or new-fronted, Trustees may take Part of the Ground into the Road, on making Satisfaction for the same.

LXVI. And be it further enacted, That when and as often as any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, or any other Person or Persons seised or possessed of or interested in any House or Building which at the Time of passing of this Act shall in Part or in the Whole be within the Distance of Ten Feet on either Side of the said Roads where the same are of the Width of Forty Feet or upwards, or within Thirty Feet from the Centre of the said Roads where the same are of less Width than Forty Feet, shall from and after the passing of this Act be minded or desirous, or compellable from any Cause whatever, to take down any such House or Building, or to take down the Front thereof within Twelve Feet from the Ground, or in case any such House or Building within the Distance aforesaid shall be burnt down, or shall fall down, then and in every such Case, and previous to rebuilding the same, or taking down the Front thereof as aforesaid, each and every such Bodies, Corporations, Tenants for Life or in Tail, Husbands, Guardians, Feoffees, Trustees, Committees, Executors, Administrators, and other Person and Persons, shall give or cause to be given to the Trustees for putting into Execution this Act, Twenty-one Days previous Notice in Writing of such their, his, or her Mind and Intention, by delivering such Notice to the Clerk to the said Trustees for the Time being, in order that the said Trustees may view the Situation of such House or Building, or the Site or Sites thereof, and determine whether any Part of the Ground (whereon stood or shall be standing any such House or Building so intended to be rebuilt, or the Front thereof taken down as aforesaid) ought to be purchased and laid into the said Road whereon the same may happen to abut; and if upon any View of the Premises by the said Trustees for executing this Act they shall be of Opinion that any Part of such Ground ought to be laid into such Road, then and in such Case it shall be lawful for the said Trustees for executing this Act to order so much and such Part of the Piece or Parcel of Ground whereon any such House or Building stood or shall be standing, as shall be within the Distances before mentioned, to be laid into the said Road, and for that Purpose they the said Trustees for executing this Act shall have full Power and Authority to contract and agree with all and every such Bodies, Corporations, Tenants for Life or in Tail, Husbands, Guardians, Feoffees, Trustees, Committees, and other Person or Persons interested in any such Ground, House, or Building for the Purchase of, and to purchase so much and such Part of any such Piece or Parcel of Ground which they the said Trustees for executing this Act, shall so adjudge necessary to be laid into any Part of
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the said Road, and for the Recompence or Satisfaction which shall be made for the Injury, Loss, or Damage which such Bodies, Corporations, Tenants for Life or in Tail, Husbands, Guardians, Feoffees, Trustees, Committees, and other Person or Persons respectively, will sustain by such Ground being required to be laid into the said Roads; and in case any such Bodies, Corporations, Tenants for Life or in Tail, Husbands, Guardians, Feoffees, Trustees, Committees, and other Persons interested therein, shall neglect to give Notice, or having given Notice shall refuse to treat for the Sale and Conveyance of their respective Interests therein, or shall not agree with the said Trustees for executing this Act for the Money to be paid for the Purchase of the Ground so required, or for the Recompence or Satisfaction to be made for the Injury, Loss, or Damage which such Bodies, Corporations, Tenants for Life or in Tail, Husbands, Guardians, Feoffees, Trustees, Committees, or other Person or Persons interested, will sustain by such Ground being required to be laid into the said Roads, then and in every such Case a Jury shall be impanelled, summoned, returned, and sworn, in the like Manner as by the said recited Act of the Third Year of the Reign of His present Majesty, for amending the general Laws for regulating Turnpike Roads in that Part of *Great Britain* called *England*, is directed for impanelling Juries, who shall ascertain the Value of the Ground so required to be purchased, and the Recompence or Satisfaction to be made for the Injury, Loss, or Damage which such Bodies, Corporations, Tenants for Life or in Tail, Husbands, Guardians, Feoffees, Trustees, Committees, or other Person or Persons respectively, will sustain by reason of the said Trustees executing this Act requiring such Ground to be laid into the said Roads, in like manner as by the said recited Act is provided respecting the Land or Ground required to be purchased for the Purposes of the said Act; and which Jury so to be impanelled and the Damages which they shall assess, shall be governed, ordered, regulated, applied, appointed, and disposed of, and the Premises so to be purchased for the Purposes last aforesaid, and the Owners and Occupiers thereof, and all other Persons interested therein, shall be under and subject and conformable to the like Directions, Restrictions, Pains, and Penalties, as in the said Act so passed in the Third Year of the Reign of His present Majesty respecting the Purchase of Hereditaments for the Purposes therein mentioned is directed.

LXVII. Provided also, and be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, or other Person or Persons, shall be applied to on Behalf of the said Trustees for executing this Act, to treat for, sell, dispose of, and convey for the Purposes aforesaid, any Part of the Site of any House or Building, and the Body or Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation, Tenant for Life or in Tail, Husband, Guardian, Trustee, Feoffee, Committee, Executors, or other Person or Persons so applied to, shall by Notice in Writing to be left at the Office of the Clerk of the said Trustees for the Time being, within Thirty Days next after such Application, signify his, her, or their Desire to sell and convey the whole Site of such House or Building, and the Ground and other Buildings and Premises belonging thereto; then and in every such Case the whole Site

Occupiers not compelled to sell a Part if inclined to sell the Whole.

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of every such House or Building, and the Ground and any other Buildings and Premises belonging thereto, shall be deemed and taken and held to be necessary to be purchased, for effecting the Purposes of this Act; and if it shall happen that the said Trustees for executing this Act shall not think proper or be willing to purchase the whole Site of such House, Building, and the Ground and other Buildings and Premises belonging thereto, then and in every such Case nothing in this Act contained shall extend or be construed to extend to compel the Owner or Owners, Occupier or Occupiers thereof, to treat for, sell, dispose of, or convey any Part of the Site of such House or Building, or the Ground or Premises belonging thereto, any thing herein-before contained to the contrary notwithstanding.

For ascertaining the Value of Parts of Premises the whole of which is not taken.

LXVIII. Provided also, and be it further enacted, That if the Owner, Lessee, or Occupier of any of the Ground, Messuages, Tenements, or Buildings necessary to be purchased for the Purposes of this Act, shall not be inclined to sell or part with their Interest in the Whole of the said Premises, and the Trustees for executing this Act shall not find it necessary to take the Whole for the Purpose of widening the said Roads, and the several Parties cannot agree as to the Sum of Money to be paid for the Part which the said Trustees shall think necessary to be purchased, then and in such Case the Jury who shall be summoned to view and value the Premises shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which shall remain after the said Trustees have taken away so much as they shall think necessary for widening the said Roads, in which latter Valuation the Jury shall take into consideration the Improvement which the Remainder of the Premises is likely to receive from the Improvements intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the Trustees for that Part which they shall have occasion for, and the said Price so to be paid shall be divided among the several Persons interested in the Premises by Leases, or otherwise in such Proportions as the Jury so assembled shall assess and ascertain.

If the Sum adjudged not paid within Six Months, Verdict not binding.

LXIX. Provided always, and be it further enacted, That in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Trustees, as a Satisfaction for the respective Interests in the said Hereditaments and Premises, or for the Injury, Damage, or Loss to be sustained as aforesaid, shall not be paid or tendered within Six Calendar Months after the same shall have been lawfully demanded by the Person or Persons entitled to receive the same, then and in every such Case the Verdict of the said Jury shall not be binding upon the said Parties, any thing herein contained to the contrary in anywise notwithstanding.

Trustees may dispose of Overplus Lands.

LXX. And whereas, by reason of the Purchases which the said Trustees may find it necessary to make under the Provisions of this Act, they may become possessed of some Piece or Pieces of Ground, Messuage or Messuages, Tenements, and Premises, over and above what may be necessary to be laid into the said Roads, or the Footpaths thereof; be it therefore further enacted, That in such case it shall and may be lawful

for the said Trustees to sell and dispose of any such Piece or Pieces of Ground, Messuage or Messuages, Tenements, and Premises, or of any Term or Estate which they may take therein, as they shall see most advantageous and convenient, to any Person or Persons whomsoever who shall be willing to purchase the same, and to execute any Conveyance thereof to the Purchaser, (and that without in the first Place offering the same to the Person or Persons of whom the same shall have been purchased); which Conveyance and Conveyances of any such Piece or Parcel of Land, which shall not be laid into the said Roads or the Footpaths thereof, shall be adjudged sufficient to vest such Estate in the Purchaser as shall have been agreed for, or shall be expressed or meant, or intended to be granted and conveyed by any such Conveyance; and the Purchase Money arising under any such Conveyance shall be applied by the said Trustees to the Purposes of this Act, and for no other Purposes whatsoever.

LXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend so as to prevent the Construction of any Vaults or Areas below the Level of the said Roads on the Side or Sides thereof; and that it shall be lawful for the said Trustees to authorize and empower any Person or Persons who shall erect any House or Houses on the Side or Sides of the Roads included in this Act, or any Part thereof, to construct any Arch or Arches under the said Roads in Front of such House or Houses, for the Purpose of making any Cellar or Cellars, or otherwise.

To allow the Construction of Vaults.

LXXII. And be it further enacted, That if any Person or Persons shall water any of the said Roads with a Water Cart without the Consent and under the Direction of the said Trustees or their Surveyors or Surveyor, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Roads not to be watered without Consent of Trustees.

LXXIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty, or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoils, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees, to the Party or Parties entitled to receive the same, within Fourteen Days after Demand, in Writing, shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction

Recovery of Money awarded against the Trustees.

Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Order as aforesaid.

Statute
Work.

LXXIV. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads, or any Part thereof, shall still remain liable thereto, in like Manner as they are or have heretofore been, and it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Surrey* or *Kent* respectively, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places liable thereto, or in or through which the said Roads do lie, lead, or pass, and also what Portion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or their Treasurer or Treasurers, (and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place, to bring in Lists before such Justices at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons within such Parish or Place, who are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times, not being Hay-time or Harvest, and on such Parts of the said Roads, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Surveyor or Surveyors of such respective Parishes or Places to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct;

direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as any Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off or discharge the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his and their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the Counties of *Surrey* or *Kent* respectively, wherein such Surveyor or Surveyors of the Highways shall live or reside, on Complaint made to such Justices by the Surveyor of the said Trustees.

LXXV. And be it further enacted, That it shall be lawful for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by him, her, or them done on any of the said Roads or any Part thereof, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places in which the said Roads or any Part thereof doth or shall lie and be situate, for a certain Sum of Money, by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute Work or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads, or any Part thereof, which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer of the said Trustees, at such Time or Times and in such Manner as shall be agreed upon at the entering into of such Composition; and all such Composition Money shall be applied for the Purposes of the said Roads; and every such Surveyor of the Highways who shall pay any such Composition Money shall be reimbursed the same, in like Manner as Surveyors of the Highways are, by the Laws in being, to be reimbursed the Money by them laid

Composition
for Statute
Work.

out and expended in buying Materials for the repairing of any such Highway or Highways.

Directions as to the Service of Notices.

LXXVI. And be it further enacted, That all Notices, Summonses, and Demands, which by this Act are directed and required, or which shall or may be necessary to be given for carrying into Execution any of the Powers thereof, of which the Manner of serving the same is not by this Act particularly directed, shall be printed or written, or partly printed and partly written, and shall and may be served either by delivering the same personally to the Person or Persons to whom such Notices, Summonses, and Demands are to be given, or by leaving the same at his, her, or their usual or last known Warehouse, Manufactory, Office, Counting House, or with any of his or her Partners, Clerks, or Servants, at his, her, or their usual or last known Place of Abode.

Public Act.

LXXVII. 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.

Commencement and Continuance of this Act.

LXXVIII. And be it further enacted, That this Act shall commence upon the First Day of *September* next, after the passing thereof, and shall be and continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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