



ANNO NONO

GEORGII IV. REGIS.

Cap. ciii.

An Act for making and maintaining a Turnpike Road from *North End* to *Hammersmith Bridge*, both in the County of *Middlesex*.

[19th June 1828.]

WHEREAS the making and maintaining a Road to commence at or near to a certain Road leading from *Earl's Court* to *North End* in the Parish of *All Saints Fulham* in the County of *Middlesex*, at *North End* aforesaid, and to proceed from thence through Part of the Parish of *All Saints Fulham*, and the Hamlet or Chapelry of *Saint Paul Hammersmith*, and to terminate at or near *Hammersmith Bridge*, in the said Hamlet or Chapelry, will be of great public Utility; 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*: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and*

3 G. 4. c. 126.
4 G. 4. c. 95.
5 G. 4. c. 69.

[Local.] 28 I main-

7 & 8 G. 4.
c. 24.

Trustees.

maintaining Turnpike Roads: And whereas an Act was passed in the Seventh and Eighth Year of the Reign of His said present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in 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 all His Majesty's Justices of the Peace for the Time being acting for the said County of *Middlesex*, together with the Honourable *George Vernon, Edward Jeremiah Curteis, William Holmes, John Powell Powell, Henry Thomas Colebrooke, John Leach Panter, Charles Thistleton, Matthias Koop Knight, George Scott, Frederick Maryat, George Richard Robinson, William Wood*, and their Successors, being duly qualified according to the Directions and Provisions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed Trustees for making, amending, altering, turning, widening, improving, and keeping in repair a Road from *North End Lane* in a Line with the Road leading from *Old Brompton* to *North End Lane*, proceeding from thence across a certain Orchard and Market Garden, the Property of Mrs. *Harriet Marks*, to or near to a certain Messuage or Tenement in the Occupation of *Thomas Poynter* the younger, Gardener, in *Crown Lane*, and from thence continuing along the same Lane unto a certain Piece or Parcel of Market Garden Ground in the Occupation of Mr. *John Sandell*, and crossing the same Piece into the *Fulham Fields* Turnpike Road, and continuing along the same Road unto *Sussex House*, from thence through divers Gardens unto certain Messuages or Tenements called *Montpelier Row*, from thence in a southerly Direction across *Church Lane, Hammersmith*, and across certain Parcels of Waste Land, the Property of Mr. *Henry Thompson* and the *Hammersmith Bridge Company*, into the *Hammersmith Bridge Road*; and for otherwise carrying the said recited Acts and this Act into Execution.

Appointment
of additional
Trustees.

II. And be it further enacted, That it shall be lawful for the said Trustees, at their First Meeting to be held under or by virtue of this Act, to elect, nominate, and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of the said recited Acts and this Act, in addition to the Trustees hereby nominated and appointed, and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed by this Act.

Powers of
General
Turnpike
Acts extend-
ed to this Act.

III. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His said present Majesty King *George the Fourth*, 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 varied, altered, or repealed,) and also the said recited Act passed in the Fourth Year of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and

and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Acts passed in the Fifth and Seventh and Eighth Years of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual, for carrying this Act and the several and respective Purposes hereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

IV. And be it further enacted, That nothing in this Act or the said recited Acts contained shall extend or be construed to extend to permit or authorize the said Trustees to enter upon, take, or use any Lands, Tenements, or Hereditaments, without first making Satisfaction to the Owners and Occupiers of such Lands, Tenements, and Hereditaments respectively, such Satisfaction to be settled and ascertained in the Manner directed by the said recited Acts.

Lands not to be entered upon without first making Satisfaction.

V. And be it further enacted, That the said Trustees shall meet at a House called or known by the Name of the *City Arms*, at *Hammer-smith* in the said Parish of *Fulham*, or at some other convenient House or Place in the said Parish, on the Second *Monday* next after the passing of this Act, or so soon after as conveniently may be, between the Hours of Twelve and Two of the Clock in the Afternoon, and shall then and there proceed to carry the said recited Acts and this Act into Execution, and shall then and from Time to Time afterwards adjourn to and meet at such Times and Places in the Neighbourhood of the said Road as they may think proper.

First Meeting of Trustees.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed the Clerk in the Execution of this Act or the said recited Acts, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act or the said recited Acts, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act or the said recited Acts, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act or the said recited Acts, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Office or Place 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 One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit,

Treasurer and Clerk not to be the same Person.

Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Width of the Road.

VII. And be it further enacted, That it shall be lawful for the said Trustees to set out and make the Road herein-before described of such Width as they may think proper, not exceeding Twenty Yards, and for that Purpose to take and use any Lands, Tenements, and Hereditaments, first making Satisfaction to the Owners and Occupiers of such Lands, Tenements, and Hereditaments, to be settled and ascertained in manner directed by the said recited Acts; and from and after the making of the said Road the same shall be deemed and taken to be and shall be a Public Highway for ever, to all Intents and Purposes.

Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and the Road not to deviate therefrom.

VIII. And whereas a Map or Plan describing the Line of the said Road, together with a Book of Reference containing Lists of the Names of the several Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same Road is intended to pass, has been deposited at the Office of the Clerk of the Peace for the said County of *Middlesex*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerk of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviations shall be made.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

IX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road into, through, across, or over the several Lands, Buildings, Tenements, and Hereditaments described in the said Map or Plan and Schedule hereunto annexed, although the Name or Names of the Owner or Owners thereof may happen to be omitted or mis-stated in the said Book of Reference, or in the Schedule to this Act annexed, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hand, that such Error or Omission proceeded from Mistake.

Trustees restrained from taking down Houses, &c. without Consent.

X. Provided also, and be it further enacted, That the Powers and Authorities given by this Act for making the said Road shall not extend or 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 Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had

had and obtained, except such as are mentioned or specified in the Schedule to this Act annexed.

XI. And be it further enacted, That if the said Trustees shall not within the Space of Two Years (to be computed from the passing of this Act) agree for, or cause to be valued and paid for, in manner directed by the said recited Acts, the several Messuages and other Buildings, Lands, Tenements, and Hereditaments which they are hereby empowered to purchase, take, and use, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers which are hereby given them for such Purpose shall cease, determine, and be utterly void, save and except with the Consent of the Owners or Proprietors thereof.

Limiting
the Power of
purchasing
Lands, &c. to
Two Years.

XII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized to erect and set up, or cause to be erected and set up, such and so many Toll Gates or Toll Bars upon or across or on the Sides of the said Road as the said Trustees shall from Time to Time think proper, and from Time to Time to remove the same or any of them, and erect another or others in the Room or Stead thereof, or discontinue the same, as they shall think proper and expedient; and also shall and may erect and provide so many Toll Houses, with suitable Outbuildings and other Conveniences, and take in and inclose from the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre to each Toll House, at or near to such Toll Gate or Toll Bars, and also so many Weighing Machines at or near to such Toll Houses as to the said Trustees shall seem expedient.

Trustees may
erect Toll
Gates, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or their Lessee or Lessees, or any Person or Persons acting under the Authority of the said Trustees, and they are hereby authorized and empowered, to demand and take at each and every of the said Toll Gates and Side Gates, before any Horse, Beast, or other Cattle shall be permitted to pass through the same, (subject and liable to the several Restrictions and Exemptions contained in this and the said recited Acts, the several Tolls and Duties following; (that is to say,)

Power to
take Tolls.

For every Horse, Mule, or Ass, drawing any Coach, Chaise Marine, Barouche, Sociable, Landau, Berlin, Vis-a-vis, Chaise, Phaeton, Curricule, Chair, Whiskey, Calash, Caravan, Hearse, Litter, Taxed Cart, or other such like Carriage, the Sum of Two-pence:

Tolls.

For every Horse, Mule, or Ass, drawing any Waggon, Wain, Cart, Dray, or other like Carriage, the Sum of Three-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Score of Oxen or Neat Cattle the Sum of One Shilling and Eight-pence, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Ten-pence, and so in proportion for any greater or less Number:

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Which said Tolls shall be and are hereby vested in the said Trustees, and shall be paid, levied, applied, disposed of, and assigned in manner directed by the said recited Acts and this Act.

Tolls to be paid but Once a Day.

XIV. And be it further enacted, That in case the said Toll shall have been paid for or in respect of any Horse, Beast, or Cattle passing through any of the said Turnpikes or Toll Gates, no Toll shall be demanded or taken for or in respect of such Horse, Beast, or Cattle for returning, passing, or repassing through the same Turnpike or Toll Gate the same Day, or through any other Turnpike or Toll Gate freed by such Payment, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; but on a Note or Ticket being produced, denoting the Payment of such Toll, the same Horse, Beast, or Cattle shall, except as herein-after mentioned, be permitted to pass through such Turnpike or Toll Gate Toll-free.

Limiting the Number of Tolls to be taken on the same Day.

XV. And be it further enacted, That no more than One full Toll shall be demanded or taken on the same Day (to be computed as aforesaid) for or in respect of the passing and repassing of the same Horse, Beast, or Cattle through all the Turnpikes or Toll Gates to be erected upon the said Road (except as herein-after mentioned); but on a Note or Ticket, or Notes or Tickets, being produced, denoting such Payment, the same Horse, Beast, or Cattle shall be permitted to pass and repass Toll-free through all the said Turnpikes or Toll Gates on the same Day.

Stage Coaches, &c. to pay every Time of passing.

XVI. Provided always, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach or any Stage Waggon, Van, Caravan, or other such Carriage, and carrying Goods and Passengers for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day, carrying Goods or Passengers for Payment, Hire, or Reward, through any Turnpike or Toll Gate on the said Road, the Tolls hereby made payable shall be again paid for every Time of passing and repassing through such Turnpike or Toll Gate in like Manner as if no Toll had been before paid.

Post Chaises on every new Hiring.

XVII. Provided also, and be it further enacted, That the said Tolls shall be payable for and in respect of all Horses and other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, to be computed as aforesaid, as often as a fresh Hiring thereof shall take place.

Application of the Tolls and Money borrowed.

XVIII. And be it further enacted, That out of the Monies which shall arise or be received from the Tolls by this Act granted, or out of such Monies as shall be borrowed on the Credit thereof, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act; and such Monies shall in the second place be applied in keeping down the Interest of the Principal Monies which may be borrowed

on the Credit of this Act, and in erecting Turnpike Gates, Weighing Engines, and Toll Houses, and in making and amending, altering, turning, widening, improving, and completing the said Roads, and in otherwise putting this Act into Execution, and in repaying the Principal Monies to be borrowed by virtue of the said Act.

XIX. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporations entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct, out of the Monies to be received by virtue of this Act.

The Court of Exchequer may order Expences of Purchases to be paid by the Trustees.

XX. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been made.

Saving the Powers of the Commissioners of Sewers for Westminster.

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

Public Act.

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

Term of Act.

The SCHEDULE to which the foregoing Act refers.

Description of Property.	Owner or reputed Owner.	Occupier.
<i>q</i> Market Garden Ground	Mrs. Harriet Marks and Mrs. Mary Adcock	Thomas Poynter, junior.
<i>p</i> Same	Miss Frances Grape	Same.
<i>o</i> Same	William Bolton Poynton, Esquire	Mrs. Jane Salter.
<i>n</i> Same	Mrs. Harriet Marks and Mrs. Mary Adcock	Messrs. Aylesbury.
<i>m</i> Same	Mr. William Wood	Mr. Henry Adam.
<i>l</i> Same	The Reverend William Wood	The Reverend William Wood.
<i>k</i> Same	Mr. William Wood	Same.
<i>j</i> Same	Same	Same.
<i>i</i> Garden	Mr. William Wood	Mr. William Wood.
<i>h</i> Market Garden Ground	Lord Ranelagh	Mr. John Millett.
<i>g</i> Same	Same	Same.
<i>f</i> Same	Mr. Robert Gunter	Daniel Carter.
<i>e</i> Same	William Bolton Poynton	Mrs. Jane Salter.
<i>d</i> Same	Same	Same.
<i>c</i> Same	John Powell Powell, Esq.	Mrs. Jane Salter and Mr. John Millett.
<i>b</i> Same	Lord Ranelagh	Same.
<i>a</i> Same	John Powell Powell, Esq.	Mr. John Sandell.
30 Kitchen Garden & Wall	Mr. James Green	Mr. James Green.
32 Private Road	Mr. Henry Phillips	Mr. Henry Phillips.
33 Pasture and Market Garden	Henry T. Colebrooke, Esquire	Mr. John Pickles.
34 Cottages and Gardens	Mr. John Hurst	William Wadey.
35 Ditto	Same	Same.
36 Garden	Mr. Graham	Mr. Graham.
37 Waste Land	Mr. Henry Thompson	Mr. Henry Thompson.
38 Waste Land	Hammersmith Bridge Company	Hammersmith Bridge Company.