



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. lxxiv.

An Act for more effectually improving the Road from the *Pondyards* in the County of *Hertford* to the Town of *Chipping Barnet* in the same County. [22d September 1831.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Trustees for the Care of the Road through the several Parishes of Saint Michael, Saint Alban, Saint Peter, Shenley, Ridge, and South Mims, in the Counties of Hertford and Middlesex, to purchase certain Buildings and Hereditaments for the Purpose of making a new Road at the Entrance into the Town of Saint Alban*: And whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty, intituled *An Act for repairing the Road through the Parishes of Saint Michael, Saint Alban, Saint Peter, Shenley, Ridge, and South Mims, in the Counties of Hertford and Middlesex*: And whereas the Trustees appointed in or by virtue of the said last-mentioned Act have proceeded in the Execution thereof, and for the Purposes of the said Act have from Time to Time, borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken by the said Act; which Monies, together with several other Sums of Money which were borrowed on the Credit of the Tolls of the said Road under or by virtue of the said Act of the Thirty-fourth Year of the Reign of His said late Majesty, and also under and by virtue of certain other Acts passed relating to the said Road, but now repealed, still remain due, and cannot be repaid, nor can the said Road be effectually improved and kept in repair, unless the Term granted by the said Act of the Fifty-first Year of the Reign of His said late Majesty is continued or renewed, the Powers thereof amended and enlarged, and the Tolls granted thereby altered and increased; and it would be more convenient to the Trustees of the said Road, and the said Road would be more

[Local.] 19 M effectually

Recited Acts
repealed.

effectually improved and kept in repair, if the Powers and Provisions of the said Acts of the Thirty-fourth and Fifty-first Years of the Reign of His said late Majesty were repealed, and further and other Powers and Provisions granted for those Purposes; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Second Day of *January* One thousand eight hundred and thirty-two the said Acts respectively passed in the Thirty-fourth and Fifty-first Years of the Reign of His said late Majesty King *George* the Third shall be and the same are hereby repealed.

This Act to
commence
for the Pur-
pose herein
mentioned.

II. And be it further enacted, That this Act shall from the said Day commence and take effect and be put in execution for and during the Term hereinafter mentioned, for the Purpose of more effectually improving and keeping in repair the Road from the *Pondyards* in the County of *Hertford* to the Town of *Chipping Barnet* in the same County.

Appoint-
ment of
Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said Counties of *Hertford* and *Middlesex* respectively for the Time being, together with *Daniel Goodson Adey*, *George Byng*, *James Brown*, *John Newball Bacon*, the Reverend *Bates*, *William Brown*, *Robert Smith Bassil*, the Honourable and Reverend *Frederick Beauclerk* commonly called Lord *Frederick Beauclerk*, the Reverend *William Mogg Bowen* Doctor in Divinity, *Edward Boys*, *Richard William Brabant*, *Thomas Ward Blagg*, Sir *Simon Houghton Clarke* Baronet, *Gordon Calthrop*, *William Cannon*, *John Coales*, Sir *William Danville* Baronet, *Alexander Dury*, *Enosh Durant*, the Reverend *Thomas Henry Elwin*, *Edward Egan*, the Reverend *Francis Joseph Faithful*, *Nicholas Fitzpatrick*, *William Franks*, *John Fothergill*, the Honourable *James Walter Grimston* commonly called Lord Viscount *Grimston*, the Honourable *Edward Grimston*, *Thomas Foreman Gape*, *George Gape*, *Joseph Gape*, *Patrick Hadon*, *Thomas William Hearne*, *Thomas Howard*, *William Heygate*, *John Hawkins*, *James Howard*, *John Prentis Henslow*, *Samuel Jones*, the Reverend *James Jenkyn*, the Reverend *Jacob Jefferson*, *Thomas Kinder*, *John Kinder*, *Thomas Nash Kemble*, *Richard Kentish*, the Reverend *Caleb Lomax*, the Reverend *Abel Lendon* Doctor in Divinity, *Thomas le Blanc*, *Joshua Lomax*, *John Thomas Lipscomb*, *Richard Grove Lowe*, *Peter Martineau*, *John Finch Mason*, *George Robert Marten*, *John Middleton Meggison*, the Reverend *Thomas Newcome*, the Reverend *Charles Manners*, *Richard Norman*, *Richard Nicholl*, *Edward Payne*, the Reverend *George Tomlin Pretymann*, the Reverend *Thomas Pugh*, *William Robert Phillimore*, *John Reid*, *Andrew Reid*, *Henry Rowles*, *Thomas Rogers*, *William Smith*, *Francis Carter Searancke*, the Reverend *Henry Small*, the Reverend *Marcus Richard Southwell*, *Samuel Reynolds Solly*, *Stephen Smith*, *William Swainson*, *Francis Searancke*, *Joseph Timperon*, *Trotter*, *William James Thompson*, *Robert Vincent*, *Frederick Vander Meulen*, *John Mico Winter*, *Charles Woollam*, *John Wellingham*, the Reverend *William Serocold Wade*, the Reverend *Thomas Henry Winbolt*, *George Watlington*, *William Wilberforce junior*, *Francis Wigg*,

Wigg, John Wilde, Richard Webster, Thomas Wyatt, Henry White, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts in force for regulating Turnpike Roads in *England*, shall be and are hereby appointed Trustees for carrying this Act into Execution.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at any General Meeting to be held for the Purposes of this Act, to elect and appoint any Number of Persons, not exceeding Five in the whole, in addition to the Trustees herein named and appointed; and such additional Trustees so elected and appointed, 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 in and appointed by this Act.

Power to
appoint ad-
ditional
Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting on the said Second Day of *January* One thousand eight hundred and thirty-two, or as soon after as conveniently may be, at the Court House or some other convenient House at *Saint Alban's* aforesaid, and shall then and there proceed in the Execution of this Act, and shall and may then, and at all subsequent Meetings to be held for the Purposes of this Act, from Time to Time adjourn to and meet at such Time, and at such Place and Places in or near the said Road, as the said Trustees, or the major Part of them present at any such Meeting, shall think proper and appoint; and if at any of the said Meetings the Trustees present shall not adjourn such Meeting to another Day, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, or their Clerk by their Order, to call a Meeting of the said Trustees at some convenient Place in or near the said Road, to transact any Business, such Meeting to be called by Public Notice to be affixed on all the Turnpike Gates which shall be then erected on the said Road, and also inserted in some public Newspaper or Newspapers circulated in the several Counties through which the said Road passes, and to be held not sooner than Ten nor exceeding Twenty-one Days from the Time of such Notice being first affixed or inserted.

First Meet-
ing of the
Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees, and their Lessees, Collectors, and other Persons duly authorized and appointed, to demand and take, at each and every Turnpike, Toll Gate, Bar, or Chain now erected in, upon, across, or by the Sides of the said Road, or which by virtue of this Act, or any General Act for regulating Turnpike Roads in *England*, shall be continued or be erected in, upon, across, or on the Sides of the said Road, the several Tolls following; (that is to say,)

Power to
take Tolls.

For every Horse, Mule, Ass, Ox, or other Beast, drawing any Carriage, the Sum of Sixpence:

Scale
thereof.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling *per* Score; and so in proportion for any greater or less Number:

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

For

For every Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of Two Shillings and Sixpence :

For every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved by Machinery, the Sum of One Shilling and Sixpence :

Which said respective Tolls shall and may be demanded and taken before any Horse, Mule, Ass, Ox, or other Beast or Cattle upon which any Toll is by this Act imposed shall be permitted to pass through any such Turnpike, Toll Gate, Bar, or Chain; and such respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied in manner hereinafter mentioned.

Fractional
Part of a
Halfpenny
in Toll.

VII. And be it further enacted, That in all Cases when there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall and may be demanded and taken in lieu of such fractional Part of a Halfpenny.

One-Horse
Carts may
be weighed:

VIII. And be it further enacted, That all Carts passing through the said Turnpikes, Toll Gates, Bars, or Chains, or any of them, drawn by One Horse or other Beast only, shall and may be weighed at any Weighing Machine erected or to be erected on the said Road, and the like additional Tolls be demanded, received, and recovered for the Overweight thereof, if the same shall be of greater Weight than is limited or allowed for or in respect of Carts drawn by Two or more Horses by the General Acts for regulating Turnpike Roads in *England* as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties by Law now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse or other Beast only, and to the Drivers, Masters, and Owners thereof.

Tolls to be
taken but
once a Day.

IX. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Mule, Ass, Ox, or other Beast or Cattle through any One of the Turnpikes, Toll Gates, Bars, or Chains now erected, or which shall be continued or erected by virtue of this Act, such Horse, Mule, Ass, Ox, or other Beast or Cattle shall (except in the Cases hereinafter otherwise provided), upon Production of the Ticket hereinafter mentioned, be permitted to pass and repass through the same, and every other Turnpike, Toll Gate, Bar, or Chain now erected, or which shall be continued or erected as aforesaid, without Payment of the Toll again at any Time or Times during the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock the next succeeding Night).

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

X. Provided always, and be it further enacted, That notwithstanding any thing herein contained the said Tolls shall be payable for or in respect of every Horse, Mule, Ass, Ox, or other Beast of Draught, drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Hire, Payment, or Reward, for every Time of passing or repassing through the said Turnpikes, Toll Gates, Bars, or Chains, or any of them; provided.

provided also, that no further or additional Toll shall be payable for or in respect only of the Horses drawing such Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Stage Carriage having been changed.

XI. And be it further enacted, That for and in respect of every Horse or other Beast of Draught drawing any Post Chaise or other Carriage travelling for Hire the Tolls hereby made payable shall be paid every Time of passing or repassing through the said Turnpikes, Toll Gates, Bars, or Chains, or any of them, whenever a new Hiring thereof shall have taken place.

Post Chaises
to pay on
every new
Hiring.

XII. Provided also, and be it further enacted, That the said Tolls shall be payable for or in respect of every Horse, Mule, Ass, Ox, or other Beast drawing any Waggon, Wain, Cart, or other Carriage, for every Time of passing or repassing through the said Turnpikes, Toll Gates, Bars, or Chains, or any of them, drawing any other Waggon, Wain, Cart, or other Carriage than that which such Horse, Mule, Ass, Ox, or other Beast of Draught was employed in drawing on any former Occasion during the same Day (to be computed as aforesaid) on which Toll shall have been paid for or in respect of any such Horse, Mule, Ass, Ox, or other Beast of Draught.

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

XIII. Provided always, and be it further enacted, That whenever the Toll aforesaid shall be paid to any Lessee or Collector thereof at any Turnpike, Toll Gate, Bar, or Chain erected or to be erected upon, across, or by the Sides of or contiguous to the said Road, for or in respect of any Drove of Oxen, Cows, Neat Cattle, Calves, Swine, Sheep, Lambs, or other Beasts or Cattle, and such Drove shall pass through any other such Turnpike, Toll Gate, Bar, or Chain as aforesaid on the Day next following after such Payment, no more than One Half of the said Toll shall be demanded, received, or recovered for or in respect of the said Drove so passing through the same on such second Day, provided the Person or Persons having the Care of such Drove shall produce to the said Lessee or Collector, at the Turnpike, Toll Gate, Bar, or Chain through which such Drove shall pass or be about to pass on such second Day, a Ticket showing the Payment of the full Toll for the same on the preceding Day; and every Lessee or Collector of such Tolls is hereby required to deliver such Ticket *gratis* to the Person or Persons having the Care of any such Drove, on Payment of such full Toll.

The Toll on
Droves of
Oxen, &c.
reduced
Half on
passing the
next Day
after Pay-
ment of the
full Toll.

XIV. And be it further enacted, That it shall not be lawful for the said Trustees to give or execute any Mortgage or Security on the Tolls granted by this Act for a greater Principal Sum than One hundred Pounds, notwithstanding the said Trustees shall borrow and take up at Interest from the same Person or Persons, at one and the same Time, a greater Sum of Money than One hundred Pounds, and notwithstanding they shall be required to give and execute a new Mortgage or Security, or new Mortgages or Securities, in lieu of any Mortgage or Mortgages, Security or Securities, now outstanding, that were made by virtue of any former Act affecting the said Road; but the Monies to be advanced or secured as aforesaid shall be secured by separate Mortgages for One hundred Pounds each, or for any less Sum or Sums of Money, as the said Trustees or any Three of them assembled at any Meeting held in execution of

No Mort-
gage to be
for more
than 100%.

this Act and the Person or Persons to receive such Security or Securities shall agree.

Application
of Monies.

XV. And be it further enacted, That all Monies now in the Hands of the said Trustees, or any Officer or Officers of the said Trustees, or which shall or may be collected or received under the Powers or Authorities of the said recited Acts hereby repealed, or any other former Act affecting the said Road, or of this Act respectively, shall be applied, in the first place, in defraying the Costs, Charges, and Expences attending the preparing, obtaining, and passing of this Act; and that the Remainder of the said Monies shall be applied in paying and discharging the Interest for or in respect of all Principal Monies now due and owing on the Credit of the Tolls of the said Road, under or by virtue of the said recited or any other former Act as aforesaid, and which shall hereafter be borrowed or taken up at Interest on the Credit of the Tolls hereby granted respectively, and in improving and keeping in repair the said Road, and paying off and discharging the Principal Monies so as aforesaid borrowed or to be borrowed on the Credit of the Tolls of the said Road.

Penalty for
hanging out
Clothes, &c.

XVI. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes, or any Articles manufactured of Linen, Woollen, Cotton, or the like, on any Line, Bank, Rail, or Fence adjoining or near the said Road, or shall hang or put or place any Hook or Hooks, Thing or Things, to, from, or in any House, Shop, or Place adjoining or near the said Road, so as to project into or over the said Road, or the Footpaths by the Sides thereof, or be an Annoyance to any Person, Beast, or Cattle passing them, or prevent the free and safe Use of the whole Breadth of the said Road and Footpaths, every Person so offending shall pay a Sum not exceeding Five Pounds for every such Offence; and such Penalty shall be recoverable and applied as Penalties not exceeding Five Pounds are made payable by the several Acts for regulating Turnpike Roads in *England* are recoverable and applicable under or by virtue of such Acts or any of them.

Entrance to
Fields, &c.
to be made
with hard
Materials.

XVII. And be it further enacted, That in all Places throughout the said Road where there shall be any Entrance or Way from the said Road to any House, Building, Garden, Yard, Close, Field, Land, or Ground, from the said Road, or the Footpaths by the Sides thereof, or any Part of the same respectively, such Entrance or Way shall be properly made and covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expence of the Proprietor or Occupier of such House, Building, Garden, Yard, Close, Field, Land, or Ground, so that neither the said Road nor the said Footpaths may be injured by the Stoppage or running of Water from or to such House, Building, Garden, Yard, Close, Field, Land, or Ground, or by Carriages, Beasts, or Cattle passing to or from the same by such Entrance or Way; and in case such Proprietor or Occupier shall neglect to make and cover with proper Materials such Entrance or Way, or to make such Culvert or Drain, or to put and keep the same respectively in proper Order, Repair, and Condition, to the Satisfaction of the said Trustees, or their Surveyor or Sub-Surveyor, for the Space of Seven Days after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual or last Place of Residence by the Surveyor or Sub-Surveyor to the said

said Trustees, or other Person or Persons appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the said Trustees, or their Surveyor, Sub-Surveyor, or any other Person or Persons acting by or under their Authority, to make and cover such Entrance or Way with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be; and the Expences thereof shall be reimbursed and paid to the said Trustees by such Proprietor or Occupier, as the Case may be; and in case of Nonpayment of such Expences within Seven Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the recovering the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for any County, Liberty, Division, or Place through which the said Road passes, or within which the Goods and Chattels of such Proprietor or Occupier shall be or be situate; and which Warrant of Distress any such Justice is hereby authorized and empowered to grant, on Proof made before him or them on Oath of such Expence having been incurred, and of such Notice having been given, and of such Neglect as aforesaid; and any Overplus shall be returned, on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

XVIII. And be it further enacted, That notwithstanding the Repeal of the several Acts hereinbefore repealed, all such of the Powers and Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for vesting in Commissioners the Bridges now building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth; and for the further Improvement of the Road from London to Holyhead;* and of an Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to extend the Powers of an Act for vesting in Commissioners the Bridges building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth; and for the further Improvement of the Road from London to Holyhead;* and of an Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act for further extending the Powers of an Act for vesting in Commissioners the Bridges building over the Menai Straits and the River Conway, and the Harbours of Howth and Holyhead, and the Road from Dublin to Howth; and for the further Improvement of the Road from London to Holyhead;* and of an Act passed in the Seventh and Eighth Years of the Reign of His said late Majesty, intituled *An Act for the further Improvement of the Road from London to Holyhead, and of the Road from London to Liverpool;* and of an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to alter and amend several Acts, for the Improvement of the Roads from London to Holyhead, and from London to Liverpool, and for the further Improvement of the said Roads;* and of the several Acts therein respectively recited or referred to, as relate to or affect the imposing and varying the Amount of Tolls to be taken in respect of Two new Pieces of Road, from the *Peahen Inn at Saint Alban's* to the *Pond Yards*, and from *Barnet* to *South Mims*, lately made by the Commissioners acting in execution of the said Act of the Fourth Year of the Reign of His late Majesty King George the Fourth,

Powers of Commissioners of Holyhead Roads and of Trustees of St. Alban's Trust, as to certain new Pieces of Road, shall continue the same, except as herein mentioned.

and

and the fixing of Toll Houses and Toll Gates for the collecting of the same Tolls, or any other Matter relating to the Mode of collecting the same Tolls, and the Application of the same Tolls, shall continue and be and remain in full Force and Effect, save and except that the said Trustees appointed by this Act shall be substituted for the Trustees of the *Saint Alban's* Trust, acting in execution of the said Act of the Fifty-first Year of the Reign of His late Majesty King *George* the Third, and the said Trustees appointed by this Act are hereby authorized, empowered, and required to exercise and put in force all the several Powers, Provisions, and Authorities given by the said several hereinbefore mentioned Acts of the Fourth, Sixth, Seventh, Seventh and Eighth, and Ninth Years of the Reign of His late Majesty King *George* the Fourth, and the First Year of the Reign of His present Majesty, to the Trustees of the *Saint Alban's* Trust acting in execution of the hereinbefore recited Act of the Fifty-first Year of the Reign of His late Majesty King *George* the Third, in such and the like Manner, and as fully, amply, and effectually, to all Intents and Purposes whatsoever, as such last-mentioned Trustees could or might or ought to have done if this present Act had not been made.

Commissioners of Holyhead Roads may proceed to collect the Tolls on the Road in same Manner as if this Act had not passed.

XIX. And be it further enacted, That in case of any Neglect or Refusal to collect, demand, and receive Tolls by the said Trustees appointed by this Act, it shall be lawful for the Commissioners acting in execution of the said Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth, and they are hereby authorized and empowered, to exercise all the same Powers and Authorities, and proceed in like Manner in all respects, as if this present Act had not been passed, and such Neglect or Refusal to collect, demand, and receive the same Tolls had been made by the Trustees of the *Saint Alban's* Trust acting in execution of the said recited Act of the Fifty-first Year of the Reign of His late Majesty King *George* the Third.

No Part of the Money raised to be laid out in repairing, &c. the Streets of Towns through which the Road passes, &c.

XX. Provided always, and be it further enacted, That no Part of the Money received or to be received by the said Trustees under the Powers or Authorities of the said recited Acts hereby repealed, or of any other former Act affecting the said Road, or of this Act, shall be laid out in paving, lighting, watching, repairing, or cleansing any Street, Road, or Highway within any Town through which the said Road may pass, or into which it may enter, so far as such Street has or may have respectively Houses or other Buildings abutting on or ranging along both Sides thereof; nor shall it be lawful for the said Trustees to collect any Toll in any such Street.

Public Act.

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.

Term of Act.

XXII. And be it further enacted, That this Act shall commence on the said Second Day of *January* One thousand eight hundred and thirty-two, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.