ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 165.

An Act for altering and amending several Acts for repairing the Road from *Saint Giles's Pound* to *Kilbourne Bridge*; and for making a new Road from the Great Northern Road at *Islington*, to the *Edgeware Road* near *Paddington* in the County of *Middlesex*.

[22d *June* 1813.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the First, intituled *An Act for repairing the Road from* Saint Giles's Pound *to* Kilbourne Bridge, *in the County of* Middlesex, several Tolls, Duties, and Powers were thereby given and granted for repairing the said Road; which said Act was to have Continuance for and during the Term of Twenty-one Years: And whereas the said Act was by one other Act, made in the Eighth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Seventh Year of the Reign of His late Majesty King* George *the First, for repairing the Road from* Saint Giles's Pound *to* Kilbourne Bridge, *in the County of* Middlesex, *and for paving that Part of the Road called* Oxford Street, continued from the Expiration of the said Term, for the further Term of Twenty-one Years; and divers other Provisions and Powers were by the said last-recited Act made and given for the better Repair and Improvement of the said Road, and for paving that Part of the Road called *Oxford Street*, and for other Purposes in the said Act expressed: And

7 G. 1.

8 G. 2.

29 G. 2. And whereas by another Act, made in the Twenty-ninth Year of the Reign of His said Majesty King *George* the Second, intituled *An Act to enable respective Trustees of the Turnpike Roads leading to* Highgate Gate-house *and* Hampstead, *and from* Saint Giles's Pound *to* Kilbourne Bridge, *in the County of* Middlesex, *to make a new Road from the great Northern Road at* Islington, *to the* Edgeware Road *near* Paddington, *and also from the North End of* Portland Street, *cross the* Farthing Pye-house Fields, *into the said new Road; and for enlarging the Terms and Powers granted by Two several Acts for repairing the said Road from* Saint Giles's Pound *to* Kilbourne Bridge; several Tolls or Duties and Powers were given to the respective Trustees of the Turnpike Roads leading to *Highgate Gate-house* and *Hampstead*, and from *Saint Giles's Pound* to *Kilbourne Bridge*, in the County of *Middlesex*, to make a new Road from the great Northern Road at *Islington* to the *Edgeware Road* near *Paddington*, and also from the North End of *Portland Street*, cross the *Farthing Pye-house Fields*, into the said new Road, and the Powers granted by the said first recited Acts enlarged, and the Terms thereof continued for and during the further Term of Twenty-one Years: And whereas by another Act made in the Twenty-third Year of

23 G. 3. His present Majesty King *George* the Third, intituled *An Act for enlarging the Terms and Powers of Two Acts made in the Seventh Year of the Reign of King* George *the First, and the Eighth Year of the Reign of King* George *the Second, for repairing the Road from* Saint Giles's Pound *to* Kilbourne Bridge, *and for paving* Oxford Road; *and also of an Act made in the Twenty-ninth Year of King* George *the Second, to enable the respective Trustees of the Turnpike Roads leading to* Highgate Gate-house *and* Hampstead, *and from* Saint Giles's Pound *to* Kilbourne, *to make a new Road from the Great Northern Road at* Islington, *to the* Edgeware Road *near* Paddington, *so far as the same is by the said Act directed to be under the Management of the Trustees of the said Two first-mentioned Acts*; the Powers granted by the said first recited Acts were enlarged and continued from the Expiration of the said recited Acts, for and during the further Term of Five Years; and from and after the Expiration of the said additional Term of Five Years, then for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas by one other Act, passed in the Forty-eighth Year of the Reign of His

48 G. 3. present Majesty, intituled *An Act for enlarging the Term and Powers of several Acts for repairing the Road from* Saint Giles's Pound *to* Kilbourne Bridge, *and for making a new Road from the Great Northern Road at* Islington *to the* Edgeware Road *near* Paddington, *in the County of* Middlesex, the Powers granted by the said recited Acts were enlarged and continued for the further Term of Twenty-one Years, to commence from the passing of the said Act now in Recital, and from thence to the End of the then next Session of Parliament: And whereas it is expedient that Powers and Provisions should be made and granted to the Trustees for the Time being acting in Execution of the said recited Acts, to alter and divert such Part of the new Road comprized in the said several recited Acts or some of them, as leads from the Great Northern Road at *Islington* to the *Edgeware Road* near *Paddington*, in the County of *Middlesex*, and as lies between a Point opposite the North-east End of *Upper Harley Street*, in the Parish of *Saint Mary-le-bone*, in the said County of *Middlesex*, and *Cleveland Street* in the same Parish; and in lieu thereof, to make, complete, and maintain a new Road to extend from the said Point opposite to the North-east End of *Upper Harley Street* aforesaid, to a Point opposite the North-west Corner

of *Portland Road*, and from thence to bend Southwards till it unites with the preſent Road at or oppoſite the North End of *Cleveland Street* aforeſaid; and it is alſo expedient that ſo much of the ſaid recited Act of the Twenty-third Year of the Reign of His preſent Majeſty, as enacts, that no Building whatſoever ſhould be erected on any new Foundation, by any Perſon or Perſons whomſoever, upon any of the Lands adjacent to the ſaid Roads leading from the *Edgeware Road* near *Paddington*, to *Tottenham Court Road*, and from the North End of *Great Portland Street*, acroſs the *Farthing Pye-houſe Fields*, to ſuch Road within Fifty Feet from the Side of the ſaid Road, other than ſuch Toll Houſes and Watch Houſes as ſhould or might be erected by virtue of the ſaid Acts, and that no Part of the ſaid Road ſhould be paved, ſhould be repealed, ſo far as the ſame regards the Lands at the Points where the ſaid Road authorized to be made by virtue of this Act will interſect the Circus now erecting and building, or intended to be erected and built, at or near the North End of *Portland Place* aforeſaid: But inaſmuch as 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 the ſaid ſeveral recited Acts, and all and every the Claims, Powers, Authorities, Proviſions, Exemptions, Penalties, Forfeitures, Matters and Things therein contained (ſave and except ſuch Parts thereof as relate to any Exemption from Stamps, and ſave and except ſuch as are hereby altered, varied, or repealed), ſhall be, and the ſame are hereby declared to be in full Force and Effect, and ſhall be as good, valid, and effectual for making, completing, preſerving and maintaining the ſaid Road authorized to be made by virtue of this Act, and for carrying the ſeveral Purpoſes of this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes whatſoever, as if the ſame had been repeated and re-enacted in the Body of this Act.

Powers of former Acts extended to this Act.

II. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees and they are hereby authorized and required, from and immediately after the paſſing of this Act, to divert, alter, and turn ſuch Part of the new Road comprized in the ſaid ſeveral recited Acts, or ſome or one of them, as leads from the Great Northern Road at *Iſlington* to the *Edgeware Road* near *Paddington* in the ſaid County of *Middleſex*, and as lies between a Point oppoſite the North-Eaſt End of *Upper Harley Street*, in the ſaid Pariſh of *Saint Mary-le-bone* in the ſame County and *Cleveland Street* in the ſame Pariſh, and in lieu and ſtead thereof, by themſelves, their Agents, Servants, Officers and Workmen, to make, complete, and maintain a new Road from the ſaid Point oppoſite the North-Eaſt End of *Upper Harley Street* aforeſaid, to a Point oppoſite the North-Weſt Corner of *Portland Road*, and from thence to bend Southward till it unites with the preſent Road at or oppoſite the North End of *Cleveland Street* aforeſaid; and they and each and every of them are hereby inveſted with ſuch and the like Power, Authorities, and Remedies, in all Reſpects and to all Intents and Purpoſes whatſoever, for the making, completing, and maintaining the ſaid new Road authorized to be made by virtue of this Act, as if ſuch Road had been particularly deſcribed and comprized in the ſaid recited Acts, they the ſaid Truſtees, their Agents, Servants, Officers, and Workmen,

Truſtees empowered to divert the old Road and make a new one.

men, doing as little Damage as may be in the carrying of this Act into Execution; and which Road, so hereby authorized to be made, shall be and be deemed and taken to be Part of the Roads comprized in the said Acts, and be deemed and taken to be a common Highway, and be maintained, repaired, and supported accordingly.

When new Road is completed, Powers of Trustees over old Road to cease.

III. And be it further enacted, That the present Road shall be preserved and kept open until the new Road authorized by this Act shall be completed and laid open for the Public; and that when and as soon as the said new Road authorized to be made by virtue of this Act shall be made and completed, fit for the passage of Horses, Cattle, and Carriages, so much of the said recited Acts or any of them as relates to that Part of the Road hereby authorized to be diverted, altered, or turned, shall be and the same is hereby repealed; and that the Trustees for executing the said recited Acts and this Act shall be and are hereby discharged from the future Care or Management of the said Part of the Road so to be diverted, altered, and turned; and such Part of the said Road shall from thenceforth be vested in His Majesty, His Heirs, and Successors.

Map or Plan, and Book of Reference deposited with the Clerk of the Peace.

IV. And whereas a Map or Plan describing the Line of the said Road authorized to be made by virtue of this Act, and the Lands, Hereditaments, and Premises through which the same is to be made or carried, together with a Book of Reference containing a List of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have 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 Clerk of the Peace for the said County, to the End that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts thereof at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection; and at the Rate of Threepence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said Roads, shall not deviate more than Three Yards of Three Feet each from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

Trustees to make new Road although any Omission or Error in the Book of Reference.

V. Provided always, and be it enacted, That it shall be lawful for the said Trustees to make the said Road in, through, over, or across the said Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be Owner or Owners of Lands and Premises, over which the same is set out and described in the said Map or Plan, although the Name or Names of such Person or Persons may happen to be omitted or misstated in the said Book of Reference, in case it shall appear to any Two or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Houses and Gardens not to be injured.

VI. Provided always, and be it enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend so as to empower or authorize the said Trustees to take or pull down any Dwelling House

House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except such as are marked and described in the said Map or Plan and Book of Reference; any Thing herein contained to the contrary notwithstanding.

VII. And whereas it is in and by the said recited Act of the Twenty-third Year of the Reign of His present Majesty enacted, "That no Building whatsoever should be erected on any new Foundation by any Person or Persons whomsoever, upon any of the Lands adjacent to the said Road leading from the *Edgeware Road* near *Paddington*, to *Tottenham Court Road*, and from the North End of *Great Portland Street* cross *The Farthing Pye House Fields*, to such Road within Fifty Feet from the Side of the said Road, other than such Toll Houses and Watch Houses as should or might be erected or continued by virtue of such Act, and that no Part of the said Road should be paved; and if any such Building should be thereafter erected, or any Part of the said Road should be paved, contrary to the true Intent and Meaning of such Act, the same should be deemed common Nuisances:" And whereas it is expedient that such Provisions should be repealed, so far as the same regards the Lands at the Points where the Road authorized to be made by virtue of this Act, as hereinafter particularly mentioned; be it therefore enacted, That so much of the said recited Act of the Twenty-third Year of the Reign of His present Majesty as regards or anywise relates to the Lands at the Points where the said Road authorized to be made by virtue of this Act will intersect the Circus now erecting and building or intended to be erected and built at or near the North End of *Portland Place* aforesaid, shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

Part of Act of 23 Geo. 3. repealed.

VIII. And be it further enacted, That the said Road to be made by virtue of this Act shall be made by the said Trustees of not less than the Width of Sixty Feet, and that His Majesty's Commissioners of Woods and Forests shall from Time to Time advance all such Sums of Money as may be required by the said Trustees for making such new Road, which shall be made under the Orders and Directions of the said Trustees or their Surveyor or Superintendant, or the Person or Persons acting by or under their Authority; and the said Road, when made and completed, fit for the Passage of Horses, Cattle and Carriages, shall be maintained and kept in good and sufficient Repair for the Space of Five Years after the same shall have been so completed, by and at the like Costs, Charges and Expences of the said Commissioners, who shall advance all such Monies as may be necessary for such Repairs to the Trustees; and in case the said Road shall not be so made, maintained, and kept in such good and sufficient Repair, it shall and may be lawful to and for the said Trustees so to make, maintain, and keep in good and sufficient Repair the said Road, and to recover the Costs, Charges and Expences of so making, maintaining and keeping in Repair the same, from the Commissioners of His Majesty's Woods and Forests, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and from and after the Expiration of the said Five Years the said Road shall be maintained and kept in Repair in

Road to be made at the Expence and Costs of His Majesty's Commissioners of Woods and Forests.

such and the like Manner as the several Roads mentioned in the said recited Acts are directed to be maintained and kept in Repair.

Meetings on Emergencies.

IX. Provided always, and be it further enacted, That if after any Adjournment of any Meeting to be held in pursuance of the said recited Acts, or any of them, it shall at any Time or Times be thought necessary that a Meeting of the said Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing being signed by Three or more of the said Trustees, mentioning the Time and Place and Purposes for such earlier Meeting, being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day, by Notice to be advertized in some Newspaper usually circulated in the said County of *Middlesex*, and by Notice in Writing to be affixed upon all the Turnpike Gates then erected across the said Road, and of the Time and Place which shall be mentioned in the Order of the said Trustees, such Time not being less than Three Days after such Notice; and all Proceedings of such Trustees at such earlier Meetings shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment, any Thing in the said recited Acts or this Act to the contrary notwithstanding.

Costs of Act to be paid by Commissioners of Woods, &c.

X. And be it further enacted, That all Costs, Charges, and Expences incident to, or in anywise attending the obtaining and passing of this Act, shall be paid and borne by the Commissioners of His Majesty's Woods and Forests.

Public Act.

XI. 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.

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