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## THE ESSEX TURNPIKE TRUSTS

A thesis submitted by J. M. L. Booker for the degree of Master of Letters of the University of Durham.

An abstract:-

This thesis is an enquiry into the turnpike Trusts which operated wholly or in part in Essex. The first Chapter analyses the creation of the early Trusts in the context of previous Parliamentary resistance to the turnpike principle, discussing the choice of roads selected for repair by toll money against the state of Essex roads in general. It traces the progress of the Trusts under the management of local justices and the practical and political issues which this raised. Chapter Two is about the economic background in Essex to the turnpike movement, comparing the growth of the turnpike system with contemporary moves to improve waterways; it discusses the industrial and commercial characteristics of Essex, particularly the contrast between the east and west sides of the county and their respective routes for the carriage of goods. The metropolitan Trusts, which differed fundamentally from their rural counterparts in constitution and outlook, are the subject of Chapter Three. They are seen as a medium for 'improvement' and investment. Chapter Four describes the administration of the more rural Essex Trusts, particularly the work of the trustees, the calibre of their officers, the problems of toll farming and policies for attracting investment. The role of J. L. McAdam is seen as significant in giving many Trusts a new spirit and sense of purpose. The last Chapter traces the decline of the Trusts in the wake of railway competition and the complexities of Victorian legislation in local government. The thesis ends with a summary of conclusions, assessing the importance of the Essex Trusts in economic and constitutional terms and the contribution which the Essex experience has to offer to the study of turnpike history elsewhere.

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by

J.M.L. BOOKER

A thesis submitted for the degree of  
Master of Letters of the University  
of Durham

1979

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## INTRODUCTION

The turnpike Trust is generally recognized to have been an economic response to an economic challenge: with the expansion of trade and commerce brought about by the Industrial Revolution, it became increasingly necessary to carry goods efficiently by road between districts not linked by the natural convenience of navigable water. Recent enquiries into the working of turnpike Trusts have tended to discuss their characteristics in relation to areas of greatest industrial development. In these districts, where Trusts proliferated, it is possible to examine their contribution to 18th century economic growth both as a medium for investment as well as a system of transport. While the inseparability of the turnpike system from the realm of the merchant and entrepreneur can be readily accepted in the industrial Midlands and North of England, the role of the Trust is less easy to define in a county where the impact of the Industrial Revolution was felt later and less abruptly. It will therefore be the aim of this thesis to test the relevance of the economic and financial role of the turnpike Trust in the South of England by enquiring into the origins, structure, workings and dissolution of the ten turnpike Trusts which existed, or were proposed, at various times within the present geographical county of Essex (see Map One and Appendix A). Essex is a particularly interesting county for such a study being adjacent, at its south-west corner, to the insatiable market of London, bounded to a great extent by sea, estuary or navigable waterway, and traversed by the main roads to Harwich, Ipswich, Norwich and Bury St. Edmunds. It was also an area of early commercial activity (in textiles) but at the time of the Industrial Revolution in the North this business had declined and

the county's economy was based largely on the corn harvest.

Although 'Essex Turnpike Trusts' is a convenient summary title it must be recognized that Essex has no exclusive claim to four of the Trusts under consideration: three of them began (or ended) in Middlesex and another crossed an important area of Hertfordshire and passed for a short distance into Cambridgeshire. In all except one of these Trusts, however, the majority of mileage was in Essex. The exception was the Commercial Roads Trust which was associated initially with the West and East India Dock schemes in Middlesex, but later extended into Essex in order to control the road to Barking. The inclusion of this Trust allows the characteristics of the metropolitan area, which is otherwise represented only by the Middlesex and Essex Trust and the very small Lea Bridge and Road Trust, to be dealt with in greater depth and on a comparative basis. Division of Trusts between counties was common and it will be shown that it was perhaps the most significant characteristic of the turnpike movement. The Herts. and Essex Trust was usually called the Hockerill Trust and is referred to by this name in this thesis.

A major difficulty in dealing with the Essex turnpike roads has been the lack of primary source material produced by the trustees themselves. It will be clear from Appendix B that only two Trusts, the Epping and Ongar and the Hockerill, have left comprehensive series of minutes. From the Lea Bridge and Road Trust, and the Halstead Division of the Essex Trust, First District, minutes have survived for certain years, and for the Chelmsford Division of the First District there are useful treasurers' papers which include letters from the Clerk to the Trust and a few influential trustees. But for the other Trusts little original material survives which was produced by the trustees or their officers.

It is a fortunate fact of turnpike history that a Trust could not be established without an enabling Act nor extended without a renewal Act. The parliamentary process has left its own documentation which to some extent makes up for the lack of sources at local level. On the other hand, the archives of legislation are themselves in some respects disappointing: evidence relating to petitions was destroyed in the Commons 'tally-stick' fire of 1834 and parliamentary Standing Orders did not require 'Deposited Plans' to be lodged with Clerks of the Peace until 1792. There is therefore no comprehensive series of road plans and books of reference for early turnpike roads as there is for all railway lines. Nevertheless, printed parliamentary sources are very useful: the Journals of the House of Commons give the names of petitioners and sometimes the text of the petition; and enabling and renewal Acts show the administrative and territorial limits of the trustees' responsibilities and sometimes concessions to local opposition can be deduced.

Failing the records of the Trusts themselves, and of the parliamentary process, recourse has been made to local newspapers and the archives of Quarter Sessions. In the 18th century newspapers published correspondence on matters of turnpike policy and in the 19th century, particularly from about 1830, reported almost verbatim the proceedings of some toll auctions and quarterly meetings; at all periods, newspapers have been found useful for notices of meetings, occasionally with some indication of the agenda, and the re-siting of toll-gates. The records of Quarter Sessions have been invaluable for early turnpike history, when the justices were trustees, but a more general survival of the records of local Sessions would have been useful. The statutory returns of income and expenditure submitted to Clerks of the Peace from the 1820s have been a major source for the later period of the Trusts' life. It is only for the 50-odd years between the creation

of trustee Trusts and the establishment of local newspapers that any real difficulty was experienced in finding sources.

My main debt of gratitude is unquestionably to the late K.C. Newton, MA., F.R. HIST.S., County Archivist of Essex, June 1969 - March 1978, who was very keen that this thesis should be written. I am deeply sorry that he did not live to see its completion. I must acknowledge the kindness of my colleagues in other record offices: Mr. P. Walne, MA., F.S.A., F.R.HIST.S., County Archivist of Hertfordshire, allowed the records of the Hockerill Trust to be microfilmed and the film is now stored at Chelmsford; Mr. W. Smith MA., F.R.Hist.S., late Head Archivist of the Greater London Council, was helpful in producing vestry books and other records of the Stepney Hamlets; and Mr. H.S. Cobb, MA., Deputy Clerk of the Records, House of Lords, guided me to the printed Commons Votes. But the main work for this thesis was not done at Chelmsford, nor at the other centres named above, but in the Official Publications Room of the British Library and in the University Library of Cambridge. I am indebted to the staff of both institutions for the facilities which were readily offered to me. I am particularly grateful to have had the use of Cambridge University Library, where, in the tranquillity of the Official Publications Department, much of this thesis was drafted. Without this escape from the pressures of local government it would have been impossible to collect my thoughts.

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## FOOTNOTES

Apart from conventional symbols (such as op.cit. and ibid.) the following abbreviations are used:-

<u>B.P.P.</u>	<u>British Parliamentary Papers</u>
<u>Ch. Ch.</u>	<u>Chelmsford Chronicle</u>
<u>D.N.B.</u>	<u>Dictionary of National Biography</u>
<u>E.R.</u>	<u>Essex Review</u>
<u>E.R.O.</u>	Essex Record Office
<u>E.S.</u>	<u>Essex Standard</u>
<u>G.L.R.O.</u>	Greater London Record Office
<u>H.R.O.</u>	Hertfordshire Record Office
<u>I.J.</u>	<u>Ipswich Journal</u>
<u>J.H.C.</u>	<u>Journal of the House of Commons</u>
<u>J.H.L.</u>	<u>Journal of the House of Lords</u>
<u>P.R.O.</u>	Public Record Office
<u>V.C.H.</u>	<u>Victoria County History</u>

References to printed sources are given in abbreviated form: e.g. Robinson, p.75, means Robinson, H., Britain's Post Office (London, 1953), p.75. The full title of all footnote references will be found in Appendix B and the Bibliography, which list primary and secondary sources respectively. Where there is reference to more than one work of an author, and confusion might arise, enough of the title is given to enable the book in question to be distinguished: e.g. Willan, Navigation, p.89, distinguishes Willan, T.S., River Navigation in England 1600-1750 (Oxford, 1936), p.89, from two other works by the same author.

All catalogue marks refer to documents in the Essex Record Office, unless otherwise stated. For the nature of these documents, see Appendix B.

## CHAPTER ONE

### THE JUSTICES AS TRUSTEES

For some fifty years before Parliament authorised the erection of a toll bar across the London to Harwich road in 1695/6, the people of Essex had been familiar with the word turnpike. In 1642 a 'turn peake' had been erected in East Street, Colchester,<sup>1</sup> and by 1648 there was a turnpike in the main road at Stratford on the Essex side of Bow Bridge.<sup>2</sup> These were for military purposes, probably spiked and sloping poles to prevent the passage of horsemen, and there was no question of payment to pass the barrier. An extension of the principle to civil uses came in 1680 when the inhabitants of West Ham successfully petitioned Essex Quarter Sessions for 'the erecting of a Turnepike at Stratford and a paire of high boarded Gates with Spikes at ... Abby Mill'.<sup>3</sup> The idea was to make 'a defence and security for the whole County against the Injuries of Felons and Burglars' by controlling with gates the only two roads into South West Essex from the metropolis, one road being Stratford High Street and the other a private mill way. The gates were to be manned day and night and persons who had been robbed were encouraged to report their loss to the watchmen. Again, this was not a case of toll,<sup>4</sup> nor were the turnpikes in any way connected with road repair.

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1. D/DBa A40/8
  2. E.R. xvii (1908), p.190, quoting Civil War Pamphlet in British Museum.
  3. Q/SO 2, p.311
  4. The gate on the mill way, however, became a private toll gate attached to Abbey Mill and survived as such at least until 1933. See VCH, Vol. 6, p.45.

A turnpike associated with toll existed for some years at Waltham Holy Cross. An early reference to this appears in a deed of 1697,<sup>1</sup> reciting that one John Bell formerly held of James,<sup>2</sup> Earl of Kinnoull and his predecessors the turnpike near Waltham, the parish tithes, and certain real estate. The deed is an agreement that James Travers of Waltham Holy Cross, gent., would assist Bell's widow in getting a new lease from the landlord of the turnpike. This must have been the turnpike on the navigable river Lea;<sup>3</sup> there were precedents for water turnpikes on the Thames by 1632.<sup>4</sup> There is no evidence of the existence of a toll bridge at Waltham Abbey as was the case, for instance, at Walthamstow where a private turnpike bridge was known as Hillyer's Turnpike from 1760.<sup>5</sup> There was also a turnpike at least as early as 1777<sup>6</sup> on the road from the powder magazines at Purfleet to the London road at Wennington. Although this was used as the main road to London from Grays Thurrock, that section of road belonged to the Board of Ordnance who occasionally stopped the passage of teams.<sup>7</sup> There is no indication, however, in parish records of the levying of toll at the gate.

The importance of the Essex Act of 1695/6 (the earliest in which the word turnpike was used in the context of toll on the King's Highway) was that it began the series of Acts which resulted in the wide-scale turnpiking of the 18th century. It was not, however, the first Act of this nature in the land: in 1663<sup>8</sup> that part of the old Great North Road which ran through Hertfordshire,

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1. D/DJg T60
  2. If it was really an Earl of Kinnoull it must have been George; however, George Hay, the first Earl, had a cousin Sir James Hay, later Earl of Carlisle, and both Earls had associations with Waltham Abbey. Carlisle held in reversion the office of Keeper of Epping Walk in Waltham Forest and was probably the Earl in question. (G.E.C., Vol.3, p.33 and Vol. 7, p.318)
  3. Chapman & André, plate XVI
  4. Willan, Navigation, p.89
  5. VCH, Vol. 6, p.243
  6. Chapman & André, plate XXII
  7. D/P 157/22
  8. 15 Car. II, c.1

Huntingdonshire and Cambridgeshire was placed under the charge of the justices of the respective counties for 11 years, with authority to erect toll bars at Wadesmill, Caxton and Stilton. The Act was amended in 1665<sup>1</sup> and was implemented only in Hertfordshire. An early petition to impose toll on the Biggleswade to Baldock road in 1621/2 had failed,<sup>2</sup> and several other Bills for road repair between 1650 and 1693 were rejected by Parliament.<sup>3</sup> A principal factor in this complicated early history was the failure of the administrative machinery for road repair which Parliament was reluctant to alter. It is necessary to dwell on the reasons which brought the system to inadequacy and why Essex was the county which achieved the breakdown of the parliamentary opposition.

Before industry drew attention to difficulties of communication in the Midlands and the North, roads in the Home Counties were being affected by the growth of London, the capacity of its appetite and the opportunities of its trade. The population increased from about 50,000 in 1500 to about 225,000 in 1605<sup>4</sup> and perhaps doubled again in the next century. Stow refers to the introduction of 'long waggons' in 1564,<sup>5</sup> capable of carrying heavier loads than two-wheeled carts and far more damaging to road surfaces than the packhorse. In Essex, in 1618, the parish of Mountnessing complained of the great decay of its roads caused not only by want of gravel but by the multitude of 'drugges' or four-wheeled wagons travelling towards London.<sup>6</sup> The preamble to the 1663 turnpike Act referred to the

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1. 16 & 17 Car. II, c.10; see Albert, p.20
  2. Emmison, 'Turnpike Bill'
  3. Index to Commons Journals Vols. I-XVII (1547-1714) sub Roads & Highways, pp.970-2. It is uncertain whether some Bills specifically requested a toll.
  4. Gras, p.75
  5. Crofts, p.7
  6. Q/SBa 4/2/3

great trade of barley and malt that came to Ware by road and was then conveyed to London by water. There was also a change in some circles, particularly among the growing merchant class, to quality buying. This was the first age of the country house. When John Petre built Thorndon Hall in Essex, between about 1580 and 1594, he sent his mason to Kent and Surrey, and as far as Beer and Kingsbridge in Devon, for varieties of stone.<sup>1</sup> He also used blue slates, probably from Cornwall or Wales. That much of this came from distant parts by water would have brought little joy to the surveyors of highways at Grays Thurrock in the Thames Estuary where the goods were landed. Petre himself travelled widely, journeying as far as Gloucestershire, Worcestershire and Staffordshire for social reasons, and showing incidentally in his account books how the carrier system was by that date developed and operational in the South of England.

In terms of this domestic traffic it is unlikely that Essex roads were much better or much worse than anywhere else within fifty miles of London. What made the Harwich road exceptional, in 1695/6 was the combination of national unrest and a King of the House of Orange. Harwich was the principal port for Holland and a packet-boat service twice a week had been provided by the postal treaty of 1666.<sup>2</sup> The war with France, 1688-97 (and, later, the War of the Spanish Succession, 1702-13) brought a great increase in traffic: by an Order of Quarter Sessions in 1710 the lessee of the toll bar at Mounthnessing was entitled to surrender his lease on the cessation of the war with France, if income fell as expected.<sup>3</sup> Most of this increase

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1. This and other refs. in this para. from A.C. Edwards, passim.
  2. Robinson, p.75
  3. Q/SO 3, p.477

resulted from goods transferred from water to land as coastal shipping services were disrupted.

It was clear in most parts of Southern England in the second half of the 17th century that the Tudor highway legislation was inadequate, inflexible and out of date. The common law liability of the parish for highway repair had been established in 1555,<sup>1</sup> amended in 1563<sup>2</sup> and 1575/6,<sup>3</sup> and made permanent in 1587.<sup>4</sup> The obligation was at two levels: on the individual parishioner who was to provide a team or labour for six days and on the parish collectively, which could be presented at Quarter Sessions for alleged failure to maintain its roads and fined upon indictment and conviction. The statute labour was performed under the direction of two surveyors of highways, men of no experience elected annually from among the parishioners and liable to punishment for refusal to serve and negligence of duty. Whatever the virtue of this system in instituting a national practice of road repair where none had existed before, it was unyielding in the face of change. It worked best in a parish of more than average population, not too close to a market town, not on a main road, and yet not too remote to remove from its inhabitants the incentive to communicate. The essential injustice of the system can be seen in Essex in the case of Widford, a parish immediately south of the market town and administrative centre of Chelmsford, responsible for two miles of the main road to Harwich and Suffolk, and with a total population of perhaps one hundred. As long as duties of maintenance, rather than supervision and punishment, were not vested

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1. 2 & 3 Philip & Mary, c.8  
2. 5 Eliz., c.13  
3. 18 Eliz., c.10  
4. 29 Eliz., c.5

in the county, the imposition sooner or later of a toll on increasing through traffic must have seemed to many an inescapable necessity. As it was, the justices tried many moves, technically outside the law but sanctioned by common practice and necessity, to make the principle of statute labour workable. It has been shown that in Hertfordshire, the county in which the first turnpike was operational, these moves involved fining, doubling statute labour, and the combining of resources of several parishes to repair a given piece of road.<sup>1</sup>

In the light of what has been said it might be expected that the source of the initiative for reform would have been the parish, and not the county. This assumption is supported by the parliamentary evidence which, although usually of insufficient detail to indicate if a toll road was the intention, shows certain parishes in Bedfordshire, London and elsewhere, and not the justices of the peace, petitioning for some assistance.<sup>2</sup> Indeed the first turnpike Act came about after two petitions, in 1661 and 1662, from Standon in Hertfordshire<sup>3</sup> and a petition in 1662 from seven parishes in Cambridgeshire adjacent to the old Great North Road.<sup>4</sup> The first Standon petition was referred to the Committee then considering a Highways Bill and it is significant that the resulting general Act of 1662<sup>5</sup> authorised parish surveyors to levy a highway rate, not to exceed 6d. in the pound, for a period of three years.

There is apparently no evidence nationally that these rates were ever levied,<sup>6</sup> but the powers were renewed in 1670,<sup>7</sup> again

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1. Albert, pp.18,19
  2. The earliest such petitions seem to have been from Nonsuch and Talworth in Surrey in 1606 (JHC, i, p.288) and Biggleswade in 1609 (JHC, i, pp.403,4)
  3. JHC, viii, pp.292,455
  4. JHC, viii, p.455
  5. 14 Car. II, c.6
  6. Albert, p.16, quoting Jackman and Webbs
  7. 22 Car. II, c.12

for three years, this time the levy being a matter for the justices and not the surveyors. In Essex, only Marks Tey, on the Harwich road, and Rawreth were so rated.<sup>1</sup> The principle of highway rating - which had been chosen by the abortive legislation of the Interregnum as an alternative to statute labour<sup>2</sup> - was probably seen as a miserable solution to highway repair by parishes already burdened by rates for church and poor within their own community and levies for bridge money and quarterage at county level. By the Highways Act of 1691<sup>3</sup> the power to levy a rate was vested permanently in General Quarter Sessions, for use either to reimburse a parish surveyor for money expended or more generally to improve the roads if they were so bad that statute labour was inadequate. Although some parishes may have attempted to use rating as an alternative to labour,<sup>4</sup> the more normal result of the Act was renewed agitation for some kind of financial assistance. Hertfordshire petitioned successfully in 1691<sup>5</sup> to revive the Act of 1665 but the petitions of the metropolitan parishes of St. Mary Islington and St. Pancras, both in 1693, were rejected.<sup>6</sup> It was the passing of the Essex Act of 1695/6 which gave new hope to other petitioners and three new turnpike Acts were passed before the turn of the century.<sup>7</sup>

The parliamentary proceedings concerning both the Essex Bill and the Bill for turnpiking the road between Attleborough and Wymondham in Norfolk, introduced when the Essex Bill was at the stage of Second Reading, begin with the formal Order that a

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1. Q/SO 2, pp.9,10,42
  2. Acts and Ordinances of the Interregnum, ii (1911), pp.861-9
  3. 3 & 4 Wm. and Mary, c.12
  4. See further p.12
  5. JHC, x, p.544
  6. JHC, xi, pp.28,38
  7. 7 & 8 Wm. III, c.26; 8 & 9 Wm.III, c.15; 9 Wm.III, c.18

Bill may be introduced.<sup>1</sup> In other words, the source of the petition cannot be ascertained and the situation in Essex is further confused by a lack of contemporary documentation at local level. Unfortunately, there are difficulties in assuming that either the county or the parish was alone responsible for the curious nature of the 1695/6 Act, which authorised a toll bar to be erected at Mountnessing for the repair of five short but widely scattered lengths of road on three principal routes. The title An Act for repairing the highways between the City of London and the Town of Harwich in the County of Essex is not only misleading because less than ten of the 72 miles to Harwich were affected, but inadequate in that it failed to mention the parts of road to Sudbury and Ipswich which the powers embraced.

Any further speculation as to the choice of toll roads invites consideration of the party or parties who wanted the turnpike to be positioned. The difficulty of assigning the initiative to the justices is based partly on the lack of enthusiasm with which it will be shown that they implemented their powers, and partly by the parliamentary precedents which suggest the parishes would have been the petitioners. The fact that only a few scattered parishes and not the whole road to Harwich benefitted from the toll does not necessarily argue against the original involvement of Quarter Sessions. Parliament, having authorised the justices of three counties in 1663 to maintain all their parts of the old Great North Road by toll,<sup>2</sup> seems to have had no wish for this to become a precedent. A Bill in 1664 for repairing highways in Bedford, Bucks, Northampton and Warwick was rejected before the Second Reading<sup>3</sup> and Parliament

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1. JHC, xi, pp.374, 429
  2. 15 Car.II, c.1
  3. JHC, viii, p.571

seemed reluctant to undermine the credibility of existing highway law by making the application of toll money too widespread. It might well have been the repair of the whole Harwich road - as the titles of both Bill and Act suggest - which was first in the minds of the drafters and a scheme on this scale implies the complicity of General Quarter Sessions.

The case for a group of parishes having instituted the parliamentary appeal is weakened by the de facto exclusion of Widford, and other parishes between Ingatestone and Chelmsford, from the roads to be repaired. Widford was one of the worst victims of the Marian Act. The villagers stumbled from one presentment to another, the roads suffering as much from the recalcitrance of certain parishioners as from the gouging of four-wheeled wagons. Part of the main road was the boundary between Widford and Writtle; Writtle was a rich and populous parish but did not use that part of the Harwich road to reach either Chelmsford or London and its parishioners were reluctant to repair it. In 1598 James Lake, one of the Widford surveyors, had told Quarter Sessions of his attempt to get Thomas Perryn of Widford Hall, farmer, to do his team work; he had answered that he would come another year.<sup>1</sup> Lake had also asked for team work from Jeffery Backett, a Writtle farmer who owned 50 acres in Widford. Backett, said Lake, had retorted 'he would spend twentie nobles before I or any other should bring hym in to do any work in the highwayes within our parish'.<sup>2</sup> And so the indictments and fines continued until Widford took the unusual step in 1654/5 of by-passing the jurisdiction of Quarter Sessions and appealing to the Assizes for relief.<sup>3</sup> The judges ordered

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1. Q/SR 143/29,41
  2. Ibid.
  3. Q/SO 1, p.96

Quarter Session to investigate and a committee of justices was appointed to ascertain if statute duty had been done and whether Writtle, Danbury, Stock, Sandon, Great Baddow and East Hanningfield, being parishes nominated by Widford to contribute to the repairs, were liable to do so.<sup>1</sup> As if to ensure some positive response, Widford petitioned the justices themselves in 1655 stating the parish was 'utterly incapable' of maintaining its roads and that not one penny of £300 voted some time earlier by Quarter Sessions for expenditure on the Brentwood to Chelmsford road had been spent in Widford; it was asked that the county as a whole, or Chelmsford Hundred, or certain parishes within that Hundred, should contribute to the repair of Widford's roads.<sup>2</sup> There is no record in the Order Book of this petition having been discussed, or indeed of any action having been taken as to the petition referred from the Assizes. Widford, therefore, tried again in 1661 with a less querulous appeal that 'some course' be taken for aiding their statute work 'that the whole charge might not be layed upon them'.<sup>3</sup> Again nothing resulted and Widford was excluded from the 1695/6 Act. The first sign of any outside relief for the parish appears in 1696 when the surveyors of Writtle were instructed by their parish vestry to meet the Widford surveyors and 'sett out' the highway to London as they thought fit,<sup>4</sup> and in the 18th century it was the practice for Widford and Writtle each to repair defined lengths of the Harwich road.<sup>5</sup>

The treatment of Widford seems particularly harsh as Quarter Sessions was not unsympathetic to the other parishes between Brentwood and Chelmsford. The £300 made available for the repair of this road has already been mentioned. The hamlet

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1. Q/SO 1, p.96
  2. Q/SBa 2/91
  3. Q/SO 1, p.268
  4. D/P 50/8/1
  5. Ibid. (1735)

of Moulsham, responsible for its own roads and placed between Widford and Chelmsford, petitioned the justices for 'some friendly assistance of the neighbourhood' in 1678 and got it.<sup>1</sup> Mountnessing petitioned in 1682 that they had no gravel in the parish and asked for 'sustenance' of the Court; it was ordered that they should receive £50 from the Treasurer of the East Division of the County from the funds for charitable uses and maimed soldiers.<sup>2</sup>

It must now be asked why the whole road to Harwich was not turnpiked and why these particular stretches were chosen to receive the benefit of toll. The only yardstick of the state of highways in Essex as a whole, in the late 17th century, is the incidence of presentment and indictment of parishes at Quarter Sessions for alleged neglect of their duty of maintenance. By a mischance the records of Essex Quarter Sessions, perhaps unparalleled in quality and extent in the Elizabethan age and equally comprehensive from the early 18th century, are significantly incomplete in the years before and after the Essex Act. The first Order Book, the official and detailed record of the proceedings of the Court of General Quarter Sessions, covers the years 1652-61;<sup>3</sup> the second surviving volume is from 1671 to 1686; and there is a full series from 1698. The documents relating to a particular session were, in the 16th century, threaded on a single file; these files are known as Sessions Rolls. A parallel series, made up of certain types of paper documents, began early in the next century and are called Sessions Bundles. The Sessions Rolls are incomplete between 1670 and 1690 and there are no Sessions Bundles between 1688 and 1693.<sup>4</sup> The significance of these breaks in documentation

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1. Q/SO 2, p.264  
2. Ibid., p.371  
3. Q/SO 1  
4. Emmison, Guide, pp.1-12

is that it is not possible to argue the state of the roads from the evidence of rating which would be a source to compare with the presentments which have survived in the Sessions Rolls.

The value of neither rating nor presentments alone is acceptable without question. In a few parishes, notably Purleigh,<sup>1</sup> the almost annual repetition of highway rates, sanctioned in the Order Books from 1698, creates the suspicion that rating was sometimes seen as an escape from statute duty - a means to raise money to hire outside labour. This theory is supported to some extent by the fact that in virtually all cases a rate was never levied except at the request of the parish surveyors, and more strongly by the decision of Quarter Sessions to refuse a 6d. rate to East Ham in 1722 until their six days labour had been completed.<sup>2</sup> It would, however, be wrong to suggest that this ruse was widely practised.

Presentment, perhaps followed by indictment and fine, was a more complicated procedure than rating and essentially more subjective. It could be made at Quarter Sessions by the Grand Jury, or more usually by the Petty Jury of a particular Hundred, who may or may not have bothered to take action, even if they were aware of a nuisance. In 1661, for instance, Quarter Sessions noted that the Hundred juries were 'very defective' in their presentments.<sup>3</sup> Early in the next century these juries were purposely not formed at all on occasions, the justices being aware of malpractice by local bailiffs who got rich 'by pretending to have orders to return much larger numbers than the precept directed and ... exacting money from many persons to excuse them from their service ...'<sup>4</sup> Moreover, a road which seemed bad in

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1. The full 6d. rate was levied 8 times in Purleigh between 1698 and 1707.
  2. Q/SO 5, p.347
  3. Q/SO 1, p.273
  4. Q/SO 5, pp.137-9 (1719)

an area of natural gravel might be considered adequate in a district of boulder clay. The picture is further confused by the power of presentment vested in individual justices. When Edward Bullock, in July 1695,<sup>1</sup> presented the four parishes between Bocking and Halstead he may have been acting for his own ends, or in protest at the complacency of the local jury, or just in the public interest to get the road amended. In any event, it is unsafe to assume too much from presentments by individuals. There is the celebrated case in Essex, in the 18th century, of the eccentric rector of Bradwell, the Rev. W.H. Bate Dudley, who persistently bullied most parishes in the Dengie Hundred by threatened and actual presentment; heavy fines were imposed by Quarter Sessions which were rescinded when repairs were completed.<sup>2</sup>

Figure One shows the distribution of parishes presented or indicted at Quarter Sessions<sup>3</sup> for alleged neglect<sup>4</sup> of their highways in the period between 1687 (the start of Vol. XXV of the 'Calendar of Sessions Rolls') and the parliamentary proceedings of 1695/6. The dots represent only the approximate centres of parishes and not their extent. For instance, north and east of Rayleigh all the parishes between the market town of Rochford and the crossing points of the River Crouch at Hullbridge, Fambridge and Creeksea are involved and there are no parishes on the road between the Notleys and Halstead other than those shown to be presented. The worst roads would seem to have been: the road from Brentwood through Chelmsford to Halstead; the Norwich road out of London; and the roads to the market towns of Chelmsford, Chipping Ongar, Halstead, Rochford and Bishops

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1. Q/SR 485/82
  2. Dudley's practices are recounted in Brown, pp.80,81.
  3. A few Sessions Rolls in this period have not survived.
  4. Another problem is that presentment failed to distinguish between neglect by laziness and neglect by inability to cope.

Stortford (Herts.). The obvious point to be made is that the roads chosen to be turnpiked were, on this evidence, and with the exception of the stretch between Shenfield and Ingatestone, by no means the worst. The discrepancy seems greater than can be attributed solely to the natural limitations of the evidence.

The answer to part of the problem is, in a sense, political. The erection of a toll bar at Mountnessing would not only have affected the Harwich traffic but also vehicles to and from the Ipswich and East Suffolk road (leaving the Harwich road at Colchester) on the one hand, and the Sudbury and West Suffolk road (leaving the Harwich road at Chelmsford) on the other hand. It was no doubt to appease objections from these quarters that a stretch of road north of Colchester was added to the original scheme before the Committee stage<sup>1</sup> in the Commons, and the inclusion of the road in Bulmer was probably the subject of the unspecific 'Amendment ... as to another Road' made at the Report stage.<sup>2</sup> Another politically sensitive issue was the position of the boroughs of Colchester and Harwich, each with its own Court of Quarter Sessions and in some respects exempt from the county jurisdiction;<sup>3</sup> the inclusion in the Act of two roads near Colchester and one into Harwich may reflect a move to forestall opposition from these quarters.

In the present state of documentation these problems and anomalies associated with the first turnpike must remain unresolved. The greatest imponderable element is the textual relationship between the Bill and the Act. There is no record of the extent of alteration in the Committee stage in the Commons. Certainly the Bill came under the closest scrutiny, with an

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1. JHC, xi, p.428  
2. Ibid., p.445  
3. See further pp.35,36

attempt being made to refer it to a Committee of the whole House.<sup>1</sup> There were amendments at the Second Reading, Report Stage and Third Reading. There were also amendments, albeit minor,<sup>2</sup> by the Lords - an occurrence happening only three times<sup>3</sup> in the passage of dozens of Bills connected with Essex turnpikes.

Another curious aspect of the 1695/6 Act is the definition of the roads to be amended. If the whole Harwich road was not to be repaired, at least one might expect that the abbreviated lengths would have been defined according to parish. In fact, the roads were described as: the highway between Shenfield and Ingatestone Town; between Kelvedon and Stannaway (Stanway) commonly called Domesey (Domsey)<sup>4</sup> Road; from Stirwood (Stour Wood) to Harwich; between Colchester and Langham called the Severalls; and the road called Bulmer Tye and Armsey Road in Bulmer. This imprecision even caused confusion in Parliament. At the Third Reading<sup>5</sup> the proposed location of the toll gate was changed from Shenfield to Mountnessing, presumably because it was realized that by a strict legal interpretation the road between Shenfield and Ingatestone did not necessarily include any part of either parish. In fact in the renewal Act of 1707/8 provision for the inclusion of Shenfield was expressly added<sup>6</sup> and there is no record of any grant from toll money being made to Ingatestone in 30 years of turnpike control by the justices. Colchester, Harwich and Langham were similarly excluded, but

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1. JHC, xi, p.428

2. Concerned with the protection of landowners' interests, particularly avenues and planted walks (JHL, xv, p.676, but JHC, xi, p.464, is more detailed).

3. The other instances were in connection with the Commercial Road Bill, 1809 (JHL, xlvii, p.332) and the Middlesex and Essex Bill, 1823 (JHL, lv, p.727).

4. See footnote 3, p.19

5. JHC, xi, p.452

6. JHC, xv, p.519

Langham petitioned for inclusion in the Trust in the renewal Act of 1746/7.<sup>1</sup> The roads in Bulmer were only loosely defined and neither the Domsey Road nor Stour Wood were assigned to parishes. The impression is created that this vagueness was to some extent deliberate - that Parliament did not wish to appear favouring one group of parishes at the expense of others, thereby undermining their common law liabilities. It is nevertheless a source of wonder that after 140 years of highway maintenance, in which the parish was repeatedly confirmed as the unit of responsibility, an Act was passed which, while expressly keeping to the principle of statute labour, ignored the parish as a point of reference in which four of the five roads might be located.

In later Acts the definition of roads was tighter and the trend in the 18th century was to stress and publicize the importance of the parish.<sup>2</sup> Even the early Wymondham and Attleborough Act<sup>3</sup> was a little more specific, defining the road between the two towns as over Attleborough Moor and Wymondham, Morley and Besthorpe Commons.

Under the provisions of the 1695/6 Act, which was to be in force for 15 years, the justices were empowered yearly to appoint 'a convenient number' of persons living in or near the stated trouble spots to be surveyors; these surveyors were to meet and view the ruinous places and report to Quarter Sessions the best method of repair and the cost of effecting it. The justices were to make necessary orders for the work but the

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1. JHC, xxv, p.272

2. A Standing Order of the House of Commons, 25 April 1774, enjoined that notice of intended application to Parliament for making a turnpike road should be advertised three times in local newspapers, describing the parishes through which the road would pass (JHC xxxiv, p.676)

3. 7 & 8 Wm. III, c.26

surveyors themselves could require those liable to do statute labour to do extra work 'at the usual rate of the country'.<sup>1</sup> No person was to be compelled to travel above four miles from his dwelling house, to work above two days in any one week, or to work at all in seed, hay or harvest time. The existing obligation to statute labour was confirmed. The surveyors could take gravel, chalk, sand or stones from waste or common without payment, and from private grounds on paying satisfaction for damage.

The toll, to be collected by such person or persons as Quarter Sessions should appoint initially at Mountnessing and later at such other place between Brentwood and Chelmsford as the justices should direct,<sup>2</sup> was 1d. for a horse, 6d. for a coach, 1s. for a waggon and 8d. for a cart, with various smaller sums for stated numbers of sheep, cattle and pigs. A weekly account of receipts was to be made to local justices who were to return the totals to Quarter Sessions. Money received was to be paid 'proportionably' to the respective surveyors who, at Easter Sessions, were to account for all money received from the toll collectors and all disbursements. The justices were empowered to make some allowance to the surveyors for their pains.<sup>3</sup> Persons in parishes next adjoining the road were exempt from toll when carrying stone, gravel, fertilisers and implements of husbandry; soldiers and persons riding post were also exempt. The tolls could be mortgaged for the duration of the Act at 6% interest, to raise further capital for improvements.

The provisions of the Wymondham to Attleborough Act were

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1. In some Acts (for instance for the Epping turnpike, 1702/3) the word 'county' appears instead of 'country'.
  2. The turnpike was at Mountnessing at least until 1730, even when the justices were no longer directly involved in the management (Q/SO 6, p.466)
  3. The only definite payment which can be traced was in April 1705 when £12 apiece was allowed to the Domsey surveyors (Q/SO3,p.206)

virtually identical and show that Parliament wished to introduce some uniformity of practice. The clause allowing certain exemptions from toll to parishes adjacent to the road became standard in all local turnpike Acts. In the Essex Act the clause was effectively meaningless, except to the parishes between Shenfield and Ingatestone on which road the toll was situated. It may therefore be a pointer to original plans of a more far-reaching nature, with greater flexibility in the siting of toll gates, but this is speculation.

Despite the absence of the Quarter Sessions Order Book from 1687 to 1698, and the consequent loss of information on the early years of the turnpike, it is apparent from references in the next volume that the justices had done little to implement the Act to its potential and that they had a careless interpretation of its provisions. In April 1700 a committee of justices was delegated to examine the accounts of the turnpike for the previous four years, presumably from its inception.<sup>1</sup> In the same year, in the Summer Sessions, the gate keeper was instructed to pay his receipts weekly to one William Bailey and submit accounts monthly to the justices in Special Sessions.<sup>2</sup> From his receipts, £370-16-6 was to be paid to creditors discovered in the accounting of May 1700, some of whom must have been waiting up to four years for their money, and the remainder spent in repairing the highway 'at Mountnessing', which would take until Michaelmas. Future receipts would be paid to Thomas Porter and Robert Lay, surveyors appointed to repair the Domsey road.<sup>3</sup>

Immediately, three points arise apart from the dilatory

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1. Q/SO 3, p.73
  2. Ibid., p.86
  3. Ibid.

action by the justices. First, the accounting procedure was delegated to justices in Special Sessions, against the expressed intention of the statute. Secondly, the money was expended in one parish first and there was therefore an order of priority for repair which seems in conflict with the instruction for proportional distribution (assuming that all the roads were bad and the intention was to proportion by length). The justices persisted in this payment by rota, ordering in April 1701 that the toll proceeds be expended on the Shenfield to Ingatestone road until further notice;<sup>1</sup> little could have been spent in the meanwhile on the Domsey road. Not until October 1703 was it ordered that money be paid again to the Domsey surveyors by Bailey, now identified as 'treasurer at the turnpike'.<sup>2</sup> Finally, no surveyors had apparently been appointed by this date for any other road - a point which will be enlarged upon later. The two Domsey surveyors, from April 1704 to April 1716, were Robert Lay and Edward Abbott of Copford and Tey respectively, two parishes on or close to the road.<sup>3</sup>

In contrast to the accounting procedure for receipts of toll which, as has been noticed, was delegated to Special Sessions, the regulation of the Domsey surveyors' work and the supervision of their expenditure were functions retained at first by Quarter Sessions.<sup>4</sup> It was, however, an unsystematic supervision and in practice the surveyors made their own orders for work, which was a procedure not sanctioned by the statute. Committees of justices occasionally appointed by Quarter Sessions to examine

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1. Q/SO 3, p.101

2. Ibid., p.168

3. The Domsey road would have embraced the parishes of Marks Tey, Feering and Easthorpe (there being a Gt. Domsey in Marks Tey, a Lt. Domsey in Feering, and a Domsey Bridge in Easthorpe). Parts of Kelvedon, Inworth, Copford and Stanway might also have been involved if the wording of the 1695/6 Act is taken at face value. Robert Lay is described as of 'Taine', a local spelling applicable generally to the contiguous parishes of Gt and Lt. Tey and Marks Tey.

4. By 1711, however, the Domsey accounts were referred to the justices of the Lexden Division (Q/SO 4,p.5) 19

the surveyors' accounts could scarcely be bothered to take action. The five justices ordered in April 1706<sup>1</sup> to inspect the accounts and vouchers and report at the next Sessions, confessed in July that they had no 'convenient opportunity' to do so.<sup>2</sup> The matter was therefore carried over until October when it was reported that only part of the accounts had been examined.<sup>3</sup> Consideration was further postponed until January 1706/7 when rather more of the accounts, but only from 8 July 1704 to 17 April 1705, had been scrutinized and it was reported that £263. 5s. 3d. was due to the surveyors<sup>4</sup> - a sum which Quarter Sessions had ordered to be paid to them in April 1705<sup>5</sup> and which was apparently still unremitted. Not until April 1707 did the Committee report that all vouchers and accounts had been examined and that £671.2s.9d. was due to Abbott and Lay, who were probably besieged by creditors.<sup>6</sup> All the expenditure on the Domsey road had in fact been in 1705; in 1706, not having been re-imbursed, the surveyors spent next to nothing.<sup>7</sup>

It was at this stage, when 11 of the 15 years had been completed, that the justices petitioned Parliament for a renewal of their powers.<sup>8</sup> In later years renewal so early would not have been contemplated. The text of the petition is preserved<sup>9</sup> and the case rested on the admission that only some of the roads had been amended. The wording of the petition for a Bill was normally the basis of the preamble of the subsequent Act, and it

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1. Q/SO 3, p.236
  2. Ibid., p.249
  3. Ibid., p.260
  4. Ibid., p.267
  5. Ibid., p.206
  6. Ibid., p.273
  7. Q/SBb 37/12 (virtually the only Domsey account to have survived)
  8. JHC, xv, p.472 (18 Dec. 1707)
  9. Not only in JHC but also in Q/SO 3, pp.299, 300

is interesting in this instance to notice that the preamble, unlike the petition, refers to money borrowed on the credit of the tolls which could not be repaid without an extension of term. This sentence later became standard in renewal Acts. There was no Order by Quarter Sessions to borrow money in the documented period from 1698. The only reference to anything of this nature was an Order in October 1703 'that the money borrowed on the turnpike on security to Mountnessing parish be paid within three weeks'.<sup>1</sup> It is impossible to say whether this reference was to the making of a loan, or the repayment of a loan, or if it was money loaned at interest to Mountnessing parish out of the proceeds of toll or given to the parish out of money raised by the mortgage of toll.

Perhaps the early renewal was an attempt to pre-empt petitions from other parishes for the inclusion of their roads. If this was so, the intention was foiled: a clause was added at the Second Reading<sup>2</sup> allowing the road in Shenfield parish to be repaired after the other roads and by another clause, presumably the one introduced at the Report Stage,<sup>3</sup> repair was to be extended finally to such parts of the Harwich road as lay in the parishes of Margaretting, Writtle and Widford, between the parish of Widford and the almshouses in Moulsham, and between Lexden Cross and Headgate in St. Mary, Colchester. In effect, all the road between Brentwood and Chelmsford was now turnpiked (except through Ingatestone village) and most of the stretch between Kelvedon and Colchester. The term for the collection of tolls at Mountnessing was enlarged by 15 years and Quarter Sessions was authorised to discontinue the toll before the new expiry date of 1725 if the roads were amended earlier.

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1. Q/SO 3, p.168
  2. JHC, xv, p.519
  3. Ibid., p.531

Despite having only four clauses, this Act showed important new principles. The precision of expression left no doubt as to the limits of new roads to be repaired and the parishes in which they were situated. Secondly, Parliament had accepted the Essex practice that there should be an element of priority in the expenditure on repair. Furthermore, the emphasis was wholly on the Harwich road and the issue was unclouded by consideration of the interests of Suffolk.

Before the effects of this renewal Act are considered it is necessary to go back to 1702/3 when an Act was passed allowing a toll to be collected to repair the road from Harlow through Epping to Woodford. The originators of the petition in this case were the parishes of Epping, Harlow, North Weald Bassett, Latton, and Saffron Walden, a combination which is interesting not only for the inclusion of distant Saffron Walden, which argues a degree of common purpose and communication among West Essex parishes, but for the absence from the petition of parishes south of Epping through which the road in question ran. The only documentation is the petition itself,<sup>1</sup> which stressed the inability of the parishes to maintain the roads by statute labour and the role of Epping as a great market astride the only route to London which was not prone to floods.<sup>2</sup> Although neither the petition nor the preamble to the Act mentioned it, this was the main road from London to Norwich. The Bill was passed after an uneventful Parliamentary journey and no parish on a communicating road petitioned for inclusion. The justices in Quarter Sessions, on the evidence of their Order Book, had no feelings one way or the other about the proposed toll and are therefore unlikely to have submitted evidence. The importance of this Act

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1. JHC, xiv, p.37

2. The printed petition is elliptical and does not say where the road from Epping not liable to flood was leading, but it must have been London.

lies in the vesting of the management of the toll in justices acting in Special Sessions (which had been established in 1691 by the General Highways Act) in the same way as, mutatis mutandis, powers had been vested in Quarter Sessions in the earlier Act. In other words, this was local supervision for a road deemed to be of less importance than the road to the Continent. It was the second and last occasion (except in renewal) in which Parliament vested these powers in Special Sessions,<sup>1</sup> having perhaps been influenced in this case by the delegation of functions to Special Sessions in the context of the Harwich road. In practice, the functions of Special Sessions in relation to the Epping turnpike became merged in the more general Petty or Divisional Sessions in the early 18th century, who were the real administrators of the turnpike.<sup>2</sup> It was open to Quarter Sessions, however, to terminate the toll before the date of expiry and the Court was empowered at Easter Sessions to examine the accounts and certify misapplications of funds or misuse of power to the judges of Assize for determination. Quarter Sessions did not in fact involve itself in the Epping turnpike for some 13 years.<sup>3</sup>

The West Essex parishes might not have bothered to petition for a turnpike if they had been more aware of the situation in the east. The parishioners of Mountnessing, for example, must have felt little better off from the toll bar in their main street. Their liability to statute labour, rating, and indictment for neglect was unchanged. Indeed a 6d. highway rate was ordered in July 1700<sup>4</sup> - the only instance in that Order

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1. The first instance was in the Reigate to Crawley Act, 1696/7 (8 & 9 Wm. III, C.15)

2. For the theoretical distinctions between Special, Petty and Divisional Sessions see Webbs, Parish and ... County, pp.396-411

3. See further, p. 27

4. Q/SO 3, p.87

Book in which a highway rate was to be levied not at the wish of the parish; ironically this was during the only period in which it can be confirmed that money was to be spent in Mountnessing from the proceeds of toll.<sup>1</sup> It is also likely that much of the money expended on repairs, both here and on the Domsey road, was paid to parishioners doing extra labour 'at the usual rate of the country' as the statute allowed. No doubt the last thing they wanted from a turnpike Act was more manual work, especially as payment proved so much in arrears. As no early records of Special or Petty Sessions have survived it cannot be seen how the West Essex Act was implemented in its early years.

The result of the renewal of powers for the Harwich road, which cost the county over £135. of toll money,<sup>2</sup> was increased agitation for some benefit. The inhabitants of Chelmsford, as if in rancour at their exclusion from the new Act, petitioned the justices in January 1708/9 for help in payment for stones as 'the Gentlemen of the County were pleased to honour the Town with all publick Meetings'.<sup>3</sup> The justices, feeling guilty at the exclusion, allowed them £30 from the county bridge money with an instruction that the Order be not entered in the Bridge Book in case it be taken as a precedent for a county charge.<sup>4</sup> This action must have annoyed many parishes which were entitled to relief by the turnpike Acts, but had so far received little or nothing, and petitions for money developed on such a regular basis that Quarter Sessions was content to authorise the payment of toll money to surveyors of highways more or less on demand;

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1. Q/SO 3, p.86

2. Q/SO 3, pp.311, 325

3. Ibid., p.370

4. Ibid.,

the money was to be applied under the supervision of local justices.<sup>1</sup> This rather negative approach on the part of Quarter Sessions was in lieu of any defined policy of payment or maintenance.

The measure of the failure of the 1695/6 Act is given by a petition in May 1709 which came from the inhabitants of Sudbury, Suffolk; it was pointed out that they had been paying toll for so long in travelling to London but were 'destitute' of any benefit and the road in Bulmer was almost impassable in winter.<sup>2</sup> The justices replied to this important petition in detail, stating that the Bulmer Tye and Armsey roads were the last to be repaired by the early Act, evidently feeling that the acceptance by Parliament of their system of priorities in the second Act justified retrospectively their action by this principle in the first. The Domsey road, they said, was half repaired and a great debt was still due to the surveyors, and the roads from Stour Wood to Harwich and the Severalls were not repaired at all. However, the Court wanted the petitioners to have 'as much ... Benefitt ... as possibly may be' by the Act and £200 from the proceeds of toll would be spent on the relevant sections of the Sudbury road after three years and 'that in the meantime if in pursueance of the power given by the Borrowing Clause in the said Acts Two Hundred pounds shall be advanced and laid out in Repairing the said Roads five pounds per Cent per Ann(um) shall be allowed for the same untill payment thereof'.<sup>3</sup> There is nothing to show that this money was in fact borrowed and there must be some doubt whether during

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1. There were seven petitions between 1709 and 1712 (excluding those from Chelmsford and Sudbury which were towns outside the Act); all these seven were from parishes between Brentwood and Chelmsford, which received £50 at each request (Q/SO 3,4)
  2. Q/SO 3, p.388
  3. Q/SO 3, p.388; confirmed, with minor textual alterations, by Q/SBb 43/12,14,15

the period in which Essex turnpikes were under the control of the justices, tolls were ever mortgaged to raise capital on the initiative of General Quarter Sessions.

Further evidence of the lack of enthusiasm of the justices for the administration of the toll is provided by their decision in July 1709 to lease the Mountnessing turnpike for one year to Richard Baylie (Bayley) of that parish for £400<sup>1</sup> payable by quarterly instalments.<sup>2</sup> In this way, Quarter Sessions was assured of a regular income without the need to appoint and control a collector and the consequent responsibility of audit, but it was a move of some boldness departing from the practice laid down in the enabling Acts and anticipating by nearly 40 years in Essex the earliest express Parliamentary authority to lease the tolls.<sup>3</sup> The lease was renewed in July 1710 at the same rent but for a three year period. There was an interesting clause allowing Bayley to surrender the lease if he wished after three months notice in case peace should be concluded with France 'whereby the profits of the Turnpike may happen to fall'.<sup>4</sup> Bayley was in fact asked to deliver up possession of the turnpike and house in July 1713 to Francis Maidstone, JP, who was authorised to let it until 25 October 'for secureing the profitts ... against the Expiracon of the ... Quarter of a Year'.<sup>5</sup> Maidstone let it to Miles Wood

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1. The gross income from toll in 1705 had been about £600.  
(Q/SBb 37/12)

2. Q/SO 3, p.409

3. First given by 20 Geo II, c.7 (1746/7) to the trustees of the Essex Trust. Perhaps it was the unofficial nature of the lease which caused the justices to call the lessee the 'receiver of the profits of the turnpike' as if he were a collector of their own appointing (Q/SO 4, p.175). It is unlikely the tolls had been auctioned.

4. Q/SO 3, p.477

5. Q/SO 4, pp.175, 193; Q/SBb 55/19

for £100.<sup>1</sup> In October the Court put the turnpike under the care of Nicholas Corsellis, JP, with power to lease it to someone at his discretion for £400 per annum for the rest of the statutory term or, failing that, to appoint a receiver of tolls at a salary of £50 a year, Corsellis being responsible for his honesty and diligence. If neither lessee nor receiver could be found by 22nd October, a committee of six justices was to let the tolls for one year or put in a receiver with such allowance as was thought fit.<sup>2</sup> This was not necessary and in January 1713/4 Miles Wood, having been appointed receiver of tolls at a salary of £45, was instructed to account to Corsellis who could discharge and replace him when he wished. Wood collected almost exactly £400 in the year to October 1714.<sup>3</sup> The tolls had been let again by October 1718 when Petty Sessions were ordered to treat with the then lessee, or with anyone else, for a lease on the best terms.<sup>4</sup>

The decision to delegate even the leasing of tolls was probably influenced by the behaviour of the justices in the Epping Division who had apparently been acting with vigour in the management of their turnpike. In April 1715 Quarter Sessions had authorised the Division to let the Epping tolls to one Mr. Walker for a year at £320, he having been declared 'the best bidder'.<sup>5</sup> This auction, arranged locally and probably ratified by Quarter Sessions in this way because of the importance of the precedent, points to a spirit of determination at regional level not found in the county administration. This is confirmed by the way the Divisional Sessions borrowed several sums of money

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1. Q/SO 4, p.193  
2. Ibid.  
3. Q/SBb 61/3; 62/12  
4. Q/SO 5, p.53  
5. Q/SO 4, p.269

on the security of the tolls, amounting in 1717/8 (when there was an early petition<sup>1</sup> to renew the turnpike) to £700, a sum described in 1723/4 as 'lately paid off' but only after the mortgagee had taken possession of the tolls for three years, to the detriment of road repair.<sup>2</sup> General Quarter Sessions seems neither to have wished to compete with this style of trusteeship by its subordinate body nor to have bothered to monitor it. The debt and non-repair were irrefutable grounds for the renewal Act which was passed in 1723/4 without opposition. In marked contrast to the contemporary national<sup>3</sup> trend, the Act did not create a group of named trustees but continued the justices in Special Sessions as the titular administrative body.

The years between 1715 and 1725 show a gradual change of attitude on the part of Quarter Sessions towards the petitions from turnpike parishes, and at the same time reveal the disparity of treatment between the various stretches of road entitled to the money. For many years two contrasting principles of expenditure were in operation. The road between Brentwood and Chelmsford was dealt with on a parochial basis with the respective surveyors receiving money for upkeep which, as time went on, became free of any control by local justices as to its application. The Domsey road, on the other hand, and the Bulmer Tye and Armsey road, were treated as undefined units, each with its own turnpike surveyor or surveyors who for many years received money without regard or reference to the parishes in which the roads were situated. Although nothing was done until the 1720s for the Severalls or the Stour Wood to Harwich road (included in the

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1. Q/SO 5, p.12

2. JHC, xx, p.248

3. Named trustees, not necessarily justices, were appointed first in 1706 and generally from 1711 (Webbs, Kings Highway, pp.115, 116)

1695/6 Act) or for the Lexden Cross to Colchester Headgate road (included in the 1707/8 Act) there were earlier signs of conscience on the part of Quarter Sessions about their obvious partiality to the parishes between Brentwood and Chelmsford. In 1716/7, for instance, Widford was refused money until after 'the other highways' were declared to be sufficiently repaired<sup>1</sup> and the rate of grant generally was slowed down by a renewed order of priorities: after £175 was paid to the Domsey surveyors, Moulsham was to get £50 and then Shenfield £100 and then Mountnessing £190.<sup>2</sup> This system was re-introduced in 1722, by which time the various sums had perhaps been paid, and a further condition laid down that the parishioners should first have done their six days statute labour.<sup>3</sup> The reason seems to have been that turnpike surveyors had at last been appointed for the road from Stour Wood to Harwich and Quarter Sessions was struggling to find them £200.<sup>4</sup> This road was not, in its administration, another Domsey but was something of a compromise between the earlier methods of financing. Emphasis was placed on the location of the road in the parishes of Ramsey and Dovercourt, each of which had to do statute labour before money was granted.<sup>5</sup> This money, however, was given to the turnpike surveyors and not to the parishes direct.<sup>6</sup> On the Armsey road, where the turnpike surveyor, engaged by 1713,<sup>7</sup> had been replaced in 1722<sup>8</sup> by the Divisional justices, money was given to the parish of Bulmer after the six days work had been done, but only after a 6d. rate.<sup>9</sup>

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1. Q/SO 4, p.400

2. Ibid., pp.434,435,445

3. Q/SO 5, pp.302,304; the stipulation also applied to parishes on the Domsey road but these parishes were not identified.

4. Ibid., p.233

5. Ibid., p.298

6. Ibid.

7. Q/SO 4, p.162

8. Q/SO 5, p.348

9. Ibid.

The stipulation for rating as well as statute labour before payment was not extended to the parishes between Brentwood and Chelmsford until the final payments of 1725, when these conditions were applied everywhere.<sup>1</sup> Surprisingly, in view of later custom and statutory injunction, Quarter Sessions moved away from the idea of surveyors in the last years of its turnpike administration, and payments were made entirely to parishes without policy or co-ordination of expenditure.<sup>2</sup> Gradually, money was found for the road between Lexden Cross and Colchester Headgate and was given to the Colchester parishes of St. Mary and St. Botolph.<sup>3</sup> The latter parish also received a grant for the Severalls in 1725, the last road to receive monetary support some thirty years after relief had been authorised.<sup>4</sup>

It is impossible to make an accurate table of expenditure by Quarter Sessions because an Order for payment was not necessarily carried out. It is suspicious that Shenfield was ordered to receive £100 in 1715, 1716, 1717 and £200 in 1718, when in the same years the other five parishes on the road to Chelmsford received less than this total between them.<sup>5</sup> An assumption that one or more of these Shenfield payments was ordered in default of previous grants is supported by the case of the Domsey road which was supposed to receive £160 annually from 1710.<sup>6</sup> In 1714, after nothing had apparently been paid, the Domsey surveyors were asked to receive £200 towards the impressive arrears and the order for an annual £160 was confirmed.<sup>7</sup> Furthermore, the policy which has been mentioned,

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1. Q/SO 6, pp.109,110

2. See instances following; also the case of Bulmer (Q/SO6, p.102) which finally received money independent of surveyors or Divisional justices.

3. Q/SO 5, pp.379,401; Q/SO 6, pp.36,110.

4. Q/SO 6, p.110

5. Q/SO 4, pp.278,336,445; Q/SO 5, p.47

6. Order quoted in Q/SO 4, p.229(1714) but not in Order Book 1710.

7. Q/SO 4, pp.229, 269

first introduced in 1717, of an order of priorities for payments to parishes, makes it questionable whether the parish at the end of the queue was ever paid. Once, in 1723, three parishes were ordered to share £150 in a proportion to be assessed by the Divisional justices.<sup>1</sup> A final problem is posed by the distribution of turnpike receipts in 1725, before responsibility was vested in the new trustees. In much the same way, in the later 19th century, proceeds were divided among constituent parishes when a Trust was dissolved.<sup>2</sup> Nearly £500 was made available in this case to 14 parishes and shared out in irregular sums, such as £4.0s.3d. to Writtle and as much as £93.7s.1d. to Shenfield.<sup>3</sup> The ratio of distribution is not apparent, probably based more on the state of a road than its length.

If all the various Orders are to be believed, then between 1710 and 1725 the Domsey road received over £1,000; Shenfield parish nearly £900; Mountnessing over £400; Margaretting parish, the Armsey road, and the Stour Wood to Harwich road about £350 each; and elsewhere between about £54 (Writtle) and about £225 (Widford). It must be remembered that, in the case of roads with turnpike surveyors, payments were also made to compensate for money spent, quite apart from the above grants, and in the absence of a series of surviving accounts there is no way of gauging the total extent of expenditure, or indeed of income, or the relationship between the two.

It must have come as little surprise to Quarter Sessions that a new Act, in 1725/6, took the Harwich road and its associated routes away from their control and vested them in named trustees. By this Act, the first era of turnpike roads

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1. Q/SO 5, p.374. The parishes were Margaretting, Widford and Mountnessing.

2. See further, p.204

3. Q/SO 6, pp.109, 110

in Essex was ended. The reasons for the change from justices to named trustees as the turnpike administrators need thorough examination. A recent major work on turnpike trusts points to the failure of both the Webbs and Jackman to explain why the change was made, but suggests that the justices were unable, owing to their many other commitments, to administer the turnpike roads effectively.<sup>1</sup> This is certainly borne out by the Essex Quarter Sessions Order Books, where the bulk of business in all sessions was devoted to the distressing and urgent problems of settlement, and arbitration in attendant disputes between parishes about responsibility. However, the problem goes deeper than this and it is necessary to look at the structure of administration by the justices to see more clearly why effective control was not possible, and this structure must be examined against the background of toll roads increasing in length and complexity.

It has been seen that a main feature of county administration in the early 18th century was the move towards delegation of functions from General Quarter Sessions to Petty, Divisional or Special Sessions. One disadvantage of this system in respect of turnpike control was that executive action was usually reserved to Quarter Sessions and decisions were delayed between sittings of the Court. In one instance an instruction to Divisional justices to view the turnpike roads in their districts and report at the next Sessions defeated the system entirely, and the job devolved eighteen months later on the County Surveyor of Bridges.<sup>2</sup> A time lag of only a month was disastrous for monitoring the state of a main road in winter sinking deeper daily into wet clay.

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1. Albert, p.23

2. Q/SO 5, pp.358, 359; Q/SO 6, pp.32,33

The crux of the matter was that no full time surveyor was appointed by Quarter Sessions to co-ordinate centrally the management of the turnpike roads as a whole and provide continuity of administration between Sessions. Neither was there an ad hoc treasurer, but the business was visited on the Treasurer of the East Division of the County, along with other heads of county expenditure. The result was not only irregularity of method but an embarrassing inability to square the books when it mattered. In July 1725, before the Harwich road was taken away from the justices, Quarter Sessions asked all persons who had received any money from the turnpike over the previous five years to submit their accounts at the next Sessions.<sup>1</sup> This injunction was apparently ignored and in October was repeated.<sup>2</sup> In January 1725/6, when accounting was still impossible, the justices insisted in desperation that the accounts be presented at the Saracens Head inn, in Chelmsford, on a certain day in April.<sup>3</sup> The inference from this is that they were unable to account for the money themselves, due no doubt to the inconsistencies of distribution which have been discussed earlier in this chapter.

The behaviour of Quarter Sessions before the setting up of the Middlesex & Essex Trust speaks eloquently of the inherent unsuitability of the county for turnpike control. As far as Essex was concerned, the state of the Harwich road between London and Shenfield had been a matter of official concern only at local level, although the county was not unsympathetic to the voice of distress. In 1715, four South Essex justices, 'having often met to inform themselves of the charge and best method of repairing the highways leading to London ...' asked Quarter Sessions to contribute towards paving 300 yards in Stratford

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1. Q/SO 6, p.89  
2. Q/SO 6, p.108  
3. Ibid., pp.130, 131

between Charles Bridge and the Watchhouse.<sup>1</sup> The request was agreed and the county ordered in a totally illegal decision that £100 be paid for this purpose out of the proceeds of the Mountnessing turnpike.<sup>2</sup> Three years later came a petition from the inhabitants of Barking about the bad state of the Harwich road between Chadwell Heath and Ilford; the justices asked the County Solicitor to establish if this section of road was within the existing turnpike Acts (which it manifestly was not) so that a grant of £120 could be made from proceeds towards maintenance.<sup>3</sup> Also in 1718 it was minuted at an adjourned Sessions at Ilford that in the opinion of the Court a turnpike erected at Ilford Bridge for repairing the road between Romford and Stratford would be advantageous to the country (sic) and further consideration was referred to the General Quarter Sessions.<sup>4</sup> But no doubt this local sitting had a preponderance of local justices and the matter was not raised again at county level.

The alternatives to control by Quarter Sessions were control by Special or Divisional Sessions (as on the Epping road) or control by named trustees, not necessarily justices. The main disadvantage of the former was that as lengths of turnpike road increased, so they outgrew the territorial limits of local Sessions which in Essex were often based on the Hundreds. There was a similar problem at Quarter Sessions level when roads passed through more than one county and this undoubtedly influenced Parliament in their introduction of the new system of management. Thus in 1706 the control of toll on the road

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1. Q/SO 4, p.306

2. Ibid.

3. Q/SO 5, p.54

4. Q/SMg 9, p.11

between Fornhill in Bedfordshire and Stony Stratford in Buckinghamshire was given to named trustees and not to the respective justices.<sup>1</sup> A clumsy reversion in 1707 to the older system, when main roads leading into Bath were vested in two or more justices of the nearest parts or Divisions of Wiltshire, Somerset and Gloucestershire, and one or more justice(s) of the City of Bath,<sup>2</sup> seems only to have accelerated the move towards named trustees in subsequent Acts.

Another aspect of the proliferation of local authorities, and one which was especially relevant in the Essex context, was the number of bodies within the county which were, or purported to be, exempt from the jurisdiction of General Quarter Sessions. This problem has already been touched upon. In Essex a number of boroughs held their own Court of Quarter Sessions by right of charter, for varying periods and with an undefined degree of autonomy from the county, to which, at least in the case of Colchester, there was some antipathy. In the absence of demarcation, the powers of each of these courts, in relation to the county, were determined by mutual consent or by precedent, with the general understanding that a case in any of the borough courts could be removed by certiorari to General Quarter Sessions. In relation to the Harwich road there were three authorities which could challenge the jurisdiction of the county: these were the Courts of Quarter Sessions in the boroughs of Colchester and Harwich, and the Quarter Sessions Court, often combined with a Leet Court and Law Day, in the Royal Liberty of Havering-atte-Bower. The county seems to have wished no conflict with the Royal Liberty but was repeatedly anxious to assert its authority in the boroughs, setting aside a judgement by two Harwich justices

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1. 6 Anne, c.4

2. 6 Anne, c.42

in a settlement case,<sup>1</sup> quashing a decision of Colchester justices that the rector of Lexden was liable to pay poor rate,<sup>2</sup> and arbitrating in a settlement dispute between Colchester and Chappel.<sup>3</sup>

There were, however, fields in which Colchester resisted the county's authority. In 1713, after 'certaine proceedings' at General Quarter Sessions against Daniel Ellingford of Colchester, the County Solicitor was ordered to investigate the clause in the Colchester charter touching upon exemption from the county and discuss the matter with the Solicitor General, with a view to 'Justifie all persons Executing any Process whatsoever within the Corporacon of Colchester under the Authority of the Justices of the Peace of this County'.<sup>4</sup> An area of conflict particularly relevant to this thesis was highway repair. In 1720 the county referred to the Assizes for deliberation the case of four Colchester parishes which had been indicted for neglect of their roads.<sup>5</sup> The county also removed from its own jurisdiction by certiorari certain cases of alleged trespass in which defence counsel had claimed the offences were not indictable at county level.<sup>6</sup>

It can be appreciated even from these few examples that it would have been politically unwise at any date to have vested the control of the entire Harwich road in the county justices, yet impracticable to have divided control among four different Courts of Quarter Sessions. It is therefore suggested that, apart from any question of workload, the move in the country as a whole to management by named trustees, often but not necessarily

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1. Q/SO 4, p.272  
2. Ibid., p.442  
3. Ibid., p.453  
4. Q/SO 4, p.176  
5. Q/SO 5, p.199  
6. Ibid., p.279

justices of the peace, was an inevitable consequence of the nature of English local government, as lengths of toll road became longer and crossed more administrative boundaries. A useful result of this change in constitutional terms was that the integrity of county Quarter Sessions was not threatened; the Court remained, at least for some years, as a check on mismanagement by trustees and a medium of arbitration in disputes, and far from being embarrassed by its own administrative incompetence, could exercise the appellate and supervisory role for which it was best suited.

When this point is accepted, the decision by Parliament in 1726 to take the Shenfield to Harwich road away from the justices causes no surprise.<sup>1</sup> Also explained is the earlier decision of 1722 to place the new turnpike road from Whitechapel to Shenfield (i.e. the rest of the London-Harwich road) under named trustees from the outset.<sup>2</sup> With much of this road passing through the parishes of Romford and Hornchurch, which comprised the Liberty of Havering, and another part in Middlesex, there was really no alternative to trustee control.

Apparently unique in England was the Woodford to Thornwood Common road, through Epping, which was continued under the control of the local justices by renewal Acts of 1723 and 1748, until it was given to trustees in 1768. There seems no reason for this exceptional state of affairs, except that the road was too well managed to be changed. The relative success of the local justices there has already been discussed. The road was short, almost all in Waltham Hundred, and could, therefore, be administered effectively by one Division, and no other county or peculiar jurisdiction was involved. If this had not been the case, the change would have come about much earlier.

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1. All the Shenfield-Harwich road was turnpiked by the 1726 Act.  
2. Also included under the control of these trustees was the road from Stratford to Woodford, where it met the justice trust to Epping.

## CHAPTER TWO

### THE ECONOMIC CONTEXT

The County's Bill for a renewal of turnpike powers on the Harwich road was considered by Parliament in 1725/6 in relation to three other petitions which prompt discussion of the general economic state of the county at this time and the role of the turnpike in the growth of communications and trade. The first of these other petitions, presented on the same day as the County's petition, was from the corporation and inhabitants of Sudbury, supported by stage-coach men, wagoners and carriers, asking for leave to bring in a Bill, or a clause in a Bill, to repair the road from Sudbury to Chelmsford and therefore to London.<sup>1</sup> In other words, it did not matter to them if it were a new Trust, or an extension of the existing Trust, as long as the whole road and not just two miles of it were turnpiked.

A little later the corporation of Maldon petitioned for the turnpiking of its only route to the London-Harwich road and was supported by the intervening parishes.<sup>2</sup> The petition stressed the role of Maldon as a sea-port town which had heavy traffic in corn, coal, deals and other commodities with inland parts. The third petition, presented in March 1726 after the Second Reading of the County's Bill, was from inhabitants of Chelmsford, Broomfield, Gt. and Lt. Waltham, Felsted, Writtle, Roxwell, the Roothings, Gt. Dunmow 'and several other adjacent parishes', asking that a toll gate should not be erected in the four miles between Chelmsford and Lt. Waltham as this stretch could be

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1. JHC, xx, p.571

2. *Ibid.*, pp.594,595

effectively repaired by statute labour.<sup>1</sup>

It will be best to consider the above petitions in turn against the general economic state of north and east Essex, and then deal with the position in the west side of the county, where trade and transportation were on a different footing. All major Essex rivers, ending in deep and navigable estuaries, ran west to east emptying into the North Sea. Much of the west of Essex, on the other hand, was bounded by the navigable rivers Lea and Stort<sup>2</sup> which belong more to Hertfordshire, but provided an important north-south communication for both counties with the London markets. The main roads in Essex served partly as direct routes to London from Norfolk and Suffolk and partly, on the other axis, as feeder routes between inland areas and the major east coast ports of Manningtree-Mistley and Harwich on the river Stour, Colchester and Wivenhoe on the river Colne, Maldon on the river Blackwater<sup>3</sup> and Burnham on the river Crouch.

North and East Essex were still largely dependent on the textile trade in the early 18th century, although farming was only a little less important and the two were to some extent complementary.<sup>4</sup> The main textile centre was Colchester, with others at Coggeshall, Braintree-Bocking and Halstead; another centre was at Sudbury, just across the Stour in Suffolk. It has been suggested that this trade brought some income to perhaps a majority of Essex families in this period, with an estimated 1600 weavers in the Colchester area alone in 1707.<sup>5</sup> Most of the imported wool needed for this industry came overland from Buckinghamshire and the Midlands, but some went by sea to

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1. JHC, xx, p.645

2. The Stort was not navigable until 1769; see below, p.57.

3. The Blackwater estuary is also the mouth of the Chelmer, the two rivers meeting at Beeleigh, a little west of Maldon.

4. Spinning and weaving were done by cottagers in the natural intervals of the farming year.

5. Brown, pp.1,15

Colchester from London and Kent.<sup>1</sup> This coastal traffic was disrupted in the war years: in 1693 and 1696, for instance, no wool at all came by sea from London but in 1698, in a brief interval of peace, some 271 tons was landed at Colchester, although this, and another 66 tons from Kent, were perhaps no more than 40% of the industry's need.<sup>2</sup> Some wagoners brought back wool from London as back carriage<sup>3</sup> and in war virtually the entire wool supply arrived by land, much of it along the Harwich road from London.<sup>4</sup>

The main market for finished textiles was Spain and Portugal, and the Spanish wars of the 18th century were a principal reason for the industry's failure.<sup>5</sup> Much of the Colchester produce was sent by sea (except again in war) to London factors for export by them to Lisbon.<sup>6</sup> From Wivenhoe, in 1713, two hoys travelled weekly to London with textiles and returned with wool.<sup>7</sup> However, some Colchester products traditionally went by land to London<sup>8</sup> and there is no evidence that the landlocked manufacturers of Braintree and Halstead, or even Coggeshall, despatched their wares to east coast ports. The London to Harwich road was therefore busy for a number of reasons, even in peace time. It carried traffic to the Harwich packets, wool to textile towns, and finished goods to London, as well as a variety of agricultural produce.<sup>9</sup> Chelmsford was the main corn exchange in the county but wheat from as far north as the Chelmer Valley was sent to Romford market, which was

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1. Burley, pp.298ff.

2. Ibid., p.300, quoting Port Books, PRO E 190.

3. JHC, xiii, pp.783,784

4. Burley, p.190

5. cf. Morant, Vol.1, p.79

6. Brown, p.4

7. Ibid.

8. Wool carted from plague-ridden Colchester was fumigated at Stratford in 1666 (PRO PC 2/58, p.394)

9. In 1681 there were 50 coach and carrier services between London and Essex (Burley, p.213).

within a day's return ride for the London merchants.<sup>1</sup> Both Romford and Chelmsford were on the Harwich road. Livestock and perishable goods came down from Suffolk and Norfolk. Well known is Defoe's calculation of perhaps 150,000 turkeys in a season passing over Stratford St. Mary bridge on the road from Ipswich to London, while still more made the journey by Newmarket Heath, and then down through west Essex; others came by Sudbury and Clare, and then presumably through Halstead and Braintree.<sup>2</sup> Some turkeys travelled by foot and others in purpose-built carriages of four tiers, covering as much as 100 miles in two days and one night.<sup>3</sup> Defoe described Brentwood, Ingatestone and Chelmsford in 1722 as 'large thoroughfare towns, full of good inns, and chiefly maintained by the excessive multitudes of carriers and passengers which are constantly passing this way to London with droves of cattle, provisions, and manufactures for London'.<sup>4</sup>

A feature of the period in which the first toll roads were created in Essex was the contemporary interest in the navigation of rivers. At first sight the timing would seem to represent a feeling of hostility to, or at least a measure of the failure of, the turnpike system. Two years after the first turnpike had been set up in 1696, Colchester petitioned successfully for an Act for cleansing and making navigable the channel of the river Colne from the Hythe at Colchester to Wivenhoe; the preamble of this Act,<sup>5</sup> which revived powers which had lapsed under an earlier Act,<sup>6</sup> recognised that the borough was

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1. D/DRa 01

2. Defoe, pp.121, 122.

3. Ibid., p.123

4. Ibid., p.77

5. 9 & 10 Will. III, c.19

6. 21 James I, c.34 (Private)

'considerable for its Trade both at Home and Abroad, especially in the Woollen Manufactory'. This was followed in 1705 by an Act to make the Stour navigable from Manningtree up to Sudbury.<sup>1</sup> This was at the instigation of the borough of Sudbury which was so keen to reach the sea that its petition to Parliament made no mention of the powers of improving the river granted to two individuals in 1662 under Letters Patent.<sup>2</sup> This situation was not revealed until a petition of the assignees of the Patent.<sup>3</sup> The sudden interest of Sudbury in water travel is the more surprising as in 1658, during an earlier private proposal to make the river navigable, the Corporation had offered only £5 towards the costs.<sup>4</sup> The timing of this move by Sudbury is significant as it came long enough after the setting up of the toll roads to be acceptable as some yardstick of their failure in the hands of the justices. But this evidence is misleading. It is ironical that the petition<sup>5</sup> of Sudbury to Essex Quarter Sessions in May 1709 for some implementation of the turnpike Acts, and the petition to Parliament in 1725/6 mentioned above, might indicate the failure of the navigation as well as dissatisfaction with the turnpike.

Certainly the Stour waterway was never wholly successful. Defoe found it 'does not ... answer the charge' in 1722;<sup>6</sup> the proprietors were described as 'poor' in 1730;<sup>7</sup> the promoters of the Stort-Cam link in 1789 referred to the Stour navigation 'such as it is';<sup>8</sup> and the shallow and winding course was condemned by

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1. 4 Anne, c.15

2. JHC, xiv, p.433

3. Ibid., xv, p.44. The resulting Act made no concession to their interest.

4. Grimwood & Kay, p.103.

5. Q/SO 3, p.388

6. Defoe, p.99

7. D/DRa 05

8. D/DBy E33

Rennie in 1812 when he contemplated a canal from the Stour estuary to Bury St. Edmunds.<sup>1</sup> Its main use was in moving coal inland, which might otherwise have to be carted from Manningtree-Mistley, or via the Fenland waterways, and there was some trade in fertilisers and bricks.<sup>2</sup> The early 18th century was a difficult time for Sudbury, being, Defoe discovered, 'very populous and very poor' with the textile trade badly in decline.<sup>3</sup> It was therefore a matter of great importance for Sudbury to move its manufactured goods as competitively as possible to London and the evidence suggests that the battle was won by road, which was much the shorter distance. Arthur Young's statement in 1769 that 'The whole manufactory works chiefly for the London markets; but some says go down their river ... for exportation'<sup>4</sup> suggests that the more usual means of carriage was overland.

If the case of Sudbury argues some measure of acceptance of turnpike roads by the end of the first quarter of the 18th century, it is backed up by the contemporary petition from Maldon, and other affected parishes, for the turnpiking of their lifeline to the London-Harwich road near Chelmsford.<sup>5</sup> Maldon had nine hoys running regularly to London and back, each vessel carrying from 40 to 60 tons of such cargoes as wheat meal, flour, bran, oats, horse beans, pease, barley, malt, tares, charcoal, oak bark for tanners, billet wood, faggots, hops and apples.<sup>6</sup> This annual trade with London was estimated in 1730 as 7,200 tons, apart from 7,000 chaldrons of coal landed at Maldon from the north-east of England by colliers which sometimes took rye as

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1. J. Rennie, 'Reports', i, pp.116ff.

2. Grimwood & Kay, p.104

3. Defoe, p.100

4. (Young), Tour, pp.68,69

5. JHC, xx, pp.594,595

6. D/DRa 01

back cargo; timber entered the port from Scandinavia and chalk and lime came from Kent and the Thames estuary amounting in all to another 2,500 tons.<sup>1</sup> A network of cross-roads, complementary to the natural waterways, left Maldon and the other east coast ports for inland areas and these, it might be argued, were as important to the local economy as the long distance trunk routes to London. Maldon, before the making of the Stort Navigation in 1769, supplied coal as far west as Bishops Stortford and fuel, fertilisers and building materials to farmers and traders in Ingatestone, the Roothings, Chelmsford, Gt. Dunmow, Braintree and Witham.<sup>2</sup> There was even some trade with Thaxted, although here coal was available from the other direction, having been trans-shipped into barges at Kings Lynn and brought by inland waterways to Cambridge for distribution.<sup>3</sup>

The petitioners' claim of heavy traffic could certainly be substantiated. Figures produced in 1730 show that 200 chaldrons of coal and 600 tons 'of other Goods' were hauled annually from Maldon quays to Chelmsford by 1900 wagons; a similar number of wagons carried 2,600 tons of meal and farm produce the other way.<sup>4</sup> It is unlikely that Maldon would have risked this petition unless there had been, by that date, a significant degree of improvement on the local toll roads, because running parallel to the road between Maldon and Chelmsford was the river Chelmer. A proposal had been made in 1677 to make this river navigable,<sup>5</sup> and with navigations already established on the Colne and Stour, Maldon would have had no illusions about the future improvement of the Chelmer and the consequent loss to its own trade. It nevertheless seemed in the interests of Maldon traders to risk a toll bar between themselves and Chelmsford, with the attendant

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1. D/Dra 01

2. JHC, xxviii, pp.411,412; D/Dra 01

3. D/Dra 05: Cambridge to Thaxted, 21 miles, carriage 13s.6d. per ton; Maldon to Thaxted, 29 miles, 18s. per ton.

4. D/Dra 05

5. Q/CP 8

danger of increasing yet further the difference between carriage rates by land and water, to achieve a quicker and less foundrous road journey.

The road to Maldon was included in the 1726 and later renewal Acts of the Essex Trust although it was not subjected to a toll bar. Any thoughts by the trustees in this direction were no doubt removed by the determined effort in 1730 to make the Chelmer navigable for the 13 miles up to Chelmsford. The estimated cost was £9,355 to improve the existing river, or £12,870 for a totally new cut.<sup>1</sup> The protagonists for land and water carriage brought their cases to a head in the parliamentary proceedings of 1733. The promoters argued that land carriage from Maldon to Chelmsford (11 miles) was 8s. per ton, but by water the cost would be only 4s.<sup>2</sup> The land carriage figure was not at first contested and rates to other towns were stated: to Ingatestone (15 miles) 12s. per ton, to Ongar and Dunmow (both 24 miles) 15s., and to Bishops Stortford (32 miles) 20s.<sup>3</sup> As the merchants of Maldon, worried that their trade would be lost to a new basin at Chelmsford, joined with millers and riparian owners in a concentrated opposition to the navigation, figures on either side were scrutinised and contested. Ingatestone would be reached for 9s. per ton, said the river interest, Ongar and Dunmow for 12s., and Bishops Stortford for 16s.<sup>4</sup> But the land carriers stressed the hidden overheads of water carriage: it was not only a matter of toll, but barges and bargemasters, towing and warehouse rents (sometimes summarised as 'porteridge' and 'riveridge') and the cost of carriage from the waterside to the place of the consumer, which was included in the cost of

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1. D/DRa 01

2. Ibid.

3. D/DRa 01

4. Ibid.

land carriage.<sup>1</sup> Ingatestone, said the carriers, would not be reached from Chelmsford at under 13s. 6d. per ton.<sup>2</sup>

Over a given distance in the country as a whole, carriage by water is said to have been up to four times cheaper than by land,<sup>3</sup> although it is difficult to give relative overall costings: toll on water was by weight or quantity (e.g. a ton or chaldron of coal, or 'piece' of cloth) whereas by road it was by unit of carriage (e.g. horse or wagon), except in the context of livestock.<sup>4</sup> There was also wharfage and warehouse charges which increased the true cost of water carriage without upsetting its basic cost advantage. But cost was not everything. A bale of cloth might travel the 55 miles to London from Sudbury by wagon at a cost greater than by the Stour Navigation and by sea (more than double the distance) but it would be in the metropolis before the barge had negotiated the 20 miles and 15 locks to tidal water. With a commodity such as coal, the time factor was not of great importance; with wool for export against order, it was more important; with certain foodstuff, it was very important indeed. In the mid-18th century, grocery, bale goods and ironmongery were brought by land carriage from London to Chelmsford (30 miles) at 20s. per ton and within 24 hours of order 'whereas the medium of the voyage cannot be less than three weeks and any trifling saving per ton cannot make up in these small articles for the loss of time'.<sup>5</sup> Admittedly, this statement was made by a party with a vested interest in land travel, but the point is nevertheless well made. When John Strutt,

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1. D/DRa 01,05

2. D/DRa 05

3. Dyos & Aldcroft, p.40, who suggest average figures of 2½d. per ton-mile by water, and 1s. per ton-mile by land. This land figure seems based on the justices' orders for maximum rates of carriage and is perhaps too high (see instances quoted later, above), but on the other hand water travel over long distances could be as low as 1d. per ton-mile (Willan, Navigation, p.121).

4. Tonnage was only a factor in road travel in terms of overweight. Livestock were assessed by the score.

5. D/DRa 03

living near Witham, wished to send his friend Bamber Gascoyne, at Barking, some fencing laths, they went by water; when Gascoyne sent Strutt 7cwt. of cheese it went by land.<sup>1</sup> On another occasion Strutt sent Gascoyne a fish from his lake which was alive on the turnpike road as far as Ilford.<sup>2</sup> Furthermore, there was the question of damage: a bale of wool could be ruined by a gale at sea.

The opposition of the land carriage interest was enough to defeat the 1730 Chelmer scheme, but it was re-introduced in 1765 with the alleged support of 84 parishes in mid and west Essex.<sup>3</sup> By this date the estimated cost of the navigation had risen to £13,000.<sup>4</sup> The expected rate of 4s. per ton for water carriage<sup>5</sup> was reported to have risen to 5s. even during parliamentary proceedings,<sup>6</sup> and the land interest put it as high as 7s. 6d. with the hidden overheads.<sup>7</sup> It was suggested that the navigation might even make certain commodities dearer. One estimate claimed that the cost of burning chalk to make lime at Chelmsford basin would never be cheaper than buying lime direct from the chalk quarries and kilns at Stifford in south Essex. The cost of 50 tons of chalk at Maldon, unloading from the hoy, barge carriage (even at 4s. per ton), unloading, cutting and burning with  $2\frac{3}{4}$  chaldrons of coal would make a total cost of £21.19s. for 500 bushels of lime. This quantity, it was alleged, could be bought at Stifford and delivered to Chelmsford, presumably by land and in part on the turnpiked Harwich road, for £12.10s.<sup>8</sup>

Land carriage was certainly very competitive by this date.

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1. T/B 251/7; letters 1768

2. Ibid., letter 1771

3. D/DRa 02

4. D/DRa 010

5. JHC, xxx, p.741

6. D/DRa 05

7. Ibid.

8. Ibid.

The cost of carriage from Maldon to Chelmsford appears to have dropped in 1765, if the claims of its champions are to be believed, to an amazing rate of 4s. 8d. per ton 'without other charge'.<sup>1</sup> Even if this was not true, the relative discrepancy between land and water carriage rates had lessened. The roads 'were never in better repair' and it was said that waggons could at all times pass from Maldon to Chelmsford in four hours.<sup>2</sup>

The land interest continued to produce imaginative mathematics in support of its case, on the assumption that 10,000 tons a year was and would continue to be carried between Maldon and Chelmsford.<sup>3</sup> To move this amount of freight by road, they said, would take 40 horses, five broad-wheeled wagons carrying  $3\frac{1}{2}$  tons each,<sup>4</sup> 14 men and a clerk, and involve the rent of stables and granary. This annual cost would be £1,320 which they allowed to be much greater than by water carriage, which would involve only salaries for a surveyor, two collectors and a clerk and the cost of occasional repairs. Even £650 interest paid on the £13,000 capital expenses only brought the total annual cost by water to an estimated £920. The significant difference, however, was alleged to be in annual revenue: land carriage would bring in £2,250 (with carriage at only 4s. 6d. per ton) compared with a meagre £1,250 by tolls on water, making a better overall profit for land carriage by £600 a year. The main point here seems to have been that much of the money on a navigation was made by bargeowners and others, and not the proprietors. This estimate, designed to deter investment in the waterway, assumed (rightly) that the road between Maldon and

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1. D/DRa 05

2. D/DRa 03,04

3. D/DRa 05, from which refs. in this para. are taken.

4. Colchester and Bocking wagons, however, were said to carry 5-7 tons of goods per load.

Chelmsford would never be subjected to a toll bar. This was not, therefore, a true conflict between waterway and turnpike, although the road in question was at least nominally in the control of the Essex Trust. There is no evidence that this Trust took any hand in preparing or supporting the case of the land carriage interest in 1765; indeed, the only direct reference to the turnpike movement by either side was in a threat by the water interest that cheap land carriage to Chelmsford could be countered by 'blocking up the town of Maldon with several turnpike gates ...'<sup>1</sup>

Although any factional claims must be treated with suspicion, there is no doubt that travel between Maldon and Chelmsford had improved in the period 1730-65, with or without the help of the Essex Trust. The proof of this is that the real cost of carriage between the towns was still 8s. per ton, on reliable evidence,<sup>2</sup> although the justices allowed a larger sum to be charged. Rates of land carriage, assessable by Quarter Sessions following Acts<sup>3</sup> of 1692 and 1748, were fixed in Essex for a maximum 3s. (sic) per cwt., for a distance not stated in the Order Book, in 1720,<sup>4</sup> and at a maximum 3d. per cwt. for 5 miles by annual Orders from 1749.<sup>5</sup> This later rate works out at 1s. per ton-mile; in other words, there was scope for the carriers to charge 11s. between Maldon and Chelmsford if they had wished to do so.

An Act was passed in 1766<sup>6</sup> to enable the navigation to be built but the capital was undersubscribed. It was not until

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1. D/DRa 04

2. JHC, xxx, p.741

3. 3 Wm & Mary, c.12; 21 Geo.II c.28

4. Q/SO 5, p.162

5. Q/SO 8, p.409; Q/SO 9, pp.17,18; etc.

6. 6 Geo III, c.101

1797, after another Act had been passed,<sup>1</sup> that the river was made navigable up to Chelmsford, and by this time the estimated capital cost had increased to between £40,000 and £60,000.<sup>2</sup> In the long and very complicated parliamentary passage of the Bill in 1793 the respective claims of land and water carriage were no longer an issue. In a way, this is surprising because 50 parishes in mid-Essex petitioned in favour<sup>3</sup> and therefore continued to prefer a new waterway to an existing turnpike. Yet there had been scarcely any increase in the cost of land carriage between Maldon and Chelmsford. There were two major building projects in this period arranged by the county: one was the construction of a bridge in central Chelmsford in 1786/7, the other the building of a new Shire Hall nearby in 1791. Both projects involved large quantities of Portland stone imported to Maldon at 26s. per ton, cost and freight.<sup>4</sup> From Maldon the carriage cost in 1786 for 19½ tons was 8s.6d. per ton,<sup>5</sup> an enormous increase on the sea carriage rate but only 6d per ton dearer than the land price of 1730. In the same year, Thomas Smith, a Maldon carrier, took another 80 tons of stone to Chelmsford at 9s. per ton.<sup>6</sup> But Smith could come down in price when under contract and in 1789 he carried stone at 8s. per ton,<sup>7</sup> the standard rate of some 60 years earlier. It is difficult to see how this price could have remained steady if the communication by road were not then rapid and reliable, but neither the Essex Trust, nor any other land interest, bothered to argue a case.

To the landlocked parishes west of Chelmsford a turnpike

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1. 33 Geo. III, c.93
  2. D/DRa :010
  3. JHC xlviii, p.646
  4. Q/FAb 50/4
  5. Q/FAb 50/1
  6. Q/FAb 50/4
  7. Q/AS 2/7

was second best to a navigation. The petition from this area of 1725/6,<sup>1</sup> mentioned above, against the siting of a toll bar between Chelmsford and Lt. Waltham, was prompted by the local farming community who wanted unhindered access to Chelmsford, the county town and corn market. This was the first instance in Essex of organised opposition to toll and it represented the feelings of those whose trade was essentially within the county, rather than with London. In the eyes of a professional carrier, hauling grain 30 miles from Chelmsford to London, a toll was worthwhile for a quicker journey, especially if the cost could be passed to the customer; in the eyes of a farmer hauling grain four or five miles to Chelmsford in his own wagon and at his own expense, to sell at a competitive price, a toll was an unwelcome new element of expense. This was not a feeling isolated in place or time. In 1787 the large parish of Writtle forced the proposed turnpike from Epping to Chelmsford to stop at its own boundary as the parishioners did not wish to pay a toll on the way to Chelmsford market.<sup>2</sup> It was probably the parishes on the west side of the river Roding which held back the Middlesex and Essex Trust at Passingford Bridge in 1823 and prevented it reaching the market town of Chipping Ongar.<sup>3</sup> However, this was not an absolute division between local and metropolitan interests. No-one in mid-Essex petitioned against turnpiking the route between Chelmsford and Bishops Stortford, through Gt. Dunmow, achieved in 1765. This was the lifeline for coal and manure from the east coast.

The commercial centre of Braintree-Bocking, at the apex

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1. JHC, xx, p.645
  2. Winstone, pp.130-134
  3. Booker, pp.110,111

of the triangle of which Chelmsford and Maldon represented the bottom angles, had its own problem. It was naturally sited on the main road from Sudbury to Chelmsford and London, but its traders dealt largely with Maldon. Brewers in the town were burning straw because of the difficulty of getting coal from the coast.<sup>1</sup> The town petitioned Parliament in 1730/1 that the proposed Chelmer navigation be extended as far upstream as Lt. Waltham.<sup>2</sup> If this were done, they argued, a three days return journey to Maldon would be reduced to a one day return trip to Waltham Bridge. This petition came to nothing but it is perhaps more than co-incidental that the turnpike renewal Act of 1765 for the roads of the Essex Trust included provision to repair the road from Braintree to Maldon via Witham. This was probably a concession to prevent another petition to extend the proposed Chelmer navigation to Waltham Bridge; the renewed arguments in support of this navigation were then being marshalled for Parliament. However this may be, the provision represents an important early attempt by a turnpike Trust in Essex to open up a major cross-route for local trade. Equally interesting was the provision in the same Act to open up a new turnpike route, much of it over country lanes, between Colchester and Ballingdon, south of Sudbury. This was, in fact, abortive but if the scheme had been realised it would have opened up an alternative link between Sudbury and tidal water.

Essex ports had been quick from the beginning to realise the potential of turnpike roads. Harwich had of course been the first objective in any case and Manningtree-Mistley and Colchester were naturally sited on the Harwich road. The petition of Maldon

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1. *JHC*, xxi, p.640

2. *Ibid.*

has been discussed above. The 1746 renewal Act included the road from Shenfield through Billericay and Wickford to Rayleigh; from there it forked, one part going to Rochford at the head of the navigable river Roach, the other to Leigh-on-Sea, a busy port on the Thames estuary. There was also provision in the Act to turnpike the road from Danbury (on the Maldon road) to Althorne church, which was well on the way to Burnham-on-Crouch, although the powers were not taken up. Curiously, a strong petition<sup>1</sup> to Parliament from North and South Benfleet, Wickford, Nevendon, Pitsea, Thundersley and Bowers Gifford, for turnpiking the road from Wickford to the 'old sea port town' of South Benfleet was rejected by Parliament in 1746, and the town was without a turnpike connection until 1793. South Benfleet had a good trade to London in corn, calves, sheep, hay, wood, and other goods 'not only for the petitioners but in general for the country miles around'; returning vessels brought back chalk, much cheaper than anywhere else 'and which is not to be had in a wet summer for any money'.<sup>2</sup> There seem to have been two possible reasons why this petition failed: either it was opposed by the bigger port of Leigh, five miles to the east and jealous of its own position, or by the 'bruins' to the west whom Arthur Young criticized in 1769 for their mindless opposition to turnpikes.<sup>3</sup> The fact remains, however, that by 1746 every major port in east Essex was, or wished to be, within reach of a turnpike road.

On the west side of Essex the local economy was geared to growing barley and converting it into malt for London brewers. The industry was centred at Ware and Bishops Stortford, in Hertfordshire, and at Saffron Walden in Essex. The Stortford

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1. JHC, xxv, p.268

2. Ibid

3. (Young), <sup>Tour</sup> pp.88,89

district, for excise purposes, included the Essex satellite villages of Harlow, Hatfield Broad Oak, Sheering, and Stansted Mountfitchet.<sup>1</sup> Between 1754 and 1757 this district produced a yearly average of 41,528 quarters of malt, about half of this being manufactured on the Essex side of the river Stort. The Saffron Walden district was larger in area, embracing Ickleton and Linton in Cambridgeshire and Haverhill in Suffolk, and extending as far south as Thaxted and Henham. Annual production, however, was lower than at Stortford, with an average of 35,681 quarters in the same period. Of these totals, only about 5,000 quarters in the Stortford area and 6,000 quarters in the Walden area were reckoned to be for 'home' consumption.<sup>2</sup>

The main artery of communication with London was the river Lea, which had been made navigable to Ware by an Act of 1571.<sup>3</sup> This was good for the trade of the town which attracted both malt and barley from many parts of the eastern counties, but bad for the roads which led to it. It was essentially this heavy traffic which caused the first turnpike Act in 1663.<sup>4</sup> By the end of the 17th century some 4,000 tons of grain a year were being sent to London by the Lea navigation.<sup>5</sup> The river also had a trade in goods upstream, especially in coal trans-shipped at London, but also in general cargo, and Ware developed into the entrepôt for a large area of east England. The Crowley family of ironmasters, based at Stourbridge in Worcestershire, had chosen Ware by 1711 as one of their regional depots for the distribution of bar iron; other depots were at Walsall and Wolverhampton.<sup>6</sup> It was, however, in the carriage of malt that

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1. JHC, xxviii, pp.411,412, from which all refs in this para. are taken.

2. Calculated on the basis of a quarter of malt to a hogshead of beer.

3. 13 Eliz.I, c.18

4. 15 Car.II, c.1

5. Dyos & Aldcroft, p.41

6. Flinn, p.142

the Lea had its principal trade, and this was chiefly in the brewing season between October and March. When a proposal was before Parliament in 1779 to increase the river tolls, the Livery Company of Brewers petitioned against it.<sup>1</sup>

The maltsters of both the Saffron Walden and Stortford districts were traditionally forced to cart their produce to quays at Ware or Stanstead Abbots<sup>2</sup> for the water connection.<sup>3</sup> There were many difficulties about this, particularly for those travelling from Saffron Walden which was some 25 miles from either town, along hilly, rough and narrow roads. There were other problems too: the maltsters at Stortford could not afford to pay more than 1s. per quarter for carriage and the carriers were all farmers who would not work for that price when they had any other employment. When the malt arrived at Ware or Stanstead Abbots there was some difficulty in getting it to London as many barge proprietors were maltsters or factors for the London market who would not carry for other people until they had served their own interests. A Stortford maltster before a Parliamentary committee said that when he had had a commission from London for malt he had not been able to send it there until the people at Stanstead Abbots had sent their own. This meant not only delay but the expense of a warehouse. Another difficulty of the maltster was the price of coal. The same witness testified that he had bought coal at London, Maldon and Kings Lynn but it was all dear when delivered at Stortford. Coal from London cost 16s. 8d. per chaldron to Stortford, that is 10s. to Stanstead Abbots and then 6s. 8d. for the much shorter land journey to Stortford, and this price was upon the promise of back carriage.

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1. JHC, xxxvii, p.320

2. Also on the Lea navigation, about 2 miles SE of Ware.

3. JHC, xxviii, pp.411, 412, from which all refs. in this para. are taken.

The result of these high costs was that maltsters used wood in their drying kilns rather than coal.

Against this background of difficulties must be seen the moves to turnpike the road which in recent years became the A.11 from London to Newmarket. This was to some extent a 'new' road of the 17th century, improved in some parts and created in others, partly to give a more direct road for Charles II to the royal houses at Audley End and Newmarket, and partly to give better land access to London for traders in north west Essex.<sup>1</sup> The traditional route to London from Saffron Walden was via Berden and the Hadhams to join the busy Great North Road at Hoddesdon in Hertfordshire; also to Hoddesdon ran the old road from Bishops Stortford to London, following the west bank of the river Stort through Sawbridgeworth and Eastwick. The new road, however, crossed the Stort and then came directly south to London through Harlow, Epping and Loughton. At the same time, a better direct road was made north from Bishops Stortford to Audley End and Cambridgeshire.

It was to support this alternative route to London that Saffron Walden joined the petition of parishes around Epping in 1702 for the turnpiking of the road between Thornwood Common and Woodford.<sup>2</sup> The route by land carriage could not have been cheaper than by land and water jointly, but at least it was an escape from the monopoly of the bargeowners; some malt could go by regular carriers who would always be prepared to go to London because of the certainty of back carriage. In 1744 the Essex and Herts (commonly called the Hockerill) Trust was formed between Thornwood Common, south of Harlow, and Stump Cross, on the Cambridgeshire border, and the whole road from London through

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1. cf. Maud, pp.6-10; Winstone, p.91

2. JHC, xiv, p.37

west Essex was then turnpiked.

In the 1750s came the first of two proposals to make the river Stort navigable from its junction with the Lea to Bishops Stortford. An Act was passed in 1759<sup>1</sup> but the scheme would have cost £10,000 and involved 14 double locks,<sup>2</sup> and insufficient money was raised to complete it.<sup>3</sup> This is surprising because however unsatisfactory the attitude of the bargeowners there would have been a great saving in carriage costs and a certain return on invested capital. The price of coal in Stortford would have dropped by about 4s. per chaldron, and the cost of carriage from Stortford to London (about 32 miles) would have dropped to about 6s. per ton (or about 2½d per ton-mile).<sup>4</sup> The cost of moving malt to the river Lea at Roydon would have fallen to about 8d. per quarter.<sup>5</sup> The scheme was successful at the second attempt and the Stort was navigable to Stortford by 1769.

One probable reason for the initial failure to make the Stort navigable was a lack of encouragement from Saffron Walden. Here the enthusiasm of maltsters for cheaper carriage was no doubt tempered by a fear that more barley would in future be sent direct to Stortford with a consequent decline in their own business.<sup>6</sup> Another factor was that the 'new' road was getting better and attracting considerable traffic. It will be remembered that the road between Woodford and Harlow was the only one in England administered by local justices until as late as 1768, presumably because it was being run too well to alter. An oblique testimony to success came in a statement of 1765, made

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1. 32 Geo II, c.42

2. JHC, xxviii, pp.411,412

3. 1766 Bill (D/DQs 135/1)

4. JHC, xxviii, pp.411,412

5. Ibid.

6. Saffron Walden tradesmen did not give evidence in support of the Stort scheme but they did for the later abortive scheme to join the Stort and the Cam.

in the context of the Chelmer navigation, that parishes in the west of the county need not depend on east coast ports as they 'lie much nearer a navigation contiguous to a turnpike road where coals and other commodities cost only 1s. per ton more than at Maldon'.<sup>1</sup>

The suggestion there was that one route served as a feeder for the other; certainly there was enough trade in south west Essex to allow a navigation and a turnpike to exist harmoniously side by side. Indeed, even as trade on the navigation continued to prosper, there was a successful move in north east London to make a new road, nearly five miles long, from Clapton in Middlesex to the Epping road at Snaresbrook, south of Woodford. This involved the construction of a new bridge, and the Lea Bridge and Road Trust was formed accordingly in 1757 to take away some of the traffic passing through Stratford to reach the Newmarket road, and to relieve further the burden on the Great North Road which followed the west side of the Lea towards Hoddesdon. This new Trust was unsuccessfully opposed by a Middlesex Trust which controlled the road from Cambridge Heath to Mile End and stood to lose much of its trade to the Essex side.<sup>2</sup> No objection was raised by the proprietors of the Lea navigation.

The Epping road became the main route to Norwich and attracted the coach and carrier services to Newmarket and Bury St. Edmunds, and took traffic which for one reason or another rejected the waterway. A navigation was only as useful as its quays and the Lea did not run through natural centres of population in the same way as a road. When the mansion of Copt

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1. D/DRA 04

2. JHC, xxviii, p.829

Hall, three miles from the Lea near Waltham Abbey, was rebuilt in the 1750s, some bricks were bought at Ware and came down the river in a 30-ton barge for five guineas; but other bricks were made on the site and the brick earth from Ware came down by land in at least 26 wagon journeys.<sup>1</sup> Other teams went to Ware for 'clay' and there were at least three road journeys to London for Thames sand.<sup>2</sup> As the carts used were those of the estate it is impossible to arrive at relative costings but it is significant in itself that the adjacent navigation was not used. Another interesting feature of the Copt Hall accounts is that they show Portland stone was used for facing. This was shipped to London where it was sold from stock on the wharf at 22d. per foot,<sup>3</sup> and then carted to Bow Creek, the mouth of the Lea navigation, at 1s.6d. per ton.<sup>4</sup> From here it was carted up the turnpike roads to Copt Hall at about 4d. per foot.<sup>5</sup>

One reason for this decision to move stone by land, when the water was so apparently convenient, might have been the exceptional circumstance of a steep hill out of Waltham Abbey. But it might also have been the case that on a navigation with an established trade each way in certain commodities there was some reluctance on the part of the bargeowners to carry unusual cargoes, or an extra charge which did not outweigh the advantage of door-to-door land carriage. The problem between the maltsters and bargeowners has already been mentioned. A hint of trouble in this direction was given to John Sanderson, the Copt Hall architect, when he enquired about obtaining white bricks from

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1. D/DW A3

2. Ibid.

3. D/DW E29/23

4. Ibid; a ton is explained as 16 feet, which is confirmed in D/DBy A29/10 in the context of Audley End.

5. D/DW E29/22/1

East Anglia, like the ones at Holkham Hall. 'I observe you know little of our countrey', said his correspondent at Ely, 'and which ways our Rivers run'.<sup>1</sup> All the brickworks were on river banks and bricks could be delivered to a lighter at 15s. per thousand; these lighters would normally deliver at Kings Lynn at 3s. per thousand but some lightermen charged as much as 20s. per thousand unless they could be assured of large quantities at a time or unless corn was short.<sup>2</sup> Sometimes it was too much trouble to change from one form of transport to another. In 1790, the miller at Roydon, near Harlow, virtually at the junction of the Lea and the Stort, received his wheat 22 miles by road from Saffron Walden at 3s. per quarter, although half that land journey would have been saved by using the Stort navigation, on which his mill was directly sited.<sup>3</sup>

The peaceful co-existence between turnpike and navigation was unmoved by the setting up of the Hockerill Trust in 1744. Neither did the trustees of this Trust object to the proposals of 1766 to make the Stort navigable to Bishops Stortford, although for some miles they would seem to have had much to lose to a parallel competitor. A major test of the confidence of the turnpike trustees came some 20 years later when it was proposed to link the rivers Stort and Cam by a canal, thus providing an inland waterway from Kings Lynn to London. The area which stood to benefit most from this (apart from the metropolis) was that around Saffron Walden, frustratingly isolated from the heads of navigation at Cambridge, Stortford and Sudbury, but perhaps lucky in another sense in that its inhabitants had the opportunity to buy from two directions. When Sir John Griffin Griffin (later, the 4th Lord Howard de Walden) began rebuilding Audley End House in 1762, he mainly used stone from Burwell in Cambridgeshire and

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1. D/DW E29/2

2. Ibid.

3. JHC, xlv, pp.288,289

Ketton in Rutland,<sup>1</sup> rather than Portland stone imported to London. Ketton stone was sent by land to Wansford in Northants., taken from there to Cambridge by barge, and carted from Cambridge to Audley End along turnpiked roads in estate wagons.<sup>2</sup> The normal carriers' rate at this period for the 14 miles from Cambridge was 9s. per ton.<sup>3</sup> The only Portland stone used by Griffin was in making the Warren ring temple in the grounds in 1771; this stone came by barge at 10s. per ton from London to Bishops Stortford (more than twice the distance from Cambridge to Audley End) where it was carted to the estate.<sup>4</sup> The Copt Hall accounts showed that Portland stone was sold in London in 1742 at 22d. per foot,<sup>5</sup> which works out at about 30s. per ton. Griffin was buying Ketton stone at 27s. 6d. per ton in 1776,<sup>6</sup> but he still had to pay carriage to Cambridge and the real saving in buying from the north must have been small.

Ironically, opposition to the new waterway was led by Griffin (then Lord Howard) who, having spent £100,000 on his estate, did not wish to see his lakes drained to provide water for a canal.<sup>7</sup> Other landowners were also opposed on amenity grounds and there were objections on economic grounds, one from the carriers of Cambridge who foresaw an immediate loss of business and were formally supported by the University,<sup>8</sup> and another from the inhabitants of Duxford who were afraid the price of corn would drop in their parish.<sup>9</sup> The main protagonists were the borough of Saffron Walden and City of London; it had been the Thames and Canal Traffic Committee of London Corporation which had initiated the scheme.<sup>10</sup> The traders of Walden were

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1. Williams, p.14  
2. Ibid.  
3. D/DRa 05  
4. D/DBy A29/10  
5. D/DW E29/23

6. D/DBy A34/3  
7. D/DBy E33  
8. JHC, xlv, pp.288,289  
9. E.R., liv(1945), p.144  
10. E.R., liv, p.143

annoyed at Lord Howard's opposition, pointing out that his estates accounted for only about £1,200 of the £3,500 at which the landed property of town and parish were assessed.<sup>1</sup>

The high rate of land carriage in the area was not at issue. It had been realised as early as 1667, during a scheme to bring coal to London from Kings Lynn, that the land leg from Cambridge to Ware would cost four or five times more than the cost over the longer distance by water from Kings Lynn to Cambridge.<sup>2</sup> In 1789 the cost of land carriage by turnpiked roads from Saffron Walden to London was 35s. per ton, a price which would drop, traders hoped, to 16s. per ton by water.<sup>3</sup> The miller at Roydon, who was in the habit of carting his wheat from Saffron Walden, looked forward to a rate of 1s.6d. per quarter, half the cost of the land carriage.<sup>4</sup> The town generally dreamed of a 60% reduction over land carriage rates, with 100,000 tons of cargo a year travelling in both directions.<sup>5</sup> In other words, if the canal were built it seemed likely that there would be a precipitate rush to the water.<sup>6</sup>

In the event the opposition of Lord Howard and his confederates was too strong and the motion for leave to bring in a Bill was defeated in the Commons by 101 votes to 38.<sup>7</sup> The significance of this episode in terms of turnpike history is that no murmur of opposition, no minuted expression of dismay, not the least recognition that a rival scheme of transportation was even afoot, interrupted the routine and perfunctory business of

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1. D/DBy E33

2. Willan, Navigation, p.120

3. E.R., loc. cit., p.144

4. JHC, xlv, p.289

5. D/DBy E33

6. The estimated annual tonnage seems wild, as the Stort navigation carried less than 19,000 tons in 1791 (E.R. loc. cit., p.145) but calculations were perhaps based on coal to be imported to London from Kings Lynn. One estimate even put the potential annual carriage as high as 200,000 tons (Ch.Ch., 29/7/1814).

7. JHC, xlv, p.289

the Hockerill Trust.<sup>1</sup> Yet this Trust seemed to be in danger of losing nearly all its long distance traffic to a canal which in some places would be only yards away, and the turnpike minute books reveal that Lord Howard was in fact one of the treasurers of the Trust during this period. The best inference from this is that land carriage was by then so firmly established that any lessening of the volume of traffic was looked upon as a relief for the road surface rather than a diminution of income. This view is not weakened by the nature of the petitions in 1812, when a modified version of the Stort-Cam scheme was successfully taken through Parliament against weighty opposition (although in the event insufficient capital was raised to enable the project to be started).<sup>2</sup> No part of this opposition was from the Hockerill Trust and one of the relatively few petitions<sup>3</sup> in favour of the canal was from the turnpike trustees responsible for the section of the Great North Road from Royston to Wansford Bridge, on the Hunts./Northants. border. Whether they hoped their road would carry more traffic as a feeder route, or whether - a more likely alternative - they hoped it would bear less traffic as the waterway made an alternative route for long-distance freight, is not clear. It will be remembered that Griffin's Ketton stone came by water from Wansford to Cambridge and then overland, and the new canal would have made an uninterrupted interior waterway between London and the South East and much of the East Midlands. In this, the last time in the Essex context that water and turnpike routes might have done battle, the long-standing harmony was not broken.

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1. The minute books are in Hertfordshire Record Office (HRO TP 3/2)
  2. The events are summarised in E.R., loc. cit., p.145
  3. JHC, lxvii, p.247. There were 8 petitions in favour, including some from the landlocked towns of Saffron Walden, Thaxted, Newmarket and Royston, and 12 against.

Perhaps the basis of this mutual tolerance was rooted in diverging interests. By the end of the 18th century the roads were increasingly devoted to mail and stage coach services, in other words to fast passenger traffic. By 1754 a regular fly left Chelmsford at 7 a.m. and arrived in London at 12, returning at 2 p.m.<sup>1</sup> While this kind of traffic was encouraged, the heavy carriers' wagons were increasingly subjected to restrictions. The first of these, in 1741, was against overweight, allowing trustees to erect weighing engines and levy 20s. per cwt. on loads over 3 tons.<sup>2</sup> Then, after September 1754, the fellyes of wheels of wagons travelling on turnpike roads had to be nine inches broad;<sup>3</sup> and in 1765 it was enacted that front and rear wheels should be so mounted in relation to each other that they would roll only one broad path.<sup>4</sup> The effect of these statutes was no doubt to drive some heavy goods on to water. This was acceptable to the navigation proprietors whose income was from tolls by weight, and it left main roads more free for fast coaches which did little damage to the surface. As long as the roads held the advantage of speed, the proximity of another system of carriage was not regarded in itself as a threat to turnpike interests.

A chapter on the economic context of the turnpike movement will not be complete without consideration of the tangle of turnpike roads which covered the south of the county for about 20 years in the late 18th and early 19th centuries. These were the roads of the so-called Hadleigh Trust, set up in 1793, and the Chelmsford-Rawreth Trust, established in the following year (see Map One). The name Hadleigh is misleading as this parish was at the extreme east end of a very complex pattern of roads, reaching

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1. I.J., 14/9/1754  
2. 14 Geo. II, c.42  
3. 26 Geo. II, c.30  
4. 6 Geo. III, c.43

as far west as Purfleet, but there is evidence in 1815 that this was the popular description.<sup>1</sup> It is only in the last few years that the existence of these Trusts has been recognised: both were omitted from turnpike road maps issued by the Essex Record Office in 1955 and 1969.<sup>2</sup> The compilers had relied very much on the statutory returns of the 1820s but both Trusts were disbanded by 1815. Certain of their records in the Essex Record Office have in the past been overlooked or mistakenly attributed to Divisions of the Essex Trust, First District.<sup>3</sup> The Hadleigh Trust, with about 42 miles of road, was the second longest in the county.

That the south Essex Trusts had a working existence is undeniable. Although original records directly produced by either Trust have largely disappeared, enough references can be pieced together from newspaper notices and family, parish and even borough records<sup>4</sup> to show that both Trusts operated throughout their legal span of 21 years. As late as 1814 the surveyors of Great Baddow received £7 apparently under some kind of agency agreement by which the parish maintained its own share of road for the Trust.<sup>5</sup> Other evidence relating to the leasing of tollgates and, by inference, to the extent of capital at the trustees' disposal, will be dealt with at a later stage in this thesis.<sup>6</sup>

Neither Trust petitioned Parliament for a continuation of powers at the expiry of its enabling Act. There is slight

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1. Ch. Ch., 5/5/1815; D/DBe E50

2. The map, originally made for the Highways & Byways of Essex booklet in 1955 (ERO pub. no. 23) was reproduced in the Seax Series Teaching Portfolio of the same title in 1969 (ERO pub. no. 48).

3. e.g. Composition money papers of the Rawreth Trust in D/TX 4/1 have not been noticed and a tollgate lease in D/B 3/3/546 has been attributed to the Essex Trust.

4. See Appendix III.

5. D/P 65/21/1. This seems to have been an annual contract sum. In 1811 £25 was paid for a period of about three years (ibid). These 'agency' arrangements will be discussed in Chapter IV.

6. See pp. 165, 166.

evidence that the Essex Trust considered a takeover of these roads in 1814 but thought better of it:<sup>1</sup> the Hadleigh Trust, at least, was very much opposed locally. There were public meetings to arrange parliamentary opposition in case the trustees sought to renew their powers<sup>2</sup> and 40% of the subscribed money was returned to objectors at a celebration dinner at the Kings Arms, Grays, when the Act expired.<sup>3</sup>

The roads which these Trusts controlled are especially interesting because they were cross-roads and did not lead directly to London. The Trusts were set up at a time when investment was popular<sup>4</sup> and on roads which (at least in the case of the Hadleigh Trust) were notoriously difficult to maintain because of the heavy wagons carrying chalk and lime north from the extensive quarries around Purfleet, Stifford and Thurrock. It is therefore tempting to see these Trusts as a speculative venture by business men eager to take toll from the heavy traffic - perhaps the same men who ran the quarries and would have benefitted by better communications and less damage to their wagons. Unfortunately, there is an obstacle to this belief. Arthur Young, writing anonymously in 1767,<sup>5</sup> thought that 'Of all the cursed roads that ever disgraced this kingdom, in the very ages of barbarism, none ever equalled that from Billericay to ... Tilbury'. The ruts were 'an incredible depth', trees overgrew the road to make it 'impervious to the sun', and sometimes a team of 20 or 30 horses was needed to draw out a succession of chalk wagons fast in the mud. Young went on to state with incredulity that

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1. D/TX 6/2 (letter from clerk to assistant treasurer)

2. Ch.Ch., 15/4/1814

3. Ibid., 5/5/1815

4. Gayer, Rostow, & Schwartz, p.14

5. (Young), Tour, pp.88,89. All refs in this para. are from this source.

'a Turnpike was much solicited for by some gentlemen ... but opposed by the bruins of this country - whose horses are worried to death with bringing chalk through those vile roads'. As well as this 'detestable stupidity' (presumably on the part of quarry owners), he castigated local farmers who, despite estates worth up to £1,500 a year, were 'perfectly well contented with their roads', no doubt anxious to keep access to fertilisers without payment of toll. This notorious road became one of the main routes of the Hadleigh Trust.

The petitions for these Trusts, presented to Parliament in 1793 and 1794, were both from 'gentlemen, clergy, freeholders and inhabitants of Essex'.<sup>1</sup> By this relatively late date the phrase was routine and it is impossible to identify the interests which lay behind it. Both Bills were carried with no stronger case than the usual perfunctory assertions about the ruinous condition of the roads, and there was no formal opposition. Why the 'bruins' had a change of heart, and why a Trust set up without one petition against it, should have been so vigorously opposed 20 years later, are questions which the paucity of evidence cannot solve. A significant fact, however, is that in 1792 the Essex Trust had gone to Parliament with a tentative plan to add these same roads to its own empire.<sup>2</sup> It is therefore possible to see the Acts of 1793 and 1794 as a planned alternative to any further expansion of the Essex Trust but it is impossible to reach conclusions as to the attitude of commercial interests in relation to either venture. The most which can be said is that, in the only two instances in Essex in which it is at least possible that a turnpike Trust was associated with, or resulted from, business pressures, both were completely unsuccessful.

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1. JHC, xlvihi, p.172; xlix, p.155

2. JHC, xlvi, p.121

## CHAPTER THREE

### THE METROPOLITAN TRUSTS

The aim of this chapter is to identify the characteristics peculiar to the two principal Trusts working into Essex from the metropolitan area. These were the Middlesex and Essex Trust, controlling the Great Essex Road from Whitechapel church in Middlesex to Shenfield in Essex, and the Commercial Roads Trust, managing a complex of main roads and branches connecting the north-Thameside docks and, later, Barking with the City of London. Some of this chapter will necessarily be dealing with the strip of land in Middlesex bounded on the west by London and on the east by Essex which began across the River Lea. Once these Trusts had been established, however, the administrative institution of the county was of little significance to either Trust in day-to-day affairs. Contact with local government was largely at parish level, or with ad hoc commissioners, and the county in the sense of the justices in Quarter Sessions assembled became involved only as a court of appeal from the local justices or, in the case of the Middlesex and Essex Trust, in the particular context of county bridges.<sup>1</sup>

The problems of these Trusts were rooted in the rapid urban development of the district and the expansion of trade and were bound up with the moves towards 'improvement' which resulted from the increasing population. The anomalies of administration which the improvements brought about were themselves aggravated by the internal complications of the parish of Stepney.

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1. It is doubtful whether the Commercial Roads ever involved the justices of either county until the Middlesex JPs became ex-officio trustees in 1849 (12 & 13 Vic., c.76,s.8)

When the Middlesex and Essex Trust was forming in 1722 there were two areas of emerging growth east of London. One of these was on a line through Whitechapel, along and to the north of the Great Essex Road, where a textile industry was well established in Spitalfields and Bethnal Green. The industry continued to prosper in this area when the textile trade in Essex had declined; by the 1840s up to 150,000 people were reported to be engaged in all departments of the trade.<sup>1</sup> The other area of growth was along the north bank of the Thames, through Shadwell and Wapping towards Limehouse, where there were trading quays, ship repair yards, rope walks and manufactories of ships' accessories. Very broadly, these two lines of growth might be likened to two spokes of a wheel extending from a hub, which was the City of London, towards a rim, which was the river Lea (see Map Four). The later pattern of development was for the urban area to extend away from London along the widening area between the spokes.

Most of this region was, at one time or another, part of the vast ancient parish of St. Dunstan Stebonheath alias Stepney.<sup>2</sup> Originally there was a vicarage of Stepney as well as a sinecure rectory but when the advowson had been purchased by Brasenose College, Oxford, these livings were merged in 1710 into one rectory, to which two 'portionists' were appointed, each entitled to a moiety of the living.<sup>3</sup> The parish was divided for administrative purposes into hamlets: Stepney village, such as it was, and the parish church were in Ratcliffe hamlet,

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1. Lewis, Vol.4, p.160. This figure embraced the whole district from Shoreditch to Mile End in which 15,000 looms were said to be at work.

2. Even Whitechapel was a chapel of ease to Stepney until a rectory was created in 1329 (Lewis, p.550)

3. 9 Anne,c.16 (private)

relatively remote from the City and midway between the 'spokes' of growth. As trade expanded in some hamlets and not in others, and as the main growth in population was in the areas most remote from the mother church, there was constant agitation among the hamlets for promotion into independent parishes. Shadwell and Wapping seceded in the 17th century in the wake of early Thameside development,<sup>1</sup> but the other hamlets for many years lacked a good opportunity to attempt the breakaway.

During this period Stepney itself existed administratively only as a select vestry; this body, set up in 1589, comprised 32 men, eight each from the four original hamlets of Ratcliffe, Poplar, Limehouse and Mile End.<sup>2</sup> The hamlets of Bow (which had a chapel of ease), Spitalfields and Bethnal Green appear to have been unrepresented at least until the Restoration. Between 1647 and 1654 an attempt had been made (later attributed by the parish to 'the disorder and confusion of the times') to begin an open vestry; in a spirit of compromise the number of vestrymen was increased to 50 in 1654, though reduced to 44 in 1662.<sup>3</sup> This oligarchy appointed churchwardens for each of the four principal hamlets. In other respects, notably in poor relief, the hamlets were autonomous, appointing their own civil officers as if they were de facto parishes.<sup>4</sup> Officially, however, the hamlets had no independent corporate voice and spiritually their inhabitants felt neglected. The first hope of rescue from this position was extended by the commissioners appointed by Queen Anne to build

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1. Shadwell by 22 Car.II, c.14 (private); Wapping by 5 & 6 Wm. & Mary, c.20 (private)

2. GLRO P93/DUN/235. The history of the vestry is recited in the minutes of 4 July 1735.

3. GLRO P93/DUN/235

4. See, for instance, petition to Parliament by Spitalfields, JHC, xxi, p.220.

50 new churches in the metropolitan area.<sup>1</sup> By 1726 three new churches had been built, at Spitalfields, Wapping Stepney,<sup>2</sup> and Limehouse, with designated parochial districts, and the commissioners had plans for converting the ancient chapels at Bow and Poplar into parish churches.<sup>3</sup> At this time one of the two portions of the Stepney living was vacant and several hamlets petitioned Parliament for independence asking that the Stepney living should be reduced to one incumbent and that the small tithes<sup>4</sup> and other perquisites due to one portionist should be used to maintain ministers in the new churches.<sup>5</sup> This was strongly resisted by Stepney<sup>6</sup> and the Bill was dropped in committee. Instead, four districts petitioned individually, and in 1729 Spitalfields became the new parish of Christ Church, Spitalfields,<sup>7</sup> and Wapping Stepney became St. George-in-the-East.<sup>8</sup> In the next year Limehouse became the parish of St. Anne, Limehouse,<sup>9</sup> and Bow officially seceded;<sup>10</sup> Bow church had, in fact, been consecrated in 1719 and Brasenose College, Oxford, had already appointed a minister.<sup>11</sup> In 1743 Bethnal Green gained independence;<sup>12</sup> in this hamlet the Queen Anne commissioners had bought land for a church but had not built one, and the case for separation rested more on the facts of urban growth. The hamlet had some 1800 houses and a population said to be 15,000 who had to travel two miles to the parish church.<sup>13</sup> This left

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1. 9 Anne, c.22

2. This was the north part of Wapping, not in the parish of St. John.

3. JHC, xx, p.772; xxi, p.94

4. As this was a rectory inappropriate the great tithes went to Brasenose College.

5. JHC, xx, p.772

6. JHC, xxi, p.263

7. 2 Geo. II, c.10

8. 2 Geo. II, c.30

9. 3 Geo. II, c.17

10. 3 Geo. II, c.3

11. *Ibid.*, recitals

12. 16 Geo. II, c.28

13. JHC, xxiv, p.369; xxv, p.34. By 1774 the parish was said to have 2000 houses and 20,000 population ( Anon , The Ambulator... (1774), p.14)

Stepney with the hamlets of Mile End (divided early in the 18th century into Mile End Old Town and Mile End New Town), most of Ratcliffe,<sup>1</sup> and Poplar and Blackwall. Of these, Poplar and Blackwall eventually seceded, but not until 1817.<sup>2</sup>

The Great Essex Road, in the 2½ miles between Whitechapel Church and Bow bridge, began in the parish of Whitechapel, <sup>crossed the hamlet of Mile End Old Town,</sup> passed into a section where the boundary between the parishes of Bromley and Bow<sup>3</sup> was the middle of the road, and then came wholly but briefly into Bow before reaching Essex at the river Lea. There were therefore four Middlesex parishes which owed a proportion of their statute duty on the roads to the turnpike trustees. The difficulty arose here because Stepney vestry decided in April 1722 that each hamlet should contribute towards this obligation although only one of them was directly sited on the road.<sup>4</sup>

It was generally agreed by the Middlesex parishes from the outset that they would compound for their labour with the trustees. This composition continued a traditional agreement among the parishes to exact composition instead of statute duty from their inhabitants and use the proceeds to hire labour for the main road.<sup>5</sup> It was believed about £400. was raised annually in this way for the Great Essex Road, but the parliamentary committee could not 'be very particular because the several surveyors could not produce any books by which they collected such sums or to show how ... they charged the inhabitants; but say that the money is levied discretionally, what they can get

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1. Some of Ratcliffe was given to the new parish of St. Anne, Limehouse.
  2. 57 Geo.III, c.34
  3. Although Bow was technically a hamlet of Stepney until 1730 it already had a minister and a consecrated church by this date and was regarded as a parish in this context.
  4. GLRO P93/DUN/235
  5. 8 Geo.I, c.30, s.25

of each inhabitant, towards the said repairs; and they have no certain rule to govern themselves by in collecting the money,..<sup>1</sup> This was no doubt a main argument in itself for putting the whole road into the care of trustees.

By the 1721/2 Act<sup>2</sup> establishing the Middlesex and Essex Trust, Whitechapel's composition was assessed at £120 a year: Stepney was to pay £150 and Bromley and Bow £25 each. It was unusual for a turnpike Act to specify the composition rate which thus became unalterable for a period of 21 years, and in this Act it applied only to the Middlesex parishes. The £150 from Stepney was soon a great burden on the hamlets which contributed to it in the following proportions<sup>3</sup>: Spitalfields, £23; Mile End Old Town, £25; Wapping Stepney, £15; Bethnal Green, £10; Mile End New Town, £12; Limehouse, £20; Ratcliffe, £25; and Poplar £20. Although Mile End Old Town was the only hamlet on the Great Essex Road, it appears that Stepney vestry apportioned the road into varying lengths nominally assigned to each hamlet and apparently not in relation to population or wealth.<sup>4</sup> The hamlet of Poplar and Blackwall was the first to object to this payment; it was the poorest and most eastern part of Stepney, not sharing in the growth and trade of the west and in fact losing its population to the other areas. A fifth of the hamlet was uninhabited; lands which used to let at £3.10s. an acre were reduced to 40s.; a yard which used to let at £100 a year let with some difficulty at £10.<sup>5</sup> Poplar therefore petitioned Parliament

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1. JHC, xix, pp.626,627.

2. 8 Geo.I, c.30

3. GLRO P93/DUN/235, 11 April 1722. This is the order as in the minutes.

4. The lengths are shown on turnpike maps, T/M 128 (1728; revised 1740) and T/M 479 (1768)

5. JHC, xxii, pp.828,829.

in 1736/7, during the passage of the turnpike renewal Act, asking for some contribution from Trust funds for the repair of the road into the Isle of Dogs, which ran 1½ miles through the hamlet carrying cattle southward to pasture in the meadows and gravel northwards to repair the turnpike.<sup>1</sup>

The petition nearly succeeded,<sup>2</sup> not least because the Trust was quite strong financially and the large composition was not justified. The trustees had borrowed £2560 as capital, but had paid back nearly half of it, and were receiving over £3700 annually in tolls, against an average yearly expenditure of £3000.<sup>3</sup> The £320 total composition was therefore annulled and it was left to the parishes and trustees to agree over statute duty or composition in the usual way with other turnpike Trusts. The new composition figure for Stepney was only £15, but the parishes of Spitalfields, St. George-in-the East and Limehouse, created a few years earlier, were all to contribute towards this as if they were still hamlets of Stepney. This was partly because a clause in their Acts of establishment maintained the existing obligations to the Stepney highways, and partly because Stepney petitioned Parliament that the new turnpike Act should expressly reinforce this obligation with regard to the main road.<sup>4</sup> Only Bow (because it was already in 1721/2 in the eyes of the legislators, a distinct parish) and Bethnal Green ever escaped contributing to the Stepney composition. For some reason, the Act which established Bethnal Green parish in 1743<sup>5</sup> did not continue the obligation to Stepney's roads. The new parish therefore refused to pay its share of £1 and Stepney vestry had no option but to accept this.<sup>6</sup> Ironically, Bethnal Green

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1. JHC, xxii, pp.804, 828, 829

2. A clause was sanctioned for inclusion in the turnpike Bill.

3. JHC, xxii, pp.828, 829

4. JHC, xxii, p.875

5. 16 Geo. II, c.28

6. GLRO P93/DUN/235, 20 March 1745

did have a very small section of the road in its parochial boundaries.<sup>1</sup>

Under the next renewal Act in 1763<sup>2</sup> the principle of compulsory composition at a fixed rate was re-introduced, allegedly because it had 'been found much more convenient for all parties ...';<sup>3</sup> this time it applied to all the 14 Essex parishes affected by the Trust as well as to the seven which have been mentioned in Middlesex and to the Stepney hamlets of Mile End Old Town, Mile End New Town, Ratcliffe, and Poplar and Blackwall which were individually assessed. The various compositions were to be paid yearly by overseers of the poor on or before Lady Day and out of the proceeds of the poor rate.<sup>4</sup> The new sums were very much lower than the statutory compositions of 1721/2 but higher than the agreed payments of 1737. Stepney, for instance, now paid £37 10s. in total, compared with the earlier sums of £150 and £15, and the total composition sum from 24 parishes and hamlets in both counties amounted to only £148<sup>5</sup> annually compared with £320 from the four Middlesex parishes alone in 1722.

The next turnpike renewal Act, in 1785,<sup>6</sup> made no change in the level of composition or the method of its payment. This continuance was in spite of a petition from Spitalfields that it had enough to do paying for its own roads without contributing to a turnpike road outside the parish boundaries.<sup>7</sup> Parliament

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1. A few yards on the north side of the Gt. Essex Road near Mile End turnpike. See Horwood, sheet G2.
  2. 3 Geo.III, c.58
  3. Ibid, s.16
  4. Ibid.
  5. Excluding Chigwell and Lambourne in Essex which were first involved in the Trust by this Act. They were to pay £15 and £45 respectively for the first year and £15 each thereafter.
  6. 25 Geo.III, c.124
  7. JHC, xl, pp.936, 937

rejected this and Spitalfields continued to pay the £6 2s. 8d. assessed by the 1763 Act towards the repair of some 300 yards of the Great Essex Road notionally assigned to it by the Stepney vestry when it was still the hamlet of Spitalfields. A table of payments drawn up in 1768<sup>1</sup> for the information and use of the turnpike trustees makes no distinction in status between the hamlets proper and the new parishes, all of which are bracketed as contributors to Stepney's composition money, as they might have been some 40 years earlier. The 1803 renewal Act<sup>2</sup> did little more than continue the term of the turnpike for a further 21 years and it was left to the 1823 Act<sup>3</sup> formally to abolish the system of fixed composition and return to the normal discretionary arrangement between parish and Trust.

Progressively, during the 18th century, the power of the Stepney oligarchy and the other select vestries set up in the new parishes,<sup>4</sup> dwindled before the rise of improvement commissioners. Only in Spitalfields were powers for lighting and watching given to the vestry.<sup>5</sup> Elsewhere a jigsaw of ad hoc boards was created, into which the turnpike trustees fitted awkwardly, partly assuming themselves the role of improvement commissioners and partly resisting the advance of others. By the middle of the 18th century, the first four miles of the Great Essex Road was not a through-route linking towns like other parts of the Middlesex and Essex Trust, but a street in a conurbation inescapably subject to the growing pressures for

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1. T/M 479

2. 43 Geo.III,c.66

3. 4 Geo.IV,c.106

4. Spitalfields, St. George-in-the East, Limehouse, and Bethnal Green were given vestries a little more open than Stepney's by their Acts of establishment. Of these parishes only Spitalfields and Bethnal Green were not yet ruled by open vestries in 1820 ( Anon. , London Parishes ... (1824),pp. 117, 138).

5. 11 Geo.II,c.35

amenities which were being met elsewhere in the metropolis. As the turnpike trustees drew closer in certain functions to officials within the parishes and hamlets, they were a source of envy to those who saw the painless expediency of a toll on the public at large as a solution to the trouble and hardship of rating themselves. There was therefore agitation to make the existing trustees responsible for tributary roads, or to make other thoroughfares into new turnpikes.

As early as 1721/2, when proposals for the original turnpike were before Parliament, certain inhabitants of Whitechapel and some of the Stepney hamlets had petitioned unsuccessfully for the inclusion in the Trust of Dirty alias Brick Lane leading north from the Great Essex Road into Spitalfields.<sup>1</sup> In 1736/7 Poplar and Blackwall wanted the Trust to repair the main road to the Isle of Dogs, as has been mentioned above; this was by analogy with Angel Lane, Stratford, which was sanctioned for repair by the proceeds of toll as it was used for bringing gravel to the turnpike road.<sup>2</sup> In the same year, the hamlet of Bethnal Green made a more subtle petition for the inclusion of the road leading from Mile End, north through Dog Row and then west to Shoreditch church; this road was nearly two miles long, 'extremely poched and ruined'.<sup>3</sup> Their argument was not based solely on poverty: the road, they said, was the easiest way to Smithfield market from Essex, which projected the importance of the route beyond the domestic squabbles of Stepney. At the same time they offered to compound with the trustees for their statute labour at whatever sum should seem proper to the House.<sup>4</sup> This was enough to persuade Parliament

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1. JHC, xix, p.683  
2. 8 Geo.I, c.30, s.30  
3. JHC, xxii, p.774  
4. Ibid.

and the proposal was only thwarted by the opposition of the parishioners of St. John Hackney who feared a turnpike between Cambridge Heath in their own parish and Shoreditch.<sup>1</sup> This was curious opposition because the road called Hackney Road (in Map Four) was largely built by a turnpike Trust set up in this very year to connect Hackney and Shoreditch;<sup>2</sup> the same Trust, supported by some Hackney people and opposed by others,<sup>3</sup> took over at the same time the road from Hackney across Cambridge Heath and Bethnal Green to the Great Essex Road at Mile End.<sup>4</sup> This ambivalence on the part of the inhabitants of Hackney illustrates the uncertainties and conflict of interests which the early turnpikes could bring about.

Reference must now be made again to 'improvement'. Following the early powers of lighting and watching given to Spitalfields vestry in 1738,<sup>5</sup> similar powers were given to ad hoc trustees in Bethnal Green in 1751.<sup>6</sup> In 1756 nearly 300 trustees were appointed to watch, light, cleanse and pave in Wapping, Shadwell and Limehouse, the hamlet of Ratcliffe, and the precinct of Well Close in the Liberty of the Tower.<sup>7</sup> Although these trustees acted, and rates were levied, according to particular districts, there was an important element of co-ordination in this Act, extending across local government boundaries. This gave rise to the nickname of the 'Conjunct Rate',<sup>8</sup> for the money levied and probably made it easier for similar powers to be granted later to turnpike trustees.

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1. JHC,xxii,p.820

2. 11 Geo.II,c.29

3. JHC,xxiii,pp.43,66

4. The road in Map Four called Bethnal Green New Road was built later (29 Geo.II,c.43), joining Dog Row, via the north-south turnpike road, with Shoreditch church and thereby meeting the aim of the Bethnal Green petition of 1736/7.

5. 11 Geo.II,c.35

6. 24 Geo.II,c.26

7. 29 Geo.II,c.87

8. So-called in 42 Geo.III,c.101,s.48

Whitechapel was given powers of cleansing, watching and lighting in 1763 by an Act which was mainly concerned with the regulation of the poor.<sup>1</sup> It was also in this year that the Middlesex and Essex Trust, in its periodic renewal Act, was given powers for watching and lighting along the four miles from Whitechapel church to the east end of Stratford in Essex.<sup>2</sup> There were thus two bodies empowered in the same year to improve Whitechapel High Street. The legislators, apparently hoping for some agreement between the Trust and the new commissioners, worded the turnpike renewal Act to encourage cooperation. If the Trust, for instance, found a parish had already placed certain lights it was to make satisfaction in proportion to the number of lights saved to the Trust.<sup>3</sup> On the other hand, the parish could contract with the trustees for extra lamps or spare themselves the trouble of lighting at all.<sup>4</sup> The turnpike Act did not allow the trustees to make a rate, but did allow the parishioners to rate houses lying beside the main road.<sup>5</sup> As for the trustees, they could recoup the expenses of lighting by a small extra toll which extended even to manure carts which were generally exempt from payments.<sup>6</sup>

The next turnpike Act made changes in the provisions for watching but not for lighting. By the earlier Act, any alleged malefactor was to be taken by the Trust's watchmen to a constable or other peace officer to be conveyed before a justice of Middlesex or Essex.<sup>7</sup> By the 1785 Act, night constables were to be appointed by the Trust with supervisory powers over

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1. 3 Geo.III,c.53

2. 3 Geo.III,c.58,s.1. The Hackney-Shoreditch-Mile End Trust had received these powers some eight years earlier (29 Geo.II,c.41)

3. Ibid.,s.2

4. Ibid.

5. Ibid.,s.3

6. Ibid.,s.4

7. Ibid.,s.1

the watchmen and an offender could be taken straight to a magistrate.<sup>1</sup> This was very much a rudimentary police force. After 1823 further ranks of sergeant and inspector were created and these men might be sworn in as constables before any justice and invested with similar powers;<sup>2</sup> in this way a true police force was established, controlled by a body with no public accountability, but it was still confined to the few miles between Whitechapel and Stratford.

While there was room for harmony, even mutual benefit, in lighting and watching, the question of paving raised other issues. In 1768 the inhabitants of Whitechapel sought a Bill to pave their streets and remove annoyances.<sup>3</sup> Despite being as a parish £3000 in debt, they were prepared to submit to an additional tax for paving which would make their total rate burden some 6s. in the pound.<sup>4</sup> In return for this, they hoped to gain two concessions from Parliament: one of these was a turnpike in Whitechapel High Street to levy some £1700 annually<sup>5</sup> by a toll on horses generally and on carts carrying hay to market; the other was exemption from statute duty.<sup>6</sup> This upset many parties for different reasons. The turnpike trustees stood to lose control of a busy street and saw their own interests threatened by another toll on horses passing into London - a toll which would use money raised in the Great Essex Road for the improvement of urban streets elsewhere.<sup>7</sup> Furthermore, they would lose a composition payment in lieu of statute duty. Other opposition came from the inhabitants of the High Street itself, where there was an existing market day levy of 6d. on every hay

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1. 25 Geo.III, c.124, s.45

2. 4 Geo.IV, c.106, s.35

3. JHC, xxxii, p.84

4. Ibid., p.118

5. This figure is given in a letter, Bamber Gascoyne to John Strutt, 18 Feb. 1769 (T/B 251/7)

6. JHC, xxxii, p.84

7. Ibid., p.273

cart: 2d. went to the Lord of the Manor of Stepney, 2d. to the parish for removing rubbish, and 2d. to the frontagers before whose doors the carts were accustomed to stand.<sup>1</sup> The frontagers fought to keep their proportion of the levy.<sup>2</sup> The inhabitants of Spitalfields objected because the Bill provided for the paving to be carried into streets in adjoining parishes, which would also be rated for the purpose.<sup>3</sup> Their journeymen weavers could ill afford their own parish rates, they said, without paying other people's, and they would become subject to toll at side gates giving access to Whitechapel High Street.<sup>4</sup>

Another objection came from adjacent Aldgate where their part of the Great Essex Road (not, however, controlled by any Trust) was already paved.<sup>5</sup> This paving, they petitioned, is very useful for the people of Whitechapel and Aldgate people will pay heavy tolls to get to the hay market upon which their many wharves and brewhouses depend.<sup>6</sup> They therefore asked that some of the tolls might be used for their own easement. Finally, the gentlemen and freeholders of Essex petitioned against paying another toll to get to London and Essex farmers claimed the market could not be kept on a paved surface.<sup>7</sup>

Whitechapel was forced to abandon the proposal in this form, especially when Parliament wished to make provision in the Bill for accepting the Aldgate petition.<sup>8</sup> One of the turnpike trustees, Bamber Gascoyne, encouraged the Trust to make some compromise arrangement with Whitechapel.<sup>9</sup> It was as much in the interests of the Trust as of the parish and the travelling public to see the road paved; the surface, the Trust confessed,

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1. Recital in 11 Geo.III,c.15

2. JHC,xxxii,p.187. The frontagers here claim to receive 4d. per load.

3. Ibid.,p.274

4. Ibid.

5. Ibid.,p.201

6. Ibid.

7. Ibid.,pp.273,274,323

8. JHC,xxxii,p.260

9. T/B 251/7, letter 19 April 1769

was 'so ruinous that it is unsafe'.<sup>1</sup> In a revised Bill put to Parliament in late 1770, Whitechapel proposed a small extra toll (except on Sundays) to be levied on coaches passing through the existing Mile End turnpike and on carts laden with hay and straw on market day.<sup>2</sup> This was better, but the trustees were still unhappy about the use of their gate for a largely parochial end and a new formula was agreed between Trust and parish which 'will not in the least injure or affect the Trade or Tillage of ... Essex'.<sup>3</sup> Three petitions of Essex freeholders, farmers and traders supported this, although some farmers had earlier objected.<sup>4</sup> This new formula passed into law: the parishioners of Whitechapel were to pay a yearly rate not to exceed 1s. 6d. in the pound; hay carts were to pay a 6d. duty to collectors appointed by the paving commissioners; and the trustees were to pay £1000 towards the paving costs, which might be borrowed on the credit of their tolls.<sup>5</sup>

The trustees, therefore, were successful and remained the only body to take toll on the Great Essex Road. It was also a victory for the turnpike system as a whole because the trustees, by virtue of their interests beyond the closely-integrated urban area, had solved a problem which threatened strife among neighbours. But they had surrendered Whitechapel High Street to paving commissioners and so their effective control had retreated farther from London.<sup>6</sup> The agreement in this instance followed closely the recommendation of a Commons' Select Committee in 1765 that the turnpike road from Clarges Street to

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1. JHC,xxxiii,p.78

2. Ibid.,p.5

3. Ibid.,pp.78,145

4. Ibid.,p.67

5. 11 Geo.II,c.15

6. It did not retreat again until 1863 when the Trust virtually ceded control of Whitechapel and began operating as from the North Street junction near Mile End (MS. note on T/M 479)

Hyde Park Corner be put under the management of the Westminster paving commissioners supported by a grant from the local Trust.<sup>1</sup> By 1825, however, no standard practice had emerged in the metropolitan area where paving, lighting and watching were variably maintained by rate and by toll.<sup>2</sup> It is doubtful if even a comparatively wealthy Trust, like the Middlesex and Essex, could have raised enough money to cover the capital cost of paving without some extraordinary powers of raising money written in to its renewal Acts. It will be seen later in this chapter that the Commercial Road Trust had just these powers.

The cost of raw materials for road repair exercised all the Trusts in the London area and led to their disinclination to pave. Even gravel, the basic material for road repair, came dearly. By Crown grants of 1594 and 1665, reinforced by later statutes,<sup>3</sup> Trinity House had the sole right to dig for gravel in the Thames between London Bridge and the sea and sell it as ballast to ships. This effectively debarred Trusts from taking gravel from the Thames estuary and coasting duty made stone almost prohibitive as merchandize.<sup>4</sup> Gravel coming down the Thames from Marlow cost nearly 12s. per ton carriage to London;<sup>5</sup> local inland gravel cost between 3s. 6d. and 5s. per ton<sup>6</sup> exclusive of carriage and Kentish flint was 5s. 9d. per cubic yard.<sup>7</sup> The Cheshunt Trust, in metropolitan Hertfordshire, tried using flints brought down from Ware but the commissioners of the Lea navigation were unable to reduce the rate of tonnage on materials for road repair as they could, for instance, for manure.<sup>8</sup> It was not until the General Turnpike Act of 1824 that

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1. BPP, 1765, First Series, ii, p. 465

2. BPP, 1825, v, 167, p. 4

3. A series from 6 Geo. II, c. 29, which recites grants 11 June 36 Eliz., and 24 June 17 Car. II

4. BPP, 1819, v, p. 365

5. BPP, 1825, v, 167, p. 25

6. BPP, 1819, v, pp. 386-94

7. BPP, 1825, v, 167, p. 25. A cu. yd. was 1½ tons.

8. BPP, 1820, ii, 301, p. 27

'canal' companies were empowered to lower their tolls in this field.<sup>1</sup> The dues on the Lea for broken Hertfordshire flints dropped immediately from 3s. 6d. to 6d. per ton.<sup>2</sup>

While flint and gravel were adequate for general road repair, they were presumably among 'the foul and improper materials' which Benjamin Farey, surveyor to the Middlesex and Essex Trust, accused his predecessors of using.<sup>3</sup> It was probably only after Farey's appointment in 1809 that the Trust began paving on its own account. His relatively advanced ideas for cambered or barrelled road surfaces were taken in evidence by a Commons' committee.<sup>4</sup> Farey was in favour of paving his road 11 or 12ft. from the footpaths, and not in the centre.<sup>5</sup> It is not known exactly to what extent the Trust paved in this way or when paving was first introduced. Wagons without springs were compelled in 1823<sup>6</sup> to use the paved 'cart tract' on either side of the turnpike road in Middlesex between Bow and Whitechapel churches (about 2½ miles) but other pointers suggest that paving was not extended into Essex until the reign of Victoria. In 1833, for instance, some 90 coach proprietors and post masters petitioned a meeting of the trustees complaining that their stock was nearly destroyed and the road was so deep, heavy and loose that the horses could scarcely draw.<sup>7</sup> This road was clearly not paved, nor indeed barrelled. Extra gravel had been laid because the surface was too low; this had been succeeded by too much rain.<sup>8</sup> In narrower parts of the road, which got excessive wear, broken

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1. 3 Geo.IV,c.126,s.103
  2. BPP,1833,xv,p.488
  3. BPP,1819,v,pp.377-81
  4. Ibid.
  5. Ibid.
  6. 4 Geo.IV,c.106,s.27
  7. BPP,1833,xv,p.511
  8. Ibid.,p.517

granite was used on the McAdam principle as a substitute for gravel. This was mainly in the Whitechapel Division of the Trust much of which, nearer London, was paved anyway.<sup>1</sup> It seems likely that as a traveller left London in, say, 1820 on the Great Essex Road he journeyed first over a stoneway through metropolitan Middlesex (the section in Whitechapel being done by paving commissioners), came to rolled granite chippings through the semi-urban area of Stratford in Essex, and then met rolled gravel for the rest of the way to Shenfield.

Much of this use of granite chippings was due to the personal interest of John Henry Pelly, for many years chairman of the Trust.<sup>2</sup> Pelly talked to James Walker, surveyor of the Commercial Roads Trust, and they tested several kinds of granite<sup>3</sup> deciding on the hard Guernsey variety (16s.6d. per ton<sup>4</sup>) for the stoneway and cheaper Aberdeen granite for the kerb. The granite 'pebble' was especially shipped from Canada by Pelly who was a governor of the Hudsons Bay Company and no doubt procured the stone at a minimal cost. If the Middlesex and Essex Trust had been empowered to levy a rate on roadside buildings, paving would probably have been more widely and more quickly adopted.

One very practical argument against paving was that in the later 18th century roads in both Middlesex and south-west Essex began to be used to accommodate water pipes, and maintenance of pipes below a paved surface was difficult and costly. The earliest public water company on the east side of London was at Shadwell, incorporated in 1691.<sup>5</sup> A more ambitious scheme began in Essex in 1745 when a partnership was formed between Resta Patching

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1. BPP, 1833, xv, p.518

2. Ibid.

3. Ibid.

4. BPP, 1825, v, 167, p.25

5. 3 & 4 Wm. & Mary, c.37 (private)

and Thomas Byrd to supply piped water to Stratford, West Ham, Bow, Bromley, and parts of Stepney.<sup>1</sup> The unit of power was a 'fire' (i.e. steam) engine,<sup>2</sup> probably the earliest in Essex, which brought the trustees face to face with the industrial revolution. Even before the water company had acquired statutory powers to buy land,<sup>3</sup> it had entered into an agreement with the trustees to water two miles of the Great Essex Road,<sup>4</sup> along which it no doubt laid its pipes. The trustees seem to have been very willing to help the company, even allowing them in 1746 to erect a circular reservoir, 10ft. high and 19ft. in diameter, in the middle of the widest part of the turnpike road in Stratford village.<sup>5</sup> They did not, however, allow the pipes to pass over Bow Bridge into Middlesex but they made them cross on the adjacent footbridge.<sup>6</sup> At this date, of course, there was no problem about paving; when paving was later done, new mains for both gas and water had to be laid as far as possible under the footpath.<sup>7</sup>

The roads were watered at this period not as a sanitary exercise but to lay the dust.<sup>8</sup> For this purpose, later Trusts often used water carts and by contracting with the water company the Middlesex and Essex trustees were spared the expense of machinery. The water pipes were, nevertheless, a nuisance and the 1785 turnpike renewal Act laid a penalty on the water company of 40s. for every hour the road remained opened after pipes had been laid or repaired.<sup>9</sup>

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1. D/DU 621/1

2. D/DU 621/2

3. 21 Geo.II,c.8

4. Recited in D/DU 621/1

5. D/DCw 01

6. Ibid.

7. 4 Geo.IV,c.106,s.30

8. cf. BPP, 1815, v, pp.377-81

9. 25 Geo.III,c.124,s.26

The situation was aggravated in the early 19th century by the formation of gas companies, whose work could not be deemed useful to the Trust in any way. Under their 1823 Act the trustees had wide powers to control both water and gas companies, having authority, for instance, to approve or reject the design of cocks and spouts on stand pipes.<sup>1</sup> Only mains were allowed to cross the turnpike. When it was necessary for the stoneway to be lifted for repairs, it was to be relaid by the trustees but at the expense of the proprietors. If a burst water main was not repaired within 12 hours, the turnpike surveyor could take necessary steps and recover expenses from the company.<sup>2</sup>

Another difficulty facing the Middlesex and Essex Trust in the metropolitan area was the upkeep of the road over five bridges spanning the various channels of the river Lea, just in Essex. As a traveller proceeded out of London on the Great Essex Road he came in quick succession to the following bridges: Bow Bridge which was astride the county boundary between Middlesex and Essex and maintained by the owners of lands formerly held by Stratford Abbey; Pegs Hole Bridge, maintained by the City of London, by virtue of their tenure of watermills and lands nearby; Sir Thomas D'Acre's Bridge, maintained by Thomas Chambers (later, by R.R. Mawley), also by tenure of a watermill; St. Michael's Bridge maintained also by the City of London; and Channelsea Bridge maintained also by the Abbey landowners. The whole road and causeway between Bow and Channelsea bridges, and over and between the other bridges, amounted only to some  $\frac{3}{4}$  mile and was the responsibility of the Abbey landowners. The fact that the Great Essex Road was turnpiked did not relieve the landowners of their obligation for upkeep any more than it relieved the parishes of statute labour. The Abbey landowners, like the parishes, wished to compound with the trustees for the upkeep

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1. 4 Geo.IV, c.106, ss.29-31

2. Ibid.

and the yearly sum of £150 was settled by the 1721/2 Act, to be assessed among the landowners by common agreement, or in default by the surveyors of the Stratford Ward of West Ham parish, or in default again by the justices of the local Essex Division.<sup>1</sup> This figure seems very high for so small a distance of road, especially as the parliamentary committee received evidence that the Abbey landowners had spent less than £130 in each of the years 1718 and 1719 towards maintaining not only the road but also their two bridges, which were not included in this composition with the trustees.<sup>2</sup>

By 1737 much of the composition was in arrears and Parliament decided that the clause had been inadequate. The turnpike renewal Act, therefore, empowered five or more trustees or a justice to issue a warrant to any constable or other peace officer to levy the arrears by distress and sale.<sup>3</sup> This was a clause of great importance, the significance of which apparently escaped both Houses at the time. The trustees in this instance were invested with the powers of a magistrate, an occurrence unique in Essex turnpike history. By the same Act, however, the fixed composition was abolished and the landowners could compound for such terms as five or more trustees should think reasonable; in default of agreement they were to repair the road at their own cost 'as if this Act had never been made'.<sup>4</sup> In other words, it would have been possible for the trustees to choose not to repair this important length of road less than three miles from the City of London. To reach agreement with the trustees, five or more landowners were empowered to call a meeting and every

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1. 8 Geo.I,c.30,s.26

2. JHC,xix,pp.626,627. The sum was apparently arrived at because a Mr. Wykes and a Mr. Coker testified to the committee that the road itself would cost £150 annually to maintain.

3. 10 Geo.II,c.36,s.8

4. Ibid.,s.9.

agreement between the trustees and a majority of the landowners was to be binding on both parties. To raise the composition the landowners could make assessments and rates among themselves and if a rate was not made within one month of a written request from the trustees, a local magistrate could make it compulsorily.<sup>1</sup> This is interesting not only because it shows other ways in which the trustees were given considerable authority, but because a number of strangers who happened to purchase land of a defunct institution were now forced into a tight association with administrative responsibilities to enable another body to take charge of a work which they themselves had been doing satisfactorily since the Reformation.<sup>2</sup>

These provisions proved impossible: the trustees had too much authority and the Act had laid down no machinery for levying the rate among landowners. The 1763 Act returned to the principle of fixed composition but at the realistic figure of £55, in default of which a justice, and not the trustees, could issue a warrant for distress.<sup>3</sup> The clause to enable the landowners to rate themselves was generally tightened and the money was to be collected by the surveyors of highways of Stratford Ward, who theoretically had nothing to do with either party.<sup>4</sup> After 1785 the position seems to have changed. The renewal Act of that year contained a general clause making the owners of a bridge liable to repair the road for 100 yards at each end of it.<sup>5</sup> This had in fact been law since the Statute of Bridges, 1531,<sup>6</sup> and why it did not apply earlier in this case is not clear. The principle, however, was now established that the Abbey landowners

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1. 10 Geo.II,c.36,s.9

2. It was not alleged in the parliamentary proceedings that this stretch of road was in any way worse than other parts maintained by the parishes.

3. 3 Geo.III,c.58,s.17

4. Ibid.,s.18

5. 25 Geo.III,c.124,s.43

6. 22 Henry VIII,c.5

should keep up only the road over their two bridges and the other owners should maintain the roads elsewhere, as the law demanded. This was not, however, a simplification of the issue because the Abbey landowners appear to have chosen to do much of the maintenance themselves, rather than compound with the trustees.

In 1827 a local Act<sup>1</sup> was passed to enable the landowners effectively to raise the money for the upkeep. This was an unusual Act creating a body unique in Essex, divorced from all aspects of local government, committed to no new public utility like water or gas supply, but merely trying to perform their lawful responsibility. To this end, the landowners were to elect annually a nine-strong committee to manage the raising of money by a pound rate and the necessary repairs with the proceeds. A casual reader, glancing through the clauses in this Act, might be forgiven for thinking he was looking in parts at yet another turnpike Act. The owners were to hold quarterly general meetings (to which the committee was accountable) and could appoint treasurer(s), clerk(s) and collector(s). Up to £3000 could be borrowed by mortgage of the rates and there was power to compound with the trustees or make purchases themselves for road and bridge improvements, with the usual lengthy clauses for the application of compensation money of various amounts under various circumstances.

The general situation must have been less than satisfactory to the turnpike trustees: some of the five bridges were so close that it was impossible for the owners to maintain a full 100 yards between them,<sup>2</sup> and as a uniform and scientific

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1. 7 & 8 Geo.IV,c.108

2. Between Pegshole and Sir Thomas D'Acre's bridges, for instance, only 69 yards could be repaired by each party (4 & 5 Wm. IV, c.89, preamble)

system of road repair was by then well established it was obviously imperative that there should be no piecemeal management of this major highway. The turnpike renewal Act of 1834 stressed 'there would be great inconvenience to the public if the parties did not come to a composition or maintain the roads, and it is advisable that all portions of the road in future should be repaired under the direction of the trustees ... and that the parties should pay a permanent annual composition ...'<sup>1</sup> This was a reversion to the old principle. The Abbey landowners were to pay £300 yearly to the Trust, the City of London £112.10s., and R.R. Mawley, £37.10s. These payments would absolve the parties from the need to maintain the road but would not remove their legal obligation. The trustees were given express and detailed powers to rebuild the important Bow Bridge and general powers to rebuild any other of the five bridges as occasion arose.<sup>2</sup>

It will be clear from what has been said that the Middlesex and Essex Trust was faced with a kind of dichotomy which no other Trust had to overcome. In the absence of the Trust's minutes one can only conjecture, but it is likely that the four miles between Whitechapel and Stratford caused more work to the trustees than all the 32 miles in rural Essex. To meet this situation the Trust was organised to an extent unequalled in this county. At least from 1790 the clerk produced a printed yearly calendar of business.<sup>3</sup> This was issued to each trustee and set out in tables the dates and places of the meetings of each Division of the Trust (i.e. the Romford, Woodford and Whitechapel Divisions), the quarterly dates for auditing the divisional accounts at the turnpike office at Bow, and the dates and places of general meetings, of which there were nine

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1. 4 & 5 Wm.IV, c.89, preamble  
2. Ibid., ss.11-16  
3. D/DBz 01

in each year. An open watching and lighting committee met twice a month in the turnpike office. This organisation was thought sufficiently remarkable even in 1833 for a sample calendar to be submitted to a parliamentary committee.<sup>1</sup> No other Trust in Essex even owned a permanent office but conducted business from the office of the clerk for the time being. The Middlesex and Essex issued to each trustee in the 1760s a pocket book which contained the text of all three enabling Acts to that date, with a comprehensive index of headings, an abstract of the measures in 24 General Highways Acts since 1671, and a résumé of the Acts granted to the water company in 1747 in as far as it affected the work of the trustees. In addition to this, there was a detailed map of the roads in 1768,<sup>3</sup> updating earlier surveys of 1728 and 1740,<sup>4</sup> and trustees were issued periodically with printed warnings that they might be replaced for non-activity; neglect to attend a meeting over two years without reasonable cause was deemed a refusal to act and a reason for expulsion.<sup>5</sup> This kind of pressure was unthinkable elsewhere in Essex.

If the Middlesex and Essex trustees can be said to have moved close to the role of improvement commissioners in some aspects of their work, then this role can fairly be said to have been accomplished by the trustees of the Commercial Roads. The origin of the Commercial Roads Trust can be traced to a petition in 1753 to make a new north-south route linking the growing north-Thameside community with the Great Essex Road.<sup>6</sup> The shipbuilders and repairers of Wapping and Shadwell wanted

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1. BPP, 1833, xv, pp. 514-8

2. Q/ABp 1

3. T/M 479

4. T/M 128

5. D/DBz 01

6. JHC, xxvi, p. 890. London Docks, shown on Map Four, were not built until 1805.

direct access to and from Essex, probably for timber, and a new road was thought useful for carrying the sick and injured to London Hospital in Whitechapel. This road involved widening Cannon Street,<sup>1</sup> north of Ratcliffe Highway, and the making of what came to be called (and is still called) New Road, from the north end of Cannon Street to the Great Essex Road. As if encouraged by the initial response, the petitioners broadened their schemes during the passage of the Bill through Parliament, seeking to widen first the bridleway from the north end of Cannon Street westwards into Cable Street, and secondly the bridleway called Back Lane eastwards from Cannon Street to Brook Street, and another bridleway called King David's Lane from Upper Shadwell Street into Brook Street,<sup>2</sup> (see Map Four). The effect of these additions was to make a direct and relatively clear east-west route from Tower Hill to Limehouse, parallel with the existing road through Ratcliffe Highway, which was largely built-up. These radical proposals were authorised in 1754;<sup>3</sup> more than 100 named trustees were appointed as well as all Members of Parliament for Middlesex and the Vice-Presidents for the time being of London Hospital. The new road to Whitechapel had to be not less than 15ft. and not more than 70ft. wide; there were normal powers, valid for 21 years, to let the tolls, borrow money and compound with travellers for their tolls. The only difference between this and any other contemporary turnpike Act was that there was no provision for statute labour by the parishes. Unless this was pure oversight, the omission was of constitutional importance. Some of the roads ran through Ratcliffe hamlet and perhaps Parliament did not wish to see the

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1. This has no connection with Cannon Street in the City.

2. *JHC*, xxvi, pp.906,947

3. 27 Geo.II, c.40

kind of imbroglia with Stepney which the Middlesex and Essex Trust had produced.<sup>1</sup> But by the omission the parishes were disassociated from any formal collective responsibility for the new roads, a situation which highlights the confused and anomalous position of trustees generally. A turnpike Act was not for the benefit of an individual, like an estate Act, but it was subject to the same parliamentary charges which affected private Bills to restrict their numbers; it did not set up a corporation or company, like a canal Act; it was not of a purely public and local nature like, say, a market Act because it tended to connect and involve communities some distance apart, and crossed all administrative boundaries.

When the Cannon Street roads were made, the Trust attracted the interest of the newly-formed dock companies.<sup>2</sup> The first of these wet docks to be built were the West India Docks in Poplar Marshes, completed in 1802. This was a relatively isolated situation and the docks company and other interested parties petitioned for the construction of an access road to join with the Great Essex Road in Whitechapel, some two miles away.<sup>3</sup> This was, as the docks had been, a speculative venture at a period which was not unsuitable for borrowing.<sup>4</sup> But whereas new docks could be managed by a joint-stock company, a public road, which would become an extension of the king's highway, could only in the eyes of Parliament be vested in the traditional anomaly of the turnpike Trust. If the turnpike system was occasionally unsuitable for the management of an

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1. It cannot be argued that statute duty was inappropriate on the grounds that the roads were mostly still to be made, as in both the Lea Bridge Trust, set up in 1757, and in the later Commercial Roads Trust, statute duty was not excluded.

2. By 39 & 40 Geo.III,c.110 (1800) the directors of the West India Dock Co. and London Dock Co. were added to the trustees of the Cannon Street Roads.

3. JHC, lvii,p.11

4. Gayer, Rostow & Schwartz, pp.69,77.

existing road maintained by local authorities, it was almost meaningless when applied to an intended road promoted by a private company. The 1802 Act,<sup>1</sup> authorising the Commercial Road, reflected this problem, creating a hybrid beast, part Trust and part joint-stock company. There were only 11 named trustees; at this date the Middlesex and Essex Trust had some 500. On the one hand, the term was limited to 21 years, on the other hand some £50,000 could be raised by subscription.<sup>2</sup> Interest was limited at first to the normal 5%, but could rise to as much as 10% on completion of the project. Curiously, statute labour could be demanded from parishioners in contradiction of the earlier Cannon Street Acts and risking renewed battles among the Stepney hamlets. Perhaps the most extraordinary clause of all was the one allowing the trustees to rate property within 100ft. of the completed road for purposes of lighting and watching.<sup>3</sup> This was a wholly exceptional condition, escaping the observation of the Webbs who distinguished turnpike Trusts and the manorial court leet from all other local governing bodies by their incapacity to levy a rate.<sup>4</sup>

It was seen that by this new Act the Cannon Street roads would be 'almost annihilated' at least in their attempt to provide an alternative route to Limehouse.<sup>5</sup> The powers of this Trust were therefore transferred to the new trustees who took over the remaining debt of £3000.<sup>6</sup> Ironically, the Commercial Road Act, which came as near as any other to breaking away from the traditional framework of turnpike Acts was more entangled

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1. 42 Geo.III, c.101

2. Although the 1802 Act did not use the word 'shares', the Trust's clerk testified later (BPP, 1833 xv, pp.451-6) that money was 'raised by shares'; four other Trusts appear to have copied this procedure in the metropolitan area, but they were formed later than this Trust and controlled smaller areas with far less debt and lower income (BPP, 1821, iv, 343, pp.152-3)

3. 42 Geo.III, c.101, s.108

4. Webbs, King's Highway, p.118

5. BPP, 1833, xv, pp.451-2

6. JHC, lvii, p.231; 42 Geo.III, c.101, s.137

than most in the complexities of local government. Although the route of the proposed road passed largely through open fields it ran into pockets of housing, some in Limehouse but more in Whitechapel, where considerable demolition would be involved in making a merger with the Great Essex Road. Demolition in 1802 had bureaucratic complications hardly to be rivalled today, as property was the basis for the raising of money in a bewildering assortment of lay and ecclesiastical fields. The new trustees were therefore to compensate:<sup>1</sup> the rector of Whitechapel for any deficiency in his annual stipend (based at 9s.6d. per house demolished); Brasenose College, Oxford, for great tithes (based at three pecks a year of best wheat per acre taken)<sup>2</sup>; Stepney, Limehouse, St. George-in-the East, Whitechapel and Ratcliffe hamlet for deficiencies in land tax and poor rate; Stepney and its hamlets and St. George-in-the East for deficiency in cleansing, watching, lighting and paving rate; Ratcliffe hamlet and Limehouse for deficiency in the 'Conjunct Rate'; commissioners of sewers in Tower Hamlets; and the commissioners of the White Horse Street pavement, which the new road was to cut across. It was recognised, however, that when the road was made and new houses built alongside, the parishes and other collecting bodies would be very much benefited; therefore when property within 100 yards of the new road produced a sum equal to the amount lost and more than sufficient to repay it, then the compensations were to be repaid to the trustees.<sup>3</sup> In fact, no repayments were made because the parishes, realising that this would happen, made no demands for compensation in the first place and the land tax on areas on which houses were later built had been redeemed.<sup>4</sup>

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1. 42 Geo.III,c.101,ss.39-50

2. This could be compounded for at 6s.8d. per bushel over the next 14 years.

3. 42 Geo.III,c.101,ss.47,52

4. BPP,1833,xv,pp.451-6

By 1804 the economy of the area was in rapid growth: housing was booming, the West India Docks were in use, the whole £50,000 had been subscribed for the new road to the City and work was underway at Blackwall on the new East India Docks. The time, therefore, seemed right to the trustees of the Commercial Road to think of extending east, to link the East India Docks with the Commercial Road. Accordingly, a new Act<sup>1</sup> was sought and obtained in that year, with power to raise £20,000 for making the new branch. Another £50,000 was authorised to be raised for completing the Commercial Road. The Act allowed for both roads to be partially paved, the expenses of which could be recouped by a 50% increase in tolls when the stoneway was built. When this paving began is not clear. The statement of the Trust's surveyor in 1819, that paving had been done for some 16 years,<sup>2</sup> conflicts with the powers apparently first granted in the above Act of 1804. Moreover, the Clerk of the Trust in 1833 implied that most paving on the Commercial Road was done after the 1828 Act.<sup>3</sup> What is clear, however, is that the new road to Whitechapel was made over 70ft. wide: the middle 50ft. was carriageway, of which 20ft. was at some time paved, and 10ft. either side was gravelled footway.<sup>4</sup> (It will be remembered that the Middlesex and Essex Trust was paved on the side but not in the middle). The paving cost £30,000, which made a total cost of £65,000 per mile for the two miles from the West India Docks to Whitechapel.<sup>5</sup> The road, however, carried some 250,000 tons of traffic a year and the stoneway required minimum upkeep.<sup>6</sup>

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1. 44 Geo.III,c.37
  2. BPP,1819,v,pp.386-94
  3. BPP,1833,xv,pp.451-6
  4. BPP,1819,v,pp.386-94
  5. BPP,1833,xv,pp.451-6
  6. BPP, 1819,v,pp.386-94

The Commercial Road venture was brought into Essex by a sequence of events which began in the summer of 1806. A public meeting at Ilford produced a group of subscribers keen to make a virtually new road from Stratford (between the four and five milestones on the Great Essex Road) to Tilbury Fort.<sup>1</sup> This was another speculative move, concerned not only with shortening by seven miles the 29 miles to Tilbury, but with opening up a faster route from Barking to London. Barking was a large and important town near the mouth of the navigable river Roding and the centre of a 'richly cultivated and highly productive' area which grew vegetables, particularly potatoes and cabbages, for the London markets.<sup>2</sup> Even more important was the trade in fresh fish: the town employed, in 1836, some 900 men and boys who sailed the Scottish and Dutch coasts in vessels of 40 - 60 tons 'constructed with wells for the purpose of preserving the fish alive, which consist chiefly of turbot, soles, and cod'.<sup>3</sup> Much of the fish was trans-shipped into smaller vessels in Barking Creek and landed at Billingsgate. The new road was therefore seen as an alternative way to move fish quickly to wider areas of London.<sup>4</sup> There was also the military point of view. Britain was at war and an improved road would facilitate troop movements and communications between Woolwich arsenal and Tilbury Fort. The interests of the navy and shipping between Blackwall and the Nore were also thought relevant arguments.<sup>5</sup>

As early as August 1806 the subscribers formed a committee to consider making a road from Barking through Plaistow to fall in with a proposed road from the East India Docks<sup>6</sup> (see Map Five).

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1. D/DL 035

2. Wright, Vol.2,p.474

3. Ibid.

4. The conveyance of fish was specifically mentioned in the preamble to 49 Geo.III,c.172.

5. See resolution of Commercial Road trustees, 27 Jan.1809 (D/DL 035), and preamble as in above footnote. Curiously, the very large Government ordnance depot at Purfleet was never mentioned in support of the case.

6. D/DL 035

The inference from this is that the Commercial Road trustees were already planning to extend the East India Docks road eastwards to draw trade to and from south-west Essex. Presumably, the two roads would have met at the river Lea.

In the event, the Stratford-Barking-Tilbury Fort scheme went before Parliament in 1808 but did not press for the inclusion of a direct road from Barking to the river Lea. The reason for this is a matter of conjecture in the absence of documentation. It seems probable that the responsibility for building a bridge over the river Lea was thought unsuitable for division between two Trusts and unfair to be visited on either individually without control of the road on either side of the river. The promoters of the Tilbury Fort road were therefore granted a rather weak Act in 1808,<sup>1</sup> allowing them to make a number of new stretches of road between Stratford and Tilbury and repair the existing lines of road between those stretches. Toll gates could only be erected on the new roads. This was a dismal beginning to an unhappy story. With rumours of a direct road from Barking to London being mooted, subscribers were unwilling to invest in a longer road which seemed likely in part to be superseded. There was unprecedented opposition in Parliament from landowners who did not wish to lose productive land to a roadway;<sup>2</sup> this led in practice to demands for high compensation. Three and a half acres of Ripple Farm near Barking cost the trustees £100 an acre in 1809<sup>3</sup> - the same sum which the harrassed Eastern Counties Railway paid for land at Fryerning in Essex nearly 30 years later.<sup>4</sup>

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1. 48 Geo.III.,c.92

2. Four petitions against were received by Parliament in March 1808 (JHC,lxiii,pp.149,154,166).

3. D/DL 035

4. D/DMa B13

The road through West Ham, East Ham and Barking had to be made before any other, and nothing was to be done at all until enough money had been raised to complete not only this but the whole road as far as Rainham.<sup>1</sup> The trustees, in the face of these many difficulties, were forced to plan a cheaper road: in June 1808 they decided to reduce the width, allow only one yard of gravel to three yards of road, substitute banks and hedges for fences, avoid certain expensive properties, and make a timber rather than a brick bridge at Barking.<sup>2</sup> In this way, they hoped the cost would fall from an estimated £14,712 to £7,009.<sup>3</sup>

The powers of the Tilbury road trustees were soon radically changed. The reason for this was yet another Act granted to the Commercial Road trustees enabling them to raise £30,000 to build a bridge over the river Lea and make a new road from there to Barking.<sup>4</sup> This, the Act explained, would render some powers already given to the Tilbury road trustees unnecessary, and their authorisation to make a new road from Stratford to Barking was therefore repealed within a year of its granting. This left them with powers only to connect Barking and Tilbury. There is nothing to suggest this was a bully-boy move by the Commercial Road. The fact was that the Tilbury road was under-subscribed while the Commercial Road was not, and having established control of all through routes in Middlesex between the Great Essex Road and the Thames, the Trust was now looking into Essex for a logical expansion of its network. It was, however, a rushed move, resulting from a meeting in January 1809,<sup>5</sup> and the trustees, when their Bill was launched, had been unable to comply

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1. 48 Geo.III,c.92,s.14

2. D/DL 035

3. Ibid.

4. 49 Geo.III,c.172

5. D/DL 035

with the Standing Orders of the House in relation to the time allowed for introducing it.<sup>1</sup>

In the eyes of the Tilbury Road trustees the intervention of the other Trust was welcome. It was, in fact, a collusive move. This is made clear by a statement of 1817 that 'the Gentlemen connected with the Commercial Road coalesced with the Gentlemen of Essex, and engaged to complete the Line of Road to Barking ...'.<sup>2</sup> That it was at first a successful coalition, attracting immediately the interest of investors, is proved by the completion of the new road between Cockermouth Corner and Rainham by the end of September 1810, on the part of the Tilbury Road Trust, and the building of a 4-span cast iron bridge over the river Lea and the making of the entire road to Barking by the end of the same year, on the part of the Commercial Road Trust.<sup>3</sup> Both Trusts used James Walker, a surveyor and engineer, who employed one contractor.<sup>4</sup>

After the initial euphoria, the prospects became less bright. There was no explosion of growth on the Essex side of the river Lea. The population of both West Ham and Barking grew more slowly between 1811 and 1821 than they had in the previous decade<sup>5</sup> and land did not rise in value. Ann Royston's 250 properties in Plaistow assessed at £50 for the land tax in 1801 were still assessed at that figure in 1820<sup>6</sup>. Despite a claim in 1810 that 'the whole traffic from the southern part of Essex will be brought on those Roads',<sup>7</sup> the rich farmland resisted attempts at urban development and the industrial growth of what

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1. JHC, lxiv, pp.189,190

2. Letter in D/DL 035

3. Ch.Ch., 21/9/1810, 19/10/1810

4. D/DL 035

5. Census figures given in VCH, Vol.2.p.345

6. Q/RP1 74,92

7. Ch.Ch., 19 October 1810

are now the London boroughs of New Ham and Redbridge resulted more from the Metropolitan Buildings Act, 1844,<sup>1</sup> which had the effect of moving obnoxious trades across the river Lea, than from the influence of the turnpike roads and the railways.<sup>2</sup>

Investment in the road from Barking to Tilbury declined quite abruptly after the completion of the Rainham route. The trustees, now they had built one length of road, could at least erect a tollgate and raise some income from users, but by 1813 nothing more had been done to extend the road and the press hoped 'soon to see it completely finished as was originally intended'.<sup>3</sup> But the new cut had cost more than the £5,100 subscribed by the end of 1811<sup>4</sup> and the clerk had approached the Commercial Road trustees as early as October 1809 to ask them to settle the accounts.<sup>5</sup> James Walker, in 1810, was telling the Tilbury road trustees that the contractor was about to finish the road to Rainham and 'I fear his claims for Money will be somewhat considerable'; in May of the same year he was entitled to £400 but was 'to get what the funds will allow'.<sup>6</sup> At a crisis meeting early in 1813 the Tilbury road trustees decided that bonds should again be offered to tradesmen creditors with interest at 5% until money was raised to pay them off; that they would write to the original subscribers asking for a further subscription of 5% upon the original sum; and that the Commercial Road trustees should be formally told of 'the embarrassed state of their finances' which had led to a debt of £800.<sup>7</sup>

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1. 7 & 8 Vic., c.84. This Act (s.55) laid down a minimum distance within which a dwelling house could be erected near an offensive or obnoxious business; these businesses, which were defined, were required to move away within 30 years if they were inside a stated distance from existing houses or less than 40ft. from a public way.

2. In the Plaistow area of West Ham the building of the Victoria Docks in 1855-6 also led to much development.

3. Ch.Ch., 21/5/1813

4. D/DL 035

5. Ibid.

6. Ibid.

7. Ibid.

The position worsened. In October 1816 three trustees and creditors tried to force an extraordinary General Meeting to discuss the lack of capital.<sup>1</sup> Meanwhile the trustees of the Commercial Road grew impatient and wrote to the treasurer of the Tilbury road reminding him of the original 'express understanding' to continue the road to Tilbury Fort. Their part of the road, they said, had been done at a cost of over £50,000 and 'it was with no small degree of vexation and Disappointm<sup>t</sup> that the Trustees witnessed the very slow progress made by the Essex Gentlemen'. The work was not only incomplete, but appeared 'altogether to be lost sight of', to the injury of subscribers who had invested large capital in confidence of the whole plan being long since executed. Why not, they said, apply to the Government, stressing the importance of the new road for naval and military purposes?<sup>2</sup>

The Tilbury road trustees eventually came round to doing this and were partly successful. Many new ways of raising money were included in an Act of 1821.<sup>3</sup> The trustees were empowered to raise £10,000 by subscription; the Exchequer Loan Commissioners,<sup>4</sup> impressed by the promise of work for the labouring poor as well as the military arguments, were able to advance up to £2000 on the security of the Beam River tolls, which had produced an average yearly surplus of some £227 in the previous three years;<sup>5</sup> the Commissioners could lend further sums on the security of other gates, as they were erected on the new stretches of road. The loans were to bear legal interest and be repaid by means of a

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1. D/DL 035

2. D/DL 035

3. 1 & 2 Geo.IV,c.33

4. Created 57 Geo.III,c.34 and c.124, to authorize the issue of Exchequer Bills and the advance of money out of the consolidated fund for the carrying on of public works and fisheries and employment of the poor.

5. 1 & 2 Geo.IV,c.33,s.9

sinking fund of 5%; statute duty or composition by the parishes was to continue as another source of income. Despite these measures, the necessary capital was never raised and the Tilbury Fort Trust became steadily poorer. A final attempt was made to save it by the Commercial Road trustees, who were authorised in 1824<sup>1</sup> to advance £8,000, but the new roads were never made. In 1846 toll revenue on the Rainham stretch was £303, but £745 was owed on mortgage and the floating debt stood at £4,945, or £6,302 with unpaid interest. By 1850, the last year in which the Trust made a return to the Clerk of the Peace, total debts had reached £6,989 and the Trust was disbanded in 1852.<sup>2</sup>

Meanwhile, the Commercial Road Trust, managing the entire main road from Barking to Whitechapel, was growing more like a joint-stock company as the years went by. Frequent Acts were passed to add new roads, raise more money and, of course, continue the Trust's existence. In 1815<sup>3</sup> the trustees proposed to build a new road from King David Lane in Shadwell to the Commercial Road and then to the Great Essex Road in Mile End, thus forming an alternative north-south route to the 'New Road' from Cannon Street. Parliament seemed to lose track of the nature of this empire, showing confusion as to the status of the trustees. The 1815 Act, for instance, expressly referred to the roads as 'proprietary' with no statute labour performed on them;<sup>4</sup> yet statute labour had been granted on these roads by the 1802 Act<sup>5</sup> and was not formally repealed until 1824.<sup>6</sup> Certain aspects of general turnpike law were inapplicable to the Trust; the treasurer, for instance, was not a banker and did not need to give security;<sup>7</sup> and when other Trusts were obliged to submit

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1. 5 Geo.IV,c.144,s.2

2. Q/RUt 2/14; disbandment was under 14 & 15 Vic.,c.37

3. 55 Geo.III,c.89

4. 55 Geo.III,c.89,s.15

5. 42 Geo.III,c.101,s.96

6. 5 Geo.IV,c.144,s.8

7. BPP,1833,xv,pp.451-6

an annual statement of accounts to the Clerk of the Peace, the Commercial Road Trust did this because it was willing to and not by compulsion.<sup>1</sup> In fact in 1833 the Clerk testified that the only difference between the Trust and a joint-stock company was that its powers were not perpetual.<sup>2</sup>

The various measures under which the Commercial Road trustees exercised their powers were consolidated for 21 years in an Act of some 122 pages, with 220 sections, passed in 1828.<sup>3</sup> This came to be known as 'The Commercial Roads Act'.<sup>4</sup> Only 10 named men and the Chairman and Deputy Chairman of the East India Dock Company for the time being, were appointed trustees; the roads were divided into five regions (the Commercial Road, East India Dock Road, Barking Road, Cannon Street Roads, and Mile End Branch Road) each compelled to keep distinct accounts and each with its own banker. It is possible to see from this Act how fragile the empire really was. The £100,000 raised for the original Commercial Road not been paid off, neither had nearly £20,000 raised for the East India Dock Road or nearly £30,000 raised for the Barking Road. Another £20,000 raised for the Barking Road in 1811<sup>5</sup> was treated as another debt on the Commercial Road, which paid the interest and dividends. No part of £10,000 for the new Mile End branch, and nothing of the £8,000 for the Tilbury road trustees had yet been subscribed. Some roads were paved but other parts were not or the old paving needed replacing.

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1. BPP, 1833, xv, pp.451-6

2. Ibid.

3. 9 Geo.IV,c.112, from which all refs. in this para are taken.

4. By 12 & 13 Vic.,c.76 (1849). This seems to be the first time that the various branches of road were officially summarized as 'The Commercial Roads'.

5. 51 Geo.III,c.42,s.2

One reason for this turn of fortune was that trade at both the West and East India Docks, although still considerable, had decreased since the opening of the London Docks in 1805 and the St. Katherine's Docks in 1828.<sup>1</sup> Shipowners could now operate almost to the Tower of London and their goods were not subject to road toll in reaching the City. Nevertheless, the future was bright enough in 1828 to allow the trustees to try again to raise £10,000 for the new Mile End branch, £60,000 for renewing the stoneway, and to advance £8,000 at 5% interest to the trustees of the Tilbury road. In order to recoup some of the debt of the Barking Road, the tolls were much higher there than on other branches, for instance 1s. 6d. on the Barking Road for a coach with four wheels and six horses and 2s. for a hay wagon with 6in. wheels and five or more horses; on the East India Dock Road the same tolls were 9d. and 1s.1½d. respectively.

While maintaining the image of the Commercial Roads Trust as a joint-stock company, the 1828 Act did nothing to relax the role of its trustees as improvement commissioners.<sup>2</sup> Their powers were varied, including: levying rates up to 2s. 9d. in the pound annually, on premises within 100ft. of the road, for lighting, watching, cleansing, watering, and for paving footpaths beside the Commercial Road; regulating the standing of coaches, with the approval of commissioners for licensing hackney carriages; causing houses to be numbered and streets to be named; approving the form and position of places 'for the easing of Nature' beside public houses; and preventing nuisances, like the burning of rags or the making of ammonia within 500 yards of any house on the road. The legislators took occasion to make instructions generally of an improving nature which affected the trustees incidentally or

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1. BPP, 1833, xv, pp. 451-6

2. The refs. in this paragraph are all taken from 9 Geo. IV, c. 112.

not at all. This was particularly in the field of gas and water, where companies were instructed to lay pipes in relation to each other's services according to certain rules. Under this Act a gas company could be fined for allowing 'washings' to waste into a river; a water company could dig around gas pipes to detect a leak; the Gunmakers' Company were allowed to prove pistols in Church Street, Whitechapel, only at certain hours; coaches could not ply for hire during divine service within a certain distance of Limehouse church; and owners of carts carrying night soil could be fined for off-loading. The only hint of any reduction in the powers of the trustees was in relation to watching, where the role of the trustees could cease if the parishes wished it to, 'inconvenience and expense having been incurred in the past for want of immediate co-operation and communication between various watchmen of local authorities and trustees'.

For the next 21 years the trustees maintained their various roads against a background of momentous evolution. More damaging to the Trust than the rival dock companies were the moves to make a horse railway to the East India Docks. The Trust, which had itself sought to lay iron rails on the stoneway in 1828,<sup>1</sup> spent some £350<sup>2</sup> in legal expenses in opposing a similar scheme in 1830.<sup>3</sup> A third scheme in 1835 was also abortive.<sup>4</sup> But in 1836 two groups of merchants and traders launched simultaneous proposals, one group for a railway from Leadenhall Street, to be called The London & Blackwall Railway, the other group for a railway from the Minories, to be called The London & Blackwall Commercial Railway; both railways aimed for Brunswick Wharf in Blackwall.<sup>5</sup> The former scheme was supported by the East India Dock Company and the latter by the West India Dock Company. After a terrific parliamentary battle, during which the Commercial Road

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1. JHC, lxxviii, p.72  
2. BPP, 1833, xv, pp.451-6  
3. JHC, lxxxv, p.86

4. JHC, xc, p.169  
5. JHC, xci, passim

trustees attempted an 'Improvement Bill' which would have allowed them to build new 'Stoneways or Ironways',<sup>1</sup> the railway from the Minories was sanctioned. It was opened in July 1840.<sup>2</sup> By the date of the Trust's next renewal Act in 1849,<sup>3</sup> steam trains were running not only to Blackwall but right through Essex on two main lines; and the first Public Health Act<sup>4</sup> had authorized the creation of local Boards of Health.<sup>5</sup> Soon sanitation and road management in urban areas were both to be vested in local government.<sup>6</sup>

Ten named trustees were again appointed for the Commercial Road but by the 1849 Act all justices of the peace in Middlesex were appointed ex-officio trustees, at last bringing some public voice to an oligarchy tighter and more powerful than any select vestry east of London. By one simple clause, 49 sections of the 1828 Act were removed without explanation or description; by another, all powers relating to the Cannon Street Roads ceased. The new road from Shadwell to Mile End was officially abandoned and no further part of the £60,000 stoneway money was to be raised. The main purpose of this Act was to salvage some money for disillusioned creditors and investors. The £100,000 raised over the years for the Commercial Road was now valued at £75,000; the £20,000 raised for the Barking Road but treated as another debt on the Commercial Road (and called the Commercial Road Joint Stock) was valued at £15,000; nearly £20,000 raised for the East India Dock Road was valued at only £3,884; and nearly £30,000

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1. JHC, xci, pp.60, 144, 366. Frontagers on the Commercial Road successfully opposed both this and the 1828 scheme.
  2. Lewis, p.275
  3. 12 & 13 Vic., c.76, from which all refs. in para below are taken.
  4. 11 & 12 Vic., c.63
  5. The first Essex Board in this area was constituted at West Ham in 1856.
  6. In the metropolitan area, unlike elsewhere in Essex, the new Local Boards did not take over any part of the existing turnpike road system while the Trusts were still working.

raised for the Barking Road was valued at only £5,872. In addition to these sums, some £22,000 had been raised towards the £60,000 authorised for the new paving, and this was called the Commercial Road Stoneway Subscription. What the 1849 Act did was merge all the valuations and the stoneway subscription and create the Commercial Road Consolidated Stock of £122,085. Subscribers were entitled to a share in the Stock at the rate of three-quarters of their original subscription in the former Commercial Road capital and Joint Stock; to face value in the stoneway subscription; but only to one-fifth in relation to the East India Dock and Barking Road moneys.

In the absence of any other established bodies for urban development, the role of the trustees in lighting and cleansing was continued. As to watching, however, all powers were to cease.<sup>1</sup> This meant that rating had also to continue, except in relation to the East India Dock Road where powers of maintaining the footpath, and of rating within 100ft. of the road, were removed. On the Commercial Road, however, the obligation to pave footpaths was extended to include 100ft. of side roads.

The Commercial Roads Trust, now reduced to a less complex administrative unit, functioned to the end of its statutory span, in August 1871. It showed a late success which might have startled those who had predicted its collapse in 1849. The total annual toll income in 1850 was £9,761, a sum regularly and comfortably surpassed thereafter, with a peak income of over £18,000 in 1863.<sup>2</sup> Despite a gradual decline in the 1860s, total revenue in 1870, the last full year, was still over £14,000, and the debt dropped consistently from over £122,000, established

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1. The area of the Trust had been included in the metropolitan police district constituted in 1829 (10 Geo.IV,c.44)  
2. Q/RUt 2/11

by the 1849 Act, to only £13,624 in 1870.<sup>1</sup> Much of this improvement was undoubtedly due to the rapid industrial and residential growth of south-west Essex and the building of the Victoria Docks on Plaistow Marshes in 1855-6. Between 1841 and 1871 the population of West Ham alone rose from 12,738 to 62,919;<sup>2</sup> and no amount of railway development could stop the rise in general road traffic. During the same period the tolls of the Middlesex and Essex Trust were also healthy: an income of nearly £14,000 in 1850 can be compared with over £15,000 in 1866, the last full year of that Trust's existence.<sup>3</sup>

The true strength of the Commercial Roads was revealed in evidence to a parliamentary committee in 1859.<sup>4</sup> The Clerk to the Trust, William Baker, felt that its existing debts could be paid off even if toll were limited to dock traffic and removed from the public at large. As it was, the Trusts roads had 41 toll bars but 26 were 'perfectly useless' and could be taken down.<sup>5</sup> Despite the great revenue which the dock traffic produced, the rate of toll was insignificant in the eyes of traders. Baker cited the example of a hogshead of sugar, which weighed as much as a ton and was valued at £2. per cwt. Cartage into London cost 2s. 6d. and road toll was 3d. on the 'down' journey and 6d. going 'up'.<sup>6</sup> A 6d. toll on a £30 - £40 article was of little consequence and the carriage interest was not averse to paying it; their main worry was the control of their own drivers who were apt to pocket money allowed them for toll and drive to London

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1. Q/RUT 2/11

2. Census figures quoted in VCH, Vol.2, p.345; in 1881, after the opening of the Albert Dock, the total was 128,953.

3. Q/RUT 2/10

4. BPP, 1859, xi, pp.269-72

5. BPP, 1859, xi, p.269

6. Ibid., p.270

by the side roads. To avoid this abuse the trustees introduced a system of 'check books' and haulage firms paid weekly accounts according to the number of journeys and no money changed hands between driver and collector.<sup>1</sup>

Although the passing of such an undemocratic and powerful body as the Commercial Roads Trust is not to be regretted, a great advantage of the Trust was its ability to cross local government boundaries and deal with a road as a logical entity. When the Trust ceased, its roads were divided between the justices of Middlesex and Essex at the traditional boundary of the river Lea. The repair of the cast iron Lea Bridge, increasingly weakened by traction engines, was the subject of bureaucratic indecision by both counties from 1871. Neither would agree to proper maintenance or reconstruction and the bridge broke up in 1887 having been nudged by a steam collier.<sup>2</sup> The significance of this point will be taken up later in this thesis.

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1. BPP, 1859,xi,p.272

2. Q/ABp 56

## CHAPTER FOUR

### STRUCTURE, ADMINISTRATION AND PRACTICE

It should not be assumed, from what has been said of the individuality of the metropolitan roads, that the more rural Essex Trusts had by contrast a basic uniformity. In fact it will be shown in this chapter, which examines the workings of these Trusts, that they were as dissimilar in management as in mileage.

The essential common factor among Essex Trusts, generally from 1726<sup>1</sup> but not exclusively until 1769,<sup>2</sup> was that they were run by trustees, sometimes called commissioners.<sup>3</sup> These men, named in the enabling Acts, had power to recruit others at the decease or other failure of their colleagues.<sup>4</sup> The trustees appointed officers (clerk, treasurer(s) and collector(s)) but the division of duties between trustees and officers was not absolute. Trustees acted regularly as treasurers until the second quarter of the 19th century and certain Trusts used trustee-surveyors, as will be shown later in this chapter.

The numbers of trustees, excluding the Commercial Roads Trust, varied between 57 (Lea Bridge and Road Trust) and well over 500 (Essex Trust, First District). The Middlesex and Essex Trust had 505 trustees, augmented by the mayor and aldermen of Colchester for the time being, a situation which arose from the petition of Colchester in 1721 against paying toll at another gate on the London road.<sup>5</sup>

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1. 12 Geo.I,c.23

2. 9 Geo.III,c.63

3. The terms became synonymous but the word commissioner implies a degree of permanence (Q.E.D.) and therefore importance which the drafters of local Acts found useful. Some Acts refer to trustees when dealing with internal matters but introduce the alternative commissioners in clauses which deal, for instance, with purchase of land (e.g.17 Geo.II,c.9,s.11)

4. Other reasons were usually domestic removal, bankruptcy, and refusal to act, which, in later Acts, amounted to non-attendance over 2 years (e.g. under 4 Geo.IV,c.106 and 3 Geo.IV,c.44)

5. JHC,xix,p.700; House of Commons Votes, 20 Dec.1721. There is no evidence that the borough sent representatives to meetings.

A quorum to conduct day-to-day business was usually five, but seven, nine or even 21 trustees could be required for less routine procedures, such as choosing other trustees, toll farming or borrowing money.<sup>1</sup> The very great numbers of trustees, resembling lists of names in the Commissions of the Peace, are explained by the need to include within the Trust all who had a real or possible interest in the state of the road or enough influence in Parliament to obstruct the passage of the Bill. There is no evidence in Essex of the Webbs' finding that certain landed families gained immunity from toll as the price of acquiescence to the turnpike.<sup>2</sup> Many titled men were among the trustees, included no doubt to improve the image of a Trust in the eyes of prospective creditors; some, like Lord Braybrooke of Audley End, took a real interest in Trust affairs and acted as treasurers.<sup>3</sup> From 1757<sup>4</sup> in Essex, and by general turnpike law from 1773,<sup>5</sup> a property qualification was introduced for trustees, but despite this move towards men of substance it is doubtful if many names in a turnpike Act could ever be identified. For instance, (blank) White occurs in the 1768 Epping and Ongar Trust Act<sup>6</sup> and Thomas Smith, in the 1793 Essex Trust Act,<sup>7</sup> is scarcely less open to question. Dozens of similar examples could be cited. No turnpike law obliged the

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1. The tendency was for the quorum to decrease. For instance the Middlesex and Essex Trust was able by 1833 to lease its tolls with 7 rather than 21 trustees (BPP, 1833,xv,pp.529-32) and the General Turnpike Act, 1832(3Geo.IV,c.126,s.67) introduced a quorum of 3 where no other existed under a local Act.
  2. Webbs, King's Highway, p.137
  3. Other examples are Sir Conyers Jocelyn (Hockerill Trust) and Sir Thomas Barrett Lennard (Tilbury Road Trust)
  4. Lea Bridge and Road Trust (30 Geo.II,c.59,s.42) Trustees had to have real estate yielding £100 (or be heir to an estate yielding £200) or have a personal estate worth £2000.
  5. 13 Geo.III,c.84,s.44, alleging that 'great mischiefs have arisen from mean persons acting as trustees...'; qualification was fixed at real estate yielding £40 (or in heirdom £80), or personal estate worth £800. By 3 Geo.IV,c.126,ss.62,63 (1822) the figures for real estate were changed to £100 and £200 respectively and no qualification on personal estate was allowed outside 10 miles from London.
  6. 9 Geo.III,c.63
  7. 33 Geo.III,c.145

clerk of a Trust to notify a trustee of his appointment under an enabling Act and probably only the Middlesex and Essex Trust distributed working papers to each trustee.<sup>1</sup> It was shown in the last chapter that only in this Trust were trustees reminded if they did not turn up for meetings.

Some trustees attended out of self-interest or force of circumstances. J.R. Hatch Abdy appeared at a meeting of the Epping and Ongar Trust to complain that McAdam had lopped trees on the waste of his manor of Chigwell.<sup>2</sup> Charles Tower, an important landowner of Weald Park near Brentwood, came to be a leading figure in the Essex Trust, only because he was involved in a local campaign urging the Trust to improve its footpaths. When he first wrote to the Trust's treasurer in 1822, asking for repairs to be made, he excused his own position 'having been appointed, I believe, a trustee ... altho' I do not remember having qualified or attended any meetings.'<sup>3</sup> A few months later he wrote a stronger letter to the treasurer, wanting to know why nothing had been done since he had written earlier as a trustee. 'I shall probably attend the next meeting of trustees', he threatened, 'should I hear when it will take place'.<sup>4</sup> By the end of 1822 he was a trustee-surveyor responsible for 5 miles of road near his home.<sup>5</sup>

The first meeting of a Trust was always well attended. When the Epping and Ongar Trust was inaugurated in 1769 there were 49 trustees present;<sup>6</sup> six meetings later they could not raise a quorum.<sup>7</sup> Neither could the Hockerill Trust for four successive

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1. However, by 4 Geo.IV,c.106,s.41, the Trust did not have to send a printed copy of the annual accounts to every trustee (as required by 3 Geo.IV,c.126) on grounds of cost and because 'many ... do not require the same.'

2. D/TE 3,pp.91,92

3. D/TX 6/8

4. D/TX 6/8

5. D/TX 5/50

6. D/TE 1,p.1

7. Ibid.,p.11

meetings in 1753-4, so that the Trust was effectively inoperative for nearly six months.<sup>1</sup> What regular attenders there were at turnpike meetings were usually the more active magistrates, for whom attendance was one more duty in the rounds of public office. The general introduction of a property qualification for trustees probably strengthened the position of the magistrates at the expense of traders and stage coach proprietors and others with a user's interest in the state of the roads.<sup>2</sup> This position was confirmed by the statement in all local turnpike Acts that a trustee in the Commission of the Peace could act as a justice in any matter in which the running of the Trust impinged upon the magistracy. Furthermore, justices were included as ex-officio trustees in most local turnpike Acts from about 1820 and by general turnpike law from 1822.<sup>3</sup> While this did not make the Trusts any more democratic it had the virtue of vesting control in men used to public office who might raise matters of regional concern at general meetings.<sup>4</sup>

Naturally, some landowners among the magistrates showed greater responsibility than others. 'In the six winter months', wrote Winstone in 1891, 'country gentlemen found more agreeable occupation in field sports than in attending committee meetings, etc. ...'<sup>5</sup> Certainly, there were personal considerations: the Clerk to the Tilbury Road Trust (which was then in some difficulty)

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1. T/A 596/1

2. But this should not be over-stated. In 1820 Trusts were asked (in 1 Geo.IV,c.95) to distinguish how trustees were qualified. The returns (Q/RUt 1/3) show that mostly there was no record, except in some Divisions of the Essex Trust: here, 187 were qualified by real estate and 126 by personal estate - a surprisingly high figure of the latter class who formed the majority on two roads. If this situation was general it may help to explain McAdam's remark in 1833 about 'the Landed Interest not being sufficiently attended to at Turnpike Meetings ...' (see Albert, p.58)

3. 3 Geo.IV,c.126,s.61, in respect of county justices; 5 Geo.IV,c69 in respect of justices for ridings, divisions or sokes.

4. For instance a JP-trustee in Castle Hedingham supported relief for a local miller whose business was within 100 rods of a proposed new gate at Bulmer (D/TX 6/4)

5. Winstone, p.112

noted that gentlemen present at the meeting in October 1818 proposed not to attend the quarterly meeting usually held on the first Thursday after Christmas Day but 'as a matter of greater convenience' to postpone it for three weeks.<sup>1</sup> But often magistrates were genuinely too busy to attend turnpike meetings. By 1800 they were working on three administrative levels: at Quarter Sessions, at the less formal Petty and Special Sessions,<sup>2</sup> and in wholly informal surroundings at home or in local inns to deal with misdemeanours or matters of parochial administration.<sup>3</sup> As the 19th century progressed there was less and less time between meetings of Quarter Sessions at the Shire Hall, and the Chelmsford Petty Sessions came to meet on a fortnightly basis. There were also other duties. A trustee in 1807 could not attend a meeting 'Thursday being our Appeal Day for the Property Tax';<sup>4</sup> other trustees were lords of the manor, commissioners for Land Tax, commissioners of sewers, or parish churchwardens. Apart from their public duties they were landowners and farmers, interested in estate management and keen to meet Arthur Young and discuss agricultural practice.<sup>5</sup>

Another reason for bad attendance was distance from the place of meeting. The venue was sometimes fixed in the enabling Acts. For instance, the Essex Trust had to meet alternately at Chelmsford and Colchester<sup>6</sup> and the Epping and Ongar Trust at Epping Place inn.<sup>7</sup> The Essex Trust occasionally ignored this<sup>8</sup> and managed to get round it on other occasions by meeting elsewhere

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1. D/DL 035

2. Formed as early as 1759 in the Chelmsford area (I.J.17/11/1759)

3. cf. Moir, pp.90-92

4. D/TX 3/5

5. Many active trustees are among those named in Young, General View, as contributing to his knowledge of the county.

6. 12 Geo.I,c.26,s.23

7. 9 Geo.III,c.63,s.4. The trustees were enabled to adjourn elsewhere but very rarely did this.

8. For instance meeting at Witham in 1753 (I.J. 7/7/1753)

by adjournment.<sup>1</sup> But the letters of Lewis Majendie show how difficult it could be for an elderly man, not in very good health, to go from Castle Hedingham to Chelmsford to attend meetings.<sup>2</sup> It was probably this difficulty of travel which led the larger Trusts to manage their roads by Divisions. The printed calendar of business of the Middlesex and Essex Trust shows that there were Whitechapel, Woodford and Romford Divisions by 1791;<sup>3</sup> as there is a reference to the surveyor of the Woodford Division in 1727/8<sup>4</sup> the areas were probably established at the creation of the Trust in 1721/2. It is likely that the active trustees distributed themselves among these Divisions on grounds of convenience.<sup>5</sup> They held regular meetings at which their particular length of road was administered. Decisions were reported to and reconsidered, along with matters of policy, at general quarterly meetings.<sup>6</sup>

The internal structure of the Essex Trust, on the other hand, was much less systematic. The disjointed network of 193 miles, built up in the 18th century, was found impossible to administer. It will be shown later in this chapter that little or no money was borrowed for repairs, the siting of toll gates was a matter for political infighting, and no surveyor seems to have been appointed for any part of the roads until 1787. In this same year, from miscalculation and incompetence, the Trust presented a Bill in Parliament for renewal of its powers.<sup>7</sup> Only when the Bill had received the first reading did the Trust realise that in 1775 the term of all turnpike Acts had been extended by

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1. Usually at Halstead (e.g. Ch.Ch. 6/4/1787)

2. D/TX 6, passim

3. D/DBz 01

4. D/P 167/8/1

5. cf. McAdam's opinion about attendance at meetings (BPP, 1839, ix, p.415): that 'gentlemen will not ride further from home than they can return in the evening'.

6. BPP, 1833, xv, pp.514-8

7. JHC, xlii, p.278

5 years.<sup>1</sup> It was this state of affairs and a feeling of remoteness from other parts of the Trust<sup>2</sup> which led the parishes in the Tendring Hundred to break away from the parent Trust in 1793. They argued that since 1777 only £630 had been spent in the Hundred although the ten parishes between Ardleigh and Harwich had done their statute labour on the roads, been harrassed by presentments, and raised over £800 from rates to meet running costs.<sup>3</sup> Parliament was impressed by this and the renewal Act of the Essex Trust, in 1793, created two independent bodies called the Essex Trust First District (174 miles) and the Essex Trust Second District (19 miles).<sup>4</sup> In practice the Essex Trust, First District, split itself into 7 Divisions (see Map Two), with a devolution of responsibilities so radical that it must be doubted if, from the later 18th century, the Trust ever had, in any practical sense, a corporate existence.

The backbone of this Trust was formed by the Chelmsford and Colchester Divisions (44 and 26 miles respectively) which managed both principal routes, that is, towards Ipswich via Colchester and to Sudbury. These Divisions were set up in 1759<sup>5</sup> and all Divisions were formed by 1793 at the very latest.<sup>6</sup> The Trust's minutes have not survived but the impression is created from the treasurer's letters and papers that a general quarterly meeting of the Trust was tantamount to a temporary union between the trustees acting for the Chelmsford and Colchester Divisions to the exclusion of their colleagues in remoter parts.<sup>7</sup> What

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1. By 28 Geo.II,c.17,s.4, in case any drop in income occasioned by exemptions from toll to broad-wheeled waggons was prejudicial to creditors. The Trust was fiercely criticized for this blunder (Ch.Ch. 21/9/1787).
  2. It was believed by the petitioners (JHC,xlvi, p.386) that the Trust extended into Hertfordshire, which it did not until 1815.
  3. JHC,xlvi, p.386
  4. 33 Geo.III,c.145
  5. I.J. 21/7/1759
  6. The Tendring Hundred petition (JHC,xlvi, p.386) referred to the Bill 'to renew the different Trusts now about expiring ...' which implies a high degree of autonomy in each Division at that date.
  7. Invariably, papers headed 'At a General Meeting of the Trustees of the Essex Turnpikes' concern only Chelmsford and Colchester business (D/TX 5/1).

mattered was that these two Divisions had the principal revenue. The Shenfield and Widford gates alone produced over £2,000 in 1801<sup>1</sup> which was about the same as the entire toll receipts of the Epping and Ongar and Hockerill Trusts combined.<sup>2</sup> Centred on the county town, the Chelmsford Division took supremacy over Colchester: at least from 1795 the trustees began to meet not at the Saracen's Head inn but in the Sessions House or Shire Hall, where many of them sat as magistrates during Quarter Sessions.<sup>3</sup> The treasurer of the Chelmsford Division was nominally the treasurer of the First District,<sup>4</sup> although all Divisions, including Colchester, had their own treasurer. When the local newspaper sent out bills for advertising notices of meetings it began referring to the Colchester and Halstead Divisions and the 'General' Division at Chelmsford.<sup>5</sup> However, for political as well as economic reasons the Colchester Division was not wholly subordinated. The three gates in the Colchester Division raised about £1,300 a year,<sup>6</sup> as much as the seven gates in the Dunmow and Halstead Divisions jointly.<sup>7</sup> In 1796 money collected at the four main gates in the Chelmsford and Colchester Divisions was shared 'on the new Regulation' - that is to say it was divided between the two Divisions in proportion to the number of miles in each.<sup>8</sup> This seems to have followed an earlier unsatisfactory agreement whereby all the money was given alternately to one of the two Divisions on a quarterly basis.<sup>9</sup>

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1. D/TX 3/3

2. The Epping & Ongar Trust tolls were let at £1055 in 1801 (D/TE 2, p.55); the Hockerill Trust tolls at £1006 in 1803 (T/A 596/2, p.229)

3. D/TX 5/1

4. D/TX 5/79

5. D/TX 5/26

6. Ch.Ch. 28/7/1809

7. Ibid., 29/9/1809 and 18/7/1817

8. D/TX 3/1

9. D/TX 5/1

When the expression 'General' Division is used later in this chapter it implies the temporary union of the Chelmsford and Colchester trustees on matters of importance to the Trust as a whole.

The Dunmow and Rochford Hundred Divisions had their own clerks and came to be no less independent of the mother Trust than the Second District created by Parliament in 1793. At first, general meetings at Chelmsford seem to have exercised some control, for instance giving instructions in 1799 for the removal of a tollgate in the Rochford Hundred Division at Hockley,<sup>1</sup> just as they chose a surveyor for the subordinate Division of Halstead in the same year.<sup>2</sup> But soon the Rochford and Dunmow Divisions were left to their own devices. In 1801 the Rochford Hundred Division was appointing its own toll collectors<sup>3</sup> and in 1811 a quarterly meeting of its trustees was held on the same day as a meeting of the 'General' Division;<sup>4</sup> in 1809 the Dunmow Division let its own tollgates<sup>5</sup> and there is evidence in the same year that the tolls had been mortgaged.<sup>6</sup> Both these moves were apparently without reference to, or sanction of, a quarterly meeting of the 'General' Division.<sup>7</sup>

Other Divisions were less well formed. The Halstead trustees, for instance, controlling 36 miles of cross-roads with little heavy traffic shared the services of Wm. Codd, Clerk to the Chelmsford, Colchester and smaller Divisions. No separate Notley Division was formed until the road was gated.<sup>8</sup> The Maldon road

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1. Ch.Ch. 19/4/1799

2. Ibid., 15/3/1799

3. Ibid., 9/10/1801

4. Ibid., 6 and 20/9/1811, both announcing meetings on 24 September.

5. Ibid., 29/9/1809

6. Ibid., 1/12/1809

7. Despite the absence of minutes enough letters and papers of the clerk and treasurer to the Chelmsford Division have survived to enable this conclusion to be reached.

8. The gates were described as 'recently erected' in 1820 (Q/RUt1/3). At least one gate was in place by 1807 (see footnote 2 overleaf) but the main gates were erected in 1815 (Ch.Ch. 10/11/1815).

from Margaretting was never gated to avoid driving more traffic on to the Chelmer & Blackwater Navigation, and was therefore not under the control of any Division. In as far as powers were exercised at all on that road, they were the concern of the 'General' Division<sup>1</sup> which appears to have been ready to take a broad interest in financial matters from its position of relative strength. The 'General' Division, for instance, audited the accounts of the Notley trustees<sup>2</sup> and lent them £250 when their resources were low.<sup>3</sup> They also lent some £68 to the Dunmow trustees for road widening,<sup>4</sup> one of the rare instances in which there was any formal connection between the two Divisions.

This general disposition of functions is confirmed by the proceedings before Parliament in 1815 when the Essex Trust, attempting to present a corporate front on one of the few occasions when it really mattered, nearly bungled the passage of its last and most important renewal Act because of the lack of co-ordination and agreement between its Divisions.<sup>5</sup> A general meeting of all trustees was held on 1 May 1815,<sup>6</sup> probably the only occasion when all Divisions came together. In the later years of the Trust, and before amalgamation, these Divisions became autonomous, each calling itself a Turnpike Trust and returning an individual statement of accounts to the Clerk of the Peace.<sup>7</sup> Even the small Notley Division followed this practice.<sup>8</sup>

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1. Repairs were authorized at Danbury in 1835 but trustees seem anxious to have kept them quiet. The clerk wrote to the treasurer '... it seems to be the wish of Mr. Parker that I should not mention to anyone how the matter stands. You will, therefore, be silent on this head - at least for the present'. (D/TX 6/20)
  2. From about 1807 according to notices in Ch.Ch. (see footnote 8 on p. 120)
  3. D/TX 5/86; Q/RUt 2/6
  4. D/TX 2/2
  5. JHC, lxx, pp. 50-416 passim. Enlargements of time were requested twice at the First Reading and twice at Committee stage: 'preparatory to the framing of the ... Bill, it was deemed necessary that ... information and instruction should be received from the several surveyors and other officers of the different divisions .. part of which was not received ... until after the time limited by the House for the first reading ... had elapsed' (Ibid., p. 169)
  6. JHC, lxx, p. 248
  7. Q/RUt 2/1-7, under 3 Geo. IV, c. 126, ss. 78-9 (1822)
  8. Q/RUt 2/6, from 1832

The confused administration of the Essex Trust was to some extent a legacy of its origins as a justice Trust in the late 17th century. It was shown in Chapter One that the justices in Quarter Sessions had powers, but not the inclination, to borrow money for road repairs. This thinking persisted into the 19th century. In the eyes of the magistracy it was apparently better to maintain a road by toll revenue, augmented by statute duty (or composition in lieu) which they understood, than to risk the complication of investment which they did not understand. It will be pertinent to examine here the extent of borrowing generally on the part of the Essex turnpike Trusts and the relative position of the Essex Trust in this context.

As a turnpike Trust was usually established to repair and maintain an existing length of road, it did not, as a rule, need the very large amounts of initial investment which were required in canal and railway schemes. However, turnpike Bills attracted unusually large parliamentary charges - for some Trusts the equivalent of a whole year's income.<sup>1</sup> This was a source of increasing discontent in the early 19th century.<sup>2</sup> The Hockerill Trust paid £200 for its initial Act in 1744<sup>3</sup> and the Epping and Ongar Trust paid £522 for a renewal Act in 1822.<sup>4</sup> To meet these costs and to raise money for making immediate repairs to the road before toll revenue reached an appreciable amount, it would seem to have been necessary for a Trust to have capital at an early stage in its existence. It is by no means clear in the Essex context how or even whether this money was raised. Not

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1. BPP, 1833, xv, pp. 529-32

2. BPP, 1826-7, vi, p. 1. Cost of parliamentary renewals, 1800-48, are given in BPP, 1850, xlix, p. 519

3. T/A 596/1

4. D/TE 2, p. 229

until 1809 is there positive confirmation of a subscription list for a new road<sup>1</sup> although in 1787 the Epping Trust financed its new Ongar branch partly by what it called subscription and partly by increased borrowing. Subscription in this instance meant money promised from parishes along the new route and an agreement by an individual to supply 800 loads of stone and gravel.<sup>2</sup> The Tilbury Road Trust subscription list, however, is particularly interesting showing 24 local people initially subscribing sums between £10 and £150 in 1809 and then making up to nine similar donations, either voluntarily or by 'call', in the next 18 months.<sup>3</sup> Of the total capital of £5,100, £950 was subscribed by four people (who were not among the early subscribers) when the Trust was in difficulties. The Commercial Roads Trust also sought subscribers, as was shown in the last chapter, but these were tantamount to shareholders. However both this and the Tilbury Road Trust were essentially making new roads as well as improving old ones and therefore had far greater initial expenses. There is no evidence to show that any significant sum of money was raised elsewhere by any group in the promotion of a new turnpike road in Essex or by any Trust in extending its powers in a renewal Act. This is perhaps why the earlier Essex turnpike Acts allow parliamentary charges to be met by the first receipts of toll money;<sup>4</sup> and why other Trusts borrowed money to repay parliamentary charges when their Act was in force.<sup>5</sup>

Although it was usually stated as a reason for renewing a turnpike Act that borrowed money had still to be repaid, there was a great variation among Essex Trusts in the extent of their

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1. D/DL 035

2. D/TE 1, pp. 244, 246, 251. The trustees had power to enforce the payment of 'subscription moneys' in the enabling Act, 27 Geo. III, c. 69, s. 16.

3. D/DL 035

4. e.g. 16 Geo. II, c. 19, s. 4; 9 Geo. III, c. 63, s. 12

5. T/A 596/1 (Hockerill Trust, 1744); D/DRL F1 (Essex Trust, 1766) and Ch.Ch. 31/3/1815 and 28/7/1815 (Essex Trust, 1815)

debts and for some roads money was not borrowed over long periods. In 1767 the Hockerill Trust had a mortgage debt of £3,200,<sup>1</sup> reduced to £2,850 in 1794.<sup>2</sup> In 1790 the Epping and Ongar Trust (created in 1769) had a mortgage debt as high as £6,200,<sup>3</sup> although some £3,700 of this had been borrowed to make the Ongar branch, authorised in 1787, for which the subscriptions mentioned above did not perhaps materialize. The following table, from information in the minutes of the Epping and Ongar Trust,<sup>4</sup> shows how this £6,200 was built up:-

<u>DATE</u>	<u>CREDITOR</u>	<u>AMOUNT</u> (£)	<u>WORK IN HAND</u>	<u>TRUST</u> <u>INCOME</u> (£)
1774	The Rev. T. Lipyeatt (trustee)	500	Golden Hill levelling	?
1775	Ditto.	200	Ditto.	718
1776	Ditto.	400	Ditto.	805
1779	The Rev. Dr. Gould (trustee)	300	Buckhurst Hill ditto.	685
1782	The Rev. T. Lipyeatt	200	Ditto.	703
1783	The Rev. Dr. Gould	200	Ditto.	733
1784	Ditto.	300	Ditto.	761
1784	The Rev. T. Lipyeatt	200	Ditto.	
1785	John Palmer	200	Ditto.	736
1786	James Watts (trustee)	700	Ongar Branch road	825
1787	Ditto.	300	Ditto.	850
1787	Thomas Coxhead (trustee)	500	Ditto.	
1787	James Healy (trustee)	1000	Ditto.	
1787	Walter Urquhart (trustee)	500	Ditto.	
1788	Ditto.	500	Ditto.	796
1790	Ditto.	200	Ditto.	788
		<u>6200</u>		

It will be seen from the above that money was borrowed to

1. T/A 596/1

2. T/A 596/2, p.115

3. D/TE 1, p.357

4. Compiled mainly from appendices to D/TE 1

effect improvements<sup>1</sup> and not to increase the general level of funds by which the Trust could operate. The loans continued even in the intervals between periods of cheap money.<sup>2</sup> As each stage in a project was reached, the Trust borrowed more money to pay the contractors. The trustees did not hesitate to begin a new project when still fully in debt from the last and in 1787 when capital was still short in the country as a whole, borrowed nearly three times their annual income. It will be seen that most of the money was raised by the trustees themselves.<sup>3</sup> This was also the case with the Hockerill Trust which borrowed £1000 from a trustee within a few months of its establishment in 1744<sup>4</sup> and then another £500 from other trustees in 1745.<sup>5</sup> In 1748 the Trust borrowed £600 from Andrew Drummond of Westminster, perhaps the only instance in the 18th century of an Essex Trust borrowing from a banker.<sup>6</sup>

Details of borrowing in other Trusts are, at the best, piecemeal. The first overall figures are provided by the returns to the Clerk of the Peace which began to be lodged in the 1820s,<sup>7</sup> but the Rawreth and Hadleigh Trusts collapsed before the Act was introduced. From these returns we see that the Epping and Ongar Trust had reduced its debt to £3,200 in 1823 and then down to £1,000 in 1828;<sup>8</sup> in 1823 the Hockerill Trust had reduced its debt to £1,650.<sup>9</sup> The busy Middlesex and Essex Trust, in the throes of paving its metropolitan routes, was £8,300 in debt in 1827.<sup>10</sup>

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1. The improvements at Golden and Buckhurst Hills, in the Loughton area, were considerable feats of engineering involving lowering at the top, raising at the bottom, and straightening the course of long hills rising as much as 150ft. over 300 yds.
  2. Ashton (p.84) assumed 'a decline of construction' in 1777-87.
  3. The exception was John Palmer (1785), contractor for the Buckhurst Hill improvement, to whom the Trust owed £200 for work done. Being unable to borrow this (D/TE 1, p.201) the debt was converted into a loan from Palmer at interest, secured on the tolls.
  4. T/A 596/1                      5. T/A 596/1                      6. Ibid
  7. Under 1 Geo.IV, c.95, ss.4,9 (1820) and 3 Geo.IV, c.126, ss.78-9 (1822). Some returns do not appear until 3 & 4 Will.IV, c.80 (1833) required them to be made to the Secretary of State (Q/RUt 1,2).
  8. Q/RUt 2/10                      9. Q/RUt 2/12                      10. Q/RUt 2/10

In contrast to these figures are those for the Essex Trust. The Second District, from Ardleigh to Harwich, had no debts at all in 1823<sup>1</sup> and in fact seems to have borrowed no money at interest in its entire existence.<sup>2</sup> As for the enormous First District, almost longer than all other turnpike roads in the county put together, the total debt, as declared in returns made in 1820 by the seven Divisions, was under £1,400.<sup>3</sup> The main Divisions of Chelmsford and Colchester had no debts at all, getting by, in the case of Chelmsford, on an average yearly income of £4,648 from tolls to cover an average expenditure of £4,241.<sup>4</sup> The Colchester Division averaged £2,416 a year from tolls and spent £1,824 on maintenance.<sup>5</sup> The trustees of both Divisions felt secure enough in 1819-20 to reduce the tolls by one third.<sup>6</sup> The only borrowing was in the Divisions with the least income, that is to say on the cross roads. The Dunmow Division needed a £500 loan by 1820 because toll income of £605 a year was inadequate for expenditure of £624.<sup>7</sup> The Halstead Division, earning £1,342 a year from tolls, borrowed £400, half of it from 'Halstead Poor' and 'Sudbury Poor' which may mean that the overseers invested a proportion of the proceeds of the poor rate.<sup>8</sup>

The only way the main Divisions of the Essex Trust could survive without borrowing (and could even lower tolls), was to regulate annual expenditure so that it fell within the expected yearly income. To achieve this end the Trust was content to seek to maintain the road surfaces rather than embark on expensive

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1. Q/RUt 2/9

2. A minor floating debt of some £105 was created in 1833(Q/RUt 2/9)

3. Q/RUt 1/3

4. Ibid.

5. Ibid.

6. Ibid.; D/TX 6/7

7. Q/RUt 1/3. There was also a floating debt of some £328.

8. Ibid.

schemes of improvement. It also relied heavily on voluntary and amateur officers, as will be shown later. The Epping and Ongar and Hockerill Trusts, on the other hand, made continued attempts to lower the tops of hills and raise the bottoms, remove the worst dog-leg corners, and rebuild inadequate bridges.<sup>1</sup> The Essex Trust did borrow at certain times in the 18th century before the break-up into Divisions was complete, probably to repay parliamentary charges (as has been told), to build toll houses, and to put a road into immediate repair. In 1766, for instance, soon after a renewal Act, £200 was borrowed from a Halstead linen draper on the security of four gates to be erected and another £1,500 was raised, or due to be raised, at the same time.<sup>2</sup> In 1806, £600 was borrowed by the two Chelmsford Divisions from Crickitt, Menish & Co., bankers,<sup>3</sup> almost certainly the only occasion between 1784 and 1815 when the 'General' Division borrowed money.<sup>4</sup> In the latter year the Trust wanted to borrow £1,000 for two years, probably to pay off the expenses of the very large renewal Act.<sup>5</sup>

It seems likely that the Essex Trust did not accept full responsibility for turnpike roads within towns, so avoiding the high capital cost of paving which caused so much expense to the metropolitan Trusts. In the Ingatestone surveyors' accounts, for instance, 'Town Road' is distinguished from 'Turnpike Road' and the relative distances given would suggest that the 500 yds. of Great Essex Road through the town centre were maintained by the parish and not by the Trust.<sup>6</sup> This conclusion is supported by the

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1. Instances in the Epping and Ongar Trust have been stated above; the main undertaking in the Hockerill Trust was perhaps the Harlow improvements, 1828-31, involving a new bridge and costing about £8,000 (T/A 596/3).
  2. D/DR1 F1
  3. D/TX 5/11
  4. The good series of treasurer's papers (D/TX 1-6) which have survived in this period enable this conclusion to be reached.
  5. Ch.Ch., 31/3/1815, 28/7/1815
  6. D/P 31/21/1. 'Town Road' is also distinguished from other streets or lanes in the village, at right angles to the Great Essex Road.

position of Newport in the Hockerill Trust: this large parish maintained  $\frac{3}{4}$  mile of turnpike road in the centre of the village in lieu of its quota of statute labour.<sup>1</sup> The same Trust allowed £40 (later £60) a year to Bishops Stortford to maintain one mile of turnpike road through the town centre,<sup>2</sup> but this was in fact a kind of agency agreement and amounted to contracting for repair which will be dealt with later in this chapter.

The test of the involvement of the Essex Trust in urban roads is in relation to the two main towns of Colchester and Chelmsford. Colchester is difficult to assess, not only because there are no minutes of the Trust surviving but because the borough was divided into 12 small parishes, some with little or no length of turnpike road. There is, however, slight evidence of the Trust's involvement, at least in the 19th century.<sup>3</sup> The Chelmsford position is clearer and can be studied from financial papers of the Trust as well as from parish sources. Early indications are that the Trust did not wish to be involved in the town centre. It was the parish and not the Trust which made a temporary road in 1765 to bypass a bridge under repair in the town on the line of the turnpike road.<sup>4</sup> Between 1785 and 1802 the parish laid stones on what it called turnpike roads and on other roads which it did not call turnpikes but which were, nevertheless, within the compass of the Trust.<sup>5</sup> In 1802 the position is stated in the parish surveyors' minute book.<sup>6</sup> The Trust did not repair the turnpike road for some 400 yds. from the Shire Hall, through the High Street, to the hamlet of Moulsham. Neither, apparently, did the parish which must mean that roads in the town centre were under the control of the Improvement Commissioners. This statutory

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1. T/A 596/2, p.402

2. Ibid., p.275.

3. The trustees purchased a garden in 1801, presumably for road widening (D/TX 4/3) and ordered the surveyors of Colchester St. Botolph to measure their roads in 1826 (D/P 203/21/4).

4. D/P 94/21/1. That this bridge was the responsibility of the trustees is confirmed by their rebuilding it in 1819-20 (D/TX 4/13).

5. D/P 94/21/2

6. Ibid.

body had been created in 1789 with powers to pave footways, cleanse, light, watch, remove nuisances and prevent encroachments.<sup>1</sup> It governed the town until the Board of Health was created in 1850 and seems to have taken an increasing interest in road management in the early 19th century. The Trust, however, did not quite lose sight of its responsibilities, buying areas of land in the town centre to prevent them being built upon and encroaching on the road, and pulling down parts of houses in Moulsham Street which caused obstruction to vehicles.<sup>2</sup> Later they gave £100 towards the cost of kerb stones<sup>3</sup> and another £100 towards laying a sewer.<sup>4</sup> But the day-to-day maintenance of the road probably devolved on the Improvement Commissioners in the same way as the more peripheral town roads were repaired by the parish. It is clear from correspondence in 1833 that the clerk to the trustees attended the commissioners' meetings.<sup>5</sup> In that year the commissioners asked the Trust for financial help in the purchase of a corner house in Duke Street which was encroaching on the road.<sup>6</sup> The Trust was reluctant to involve itself. Letters between the clerk and the treasurer reveal that they did not wish to call a special meeting to discuss the matter as the exact purpose of the meeting would have to be stated in the notice. This would have led to the attendance of trustees with a local interest, whereas if the matter were brought up at a general quarterly meeting (where the agenda was not published in advance) it would be discussed more objectively.<sup>7</sup> It is interesting to see in this implicit commitment to the road as a whole, a reminder of the

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1. 29 Geo.III,c.44
  2. D/TX 4/3
  3. D/TX 5/66
  4. D/TX 5/100
  5. D/TX 6/18
  6. Ibid.
  7. Ibid.

success of the Middlesex and Essex Trust, discussed in the last chapter, in solving the Whitechapel paving problem by virtue of its aloofness from local political issues.

During the second quarter of the 19th century the level of Trust borrowing, which had been declining steadily since the 1790s, showed a marked increase. The Epping and Ongar Trust, for instance, which had reduced its debt of £3,200 in 1823 to £1,000 in 1828, was £7,000 in debt in 1831 and £12,000 in debt in 1837.<sup>1</sup> It even sought to borrow £15,000 from the Exchequer Loan Commissioners.<sup>2</sup> The loan debt of the Hockerill Trust, £1,650 in 1823, rose to £7,650 in 1829 and to £9,650 in 1831.<sup>3</sup> These increases followed the appointment of (Sir) James McAdam as general or superintending surveyor, as will be discussed later. Even the Chelmsford Division of the Essex Trust, without debt almost as a matter of principle, borrowed £1,500 in 1835-6.<sup>4</sup> The Colchester Division had already borrowed £1000 in 1831.<sup>5</sup> Only the Rochford Hundred Division of the Essex Trust, First District, and the Essex Trust, Second District, seem to have been without any interest-bearing debts throughout their existence.<sup>6</sup> There were changes also in the way the money was borrowed. The Epping and Ongar Trust, from 1830, borrowed £12,000 in units of £500 secured by bond.<sup>7</sup> For instance, the Trust's chairman lent £3,500 for which he received seven toll bonds.<sup>8</sup> This arrangement, which brought the Trusts nearer to the system of shares in a joint-stock company, was not new in Essex. A trustee tried to introduce it to the Hockerill Trust in 1790 but the proposal was abortive,<sup>9</sup> Toll bonds seem to have been issued first by the tiny Lea Bridge and Road

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1. Q/RUT 2/13

3. Q/RUT 2/12

5. Q/RUT 2/4

7. D/TE 3, pp.34, 85

9. T/A 596/2, pp.61, 62

2. D/TE 3, p.57

4. Q/RUT 2/5

6. Q/RUT 2/7, 2/9

8. Ibid., list of bondholders

Trust formed in 1757 to bridge the River Lea and make an entirely new road over some four miles from Dalston in Middlesex to Snaresbrook in Essex.<sup>1</sup> How the Trust borrowed the initial capital necessary for this considerable undertaking is not clear but between 1807 and 1821, for which period the minute book has survived, new trustees appear to have paid £100 each for a toll bond, at 4% interest, on their appointment.<sup>2</sup> This money seems to have been for general running costs, but in 1820 £2,900 was subscribed by 29 trustees in this way to rebuild the Lea Bridge.<sup>3</sup> No money seems to have been invested in the Trust by any outside body or individual. Toll bonds were also issued by other smaller Trusts. One of the relatively few facts that is known about the short-lived Chelmsford to Rawreth Trust is that it issued £100 bonds: one of these was advertised for auction in 1812; £35. had been paid off and 5% interest was paid regularly.<sup>4</sup> The Halstead Division of the Essex Trust, First District, had issued four £100 toll bonds before 1820.<sup>5</sup> Until the 1830s it was normal for a Trust to borrow, as it were, within the family. Even the very professional Commercial Roads Trust had preferred to do this to avoid bankers' interest.<sup>6</sup> Of the £12,000 mentioned above to have been borrowed by the Epping and Ongar Trust by way of toll bonds, all except £2,000 came from trustees. That £2,000 came from Sir James McAdam and B. Doubleday, respectively the surveyor and assistant treasurer.<sup>7</sup> In 1818 the Hockerill Trust was loaned £1,000 by its own clerk<sup>8</sup> and later £250. by McAdam.<sup>9</sup>

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1. 30 Geo.II, c.59

3. Ibid.

5. Q/RUt 1/3

7. D/TE 3: list of bondholders

9. T/A 596/4

2. T/A 513

4. Ch.Ch., 8/5/1812

6. BPP, 1833, xv, pp.451-6

8. T/A 596/2, p.445

In 1829 the Hockerill Trust borrowed £600 from Robert Coote, a South London livery stable keeper, who soon became the chief creditor.<sup>1</sup> On the whole, however, the Essex Trusts did not seek to attract the professional money lenders and in some the creditors had a casual regard for their investment. Twice a mortgagee of the Hockerill Trust declined to take back money owed to him<sup>2</sup> and the same Trust, in 1829, sought to make the balance of unclaimed interest available to the trustees.<sup>3</sup> Interest was, in early Acts, at a fixed level. It began at 6% in the 1695 and 1702 Acts but dropped to 5% or 'legal Interest',<sup>4</sup> until the mid-18th century, when the rate was at 4%, or 'at lawful or less Interest'.<sup>5</sup> The 1763 Middlesex and Essex Trust renewal Act expressed the interest at 5%.<sup>6</sup> This was the last time an Essex turnpike Act stated a figure for interest, although the 1809 Hockerill Trust renewal Act allowed interest to be raised above 4%.<sup>7</sup> In the first quarter of the 19th century the interest rate was usually 5%; thereafter, Essex trustees attempted progressively to reduce the rates, which will be considered again in the context of the Trusts' decline.

Several references have already been made in this chapter to James McAdam. The dynamic way in which McAdam influenced the Trusts in Essex must be seen against the background of the development of the post of surveyor. This was a most ill-defined office, for some Trusts the most important, for others the most expendable position in the administration. Until the job became based on professional and scientific principles in the early 19th century, the surveyor was little more than the man responsible for seeing that the instructions of the trustees in all practical fields were

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1. T/A 596/3. Another £2,000 was borrowed from Coote in 1831.
  2. T/A 596/2, pp.30,47. His reasons were not stated.
  3. T/A 596/3
  4. 10 Geo.I, c.9, s.11
  5. 20 Geo.II, c.7, s.8
  6. 3 Geo.III, c.58, s.12
  7. 49 Geo.II, c.45, s.3. The Trust immediately increased the interest rate to 5% (T/A 596/2, p.307)

executed. It was the surveyor who hired casual labour, saw that statute duty was done, fenced off gravel pits, lopped overhanging trees and reported those who committed nuisance. The post needed no more technical ability than that of parish surveyor. The turnpike surveyors appointed by Quarter Sessions under the 1695/6 Act had been for particular stretches of road and this principle was followed by the later Trusts, especially by the Middlesex and Essex which appointed its surveyors by Divisions.<sup>1</sup> There is no evidence that the Essex Trust, when it was managed by trustees rather than justices, made any appointment of surveyor until the 1780s, although this is hardly credible. In 1787 the trustees announced their intention to appoint surveyors on all the gated roads.<sup>2</sup> There are references to John Cremer, surveyor, from 1783 but he may have acted only for the Chelmsford Division.<sup>3</sup> As long as the office of turnpike surveyor required no technical ability it was possible for individual trustees to direct labour and for meetings of trustees to decide how money should be apportioned. The Epping and Ongar Trust dismissed its contract surveyor in 1783, the position being 'Inimical to their Interests', and decided that in future all labourers would work under the direction of trustees.<sup>4</sup> This situation lasted some ten years and reflects the general level of incompetence among surveyors of that period. Most of these men had some other trade. McAdam's disparaging account of the various surveyors he had come across is well-known.<sup>5</sup> The surveyor dismissed by the Epping and Ongar Trust had been a Victualler.<sup>6</sup> A shopkeeper applied to be a surveyor of

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1. BPP, 1833, xv, pp. 514-8  
3. D/TX 2/1  
5. BPP, 1819, v, p. 373

2. Ch.Ch., 14/9/1787  
4. D/TE 1, pp. 180, 183  
6. D/TE 1, p. 180

the Essex Trust in 1814.<sup>1</sup> The surveyor to the Lea Bridge Trust was also the clerk<sup>2</sup> and presumably therefore a lawyer and not a man of practical experience in engineering. The surveyor to the Tilbury Road Trust was, in its last years, also the treasurer.<sup>3</sup> Some turnpike surveyors were as illiterate as their counterparts in the parishes. Edward Ward in 1806 signed himself 'Server of the Turinpicke Road' and must have had difficulty in accounting for the funds in his charge.<sup>4</sup>

The first Trust which seems to have realised the importance of an experienced surveyor was the Hockerill Trust. At the trustees' first meeting in May 1744 they appointed John Bayles, surveyor of the 'North Roads' to review the stretches to be repaired;<sup>5</sup> in June they ordered that John Carter of Thurnell, Hunts., 'be sent for' to superintend the levelling of the road from Quendon to Newport.<sup>6</sup> At the same time a local man, John Rix, was elected surveyor to hire and pay labourers. In 1745 another local man, Henry Judd, was also appointed a surveyor and in 1746 he took over from Rix.<sup>7</sup> Carter was retained for some time in a consulting capacity and by 1747 Judd had learnt enough to win a contract from his own trustees for improving a hollow way.<sup>8</sup> This seems to have led to a succession of competent surveyors in the Trust. In 1780 the Hockerill Trust surveyor was borrowed by the Epping and Ongar Trust to assist in choosing a tender for lowering Buckhurst Hill.<sup>9</sup>

In 1785 the Hockerill Trust advertised for one 'properly qualified' surveyor, apparently the first occasion in Essex in which the idea of a qualification had been raised.<sup>10</sup> The metropolitan

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1. D/TX 6/2

2. T/A 513

3. Q/RUt 2/14

4. D/P 128/21/2. He appears to have been a surveyor to the Hadleigh Trust.

5. T/A 596/1

6. Ibid.

7. Ibid.

8. Ibid.

9. D/TE 1, p.138

10. T/A 596/2, p.4

Trusts, however, had been the first to realise the importance of full-time, experienced men. James Walker, surveyor of the Commercial Roads Trust, was also a civil engineer; it was shown in the last chapter that he built the first iron bridge in Essex in 1810 and supervised the building of the new roads to the India Docks and towards Barking; he was borrowed by the Lea Bridge and Road Trust as consulting engineer when the Lea Bridge was rebuilt in the 1820s.<sup>1</sup> The Middlesex and Essex Trust employed Benjamin and Samuel Farey for some 40 years, both professional and respected surveyors of whom McAdam appears to have been a little jealous.<sup>2</sup> Benjamin Farey had been appointed in 1810 after a public advertisement for a man, aged between 25 and 40, 'of skill and ability, who will devote the whole of his time to execute the duties of that office, and who thoroughly understands the business of the same ...'.<sup>3</sup> For this, he was promised a good salary. Details of this are not known,<sup>4</sup> but the salaries of other surveyors can be traced more successfully. The Hockerill Trust paid the consulting surveyor from Huntingdonshire 12s.6d. per week and travelling costs;<sup>5</sup> their local surveyor, John Rix, was paid 15s. per week, although he was required to make a bond in £100 to ensure his accountability.<sup>6</sup> A new surveyor was appointed in 1765 at only 10s. per week,<sup>7</sup> but this salary was almost doubled to £50 a year in 1786 when James Dellow succeeded his father as the 'properly qualified' surveyor for which the Trust had advertised.<sup>8</sup> This salary increased to £60 in 1816<sup>9</sup> and to £70 in 1821 as he had

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1. T/A 513

2. It was McAdam who drew the notice of a parliamentary committee to the petition of 93 people about the state of the Romford Road. This led the committee to question the Trust's clerk (BPP, 1833, xv, pp.511, 514-8)

3. Ch.Ch., 12/1/1810

4. Samuel Farey, his son, received £200 in 1833 for managing 14½ miles from Whitechapel to beyond Romford.

5. T/A 596/1

6. *Ibid.*

7. *Ibid.*

8. T/A 596/2, p.8

9. *Ibid.*, p.406

to keep a pony.<sup>1</sup> The Epping and Ongar Trust moved in a different way. The surveyor's salary was placed at £25 in 1769<sup>2</sup> and increased to £30 in 1771.<sup>3</sup> William Finlason was appointed surveyor in 1776 at the huge salary of £350 a year but this is a misleading figure; he was also contractor for improvements including the lowering of Golden Hill.<sup>4</sup> After the period in which the Trust had no surveyor, the post was advertised at £40 a year in 1793.<sup>5</sup>

It was probably this advertisement of the Hockerill Trust which prompted the Essex Trust to advertise for surveyors in 1787. Three were appointed, chief among whom was John Cremer (already in post)<sup>6</sup> whose enthusiastic caution to the public against breaking turnpike law was countered by a vigorous warning from an anonymous manufacturer that Cremer should do his job properly.<sup>7</sup> There followed a decade of confusion: Cremer died in 1792, a new surveyor was appointed and then another in 1795 and for a few years the two surveyors acted together, although one soon disappeared and the other died in 1799.<sup>8</sup> As if disillusioned with this, the Trust, at least in the Chelmsford Division, introduced the system of trustee-surveyors. The practice was that the 46 miles of road which the Division controlled were apportioned between ten trustees who had general responsibility for stretches of between 2½ and 10 miles each.<sup>9</sup> To maintain these distances they were allowed annual sums of between £12 and £23 per mile.<sup>10</sup> When a gate fell within a trustee's road, he acted as treasurer for that gate and accounted for the proceeds.<sup>11</sup> On matters requiring some technical ability, for instance in relation to bridge repair,

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1. T/A 596/2, p.485

2. D/TE 1, p.4

3. Ibid., p.20

4. Ibid., pp.98,130

5. Ibid., p.309

6. At least from 1783 (see above): D/TX 2/1

7. Ch.Ch., 16/11/1787, 30/11/1787

8. D/TX 2/1

9. D/TX 3/3

10. Ibid.

11. e.g. D/TX 5/7

the weighing machine, or even in examining tradesmen's bills, the Trust borrowed the services of the County Surveyor. This move, which seems to have begun in 1798 and lasted at least until 1814,<sup>1</sup> emphasised even more the link between the Essex Trust and the county administration. The Trust was already meeting in the Shire Hall<sup>2</sup> and the County Surveyor suggested its accounts be audited on the same basis as those of Quarter Sessions.<sup>3</sup> It is interesting to note in this context that Thomas Puplett, surveyor to the Trust, once referred to his own appointment 'at the Sessions' in July 1827.<sup>4</sup>

Not all Divisions of the First District used trustee-surveyors immediately. In the Halstead and Coggeshall Divisions orthodox surveyors were maintained into the 1830s but alongside trustee-surveyors.<sup>5</sup> Even in the Chelmsford Division salaried surveyors were sometimes appointed for certain periods or on certain sections of road. One Samuel James, surveyor, appears to have controlled the road between Broomfield and Leighs in 1808-14, 'late Neville's district'.<sup>6</sup> It was probably this job for which Jonathan Smith, shopkeeper, applied in 1814.<sup>7</sup> Perhaps no trustee had been found willing to succeed Neville, but a pertinent factor is that the Division was about to lease its tolls.<sup>8</sup> This had the effect of taking the control of collectors and their income away from trustee-surveyors, relieving some of them of half their responsibilities and, by the same token, half the reason for their existence.

In the 1820s, when the tolls were not let, the Chelmsford Division began its main era of trustee-surveyors. Some measure of

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1. D/TX 5/3, 5/5, 5/21
  2. D/TX 5/1; also notices of meetings in Ch.Ch..
  3. D/TX 5/5
  4. D/TX 6/16
  5. D/P 193/21, p.41; D/TX 7; Q/RUt 2/2, 2/3
  6. D/TX 5/13
  7. D/TX 6/2
  8. Ch.Ch., 9/6/1809

the irregularity of this system is shown by the difficulty which the Trust had in adapting its procedure to the pro forma annual return of accounts to be made to the Clerk of the Peace.<sup>1</sup> The clerk of the Trust had to insist to the treasurer that their working trustees should be called surveyors as the Act allowed no other description.<sup>2</sup> The Essex Trust even printed its own pro forma half-yearly return sheets, for internal use, to enable the trustee-surveyors to account.<sup>3</sup> These forms, headed ESSEX TURNPIKES CHELMSFORD DISTRICT (an interesting misnomer)<sup>4</sup> listed the amounts paid to named persons for day labour, team duty, purchase of stones, etc., by the particular trustee 'acting as Surveyor'.

Although this system survived until 1832 the trustees of the Chelmsford Division did appoint surveyors from 1827.<sup>5</sup> In overall charge was Thomas Puplett, sometimes called 'Inspector of the Roads',<sup>6</sup> who appears to have had two assistant surveyors, one, named W. Holditch, for the road through Lt. Waltham and the Leighs, the other, T.W. Mayhew, for the road to Brentwood.<sup>7</sup> It is not clear how these surveyors worked in relation to each other, or to Puplett, or to the trustee-surveyors. Puplett was a quaker; this annoyed Mayhew who complained to the clerk about a letter beginning 'Friend Mayhew I request thou will have the goodness to order the stones ...'.<sup>8</sup> Mayhew's complaint was more about the wisdom of the request than the way it was couched and it is unlikely that Puplett had any qualification for his job.

It was in this complex situation that J.N. McAdam was appointed surveyor to the Chelmsford Division in July 1832<sup>9</sup> and the Essex Trust was re-vitalised. This was not his first job in Essex and it will be useful to trace his early career in the county.

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1. By 3 Geo.IV,c.126,ss.78-9 (1822)

2. D/TX 2/3

3. D/TX 5/51

4. More properly it was the Essex Turnpikes, First District, Chelmsford Division.

5. D/TX 6/16

6. D/TX 6/15

7. D/TX 5/67, 6/13

8. D/TX 6/14

9. D/TX 5/79

James Nicoll McAdam (1786-1852), third son of John Loudon McAdam (1756-1836), was knighted in 1834.<sup>1</sup> Like his father and brother he acted as consulting surveyor to Trusts in many parts of England.<sup>2</sup> His first appointment in Essex was in 1822 with the Hockerill Trust and came about fortuitously. In 1821 the GPO complained to the Trust about the state of the road from Harlow to Quendon.<sup>3</sup> The Trust asked McAdam whether he could send anyone to repair the road in Birchanger and Ugley. McAdam could not recommend anyone else but agreed to do it himself.<sup>4</sup> Within a year he was appointed surveyor of the whole road at a salary of £105 a year.<sup>5</sup> From then on, as F.H. Maud noted, the Trust began to look upon their road as part of the way from London to Norwich and not just the road from Harlow to the Cambridgeshire border.<sup>6</sup> They worked with a co-ordinated policy of investment and improvement. It was through McAdam that the very large improvements at Harlow were undertaken, and it was under his guidance that the Trust survived for so long against the competition of the railways. The main influence of McAdam, however, can be seen in the Epping and Ongar Trust, whose principal route was the southern section of the same Norwich road which he managed for the Hockerill Trust. In April 1830 three applicants were interviewed for the post of surveyor, all prepared to take the job at £50 a year, although one of them suggested that 100 guineas 'would not be more than adequate remuneration for the services required'.<sup>7</sup> This was McAdam, who was appointed at a salary of £100 a year.<sup>8</sup> Within two months he had persuaded the trustees to bypass the existing road through Loughton and make a more direct road from Epping to

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1. DNB

2. In 1819 the three McAdams worked for 25 Trusts (Albert, p.80)

3. T/A 596/2, p.484

4. Ibid., p.486

5. Ibid., p.499

6. Maud, p.47

7. D/TE 3, pp.29,30

8. Ibid., p.30

London by a new cut through the Forest from the Wake Arms to Woodford Wells.<sup>1</sup> Immediately the Trust began to borrow. The trustees had never been afraid to make improvements, levelling the 1-in-8 hills around Loughton where the result of their work in the 1780s, with amateur surveyors, is still basically the modern road. But the new cut was a much bigger undertaking which cost £7,600;<sup>2</sup> it was completed after a new Act of Parliament<sup>3</sup> and against natural difficulties which nearly defeated the contractor<sup>4</sup> and reflects well the experience and ability of McAdam and the confidence and perseverance of the trustees.

While this road was being made in 1836, the Trust attempted an even greater scheme, involving an entirely new cut from Fair Mead Bottom to Tottenham Mills, for which they sought £15,000 from the Exchequer Loan Commissioners.<sup>5</sup> The scheme was abortive, probably because no capital was subscribed in a period of increasing interest in the railways. It was, nevertheless, a scheme of importance. McAdam was, at that time, surveyor to the Metropolitan Road Commissioners, in which capacity he made a new way from Regent's Park to Tottenham by building the Seven Sisters Road.<sup>6</sup> His plan was to extend this road to the River Lea, as part of the Metropolitan Roads Commission North of the Thames; from the east side of the River Lea, the Epping and Ongar road trustees would build a new highway to join their own road, then under construction, from the Wake Arms to Woodford.<sup>7</sup> In this way an entirely new road

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1. D/TE 3, p.31

2. Ibid., pp.36,79. The original tender was £5,417.

3. 6 & 7 Wm. IV, c.49

4. The road began to subside as soon as it was built and the whole job, with the repair work, lasted more than 6 years.

5. D/TE 3, p.57

6. BPP, 1831-2, xxiii, p.541

7. Ibid., plan (Appendices 9,10)

would have come about from the west side of London towards Newmarket and Norwich. However, there is little sign in the minute book that the Epping & Ongar trustees had their hearts in the scheme and it would appear that McAdam was using them to further his personal strategies.

There is no doubt that McAdam was expensive. As well as the costly new spirit to borrow and improve there was his own relatively large salary to find and a new structure of administration, almost a surveyor's department, which he introduced. McAdam was technically the 'General' surveyor who delegated day-to-day business to 'Superintending' surveyors. One of the latter in the 1830s served at least three Trusts at once<sup>1</sup> and it is therefore likely that there was a third tier of salaried foremen above the hired labourers.<sup>2</sup> This distinction between general and superintending surveyors spread to the Commercial Roads Trust and later to the Middlesex and Essex.<sup>3</sup> This was long-term expenditure because in all Trusts to which he was appointed McAdam continued in office until his death in 1852.<sup>4</sup> By that date he had become a kind of informal County Surveyor.

The great advantage to the Essex Trust of their system of trustee-surveyors was its negligible running costs. The trustees were farmers or clergymen, living near the roads they superintended, content to manage, and account for their work from the traditional sense of voluntary public duty inherited by 18th century rural landowners. It was a long step from this system, even when it was augmented by men like Puplett and his colleagues, to the employment

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1. This was James Weeks of Stansted who worked for the Hockerill Trust, the Epping and Ongar Trust, and the Dunmow Division of the Essex Trust, First District (Q/RUT 2/1, 12,13).
  2. Foremen in the Middlesex and Essex Trust were paid between 18s. and one guinea a week and had particular care of 2 or 3 mile stretches (BPP, 1833, xv, pp.529-32).
  3. Q/RUT 2/10, 11
  4. In two Trusts (the Hockerill and Epping and Ongar) he was succeeded by his son, James, who died in 1853 (T/A 596/4; D/TE 3, p.312).

of a professional like McAdam. Nevertheless, when Puplett's position became vacant in July 1832, two trustees proposed McAdam for the job.<sup>1</sup> Two others proposed Thomas Tracey, highly recommended by the trustees of the Colchester Division, to whom he had been surveyor for seven years. It is not clear in detail what passed at the meeting: McAdam, by no means generally welcomed,<sup>2</sup> was given control of 11 miles of the London road from Chelmsford to Brentwood at an allowance of £25 per week and it seems likely that Tracey managed the rest of the road, which was the greater distance but had less traffic.<sup>3</sup> Once McAdam had been appointed his prestige and self-confidence were too much for the most parochial of trustees. The Division took on a small loan debt<sup>4</sup> and Tracey was gently removed in 1833 with a £50 gratuity.<sup>5</sup> It was impossible not to be impressed by McAdam's vigour and personality. McAdam cruised through his duties, initiating schemes of improvement, politely accepting criticism for over-spending by £3 14s 8d on Widford Hill,<sup>6</sup> and going to some trouble to fit in with the unnecessary system of area committees which the Division made responsible for all improvements.<sup>7</sup> It is another mark of the fragmentary nature of the Essex Trust that there was no question at this stage of McAdam becoming surveyor to the whole of the First District. He was accepted by the Dunmow Division in 1834<sup>8</sup> and the Notley and Colchester Divisions in 1837,<sup>9</sup> but the Rochford Hundred, Coggeshall, and Halstead

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1. D/TX 6/16

2. Lewis Majendie, an influential trustee, wrote in 1829: 'our roads are really in fine order and ... need no assistance from McAdam and his plans'. (D/TX 6/15).

3. D/TX 5/79

4. Q/RUt 2/5

5. D/TX 5/83

6. D/TX 6/20

7. There seem to have been standing committees responsible for particular places, such as Ingatestone (D/TX 5/71) and ad hoc committees for improvements such as those on Ballingdon Hill (D/TX 6/20). Committees of the latter kind were common to most Trusts.

8. Q/RUt 2/1

9. Q/RUt 2/4, 2/6

Divisions appear to have continued with trustee-surveyors, or amateur surveyors, or both at once, throughout the 1830s<sup>1</sup>. This is surprising in the case of the Halstead Division which had a relatively long tradition of salaried surveyors,<sup>2</sup> but the trustees were adamant: 'It being the opinion of this meeting', it was minuted in 1838, 'that as the trustees act as surveyors of the road it is unnecessary to retain a salaried surveyor, it is ordered that the services of Mr. Stuck, at present acting as such surveyor, be henceforth discontinued'.<sup>3</sup> There was certainly no room there for a professional.

McAdam finally took over all these roads when the several Divisions of the First District were amalgamated in 1848.<sup>4</sup> He did, however, fail to conquer the last outpost of amateur and incompetent administration which was the Second District of the Essex Trust. It will be remembered that Parliament had made this a distinct turnpike Trust in 1793 when the parishes in the Tendring Hundred agitated for separation.<sup>5</sup> This was, in hindsight, a bad decision as the new body was even less conscientious than had been the parent Trust. The road, although short, was the main link with Harwich and ran a difficult route with steep hills, tortuous corners and tidal sands. The Trust never had an interest-bearing loan, perhaps because the toll income of under £400<sup>6</sup> was unattractive security to investors. This income should have been much higher but the Trust found it impossible to site effective gates and was troubled by local politics.<sup>7</sup> It would be difficult to imagine a greater challenge to McAdam. In 1839 he wrote to

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1. Q/RUT 2/2, 2/3, 2/7

2. At least from 1799 when their surveyor, John Hodson, died (Ch.Ch., 15/3/1799); the office was probably created in 1787 (Ibid., 14/9/1787).

3. D/TX 7

4. Q/RUT 2/8

5. JHC, xlviii, p.386

6. Q/RUT 2/9

7. Scott, pp.348, 9; D/DHw 216

John Ambrose, the Trust's clerk and treasurer, that he had 'received a letter from Mr. Burmester of Lt. Oakley Rectory on the subject of proposing me as surveyor of your road, to which communication I have by this post replied, offering my services...'.<sup>1</sup> McAdam enclosed a reply envelope, hoping to arrange a meeting. The envelope never left the clerk's office. The Trust continued to operate with ten trustee-surveyors until it was wound up in 1866.<sup>2</sup>

Other major jobs within the Trusts are more easily defined. The Clerkship was always held by a local solicitor who usually had other similar jobs apart from his day-to-day practice. James Vanderzee, for instance, clerk to the Rochford Hundred Division of the Essex Trust, was also clerk to Canvey Island Commissioners and to the Rochford Hundred Association for the Prosecution of Felons;<sup>3</sup> William Codd, senior, clerk to the Chelmsford and other Divisions, was also Town Clerk of Maldon.<sup>4</sup> Continuity of the clerkship within families was astonishingly strong. The Dacre family were clerks to the Middlesex and Essex Trust and the Wade family to the Dunmow Division of the Essex Trust, each for two generations.<sup>5</sup> William Codd and his son of the same name clerked the Chelmsford Division for over 70 years.<sup>6</sup> William Baker and his son ran the Commercial Roads Trust for a similar term.<sup>7</sup> Most remarkable was the Hockerill Trust: Thomas Mott was appointed clerk in 1774 and died in 1827 after 53 years service; his son, Thomas S. Mott succeeded him for 25 years and in 1852 was succeeded by his own son, also Thomas, who was clerk until the Trust was wound up in 1870.<sup>8</sup> This amounts to 96 years service by the three generations.

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1. D/TX 9

2. D/TX 21,25

3. Ch.Ch., 2/5/1800, 24/4/1801

4. Ibid, 1/3/1811

5. Ibid., 27/3/1801; Q/RUT 2/1,2/10

6. Ch.Ch., 28/12/1798; Q/RUT 2/5

7. BPP, 1833,xv,p.451; Q/RUT 2/11

8. T/A 596/1,3,4; Q/RUT 2/12. Towards the end of his 53 years service Thomas Mott, senior, was too infirm to attend meetings and was represented by his son.

The clerkship was not a position of great profit. John Ambrose, clerk to the Essex Trust, Second District, made (for reasons not now apparent) a 'Schedule of annual produce' from the various clerkships in about 1794.<sup>1</sup> This detailed and intimate paper, which he might not have wished posterity to see, shows the most lucrative job as Clerk to the Justices of the Tending Division, valued at over £130 a year; then, Clerk to Commissioners of the Assessed Taxes, at £65; Steward to the manors of Mistle with Manningtree, £50; Clerk to the Commissioners of the Land Tax, £26; and Clerk to the Turnpike Trust, £25. Only the clerkship to the Deputy Lieutenants was valued lower, at £20, and even that 'has been very consibly. more' in wartime.<sup>2</sup>

Ambrose's figure for the clerkship to the turnpike is rather low, reflecting the small mileage and poverty of his own Trust. In other Trusts the clerk's salary was around £40 - £60 and there was room for further income from duties outside the routine of arranging and minuting meetings. Thomas Mott, for instance got more money for drawing up the accounts of the Hockerill Trust in 1793<sup>3</sup> and William Codd billed the Essex Trust for drafting the lease of the Bulmer gate tolls.<sup>4</sup> The busier the Trust, the more these opportunities arose. When Thomas Dacre, clerk to the active Middlesex and Essex Trust died in 1810, solicitors from London and Romford canvassed publicly for the vacant post<sup>5</sup> although the job went to George Dacre, Thomas's son. The disappointed Romford solicitor was Wasey Sterry who thereafter turned vindictive against the turnpike system, threatening litigation against the treasurer of the Tilbury Road Trust for

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1. D/DHw B1

2. Ibid.

3. T/A 596/2, p.105

4. D/TX 5/27

5. Ch.Ch., 21/9/1810, 28/9/1810

alleged non-payment of compensation money<sup>1</sup> and helping to promote a new, non-turnpike road across Hainault Forest.<sup>2</sup> The Middlesex and Essex post called for an experience and administrative competence which the less professional Trusts at times drew upon. George Dacre was used by the Essex Trust for parliamentary work<sup>3</sup> and advised about the use of weighing engines<sup>4</sup> and the farming of the Shenfield tollgate.<sup>5</sup> By 1833 his post attracted a salary of £200 a year, apart from other duties which he undertook for the Trust by virtue of being a practising attorney.<sup>6</sup>

The office of treasurer was almost as vague as that of surveyor. The difficulty arose because early appointments were made not in terms of treasurer to the Trust but treasurer of the proceeds of a toll gate or gates.<sup>7</sup> It was therefore not uncommon for more than one treasurer to be appointed, or even as many treasurers as there were gates.<sup>8</sup> These men were always respectable landowners, sometimes titled, such as Sir Conyers Jocelyn and Sir John Griffin Griffin.<sup>9</sup> Their duties were to receive toll money from the collectors and account for it at general quarterly meetings. They were not experts in investment and did not initiate moves to borrow or lay down financial policy or guidelines for the trustees.<sup>10</sup> They were the origin of the principle of trustee-surveyors, who were sometimes no more than treasurers

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1. The treasurer, very worried by Sterry's abuse, was comforted by the clerk, F.H. Tyler: 'Believe me Mr. Sterry dare no more arrest you, on the part of his Clients ... than he dare with his Thick Head and clumsy body make an attempt at flying. If he did you may inform him from me, I should shave one and baste the other' (D/DL 035). Wasey's attack on the treasurer became the subject of a special meeting of the Trust (Ch.Ch., 26/7/1811).

2. Ch.Ch., 16/8/1811

3. D/TX 5/32;6/6

4. D/TX 5/36

5. D/TX 5/32

6. BPP, 1833, xv, pp.529-32. Dacre himself cited parliamentary work towards a new Act and prosecuting an indictment as examples of these duties.

7. e.g. D/TX 2/1

8. The Hockerill Trust for many years had 3 treasurers for 3 gates; the office of treasurer to the Trust as a whole was not created until 1826 (T/A 596/3).

9. T/A 596/1 (1744 and 1767)

10. It was the clerk and not the treasurer who forecast annual expenditure, especially in the difficult days of railway competition (T/A 596/3.4). 146

with power to spend part of the money they collected. This fragmentary approach to finance was to some extent the result of legislation because, as Trusts extended their roads in renewal Acts, Parliament sometimes introduced priorities for expenditure among roads or restricted the use of toll money to the road on which that money was raised.<sup>1</sup>

In the matter of treasurers, as in other respects, the Essex Trust, First District showed a characteristically anomalous position. The general policy was for each Division to have its own treasurer(s).<sup>2</sup> In 1793, however, there is a sign of the Chelmsford and Colchester trustees combining, when T.B. Bramston was appointed treasurer of the money collected at all gates in both Divisions.<sup>3</sup> Bramston was succeeded by his son, T.G. Bramston (who may not have controlled the Colchester Division);<sup>4</sup> the latter resigned in 1830 following a trial at Abingdon in which the position of treasurer was said to be an office of profit.<sup>5</sup> In 1832 the post was filled by the Rev. Wm. Walford who called himself treasurer of the First District<sup>6</sup> although he was in fact treasurer of only the Chelmsford Division, as was confessed in a letter of 1838.<sup>7</sup> McAdam seems to have made no attempt to persuade the Trusts to use bankers as treasurers and it was not until 1849, after all the Divisions of the Essex Trust, First District, had been amalgamated, that Messrs. Sparrow & Co. of Chelmsford became the first banker-treasurers to any Essex turnpike.<sup>8</sup>

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1. e.g. 6 Anne, c.47, ss.33,34 (1707/8); 5 Geo.III, c.60, s.7 (1765); and 33 Geo.III, c.145, s.12 (1793): all Essex Trust.

2. Q/RUt 1/3; 2/1-7

3. D/TX 2/1

4. Q/RUt 1/3

5. D/TX 6/15. In 1825 J.A. Houblon resigned as treasurer to the Hockerill Trust, alleging a legal objection to that post being held by a trustee (T/A 596/3). In fact the legal constraint (3 Geo.IV, c.126, s.71) was on the office of clerk and treasurer being held by the same man, as happened in the Essex Trust, Second District.

6. D/TX 5/79

7. D/TX 6/23

8. Q/RUt 2/8

The worst job in the Trust was that of toll collector. He felt the immediate resentment of those who disliked the turnpike system and had no security of post. He was usually given a rent-free house but the conditions of service varied. In the Epping and Ongar Trust for instance, in 1769, a collector was paid 16s a week, he finding fuel and candles;<sup>1</sup> in the Hockerill Trust, collectors were given a lump sum of 30s. in winter above their relatively low wage of 7s. a week to finance fuel and light.<sup>2</sup> Although trustees supported their collectors against public hostility,<sup>3</sup> it was from the trustees themselves that a collector was most at risk. In the Epping and Ongar Trust tolls had to be collected alternately, at one month intervals, at tollgates on either side of Epping.<sup>4</sup> The Trust's surveyor had to move the collector's goods from one house to the other every month, the only fixture at both houses being a bedstead.<sup>5</sup> A collector was liable to summary dismissal: in one case the trustees appointed a new gate-keeper and ordered the tollhouse to 'be immediately cleared of the Family of the present Toll Gatherer'.<sup>6</sup> Structural repairs to a tollhouse were subject to the same ponderous process of approval as repairs to a weighing engine or a roadside culvert. In December 1800 the collector at the Bald Stag gate complained to the Epping and Ongar Road trustees that the tollhouse was much out of repair.<sup>7</sup> The clerk minuted 'that the Rain pours into the Room they sleep in'.<sup>8</sup> The Trust made no order for temporary repair, but set up a committee to examine and report at the next meeting. At this meeting, on 9 February 1801, the matter was

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1. D/TE 1, p.4

2. T/A 596/1

3. e.g. The Epping and Ongar Trust gave 5gns. to the collector at the Bald Faced Stag gate, 1796, to make up for 'insults and abuse' (D/TE 1, p.341).

4. 9 Geo.III, c.63, s.8

5. D/TE 1, p.4

6. Ibid., p.74

7. D/TE 2, p.42

8. Ibid.

adjourned until 9 March.<sup>1</sup> Only on 27 April, after the unfortunate family had suffered throughout the winter, was an order made for the pantile roof to be relaid.<sup>2</sup>

In practice the two greatest risks to the livelihood of the collector were from decisions first to remove or re-site a gate, and secondly to farm the tolls. Both these hazards need examination because they raise issues central to the working of the Trusts. The siting of tollgates was usually a compromise between economic and political expediency. A situation which was best for the Trust was probably against the interests of some specific trading community who could therefore accuse the Trust of partiality towards a competitor. This was not a problem which faced the metropolitan Trusts to the same extent: a man going from mid-Essex to one of the London markets knew that somewhere along the road he had to pay toll. It mattered little to him if it was at Romford, Stratford or Mile End as long as his ticket cleared more than one gate. But in a rural context it mattered a good deal. If a main road on the north side, say, of a small market town was gated then a carrier entering from the south had an immediate advantage. When objections were raised to a turnpike gate in Parliament it was not so much the principle of toll which was in question but the place where the toll might be collected.

This is clearly seen in the case of Epping. When the justice Trust was re-forming into a trustee Trust in 1768, the town was gated at both ends. By new proposals, only the 'lower' end, that is to say the north side, was to be gated. Harlow and surrounding areas petitioned against this change,<sup>3</sup> but Epping and Waltham Abbey, which did much trade with each other, petitioned in favour.<sup>4</sup> A person travelling from Waltham Abbey to Epping, or

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1. D/TE 2, p.44

3. JHC, xxxii, p.219

2. Ibid., p.48

4. Ibid.

vice versa, went for only one mile on the turnpike road, for which distance he was subject to full toll; this, claimed the traders, amounted to a tax on provisions and cattle, enhancing retail prices.<sup>1</sup> By way of compromise, Parliament required the gates to be open alternately at one month intervals, which is why the collector mentioned above had to keep changing houses.<sup>2</sup> This was much too rigid: 'great inconvenience' was admitted in the 1787 renewal Act which gave discretionary powers to the trustees occasionally to shut or open either gate, and to close both when the fairs were held at Epping, Latton, Harlow and Sawbridgeworth, provided that no through-traveller need pay twice.<sup>3</sup>

Most moves to re-site tollgates or alter the location of payment<sup>4</sup> were resisted. In 1824, some 90 inhabitants of parishes on the north side of Thornwood gate complained to the trustees about their order to take toll at that gate for six months and open the Epping gate.<sup>5</sup> A memorial of the inhabitants of Woodford opposed a gate to be built there in 1794;<sup>6</sup> the same Trust had been thwarted from turnpiking (and thereby gating) the road from Writtle to Chelmsford, and so interfering with access to the market.<sup>7</sup> It was noticed in Chapter Two that farmers had petitioned Parliament for no turnpike between Little Waltham and Chelmsford, on the same grounds.<sup>8</sup> The people of Bishops Stortford objected to the Quendon gate of the Hockerill Trust in 1801, which obstructed trade reaching the head of navigable water.<sup>9</sup> In 1793 and 1801 the traders of the twin towns of Mistley and Manningtree petitioned

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1. JHC, xxxii, p.219

2. 9 Geo.III, c.63, s.8

3. 27 Geo.III, c.69, s.10

4. The distinction is that a Trust might have a gate, or gates, erected but deliberately not in use. If tolls were re-taken at such a gate, this would alter the normal place of payment without a re-siting of gates.

5. D/TE 2, p.249

6. D/TE 1, p.322

7. Ibid., p.228

8. JHC, xx, p.645

9. T/A 596/2, p.208

for the removal of the gate which divided them.<sup>1</sup> This (or a nearby) gate had been left derelict in the 1770s to the amazement of a national commentator who attributed the move to pressure from local farmers who wished to reach the quays of the Stour estuary.<sup>2</sup> Ironically, John Ambrose, clerk to the Trust which placed the Mistley gate, was secretary to the group which met at Stratford St. Mary in the Stour valley, in 1811, to find a way of getting rid of the Dedham gate owned by the neighbouring Trust.<sup>3</sup>

In this, as in other respects, it was the Essex Trust which had the worst experiences. The main Divisions of Chelmsford and Colchester controlled the roads to Ipswich and Harwich which diverged in Colchester itself. Gating these roads led to a basic conflict of interests. The desirability of taking toll from those who travelled from the Continent via Harwich to London had to be matched by a neutral siting of gates so that the merchants in east coast ports had opportunity, equal with each other, to use the same roads to trade inland. In 1787 the Essex Trust met with a furore over the position of Coggeshall, a land-locked textile and brewing town equidistant from Maldon and Colchester. To avoid an apparent partiality to either port, the Trust had, until 1787, put no turnpike gate further north than Rivenhall, just beyond Witham. Although this was acceptable to Colchester and Maldon, it was, in any broader analysis, a disgrace. 'I wish to ask on what grounds of sound policy are we to compliment foreigners coming into the kingdom, who constitute nine tenths of those travelling that road [ie the Harwich road], to pass 32 miles

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1. D/DHw Z16

2. Scott, pp.348,349

3. Ch.Ch., 23/8/1811

without paying a single toll?'.<sup>1</sup> This question by an anonymous trustee was echoed by an anonymous manufacturer: 'Thirty-two miles from a packet town, on a turnpike road, without a gate; what an absurdity! - or, towards foreigners, what generosity'.<sup>2</sup>

It was to alter this position that ten trustees, meeting on 2nd August 1787, had suggested two gates between Harwich and Colchester, a gate on the Ipswich road at Dedham on the Suffolk boundary, and a gate (doing away with the Rivenhall gate) at the east end of Kelvedon 'so that the Coggeshall road be left open'.<sup>3</sup> This meant left open to Maldon. The Colcestrian interest accused the trustees of being ten self-appointed directors with 'a bare-faced partiality towards the Trade of Maldon, manifestly prejudicial to that of Colchester ... Do not the ten Trustees, present at Kelvedon on the 2d of August last, all reside in, or very near the same part of the county?'.<sup>4</sup> The trustees defended their case, pointing out the need to tax the Harwich traffic at a gate farther north and to share the burden of toll more equitably among parishes away from Rivenhall.<sup>5</sup> This did not satisfy the opposition who continued to see self-interest in the Kelvedon decision aimed directly against the coal and corn trade of Colchester.<sup>6</sup>

The next meeting, to ratify the Kelvedon proposals, was in fact held at Colchester. Here the anti-Maldon lobby won the day, reversing an earlier agreement, made at Chelmsford, that Colchester should be to some extent gated, throwing out all proposals to take toll on the Colchester-Harwich road, dismissing the idea of the Kelvedon gate, and agreeing only to the gate at Dedham on the Suffolk border.<sup>7</sup> It is likely that the mid-Essex

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1. Ch.Ch., 26/10/1787

3. Ibid., 14/9/1787

5. Ibid., 28/9/1787

7. Ibid., 26/10/1787; 7/12/1787

2. Ibid., 30/11/1787

4. Ibid., 21/9/1787

6. Ibid., 5/10/1787

faction, in pique at this, resisted spending money on the Colchester-Harwich section. This, in turn, was probably the reason behind the wish, which has been discussed, of the Tendring Hundred parishes to form a separate Trust.

In the first quarter of the 19th century the turnpike system was such an accepted and widespread institution that opposition to the siting of particular gates appears to have stopped.<sup>1</sup> The Essex Trust gated the Maldon to Braintree road which it would not have dared to do when Maldon and Colchester were at loggerheads.<sup>2</sup> Other Trusts thought nothing of erecting side bars to prevent people joining and leaving the turnpike between gates.<sup>3</sup> It was with this sense of stability that the Trusts felt able to lease their tolls.

For the trustees, leasing the tolls was an escape from day-to-day administration. The toll houses remained the property of the Trust but the collectors were removed and the lessee, or farmer, appointed his own. The lessee, who, in early years of leasing, usually had some other business<sup>4</sup> paid rent to the trustees, usually a little more than the previous year's takings. The Trust was assured of a regular and predictable income (at least in theory) whatever the seasonal vagaries of traffic and without the trouble of controlling gate-keepers. The profit margin to the lessee was the amount of money he could raise from the travelling public above the average sum which the road produced, and clear of the rent to the trustees, and the expense of paying the collectors.

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1. No doubt a general improvement in road surfaces helped to lessen opposition to turnpike gates. The Ch.Ch. in a rare editorial comment, noted that 'the roads were never better' (23/4/1802) and Young (General View, Vol.2, p.384) found it 'impossible to say too much in praise of the roads of most ... districts in Essex'.
  2. The Trust had plans to gate the road at Heybridge in 1765 (I.J. 20/7/1765) but it would appear that the road was not gated until about 1807 (Ch.Ch., 7/8/1807)
  3. At one time the Commercial Road Trust had 41 side bars (BPP, 1859, xi, p.269)
  4. Albert, p.85. Little is known of these other businesses in the Essex context.

Farming was a step taken by the Essex Trusts only after discussion at preliminary meetings and then with some misgivings.<sup>1</sup> It was always a gamble, in some cases disastrous to the Trust, in others to the lessees, and in most cases to the public. It deserves detailed examination.

The first evidence in Essex of toll farming by trustees is found in the 1790s, although the Essex Trust had been empowered to lease its tolls from 1726<sup>2</sup> and had in fact, as a justice-Trust, let the Mounthnessing gate as early as 1709.<sup>3</sup> This was an unusually late beginning by trustees. A rural Suffolk Trust was farming its tolls in 1739<sup>4</sup> and in other parts of the South of England the practice was even earlier.<sup>5</sup> That toll farming was widespread nationally by the 1770s is confirmed by the procedure for auction laid down in the General Turnpike Act, 1773.<sup>6</sup> It is possible that the Middlesex and Essex Trust had leased its tolls earlier than the 1790s: the surveyor testified to a parliamentary committee in 1796 that the tolls were then let but did not say for how long this had been done.<sup>7</sup> Of the two Essex Trusts for which complete minutes have survived, the Epping and Ongar Trust agreed in May 1793 to let its tolls for 3 years.<sup>8</sup> They were auctioned to William Usherwood of Grosvenor Place, Middlesex, for £1149, although they had realised only £877 for the trustees in the previous year.<sup>9</sup> Usherwood would have been aware of this and presumably hoped that by greater efficiency and vigilance in collection he could afford the rental.

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1. The Hockerill Trust, for instance, first considered toll farming in 1793 but the tolls were not let until 10 years later. In the intervening years the trustees operated a kind of bonus incentive scheme, allowing their collectors to keep 2% or 3% of their takings in addition to their wages (T/A 596/2, pp.111,113,226,229).
  2. 12 Geo.I, c.23, s.12
  3. Q/SO 3, p.409
  4. I.J., 12/5/1739
  5. Albert, p.85
  6. 13 Geo.III, c.84, s.31
  7. BPP, First Series, x, p.751
  8. D/TE 1, p.301
  9. Ibid., p.305

It was a serious miscalculation. In the next nine months the tolls produced only £579 on the Epping road and £94 on the Ongar road and Usherwood petitioned to be released from his contract.<sup>1</sup> The trustees debated the issue and the clerk minuted that it appeared to them 'improper for a publick Trust to profit by the Ruin of an Individual ...'.<sup>2</sup> Winstone, reading this in 1891, was delighted: '... the expression of such an honourable feeling deserves especial notice, as it is characteristic of the highmindedness which prevailed among the country gentry at the end of the last century'.<sup>3</sup> This was the start of a long struggle throughout Essex in which mercy was not shown again.

This episode discouraged both trustees and lessees for many years. When farming did resume, lessees were generally in partnership. William Usherwood combined with Edward Pillbeam in 1801 to farm the Epping road tolls;<sup>4</sup> Pillbeam also joined with William Mitchell on this road<sup>5</sup> and on the Hockerill road.<sup>6</sup> Later, he joined with Joseph Hemming on the Hockerill road<sup>7</sup> and with James Carter on the Whitechapel road.<sup>8</sup> In 1808 Sylvanus Handley appeared, also on the Epping road,<sup>9</sup> although he was later associated with the Essex Trust.<sup>10</sup> Handley, and his partner for the time being, acted as sureties for other toll farmers,<sup>11</sup> a practice which later became normal. As the century progressed the associations developed more and more into professional syndicates. For year after year in many Trusts, the names Lewis and Jonas Levy, Elisha and Benjamin Ambler, and T.J. Bolton continually appeared, any one of them farming the toll while another two acted as sureties.<sup>12</sup>

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1. D/TE 1, p.319

2. Ibid., p.320

3. Winstone, p.158

4. D/TE 2, p.55

5. Ibid., p.80

6. T/A 596/2, p.229

7. Ibid., p.283

8. D/TX 3/46

9. D/TE 2, p.112

10. D/TX 2/2

11. D/TE 2, p.143

12. This is particularly apparent in the minutes of the Epping and Ongar Trust from 1830, but the syndicate also controlled the Essex Trust for many years (D/TX 3/48, 5/28; Ch.Ch. 27/1/1837)

The first two decades of the 19th century saw sharp practice, stubbornness and incompetence by certain farmers and trustees alike. In 1801, in their second attempt at leasing, the Epping and Ongar Trust let their tolls to Usherwood and Pillbeam for £1055.<sup>1</sup> Within a week the trustees had received information of collusion at the bidding.<sup>2</sup> The lessees did not deny this; another farmer had at one time intended to bid £1,100 and there had been a private agreement by which no-one would have given more than £1,200.<sup>3</sup> In a fit of guilt, Usherwood and Pillbeam took the tolls at £1,202 even though they thought £1,100 was more than their worth.<sup>4</sup> To thwart this kind of collusion, the Hockerill Trust, in 1810, directed the clerk to employ a 'proper person' to bid for the trustees at the next auction, unknown to other parties.<sup>5</sup> Later they continued and extended this practice,<sup>6</sup> which was considered by at least one other Trust.<sup>7</sup>

The Second District of the Essex Trust seems to have farmed its tolls only once.<sup>8</sup> In the First District, the Chelmsford and Colchester Divisions combined over farming,<sup>9</sup> as they had over tollgate receipts, and the Dunmow and Halstead Divisions leased their own tolls in 1809 and 1817 respectively.<sup>10</sup> It is doubtful if the other Divisions followed suit. Even the two main Divisions would probably not have farmed their tolls if the practice had been any less widespread. The first leases in 1809 were not a

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1. D/TE 2, p.55

2. Ibid., p.56

3. Ibid.

4. Ibid.

5. T/A 596/2, p.321

6. Ibid., p.351; in 1825 one Mr. Times was paid for his attendance 'as a friendly bidder'.

7. In 1816 the Essex Trust trustees considered the 'propriety of employing some person to bid for us' (D/TX 6/4). This procedure was made legitimate by 3 Geo.IV, c.126, s.55 (1822).

8. The Dovercourt gate was let in 1824, probably for one year at the most, and the lessee was soon £15 in arrears with the rent (Q/RUt 2/9).

9. Ch.Ch., 28/7/1809. Auctions for the Divisions were announced simultaneously but held two days apart.

10. Ch.Ch., 29/9/1809; 18/7/1817.

success. In this, as in other non-routine matters, the trustees relied on the experience of the Middlesex and Essex Trust. The Chelmsford Division borrowed an old lease of the Romford and other tollgates and altered it in pencil to suit the needs of the Essex Trust.<sup>1</sup> There seems to have been total confusion at the auction and the annotated lease proved a bad exemplar. Some leases were made to parties who, on the evidence of payments of rent, were not the de facto lessees.<sup>2</sup> This had serious consequences for the Shenfield gate, where the lease was made out to Sylvanus Handley and Joshua Smith.<sup>3</sup> In 1811 the latter, the true lessee, went bankrupt and his London solicitor asked the Trust if it was their normal practice to include two parties in the lease when only one was the best bidder.<sup>4</sup> The clerk's lame reply that 'I believe one person might have taken the tolls but was required to find sureties for payment of the rent ...' suggests that Handley was not a co-lessee but the chief surety.<sup>5</sup> Another mistake was to give the lessees control of the Shenfield weighing engine, as will be discussed later in this chapter.

In 1812 an Act was passed which, in the interests of agriculture, gave a blanket exemption from toll to all manure carts.<sup>6</sup> As the tolls were liable to decrease, it was enacted that lessees could determine their contracts.<sup>7</sup> This happened in many parts of the county, even before the effect of the measure could be gauged. Lewis Levy and George Brown, lessees of the Lea Bridge and Road tolls, resigned immediately.<sup>8</sup> To Thomas Clarke, lessee of the Hockerill tolls, the provision was a godsend. Clarke had taken on the lease in August 1810, for three years, at £4,000.<sup>9</sup> In the

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1. D/TX 3/46

2. D/TX 2/2, 3/47, 5/26. There seems to have been no trouble over the gates in the Colchester Division but all 3 gates in the Chelmsford Division were mishandled.

3. D/TX 3/46

4. D/TX 3/47, 6/2

5. D/TX 6/2

6. 52 Geo.III, c.145

7. Ibid., s.4.

8. T/A 513

9. T/A 596/2, p.322

first year he lost over £1,400 and persistently asked the trustees to be released from his contract, or for some relief.<sup>1</sup> The trustees rejected every plea and would undoubtedly have seen him bankrupt before the lease was terminated. When Clarke escaped and the tolls were re-auctioned, there were no bidders. The tolls were not re-let for 13 years.<sup>2</sup> Clarke was from Theydon Bois in Essex and this was probably his first excursion into farming. Unfortunately for him, this was the first auction at which the trustees had hired what they later called a 'friendly bidder'.<sup>3</sup> The tolls which he bought for £4,000 in 1810 had been taken on by the professionals at only £1,406 in the previous lease.<sup>4</sup> This was not an isolated occurrence. Between 1825 and 1840 the Hockerill Trust tolls were let seven times.<sup>5</sup> Five roughly level farms were taken by the Levy-Ambler syndicate at an average rent of £3,076.<sup>6</sup> Two rents of £3,320 (1829) and £3,370 (1839) stand out amongst these, having been taken by men who appear not to have farmed before in Essex.<sup>7</sup> Neither lease was a success<sup>8</sup> and perhaps both strangers were caught in a bidding trap worked by the trustees.

The Epping and Ongar Trust had a similar experience with incautious farmers. In 1811 the tolls of the Epping and Ongar Divisions had been let separately at £1,470 and £280 respectively.<sup>9</sup> Sweet Hart (sic), lessee of the Ongar tolls, had lost money on the Ongar road even at that low rent.<sup>10</sup> In 1814 the trustees tried to re-let both tolls together, which apparently were worth barely £1,750 a year. One Charles Salmon took them on at £2,025 and,

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1. T/A 596/2, pp.327,328,340,344,347,351      2. Ibid., p.354  
3. T/A 596/2, p.321; T/A 596/3, 5 July 1825      4. T/A 596/2, pp.283,322  
5. T/A 596/3      6. Ibid.  
7. Ibid. The lessees were John Cuming of Limehouse (1829) and Berkley Hicks of Maidenhead (1839)  
8. Both lasted for only one year, Hicks determining his 3 year lease before the start of the second year, as he was entitled to do by his contract.  
9. D/TE 2, p.143  
10. D/TE 2, pp.152,165

predictably, lost money.<sup>1</sup> At the next auction, in 1817, one William Everett took the tolls at £2,170.<sup>2</sup> In February 1818 he offered to surrender the lease, but was rejected.<sup>3</sup> In February 1819 he was bankrupt.<sup>4</sup> The sureties were able to pay only  $\frac{1}{4}$  of his arrears of rent<sup>5</sup> and the Trust did not lease again until 1830,<sup>6</sup> just as the Hockerill Trust, after its own bad experience described above, did not lease between 1812 and 1825. Thereafter, lessees in the Epping and Ongar Trust were invariably from the Levy-Ambler syndicate.<sup>7</sup> Everett also held the lease of the Leighs and Yeldham gates in the Essex Trust, where the arrears of rent were so bad that the clerk, having noted earlier that 'I do not exactly like appearances with him',<sup>8</sup> was about to take Everett to court.<sup>9</sup> This bankruptcy was one reason which led the Essex Trust not to re-let its tolls until 1837, and then with little enthusiasm:- 'There was a very full attendance of the Jew Party', wrote the Assistant treasurer to his boss, '-not so of the Trustees'.<sup>10</sup> The Lea Bridge Trust had also stopped toll farming<sup>11</sup> and although it is possible that the Middlesex and Essex Trust continued this practice, it is time to examine the positions of trustee and farmer more closely and discover other reasons for the general and lengthy breakdown in relations.

The dislike felt by the trustees was caused by what they considered sharp practice by the farmers. The respective rights and wrongs are very hard to determine, as the matter is complicated by the level of toll and by the charges for overweight. The level

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1. D/TE 2, p.180. The minutes (pp.163-5) are not clear and it is possible even that Salmon took only the Epping road at that sum.  
2. D/TE 2, p.181  
3. Ibid., p.189  
4. Ibid., p.199  
5. Ibid.  
6. D/TE 3, p.41  
7. D/TE 3  
8. D/TX 6/4  
9. D/TX 6/5  
10. D/TX 6/22  
11. At least between 1812-21  
T/A 513)

of toll was of course fixed by the enabling Acts, but these were maxima and most Trusts, with the approval of creditors, collected tolls below that figure. The Middlesex and Essex Trust never took more than  $\frac{3}{4}$  of the highest toll it was allowed.<sup>1</sup> In the Epping and Ongar,<sup>2</sup> Hockerill<sup>3</sup> and Essex Trusts,<sup>4</sup> particularly between 1815 and 1820 when gates were not let, there is clear evidence of tolls going up and down within the statutory limits, with no apparent motivation other than quite minor changes in the sense of security of the trustees.

When the tolls were let, however, the lessee not unreasonably took the maxima, which helps to explain why they were able to bid above the previous level of receipts by the trustees. When turnpike Acts were renewed after 21 years it was not uncommon for the level of toll to be raised; if this happened in the middle of a 3-year lease the trustees had to persuade the lessee to pay a higher rent,<sup>5</sup> or lose potential income. Another factor was the sheer complication of toll rates: although local Acts fixed the rate, a multiplicity of national Acts controlled the width and nature of wheel rims (or fellies) which were subject to a greater toll if less than 6in. or 9in. broad.<sup>6</sup> Added to this were the various stipulations for exemption and composition, creating a situation which the trustees certainly did not understand and which was probably beyond the grasp of their collectors. It is likely, however, that the toll farmers and their professional collectors understood it much better. Sometimes, of course, as when they took toll from compounders,<sup>7</sup>

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1. BPP, 1833, xv, pp. 529-32

2. D/TE 2, pp. 177-9; Ch.Ch., 14/11/1817. This Trust was discouraged from lowering tolls unless the mortgage debt was under £500 (27 Geo. III, c. 69, s. 6).

3. T/A 596/2, pp. 413, 437, 442, 479, 484.

4. D/TX 5/36; 6/7; Ch.Ch., 13/8/1819, 10/9/1819; Q/RUT 1/3

5. e.g. in the Hockerill Trust, 1809 (T/A 596/2, pp. 301, 305)

6. Between the first broad-wheel Act of 1753 (26 Geo. II, c. 30) and the General Turnpike Act of 1822 (3 Geo. IV, c. 126) there were over 20 Acts which dealt with aspects of turnpike law.

7. D/TE 2, p. 115

there is reason to believe they were dishonest, but the practice of charging double toll might not always have been unjustified.<sup>1</sup> It was the question of overweight more than the level of toll or the restrictions on narrow-wheeled wagons, which caused the worst resentment among trustees. It was this issue which brought Lewis Majendie of Castle Hedingham, an influential magistrate and trustee, into conflict with Lewis Levy the toll farmer, and resulted in the cessation of leasing for some 15 years in the Essex Trust, First District. This episode will now be related, preceded by a summary of the general conditions for overweight.

The amount of overweight which a wagon could carry was laid down in detail in the 1815 local Act of the Essex Trust.<sup>2</sup> A laden wagon with 12in. fellies could weigh 8 tons without incurring a penalty; if the fellies were 9in. it could weigh 7tons 10cwt.; if they were 6in. it could weigh 5tons 10cwt.; and so on. At the bottom of the scale a narrow-wheeled wagon, not carrying hay or manure, was allowed to weigh only 4tons.<sup>3</sup> Any wagon not more than 4cwt. overweight was liable to a penalty of 3d. per cwt.; between 4 and 8cwt. overweight the penalty was 4d. per cwt. There were further penalties between 8 and 12 and 12 and 16cwts.; in the latter group the penalty was 1s. per cwt. But if the loaded wagon was over 16cwt. overweight, the penalty was a massive 20s. per cwt.<sup>4</sup> In other words, one man with a 9in.-wheeled wagon weighing overall 8tons 5cwt. was liable to the standard toll of 3s.,<sup>5</sup> plus 15s. for overweight; another man, with a similar wagon weighing 8tons 6cwt., paid standard toll plus £16. This was by

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1. D/TE 2, pp.115,146,173; T/A 596/2, p.239

2. 55 Geo.III, c.90, s.18

3. 55 Geo.III, c.90, s.18

4. Ibid.

5. That is, if the wagon was drawn by 8 horses; the fewer the horses the less the toll.

no means a penalty restricted to the Essex Trust.<sup>1</sup> The point is that these penalties were exacted by the lessees at the Shenfield gate (where the Essex Trust had its main weighing engine) although they had not been enforced by the trustees. The Trust made two fundamental errors, first in leasing the engine at all and secondly in being unaware of the 20s. penalty in its own Act.

Curiously, neither party in the dispute questioned the accuracy of the engine. The early machines, first introduced permissively in 1741,<sup>2</sup> were inexact and liable to damage. The Hockerill Trust managed to do without one until 1801<sup>3</sup> and there is no evidence that the Epping and Ongar Trust ever had one. In the early 19th century, however, they were more common for a number of reasons: there were more restrictions on overweight, the roads carried heavier traffic, and technological advances made the weighing machines more reliable. In 1813 the Hockerill Trust employed Shepherd of Woburn to build a new engine 'with patent Index' for £158.<sup>4</sup> In 1817 John Richmond, the first civil engineer native to Essex, overhauled the Shenfield engine and he designed a completely new weighbridge in 1827.<sup>5</sup> Regardless of any question of accuracy, the Middlesex and Essex Trust did not lease its weighing engine with the tolls as a matter of policy, believing the engine was to prevent excessive weights and not to increase the revenue of the road.<sup>6</sup> The Essex Trust suspended use of the weighing machine in a hard frost, as overweight would cause no

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1. A 20s. penalty over a certain weight had been lawful as early as 1741 (14 Geo. II, c.42). By 14 Geo. III, c.83 (1774), some uniformity was introduced for overweight with the 20s. penalty beginning at 15cwt. This was, in 1818, the situation at the 3 gates of the Middlesex and Essex Trust between Shenfield and London, and so the Essex Trust penalty was in fact less severe than others (D/TX 6/5).

2. 14 Geo. II, c.42

3. T/A 596/2, pp.196, 197, 202. The Trust had agreed in principle to a weighing engine in 1751 but then cancelled the contract (T/A 596/A)

4. T/A 596/2, p.368. This could weigh up to 10 tons.

5. D/TX 5/27, 5/70, 6/12.

6. BPP, First Series, x, 1796, p.751. This view was shared by the Select Committee to whom the Trust's surveyor was giving evidence.

damage to the road surface,<sup>1</sup> but it seems not to have occurred to the trustees, or at least not to have worried them, that the machine could be a source of profit in the hands of lessees. The Hockerill Trust never let the engine with the tolls but appointed a separate 'surveyor' for overweight from 1806, who was also to keep a moiety of the penalties.<sup>2</sup> Later he was removed and the trustees passed a resolution discontinuing use of the machine each time the tolls were let.<sup>3</sup> By the 1820s weighing engines were openly recognised as a source of profit for lessees and many were taken down.<sup>4</sup> McAdam called them 'at best ... an objectional mode of raising revenue'<sup>5</sup> and removed them from the area of the Metropolis Roads Commission by 1828.<sup>6</sup> Ten years later only one, at Bagshot, was said to be working within 50 miles of London.<sup>7</sup>

In 1812 the Essex Trust appeared to have realised the folly of their early practice of leasing the weighing machine with the tolls. In the middle of that year they changed the advertisement of an imminent toll auction, expressly to omit the weighing machine,<sup>8</sup> perhaps as a result of the petition of a Palgrave carrier who complained that their practice was out of step with that at gates nearer London.<sup>9</sup> However, at the next leasing, in 1816, they took the extraordinary decision to re-let the machine with the tolls.<sup>10</sup> The farmer was Lewis Levy who took the Shenfield gate for £2,200, very much more than it produced for the trustees.<sup>11</sup> He probably made it a condition of taking one or other of the less

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1. D/TX 5/52

3. From 1827 (T/A 596/3)

5. BPP, 1826-7, vii, p.43

7. BPP, 1833, xv, p.84

9. D/TX 5/17

10. Ch.Ch., 8/11/1816. The auction notice made no mention of weighing engines and the decision was perhaps made at the auction itself.

11. Ch.Ch., 13/12/1816 (news report). Income to the trustees in 1815 was £1873 (Ch.Ch., 8/11/1816).

2. T/A 596/2, p.264

4. BPP, 1833, xv, p.84

6. BPP, 1828, ix, p.6

8. Ch.Ch. 31/7/1812; 14/8/1812

lucrative gates that he should also have the weighing machine at Shenfield.<sup>1</sup> This was a 3-year lease which Levy wished to determine after one year on the grounds that 57 Geo.III,c.38 (1817) made a minor alteration in toll receipts.<sup>2</sup> Levy hoped that by showing leniency to one of the carriers caught in the Shenfield trap he could get Majendie to persuade the trustees to release him from his contract.<sup>3</sup> This carrier, named Partridge, was 22 cwt. overweight but Levy agreed to take only £10 of the possible penalty.<sup>4</sup> However, Majendie did not support Levy's case, the trustees did not release him from his contract, and Levy went back to taking the full penalty in the next transgression.<sup>5</sup> The trustees tried to argue that the text of the Act was wrongly printed but Levy insisted on working from the copy which the trustees had given him, signed by the assistant treasurer.<sup>6</sup> The trustees then went to the Parliament Rolls and found there was no mistake in the printed text which brought the resentment of the trustees against the drafters.<sup>7</sup> At this stage, one of Majendie's own wagons was caught out by the Shenfield machine. He had had it weighed at Bulmer and it came unladen to 29 cwt., with 4 cwt. of ropes and canvas and a load of 3 tons 15 cwt. of hops.<sup>8</sup> From the total weight of 5 tons 8 cwt. Majendie had expected to pay some shillings in overweight.<sup>9</sup> In fact he was charged £17 and a horse was taken as distress.<sup>10</sup> The clerk to the Trust was bombarded with letters as the county magistrate refused to pay the fine and prepared to do battle with the London business man.<sup>11</sup> Majendie, who in 1812 had written: 'I

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1. Levy also took on Widford and Bulmer gates (D/TX 3/48,5/28).

2. D/TX 3/48. Elsewhere, he claimed he was making a 'very Great loss' on the lease as a whole (D/TX 6/5).

3. D/TX 6/5

4. D/TX 6/5

5. Ibid.

6. Ibid.

7. D/TX 6/5,6/6

8. D/TX 6/5

9. The width of the fellies on Majendie's wagon are not given so that the allowed weight, and therefore, the extent of anticipated overweight, cannot now be checked.

10. D/TX 6/5

11. Ibid.

hope the Commissioners may succeed in letting their tolls, which experience has, I believe, proved a better method than holding them ourselves',<sup>1</sup> now wrote about the lessees as 'a positive oppression' and 'a daily torment' to the public.<sup>2</sup> Levy insisted on his penalty and the case went before the magistrates at Brentwood; it was defended by Majendie purely on grounds of alleged corruption.<sup>3</sup> In a decision which brings into question the impartiality of the Essex Bench, he won the case, but was not awarded costs.<sup>4</sup> In 1818 the tolls were put up for auction again, despite Majendie's opposition, but there were no bidders and the Trust, retreating into the local world which it understood, reverted to the old practice of appointing toll collectors, accounting to trustee-surveyors.<sup>5</sup>

The study of toll farming has a value which may not at first be apparent to the turnpike historian. Much of Trust business was done in committee or at quarterly meetings; if the minutes or papers have not survived, our knowledge of any decision is known only in outline from its consequences, or from some other source of documentation. But no Trust could farm its tolls without public notice, and announcements in the Press often gave the figure at which the tolls would be 'put up' for auction. This was usually the sum they produced in the previous year or at the previous lease.<sup>6</sup> As the fluctuations in farm rents reflect broadly the volume of traffic on the roads (for instance, farm rents dropped with the advent of the railways), so they show the income and therefore relative strength of the various Trusts in the period before the statutory return of accounts to the Clerk of the Peace.<sup>7</sup> For

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1. D/TX 5/17

2. D/TX 6/5

3. Ibid.

4. Ibid.

5. D/TX 6/5,6/6; Ch.Ch., 27/11/1818.

6. Only once, in December 1816, did the Ch.Ch. report the result of an auction in the first period of toll farming. However, in the second era, in the 1830s, detailed, almost verbatim, reports were not unusual (e.g. Ch.Ch. 27/1/1837).

7. Introduced by 3 Geo.IV,c.126 (1822)

instance, it is known only from notices of toll auction that the short-lived Hadleigh Trust, with 42 miles of cross-roads in south Essex had a lamentable income of £226 1s 8½d from six gates in 1802;<sup>1</sup> this was raised only to £410 by farming.<sup>2</sup> This meant an annual revenue of under £10 per mile, even with the farm rents, compared with £44.5 per mile in the Hockerill Trust when the tolls were let in 1804<sup>3</sup> and £312 per mile in the Middlesex and Essex Trust in 1809.<sup>4</sup> An income of at least £35 per mile per annum was needed in this period for basic road repair.<sup>5</sup> It is therefore doubtful if the Hadleigh Trust ever attracted any investment and the non-renewal of its Act comes as no surprise.<sup>6</sup> The other early Trust which failed, the Rawreth-Chelmsford Trust, can be seen from a press notice to have had a farm rent income of £278 in 1809<sup>7</sup> (about £25 per mile), again not enough to make the expensive renewal of its Act a worthwhile proposition.<sup>8</sup>

As well as farming their tolls, many Trusts leased the repair of their roads. This was a less-widespread practice and the statutory authority to do so was not granted in Essex until 1785.<sup>9</sup> The Epping and Ongar Trust contracted for repair with no authority at all in its local Acts,<sup>10</sup> and it is unlikely that the matter came to be regarded as anything outside the normal management of the Trust. However, contracting is important: it brings into consideration the general policy for road repairs, as practised by the Trusts, and must be considered with the issue of statute labour.

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1. Ch.Ch., 9/7/1802

2. Ibid., 19/7/1811

3. Let at £1246 (T/A 596/2, p.246); 28 miles of road.

4. Let (or at least put up) at £10,620 (Ch.Ch., 28/4/1809); 34 miles

5. T/A 596/2, p.208. See also later in this chapter.

6. The enabling Act of 1793 (33 Geo.III, c.149) would have expired in 1814 and there is no parliamentary evidence that the trustees sought a renewal.

7. Ch.Ch., 1/9/1809

8. No parliamentary evidence of attempt at renewal.

9. 25 Geo.III, c.124, s.34 (Middlesex and Essex Trust)

10. The Trust first asked for tenders in 1801 (D/TE 2, p.48)

It has been seen in this, and in the previous chapter, that as regards borrowing money and in their attitude to the office of surveyor and toll farming, the Trusts nearest to London had the boldest and most progressive approach. It has been seen, on the other hand, that in the extreme north of the county the Essex Trust, Second District, had no mortgage debt, no full-time surveyor, and only one brief toll-farm. The attitude of the Essex Trusts generally to road repair in no way distorts or negates this picture. It will be argued that it was the Trusts with the most amateur surveyors, that is to say the Trusts furthest from London, who were the most dependent on statute labour and the most ready to lease the road surface to profiteers.<sup>1</sup>

The obligation of a parish to do a proportion of its statute duty on a turnpike road within its boundaries was stated in the first, and every renewal, Act for each Trust. This was the only unavoidable point of contact between the parish and road authority. From 1721/2<sup>2</sup> it was customary in Essex for this proportion of labour or team duty, or composition in lieu, to be agreed mutually between parish and Trust, or be assessed by the justices, to whom the surveyors were asked to submit lists of persons eligible to either form of duty. It is interesting that between 1746/7<sup>3</sup> and 1785,<sup>4</sup> when the turnpike Trusts were enjoying their period of greatest independence from public accountability, these lists were to be given to the trustees, and not to the justices, although it was the latter who made the allocation which was necessary. This allocation was, at least in the early 19th century, not an arbitrary or token assessment, but a figure calculated according to a formula

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1. It must also be remembered that these Trusts, unlike those in metropolitan Essex, had ready access to repair materials and so, in a sense, even less reason to farm out the maintenance.
  2. 8 Geo.I, c.30, ss.13-15 (Middlesex and Essex Trust)
  3. 20 Geo.II, c.7, s.20 (Essex Trust)
  4. 25 Geo.III, c.124, s.31 (Middlesex and Essex Trust)

of baffling complexity, revealed in the treasurer's papers of the Essex Trust and confirmed by the minutes of Petty Sessions.<sup>1</sup>

The process began by a formal request from the trustees (of the Chelmsford Division) to the local justices. The clerk to the justices wrote to all parishes within the Petty Sessional Division asking the surveyors to furnish a copy of the current rental for poor relief and the total mileage of parish roads. These roads were to be arranged under four groups: the first was turnpike roads, the second wagon roads, the third cart roads repaired continually, and the fourth cart roads repaired occasionally. Having received these figures from the 13 parishes in the Division, the clerk had to arrive at a nominal 'duty per mile' figure for each parish. He did this by dividing the whole duty or composition required by Parliament by the total road mileage. This duty per mile was a basis for calculating the amount of duty which each class of road was, on the face of it, entitled to receive in proportion to its length. One of the least complicated parishes was Chelmsford which had exactly ten miles of road and a general liability to 150 days labour: this gave a duty per mile figure of 15. The parish had  $1\frac{1}{4}$  miles of turnpike,  $3\frac{1}{4}$  miles of wagon road, no cart roads repaired continually, and  $5\frac{1}{2}$  miles of cart road repaired occasionally. In other words the duty per mile on each class of road was  $18\frac{3}{4}$ ,  $48\frac{3}{4}$ , nil and  $82\frac{1}{2}$ . The essence of the formula was for the clerk to divide the duty per mile of the last class of road (i.e.  $82\frac{1}{2}$ ) by half and add it to the duty for the first two classes, in proportion to their lengths. To make round figures, he took 43 from the last class and by adding it to the first two classes in proportion to their length, he gave them 30 and 80 days labour respectively.

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1. D/TX 4/1 and P/CM 1, from which all refs. in the next two paragraphs are taken.

This was difficult enough but it did not allow for composition money which was, for some parishioners, an inescapable element of statute duty in general highway law, and for others an alternative to manual labour.<sup>1</sup> It was to assess this factor that the clerk to the justices needed the parish rental. The rentals were based on holdings of £50 or more a year. The clerk added together the various units of £50. Again this can be seen in the case of Chelmsford, where the total rental was £5,320. Here the clerk counted 25 rents at £50 or over, which were always taken to the lower figure. For instance, a rent of £258 counted as 5 units and £144 as 2, not 3. These 25 he rated at £1 16s. each, giving a figure of £45. His remaining task was to assess the fractions - that is, those rentals above and below £50. To do this he multiplied his figure of 25 by £50, giving £1,250: this sum he deducted from the overall rental of £5,320 leaving £4,070 to represent the fractions. Assessing these holdings at only 6d. in the pound, he reached a figure of £101 15s. The whole duty owed by Chelmsford on its public roads was therefore calculated at 150 days plus £101 15s. composition, or £146 15s. if the parish chose to compound for its total commitment. The turnpike roads were assessed to have 30 days of this labour plus £20 9s. 6d. composition or £29 10s. composition for the whole allocation.

It is unlikely that this bewildering formula was practised widely and its origin is not revealed. The clerk was unable to do the calculations in the time appointed which suggests he had little previous experience in this field. It is clear that the Epping and Ongar and Hockerill Trusts, for which there are full minutes, did not trouble the justices to make an allocation; the Lea Bridge

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1. 13 Geo.III,c.78,s.34

and Road Trust was so short that the problem did not arise and it was shown in the last chapter that in the Middlesex and Essex Trust composition money was fixed by statute and that in the Commercial Road Trust it was a source of confusion. These two last-named were, in any case, the Trusts which borrowed the most money and which had the highest income per mile. It is likely, however, that the smaller or less ambitious Trusts used statute duty as a source of free labour and debt-free income to keep the roads in tolerable repair. The Chelmsford Division of the Essex Trust, for instance, from whose records the above instance is taken, has not been noted in this chapter for its progressive approach to road repair, and the use of statute labour was consistent with its general policy of management by unpaid justices and amateur surveyors. It is likely that other Divisions of this Trust also depended on statute labour, and that the Essex Trust, Second District, and the Hadleigh Trust, both with exceptionally low incomes, used it widely.<sup>1</sup> The records of Petty Sessions, in the Chelmsford Division, show that the Chelmsford-Rawreth Trust sought an allocation by the justices in 1808 to assess statute labour in the five parishes which the Trust involved.<sup>2</sup> This assessment was made in the same way as the one described above. Stray papers of this Trust reveal that the surveyor had been ordered to seek an apportionment by the magistrates as early as 1795, when the Trust was created, but that he had neglected to do so.<sup>3</sup> Until the justices came to a decision, the Trust made an arbitrary and

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1. Support for this suggestion comes from the account books of parish surveyors, particularly for Gt. Dunmow (D/P 11/21/1), Gt. Coggeshall (D/P 36/21/1), Bulphan (D/P 239/21/2), Wickford (D/P 70/21/1), and Gt. Burstead (D/P 139/21/1). There is evidence in Ramsey parish records (D/P 7/20/1) that the magistrates had fixed the composition quota for that parish in 1824.

2. D/TX 4/1

3. D/TX 3/3

unwarranted demand on the parishes for a half or a third of their labour to be done on the turnpike road.<sup>1</sup> There is evidence also that the struggling Tilbury Road Trust sought all the statute labour it could get in its struggle to stay alive: Dagenham parish was fined for not doing duty on this road and the Trust ran into conflict with Hornchurch which insisted on a basic improvement in the road before the parish contributed its duty.<sup>2</sup>

Although it can be proved that certain Trusts were interested in their quota of statute duty, it is more difficult to determine whether their preference was for work or composition money.<sup>3</sup> Generally, however, the Trusts seem to have preferred people not to compound for team duty.<sup>4</sup> Labour seems very rarely to have been a problem: it was not difficult to get poor people to labour and collect stones<sup>5</sup> but it was very difficult to get the stones where they were wanted.<sup>6</sup> For this reason, some Trusts seem to have entered into agreements with various parishes as well as with contractors to supply fixed amounts of stones and gravel.<sup>7</sup> This amounted to a sort of composition in kind and was particularly practised in all Divisions of the Essex Trust and in the Rawreth Trust. Some parishes contributed up to 100 or more loads of stone each year.<sup>8</sup> The parishes were probably not reluctant to do this.

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1. D/TX 3/3

2. D/DL 035

3. Except of course in the case of the Middlesex and Essex Trust where composition was compulsory by statute.

4. e.g. in Epping and Ongar Trust, 1789, when parish surveyors were ordered to send in teams for carting stones on the new Ongar branch for their quota of statute duty (D/TE 1, p.265); cf. Ingatestone, in Essex Trust, which paid £3 15s. composition and carried 54 loads of stones (D/TX 5/23).

5. The overseers' accounts of Wanstead parish show a ledger entry for the Middlesex and Essex Trust. The trustees paid for gravel, up to 500 cu.yds. at a time, presumably dug by paupers. (D/P 292/12/10). Another parish which shows particular use of pauper labour is Black Notley. Here there is even evidence of the trustees hiring the poor direct. The Trust, for instance, paid the overseers £4 to settle 'Widow Cootes Bill for warfing at hoppit by Commissioners Order' (D/P 150/21/2).

6. Some idea of the scale of the problem is given by the use in the Hockerill Trust, 1834, of 7,358yds of flint and gravel (T/A 596/3)

7. D/TX 5/23

8. Chelmsford, Hatfield Peverel and Rawreth were among parishes which contributed 100 loads each (D/TX 3/3, 4/1). The highest quota (130 loads) was provided by Boreham (D/TX 4/1).

It was not difficult for an individual parishioner to compound with the parish for his own duty but it was very irksome for the parish to find a large sum of money as a corporate composition to the trustees, particularly as there was no reason to believe that the money would be spent on their own stretch of road. Where composition money was paid by the parish it was often in arrears by two, three, or even four years.<sup>1</sup> It was normally paid by the overseers out of the poor rate,<sup>2</sup> but sometimes by surveyors from the highway rate<sup>3</sup> and even by churchwardens from the church rate or steeple fund.<sup>4</sup> If the parish compounded in kind, however, it could at least lay stones on its own roads and it was difficult for the turnpike surveyor to spot any shortfall in supply.

The Hockerill Trust sometimes gave parish surveyors surplus stones at no cost for use on the turnpike road.<sup>5</sup> This was perhaps the origin of the idea of contracting for repair: from the late 18th century in the account books of many parish surveyors are entries showing unexplained receipts of money from turnpike Trusts, even when the parish owed money to the trustees.<sup>6</sup> The best inference from this is that the parish was acting as agent for the Trust in road repair. This idea is supported, first by the fact that in 1816 the town of Newport was totally responsible for  $\frac{3}{4}$  mile of turnpike road in lieu of all statute duty,<sup>7</sup> and secondly by the express wish of the Hockerill Trust that parishes should tender for the repair of their own stretches of turnpike road.<sup>8</sup>

The Trusts never lost sight of the underlying responsibility

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1. Q/RUt returns. In 1833 one parish, Colchester St. Botolph, was 10 years in arrears (Q/RUt 2/4)
  2. In the Middlesex and Essex Trust this was compulsory by statute (e.g. 3 Geo.III,c.58,s.16)
  3. e.g. Gt. Waltham, 1819 (D/P 121/21/1)
  4. Woodford, 1722-42 (D/P 167/8/1)
  5. T/A 596/1 (1747-9)
  6. Examples are Thundersley (D/P 357/21/1), Ramsey (D/P 7/21/1), Gt. Dunmow (D/P 11/21/1), Witham (D/P 30/21/1) and Moulsham (D/P 94/21/4).
  7. T/A 596/2, p.402
  8. Ibid., p.287 (1808).

for road repair which remained with the parishes.<sup>1</sup> When the GPO complained about the state of the road from Harlow to Quendon in 1821, the Hockerill Trust sent a copy of the letter to each parish asking for immediate attention to the complaint.<sup>2</sup> At this time, road repair cost about £60 per mile per annum.<sup>3</sup> This figure had nearly doubled since 1801 when three entrepreneurs from Harlow had offered to repair 3½ miles of road for £100 in the first year and £60 a year thereafter.<sup>4</sup> The Trust's surveyor produced figures to show expenditure cost £35 19s. 1d. per mile,<sup>5</sup> upon which a trustee, Montague Burgoyne, offered £30 per mile for the contract.<sup>6</sup> The trustees declined both offers but agreed with the parish of Bishops Stortford in 1807 that the latter would maintain one mile of turnpike road in the town for three years at £40 per annum.<sup>7</sup> In 1808 the Trust, encouraged by this, sought to let the whole road for repair by the mile, or otherwise, to affected parishes for one year or longer.<sup>8</sup> Only a few parishes, but several individuals, tendered.<sup>9</sup> As no-one contracted for the worst sections of road, the matter was, for the time, abandoned.<sup>10</sup>

In 1813 Burgoyne again offered to take on the 'perfect repair' of two miles of road near Harlow, this time for three years at £50 per mile.<sup>11</sup> The Trust accepted and it was noted in the minute that he was to have the same benefit of statute duty as the trustees had.<sup>12</sup> In 1816 other individuals approached the Trust to repair the road and the clerk wrote to parish surveyors urging them to take out six year repair contracts as the Trust preferred

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1. Until 5 & 6 Will.IV,c.50,s.99 (1835) it was still possible for a parish to be presented for the non-repair of a turnpike road.

2. T/A 596/2,p.484

3. Ibid.,p.486

4. Ibid., p.205

5. Ibid., p.208

6. Ibid.,p.212. It later became illegal for a trustee to be a contractor (3 Geo.IV,c.126,s.65).

7. T/A 596/2,p.275. The figure later increased to £60. per annum.

8. Ibid.,p.287

9. Ibid.,p.290

10. Ibid.,p.292

11. Ibid.,p.363

12. Ibid.,p.364

to deal with them than with strangers.<sup>1</sup> Only the five parishes between Newport and the north end of the Trust agreed to this, at rates between £60 and £75 per mile per annum.<sup>2</sup> Although this meant that these parishes no longer owed statute duty to the Trust, it was essentially a retrograde step of short-term convenience, moving back from the principle of central management of a through route, embodied in the turnpike system, to the piecemeal days of parish control and the Tudor principle of compulsory labour. The Trust's own system of surveying broke down. The new agreements left the three turnpike surveyors with only 14 miles of road between them.<sup>3</sup> As dismissal hung over them, two surveyors contracted to repair other parts of the road at the going rate.<sup>4</sup> Other private contractors joined in and by 1817 all the road, including the 3½ miles in Bishops Stortford, formerly maintained by the parish, was let to a miscellany of individuals or partnerships at sums up to £70 per mile.<sup>5</sup> This was probably the worst period in the Trust's existence and the roads deteriorated rapidly. It was in January 1821 that the GPO complained about the road from Harlow to Quendon.<sup>6</sup> In February McAdam was given control of the road in Birchanger and Ugley<sup>7</sup> and in May 1822, when the repair contracts expired, he was given control of the whole road at £105 per annum, with the existing surveyor as his deputy.<sup>8</sup> The road was not let again.

McAdam, as a professional surveyor, was opposed to repair by contract. He later made it clear to the Epping and Ongar Trust that, in his own experience, contracting had failed.<sup>9</sup> The last

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1. T/A 596/2, p.398

3. Ibid., p.406

5. Ibid., p.424

7. Ibid., p.486

9. D/TE 3, p.203. His father, J.L. McAdam, also had little time for statute labour (BPP, 1823, v, p.69) but in this respect James was more moderate (BPP, 1839, ix, p.411).

2. Ibid., p.399

4. Ibid., pp.405, 409

6. Ibid., p.484

8. Ibid., p.499

repair contracts were made by this Trust in 1828, two years before McAdam's appointment.<sup>1</sup> Although the trustees did not ask parishes to contract, they did believe in small units of repair. In 1818, when contracting was first seriously considered,<sup>2</sup> the road was divided into seven areas.<sup>3</sup> Contracts were first made in 1821.<sup>4</sup> The longest stretch leased was  $7\frac{3}{4}$  miles, let for £225 per annum over seven years,<sup>5</sup> less than half the cost per mile in the neighbouring Hockerill Trust.

The extent of contracting elsewhere in the county is not known. The Essex Trust seems to have resisted it, preferring the trustee-surveyor system to all alternatives. Two men offered to repair over three miles between Brentwood and Mountnessing in 1823 for seven years, at £320 per annum, but this attractive offer seems to have been rejected.<sup>6</sup> There is evidence, however, that some of the road between Leighs turnpike gate and Broomfield was taken over by Wm. Adam of Gt. Waltham in 1808 because he had 'a vast quantity of stones' to spare.<sup>7</sup> It seems not unreasonable to conjecture that many of the contractors for road repair were men with lands containing natural gravel, many of whom perhaps supplied stone by contract to parish surveyors. This was certainly not always the case because when the road farm tenders were accepted by the Epping and Ongar Trust, they also accepted tenders from other men for the supply of stones.<sup>8</sup> There is nothing to suggest that any road contractor in Essex was acquainted with the growing interest in the scientific basis for road repair, or that there was any connection between road farmers and toll farmers.

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1. D/TE 3, p.5

2. There had been a half-hearted attempt at contracting in 1801 (D/TE 2, p.48)

3. D/TE 2, pp.192-4

5. Ibid.

7. D/TX 5/13

4. Ibid., pp.218,219

6. D/TX 5/52

8. D/TE 2, pp.218,219.

It was therefore due in no small part to McAdam's influence that the rural Essex Trusts left the second quarter of the 19th century in better shape than they had entered it. There were of course other factors: the two weakest Trusts had disappeared and Parliament had made all Trusts more accountable and had encouraged justices to sit as trustees. But it was McAdam who brought them a new vigour and sense of direction. It will be seen in the next chapter what part McAdam played in guiding the Trusts through the railway era.

## CHAPTER FIVE

### DECLINE AND DISBANDMENT

On Monday, 26 February 1838, 30 coaches carrying 260 passengers to and from London passed through the Shenfield tollgate, north of Brentwood.<sup>1</sup> On the same day, 13 broad-wheeled wagons hauled by 62 horses, carried nearly 40 tons of flour and general goods to London from various towns in North Essex and Suffolk. At the end of the week, the goods traffic went the other way: through the same tollgate, on Saturday 4 March, went 22 wagons, hauled by 137 horses and carrying 190 tons of general goods from London to centres as far away as Norwich.

This was the heyday of the Trusts which controlled the Great Essex Road. McAdam was general surveyor to the main Divisions of the Essex Trust, First District; toll receipts of the Chelmsford Division, at £5,424 in the previous year,<sup>2</sup> had been almost the best ever and the trustees had paid back their £1,000 loan debt.<sup>3</sup> Furthermore, the roads had never been better: 'A Frequenter', writing in the local Press, paid unsolicited tribute to 'the superior state' of the road from Colchester to Chelmsford.<sup>4</sup> This, he claimed was 'the general feeling of the neighbourhood' and is borne out to some extent by the nature of the wagons mentioned in the above survey. One of them was carrying a 5-ton boiler from Coggeshall to London. It is worthy of comment that it was not taken to Colchester Hythe or Maldon for shipment by water. The improvement was confirmed by Lewis Levy, the toll farmer, who, in jocular

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1. All statistics in this para. are from D/DP 018/1-5. This material formed the basis of the article by J. Copeland (see Bibliography).

2. Q/RUt 2/5

3. Ibid.

4. E.S., 29/6/1838

mood at a toll auction, accused McAdam of being 'a determined enemy to the lessees, for he had so improved the roads that where a waggon formerly required 8 horses, six only were now used'.<sup>1</sup>

It would seem reasonable to suppose in this situation that the turnpike trustees would have been antagonistic to, or at least alarmed by, the contemporary moves to make railways. It might be expected that their fears in this direction would have been worsened by the experience of their colleagues in the Commercial Roads Trust, whose abortive fight against The London and Blackwall Railway was mentioned in Chapter Three. It will be the aim of this final chapter to explore the state of mind of the Essex turnpike trustees as the railways were mooted, constructed and operated and to discuss steam-powered travel as one of several factors which contributed to the Trusts' decline.

There were two lines of railway planned to run north through Essex.<sup>2</sup> One of these was the London-Norwich line (Eastern Counties Railway, or E.C.R.) on the east side of the county; the other was the London-Cambridge line (Northern and Eastern Railway, or N.E.R.) along the Lea and Stort valleys (see Map Three). The former line was proposed to run parallel to the Great Essex Road and the latter parallel to the road of the Hockerill Trust and, at a greater distance away, to the road of the Epping and Ongar Trust. It will be useful to discuss first the traffic which these railways saw as transferable to themselves and identify those interests which, from the beginning, were likely to bring conflict with the navigation companies and turnpike Trusts. A situation seemed possible like that in the 18th century with the campaign to canalize the Chelmer, mentioned in Chapter Two; then the opposing

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1. E.S., 27/1/1837

2. A third contemporary scheme was for an east-west railway from London (via the E.C.R. at Romford) to Thames Haven Dock. This is referred to in passing in this chapter.

interests of land and water carriage contested their cases in pamphlet war. It will be remembered, however, that in that instance, and also in the move to extend the Stort navigation to join the river Cam, the two turnpike Trusts who had most to lose stayed aloof from the local and parliamentary proceedings. The railway innovation, by adding a third interest, seemed likely to provoke a more bitter struggle.

Whatever the visions of laden goods trucks offered to shareholders at public meetings,<sup>1</sup> the main traffic anticipated by the railway companies was the carriage of passengers. This is confirmed by evidence to Parliament.<sup>2</sup> Only in this field was there a quantitative analysis of traffic, based on the number of licensed coaches. In 1837 it was reported that 310 coaches were licensed to run on the London road below Chelmsford: of these 41 left Chelmsford daily.<sup>3</sup> These coaches paid duty annually for 1,253,824 passengers and if other persons travelling by post-chaise or private conveyance are added to the total, then perhaps 2 million people annually were carried along the Great Essex Road.<sup>4</sup> These figures are a little difficult to reconcile with others which pointed to 62 coaches running between London and Stratford, 41 between Stratford and Romford, 36 between Romford and Brentwood, 32 between Brentwood and Chelmsford, and 28 between Chelmsford and Colchester.<sup>5</sup> But whatever the true figures, there is no doubt that the road was perpetually busy. An impartial source in 1825 had referred to 5,000 draft horses and 600 riding horses in Essex within 7 miles of London; in Kent, the respective figures were given as 4,000 and 350, and in Surrey as only 3,500 and 300, and

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1. As reported in E.S., 4/9/1840

2. BPP, 1839, ix, p.429

3. E.S., 24/11/1837; 9/3/1838

4. Ibid.

5. BPP, 1839, ix, Appendix to report beginning p.369

these were over 10 miles.<sup>1</sup> It was this traffic which was the target of the railways, but it was not anticipated by them that heavy freight, such as in the census above, would move from road to rail. The fortuitous conveyance by rail in October 1839 of 60 sheep, some cattle, horses and gentlemen's carriages was reported in the Press as having 'given a new feature' to the utility of railways.<sup>2</sup>

This seems a curious state of affairs, but the railway companies saw their natural advantage as one of speed and not economy. The question of relative expense had already been seen as important in the context of the London and Birmingham Railway; certain people still went by coach between the two cities to save 4s. or 5s. on the rail fare.<sup>3</sup> The E.C.R. no doubt reasoned that a man with business in London would be willing to pay more than the coach fare for the benefit of a round trip in a day; however, in the carriage of a 5-ton boiler from Coggeshall to London, when speed was not of the essence, the advantage was expected to be lost. Only fruit from Aveley and Stifford was expected to go by rail.<sup>4</sup>

The forecasts of profitability on the N.E.R. were much the same as those on the E.C.R.; not until 1843, when the railway was planned beyond Stortford to Newport, did the company see any prospect of taking the malt trade vested in the Stort and Lea Navigations.<sup>5</sup> When the E.C.R. were building the extension of line from Brentwood to Colchester, a shareholder found that no accurate estimate of carriage had been made and no serious attempt to canvass support by publishing rates and fares in advance.<sup>6</sup> It is ironic that when this stretch of line was opened, the E.C.R. used it purely for freight traffic over several weeks.<sup>7</sup> This was a

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1. BPP, 1825, v, p. 81

2. ES, 4/10/1839

3. BPP, 1839, ix, p. 389

4. Ibid., p. 429

5. ES, 17/2/1843

6. Ibid., 4/11/1842

7. Until March 29, 1843. It may not have been coincidental that the N.E.R. began goods and cattle trains from Stortford to London on 27 January 1843.

safety move to test the track, but it did make the directors aware of their potential market among farmers. The company soon built special lays at Mile End and Colchester where cattle could be left at no charge for two days, with a good supply of water.<sup>1</sup> Later, they offered farmers a special train from Shoreditch to Colchester to hear Cobden speak about free trade.<sup>2</sup> But generally the directors were right. The railway was useful for the local squire with a social engagement in London; for a Maldon estate agent who could 'déjeuner' on a steamer in the Victoria Dock; for theatre goers; for soldiers travelling to barracks near Brentwood; and for Londoners enjoying a day out at Fairlop Fair.<sup>3</sup> But it did not immediately take the really heavy traffic which amounted to half the vehicles on the Great Essex Road, most of it travelling overnight between 6 p.m. and 6 a.m.<sup>4</sup> When the grand pavilion for the Great Essex Conservative Festival was built at Chelmsford in 1841, a few yards from the line of the railway then under construction, the parts came from London by water.<sup>5</sup> This structure, 214 x 120ft., with 'the largest dining room ever erected' (seating over 3,000 people and lit by gas) was shipped from the Thames to the Blackwater and then taken up the navigation to Chelmsford by barges.<sup>6</sup> The railway was at that time open to Brentwood, some 10 miles from Chelmsford and it might be thought that a journey two-thirds of the distance by train and one-third on a much improved turnpike road, would have been an acceptable and faster alternative. In 1843 passenger traffic was about 9 times more profitable to the railway than freight,<sup>7</sup> although the gap had been very much reduced by 1850, when the carriage of freight, coals and cattle, combined with

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1. ES, 7/7/1843

2. Ibid.

3. D/DRh F25/21; Parker, p.201; E. C.R. Passenger Timetables (E.R.O. library) for theatre ads.; ES, 19/7/1839

4. BPP, 1839, ix, p.429

5. ES, 25/9/1841

6. Ibid.

7. Ibid., 2/6/1843

parcels and mail, produced £183,000 for the E.C.R. in a half-year compared with over £200,000 from passenger traffic.<sup>1</sup>

Despite the obvious threat to their income, no Essex turnpike Trust ever petitioned Parliament in opposition to the formation of a railway company. This is itself a rejection of the traditional view that the turnpike and the railway were impossible bedfellows. It may be that the Trusts saw the threat as limited but the ostensible reason, voiced by McAdam and others, was that a diminution of road traffic would lead to the welcome corollary of a reduction in the cost of maintenance.<sup>2</sup> This conclusion had been reached in Chapter Two to explain the apathy of the Trusts in the face of competition from the navigations.

On 19 February 1836 the petitions for both the E.C.R. and N.E.R. were introduced to the Commons.<sup>3</sup> For the next few months the Bills were acrimoniously attacked but both Acts received the royal assent on 4 July.<sup>4</sup> The Bill for the E.C.R. was supported by the boroughs of Norwich, Eye and Southwold<sup>5</sup> and by merchants and manufacturers in Chelmsford, Colchester and Ipswich<sup>6</sup> who perhaps had a better idea of the potential of the railway for goods carriage than its directors. The chief opposition came from owners and occupiers along the route, although some petitioned in favour.<sup>7</sup> Of the road-carriage interest, the only petitions against were from the trustees of the Norwich and Scole road and the subscribers to a proposed turnpike road from Gt. Yarmouth to Acle.<sup>8</sup> Trustees of the Suffolk Trusts, like their Essex colleagues, did not oppose. In the case of the N.E.R. the pattern of petitions was broadly the same, although there is more evidence of conflicting trading interests. For instance, the corporation, inhabitants, merchants

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1. ECR, Illustrated Guide (1851), intro.

2. T/A 596/4; BPP, 1839, ix, p.429

3. JHC, xci, pp.60,62

4. 6 & 7 Wm.IV, c.103 and c.106

5. JHC, xci, pp.222,280,339

6. Ibid., p.252

7. Ibid., pp.252,280,299 etc.

8. Ibid., pp.252,375.

and traders of Saffron Walden opposed the plan,<sup>1</sup> because the railway was to follow the line of the river Cam and therefore, miss the town by some two miles. On the other hand, Bishops Stortford, already a boom town at the head of navigable water, petitioned in favour and was joined by other communities as far away as Huntingdon, Thetford and even Lincoln.<sup>2</sup>

It is difficult to accept McAdam's view (of the easing in cost of road repair) as a satisfactory explanation for the complacency of the Trusts in the face of the new competition. While it can be understood that a Trust like the Middlesex and Essex was so busy that it had nothing to lose from less traffic, it is difficult to conceive that other Trusts, farther from the metropolitan area, were blind to the long-term danger. Certainly, excuses can be found for the unwillingness of the Essex Trust to intervene: the road was virtually free of debt and the trustees could expect no support in opposition from the principal towns, east coast ports, or proprietors of the east-west navigations. All these interests stood to gain from the railway as did the east-west Divisions of the Trust itself which would act as feeder-routes to the railheads. A branch railway to Harwich had been already mooted to the delight of the borough, and was reported to have the support of eight-ninths of the landowners;<sup>3</sup> men with an eye to business saw the advantages of linking the railway to the head of navigation at Colchester, with prospects of cheaper coal and general goods at Witham and even Chelmsford by carriage on the river Colne and the railway.<sup>4</sup> Maldon, already serving Chelmsford by water, was looking for better trade by railway with Witham and Braintree;<sup>5</sup> turnpiking had not improved the state of the road between <sup>them.</sup>

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1. JHC, xci, pp. 139, 261

2. Ibid., pp. 260, 275, 314

3. ES, 20/1/1837

4. ES, 28/1/1842

5. The Maldon-Braintree railway was opened in 1848; near Maldon East Station are still the scars of an abortive dock scheme promoted by the railway co.

Even the Thames Haven Dock and Railway Company had dreams of underselling traders on the Chelmer Navigation and supplying chalk and lime as far as Witham.<sup>1</sup> There was no room anywhere in East Essex for a spirited land carriage interest.

On the western side of the county, however, there would seem to have been ample opportunity to form a strong lobby of opposition. The two turnpike Trusts had nearly £20,000 in debts between them<sup>2</sup> and the railway threatened the profitability of the north-south navigations. Now that the expensive scheme to link Bishops Stortford and Cambridge by canal had been abandoned, there was opportunity for the road and water interests to forget past differences and unite in the face of a new threat to them both. Such a lobby, backed by the petitions of Lord Braybrooke and the town of Saffron Walden, would probably have carried enough weight in Parliament to force concessions from the railway company, if not to defeat the Bill. But no united petition was presented and only the proprietors of the Stort navigation, of the established interests of transport, opposed.<sup>3</sup> Admittedly, the two Trusts affected were not facing an equal problem: at no point did the N.E.R. cross the line of the Epping and Ongar Trust and there was therefore no need for direct communication between them. In the event, the Trust continued to connect Epping and London without competition until the direct railway was built in 1863. Throughout the plotting and petitioning of the mid-1830s the topic of the railway did not arise in the Trust's minutes. Only in April 1839, when the line was shortly to be opened, did the Trust note 'That in consequence of the precarious nature of the Security for the Money borrowed upon the Epping and Ongar Turnpike Roads in anticipation of the Northern and Eastern Railroad it is deemed highly

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1. ES, 16/3/1838

2. Q/RUt 2/12, 2/13

3. JHC, xci, p.243

necessary to economize with a view to paying off a portion of the existing Debt'.<sup>1</sup> It was therefore resolved to reduce weekly expenditure on materials and labour to £25.<sup>2</sup> Following this reference, the word railway does not re-appear in the minutes until 1861.<sup>3</sup> This was very much a false sense of security: the road to Epping was the road to Norwich and it will be shown later in this chapter that the income of the Trust dropped progressively as the long-distance traffic was captured by the railway.

For the Hockerill Trust, however, the situation was very different from the beginning: the railway company proposed to cross the road twice and run adjacent to it for several miles. As a preliminary to parliamentary proceedings, the promoters were bound to write to the Trust as an affected party, to discover, in the official parlance, whether the trustees were prepared to assent, dissent or be 'neuter' to the proposals.<sup>4</sup> The Trust of course dissented on all occasions; it resolved to keep a watching brief on the passage of the Bill to protect the interests of its creditors.<sup>5</sup> But this was one important step less than a petition against it and the legislators made concessions in favour of objectors in proportion to the strength of their opposition. For instance, in the Act establishing the N.E.R., clauses were inserted to protect the interests of trustees of the Lea and Stort Navigations: these were framed to prevent obstructions, control bridges and safeguard the towpath and channel.<sup>6</sup> There were clauses in favour of the Metropolis Roads North of the Thames, which included lighting and watching where the railway crossed the Commission's roads.<sup>7</sup> But

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1. D/TE 3, p.162

2. Ibid.

3. Ibid., p.394, concerning a proposed deviation at Loughton station.

4. This procedure was later codified in the Land Clauses Consolidation Act, 1845 (8 Vic., c.18)

5. T/A 596/3 (1836)

6. 6 & 7 Will.IV, c.103, ss.119-125

7. Ibid., ss.129-133

the three Acts passed in 1836<sup>1</sup> for establishing railway companies in Essex made just general and minimal concessions to safeguard the interests of the county's turnpike Trusts. One of these was the 'screen' clause which requested a barrier between the railway and a turnpike road to avoid frightening horses.<sup>2</sup> There was also a general insistence on a bridge, rather than a level crossing, at intersection points, with varying provisions as to the height and width of the arches, and sometimes, if the road crossed the railway, on the maximum gradient of the approach slopes.<sup>3</sup> In all three Acts, which affected four Essex Trusts,<sup>4</sup> only the Middlesex and Essex Trust was mentioned by name, and then only to regulate bridge height.<sup>5</sup>

One probable reason for this attitude of the Trusts is that the railway was recognized as a genuine public utility. This charitable approach arose because a turnpike Trust, unlike a canal or railway company, was not, essentially a profit-making body. It needed money to effect improvements and it borrowed some of this at interest from creditors to supplement the income from toll. But the trustees were not proprietors and the creditors were not shareholders; the former received no personal gain when a Trust had a high income and creditors were unlikely to have seen any Essex Trust, outside the metropolis, as a major commercial investment. Furthermore the move towards making local justices trustees which began, as was shown in the last chapter, in the 1820s, tended to make the Trusts increasingly aware of their public responsibility; perhaps some trustees recognized themselves as fulfilling a function of local government. The extent to which this feeling was held

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1. The third Act was for Thames Haven Railway and Dock, 6 & 7 Will. IV, c.108
  2. This was in all railway Acts (eg 6 & 7 Will. IV, c.103, s.106)
  3. 6 & 7 Will. IV, c.103, ss.105, 107; 6 & 7 Will. IV, c.106, ss.104, 105; 6 & 7 Will. IV, c.108, ss.79, 80.
  4. Middlesex and Essex; Essex; Hockerill; and Epping and Ongar.
  5. 6 & 7 Will. IV, c.106, s.105.

varied, of course, in relation to the extent of debt. The Hockerill Trust, with nearly £8,000 at stake and a railway planned a few yards away, was entitled to be testy. On the other hand, the Rev. H. Jenkins of the Essex Trust 'heartily wished success' to the E.C.R. at a turnpike meeting in Colchester in March 1843, called to decide upon economies which the railway had forced upon them.<sup>1</sup>

Another reason why the Trusts were not too antagonistic is that they saw some short term benefit to themselves: '... although the lines of Turnpike Road running parallel to Steam communication are less frequented, it appears that nearly all Roads ... leading to stations, or termini, of steam communication, have increased in their traffic ...'.<sup>2</sup> This evidence before the select committee appointed to ascertain how far the formation of railways would affect the interests of turnpike Trusts, was supported by George Dacre, clerk to the Middlesex and Essex Trust, which had also experienced an increase in tolls in the years when the E.C.R. was under construction.<sup>3</sup> At the leasing of the Essex Trust tollgates in 1838, McAdam told bidders that if the railway were opened to Brentwood the tolls would increase tenfold.<sup>4</sup> Perhaps the cross-roads of the Essex Trust even welcomed the railways: the Dunmow Division, for instance, controlled most of the main road from Chelmsford to Bishops Stortford, both towns being the target of railways approaching roughly at right-angles to the line of the turnpike road. There was even room to fraternize: George Dacre, clerk to the Middlesex and Essex Trust, was also solicitor to one

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1. ES, 24/3/1843

2. BPP, 1839, ix, p.372

3. Ibid., p.429

4. ES, 9/11/1838. McAdam could not have believed this.

FIGURE TWO

ESSEX TRUST: FIRST DISTRICT

Total income 1834-47

(incl. income from leased gates)

1834 1835 1836 1837 1838 1839 1840 1841 1842 1843 1844 1845 1846 1847

£6000

£5000

£4000

£3000

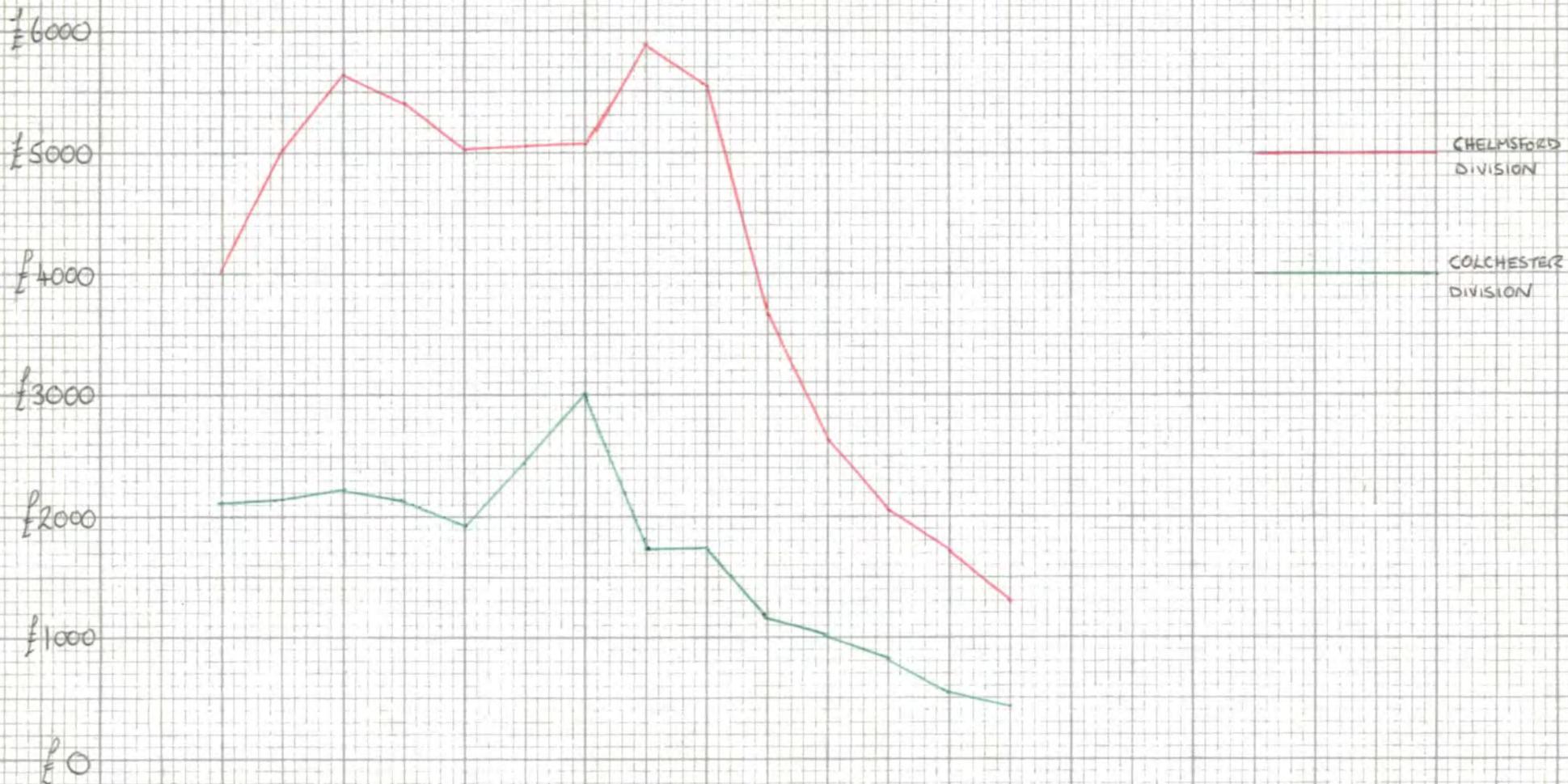
£2000

£1000

£0

CHELMSFORD  
DIVISION

COLCHESTER  
DIVISION



Division of the railway company.<sup>1</sup> It was at a lower administrative level where there was a point of friction: toll farmers rightly feared that their income would drop quickly. By 1839 Lewis Levy's turnover was only a quarter to a fifth of his former maximum.<sup>2</sup> When the railway contractor at Shenfield hoped to farm the local tollgate he was threatened by other bidders with being horse-whipped.<sup>3</sup>

The E.C.R. opened to Romford on 20 June 1839, to Brentwood on 1 July 1840, and to Colchester (for passengers) on 29 March 1843. Figure Two shows the toll receipts of the Chelmsford and Colchester Divisions of the First District in the face of this advance.<sup>4</sup> The highest-ever recorded income of the Chelmsford Division is shown to have been in 1841 when traffic was using the main road to reach the railhead at Brentwood. The E.C.R. sent coaches daily by train from London to Brentwood and then dispatched them by road in all directions, as far as Bury St. Edmunds, Yarmouth and Norwich.<sup>5</sup> Some idea of the convenience which even 17 miles of railway brought about is shown by the fact that a passenger leaving London at 8 p.m. and travelling by railway to Brentwood, and then by railway coach (on the turnpike road) could be in Chelmsford by 10.15 p.m.<sup>6</sup> The coach proprietors who did not go out of business at once fought hard for what traffic remained: Mr. Westell of Coggeshall proudly announced that he drove his coach by the turnpike road and not by the railroad,<sup>7</sup> but there was no serious competition even against such a brief length of railway.

An important result of this new conveyance in economic terms was that it brought to the east side of the county, and

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1. BPP, 1839, ix, p.429

3. ES, 24/12/1841

5. ES, 24/7/1840

6. Ibid., 19/6/1840

2. Ibid., p.389

4. Figures from statutory returns (Q/RUt 2/4, 2/5)

7. Ibid., 21/8/1840

therefore to certain Divisions of the Essex Trust, First District, the coach traffic to and from Bury St. Edmunds. The situation of the county town of West Suffolk was such that traffic from London had the choice of reaching it via the eastern route through Chelmsford and Sudbury or by the western route through Bishops Stortford. North of Bishops Stortford, however, there was no direct road and this had led to a move in 1822 to cut a new and direct turnpike road to Bury from Audley End, where it would have met with the existing road of the Hockerill Trust.<sup>1</sup> This abortive and expensive scheme seems to have been a speculative venture by the Earl of Bristol, perhaps to increase the value of his lands through which the road would have run.<sup>2</sup>

When the N.E.R. opened to Bishops Stortford in 1842, the Bury traffic was again divided. Some coaches, going from Bury to London and back in a day, left the town at 6.30 a.m. and drove through Sudbury, Halstead, Braintree and Chelmsford to join the E.C.R. at Brentwood for their Shoreditch terminus;<sup>3</sup> other coaches took the same route to Braintree, but then went through Dunmow to Bishops Stortford station, from where the traveller went by N.E.R. to Ludgate Hill.<sup>4</sup> It was probably this division of traffic which caused the receipts of the Chelmsford Division to fall after 1841, even before the railway was extended past Brentwood. During the same period, as might be expected, receipts of the Dunmow Division showed a slight rise despite consistent repayment of a mortgage debt.<sup>5</sup> For a similar reason, in the later 1840s, the relatively poor Coggeshall Division was kept healthy by coaches running twice

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1. Deposited plan, Q/RUm 1/28; notices in Ch.Ch., 27/12/1822 and 3/1/1823. This scheme brought the only communication between Essex and Suffolk Trusts which has come to light: the Sudbury-Bury Trust asked the Essex Trust to join a petition against it (D/TX 6/9). In the event, this opposition was unnecessary.
  2. JHC, lxxviii, pp.44,61,69,160. Petitioners did not proceed with the Bill.
  3. ES, 5/8/1842
  4. Ibid., 28/10/1842
  5. By 1847 annual income was established at £900 - £1000 (a 20% increase over 1835) and the Division had reduced a mortgage debt of £1250 (in 1843) to £600 (Q/RUt 2/1).

a day between Halstead and its nearest station, at Kelvedon.<sup>1</sup>

The graph of the Colchester Division receipts shows that a considerable drop in revenue began as early as 1841. This is most surprising, as the road was another feeder route to the railhead at Brentwood, as well as the main road to Harwich and Ipswich. It is difficult to account for this drop, which is more than a reflection of the national trade cycle. It seems that steam travel by sea was largely responsible but the effectiveness of the competition from steamships is perhaps not widely recognized today.<sup>2</sup> On 19 March 1840 the iron steamer Orwell left Ipswich at 8.50 a.m. and arrived in London at 3 p.m.: this was 112 miles in 6 hrs. 20 mins., and included four stops to pick up passengers.<sup>3</sup> Two months later, the S.S. Brocklebank began a regular service from Colchester, leaving for London on Mondays and Thursdays, calling at Wivenhoe and Brightlingsea.<sup>4</sup> In October 1840 the Brocklebank was rivalled by the S.S. Colchester, leaving the Colne every Tuesday and Friday.<sup>5</sup> There was enough traffic to enable the Colchester Steam Navigation Company to be set up in the same year with a capital of £15,000 in shares of £10 each;<sup>6</sup> the aim of the company was to set up a fast regular service to London with passengers and merchandize. The opening of the railway did not put the steamers out of business. In 1843, a few months after the railway reached Colchester, the S.S. Swiftsure joined the London trade.<sup>7</sup> Obviously a steamship was much slower than a locomotive; the Colchester aimed to reach Lower Thames Street in 7 hours<sup>8</sup> but

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1. Between 1835 and 1847 toll income in the Coggeshall Division was maintained at around £300 (Q/RUt 2/3). For the coach service, see ad. in ES 31/3/1843.

2. 'Steam vessels appear to have reduced the traffic on turnpike roads more than any other mode of conveyance' (ES, 9/8/1839); cf. BPP, 1839, ix, passim.

3. ES, 27/3/1840

4. Ibid., 29/5/1840

5. Ibid., 11/9/1840

6. Ibid., 25/12/1840

7. ES, 2/6/1843

8. ES, 11/9/1840

most advertisements do not give an estimated duration of journey. The trains were more than twice as fast, but the steamers had two advantages over the railway: they were cheaper for passengers and they had to some extent a 'captive' market in the freight which traditionally went to London by water.

As regards passengers, the question of cost was, as the E.C.R. were told by a letter writer in the local press,<sup>1</sup> more important to some people than the matter of time. This point has already been noticed in this chapter. By railway, the first class fare from Colchester to London was 12s. 6d., second class 9s.6d., and third class 7s.<sup>2</sup> When the Brocklebank first sailed the fare by best cabin was 6s.;<sup>3</sup> the price dropped to 5s. 6d. (fore cabin 3s. 6d.)<sup>4</sup> against competition from the Colchester, which charged 5s. and 3s. for the same two classes.<sup>5</sup> The Swiftsure offered deck passengers a journey from Colchester to London for only 4s.,<sup>6</sup> which was 6d. less than the third class rail fare between Chelmsford and London, and the same as the old coach fare between the same centres.<sup>7</sup>

The toll income for the Colchester Division suggests that the steamers succeeded in taking travellers off the road but did not attract the freight trade they had wished. Despite no extra charge on sailing vessel rates and offers to take sheep at 1s.6d. a head,<sup>8</sup> the freight trade could not have been significant; if it had been, the level of turnpike toll receipts would have risen, or at least not decreased, as more traffic moved to the quays. The Brocklebank solicited trade from 57 named places in Suffolk and Norfolk and as far afield in Essex as Kelvedon, Dunmow and Castle Hedingham.<sup>9</sup> Although the extent of the canvass was ridiculous,<sup>10</sup>

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1. ES, 31/3/1843

2. Ibid. The fare from Colchester to London by coach and train, when the railway ended at Brentwood, had been 10s. inside and 7s. outside (Ibid., 18/9/1840).

3. Ibid., 29/5/1840

4. Ibid., 18/9/1840

5. Ibid., 9/10/1840

6. Ibid., 2/6/1843

7. Ibid., 31/3/1843

8. Ibid., 18/9/1840. 9. Ibid., 12/6/1840

10. Dunmow, for instance was only 9 miles from the head of the Stort Navigation but 24 miles from Colchester (which was twice as far from London as Bishops Stortford).

FIGURE THREE

MIDDLESEX and ESSEX TRUST

Total income 1834-47

(including income from leased gates)

1834 1835 1836 1837 1838 1839 1840 1841 1842 1843 1844 1845 1846 1847

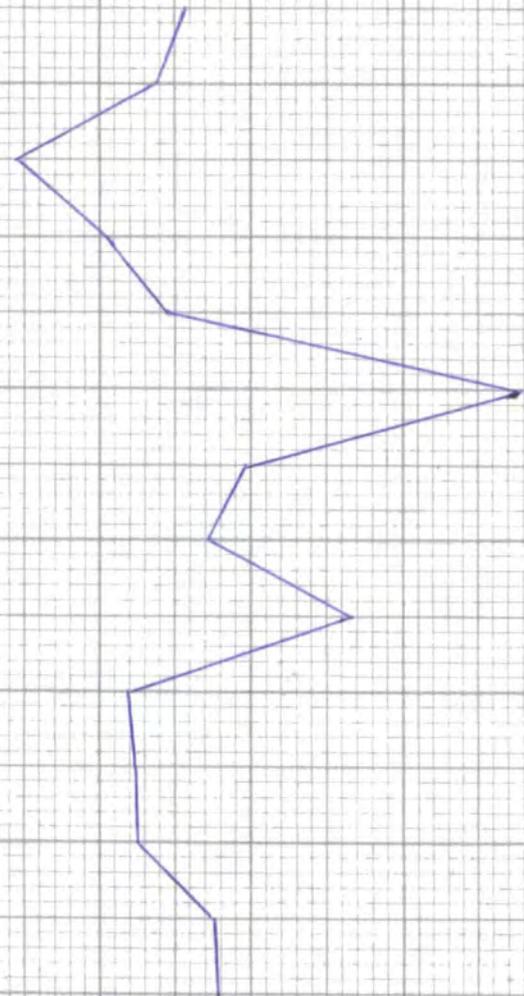
£16,000

£15,000

£14,000

£13,000

£12,000



it was perhaps disappointing for the steamship interest that the turnpike trustees did not see an opportunity for mutual benefit - perhaps by lowering tolls on traffic to Colchester quays to offset the crippling success of the railways. But it was not the inclination of the Essex Trusts to enter the world of commercial competition. There was no deal with the shipowners and no encouragement to the proprietors of 'The Golden Path' - a coach which left Colchester every weekday from June 1843 carrying passengers to London for 10s. inside and 6s. outside.<sup>1</sup> In 1843 Colchester became the railhead which Brentwood had been in 1840. But it was the traveller from Norfolk and Suffolk who had the benefit of this, and not the inhabitant of Essex. It is only 8 miles from Colchester to the Suffolk border at Dedham; only over this brief distance did the Essex Trust manage to keep a reasonable income; at all other gates in the Colchester Division the trouble was immediate and the trend irreversible.<sup>2</sup>

In the Middlesex and Essex Trust, toll income for the same period shows an irregular pattern (Figure Three)<sup>3</sup> to some extent consistent with the trade cycle. In December 1840 when the tolls were auctioned 'it was expected a great diminution would take place'.<sup>4</sup> In the event, however, there was spirited competition,<sup>5</sup> although the lease raised less money than previously. During 1842, the trustees seem to have let the gates at a figure much below the potential. Being unable to persuade the bidders to go higher at the next auction, the Trust recovered its gates, appointed collectors, and the income grew steadily.<sup>6</sup> In such a populous

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1. ES, 2/6/1843

2. Over 8 months in 1843 toll receipts at Rivenhall Gate were down by £174 and at Stanway by £177, on the previous year; the drop at Dedham gate was only £20 (ES, 1/9/1843)

3. Figures from Q/RUT 2/10

4. ES, 11/12/1840

5. Ibid.

6. Ibid., 10/3/1843

FIGURE FOUR

HOCKERILL and EPPING & ONGAR TRUSTS

Total income 1834-47

(incl. income from leased gables)

1834 1835 1836 1837 1838 1839 1840 1841 1842 1843 1844 1845 1846 1847

£6000

£5000

£4000

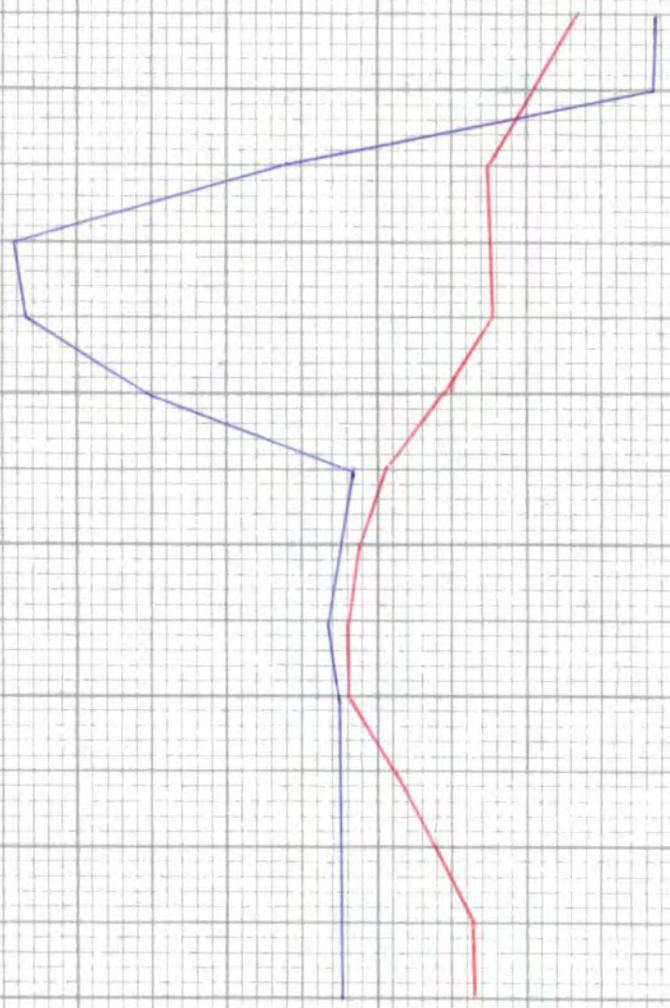
£3000

£2000

£1000

HOCKERILL TRUST

EPPING & ONGAR TRUST



district, no amount of railway speculation or construction could significantly diminish the heavy road traffic.

No consistent attitude on the part of toll farmers is discernible, but gates tended to be let when on a feeder route to a railhead,<sup>1</sup> and an imminent extension of railway made the lessees very nervous. Stanway, Rivenhall and Dedham gates were let for a record sum in 1839, when the railway was in prospect of completion only to Brentwood,<sup>2</sup> but in late 1840, when the railway had reached Brentwood, the same tolls could not be let even though the potential of feeder traffic was very great.<sup>3</sup> The Epping and Ongar Trust, which was near enough to London to benefit from suburban traffic, managed to let its tolls until June 1870.<sup>4</sup>

Perhaps the most characteristic victim of the railway era was the Hockerill Trust. Figure Four shows the pattern of income for this road, and for the Epping and Ongar Trust.<sup>5</sup> The Hockerill Trust did very well while it acted as a feeder route from Saffron Walden and Cambridge to the railhead at Bishops Stortford, opened in 1842; but when the railway was extended to Newport and beyond in 1845 the Trust lost nearly four-fifths of its income. The Epping and Ongar Trust graph is also interesting. This Trust controlled the other part of the Norwich road through Essex but here the railway was some distance from the road. The Trust still served Epping and it had the Ongar branch, which was not affected by north-south railways. The decline was therefore more gradual, resulting from the cancellation of long-distance coaches.

Facing the reality of diminished income, the Essex Trusts relied on McAdam to advise them how to survive and to repay loan

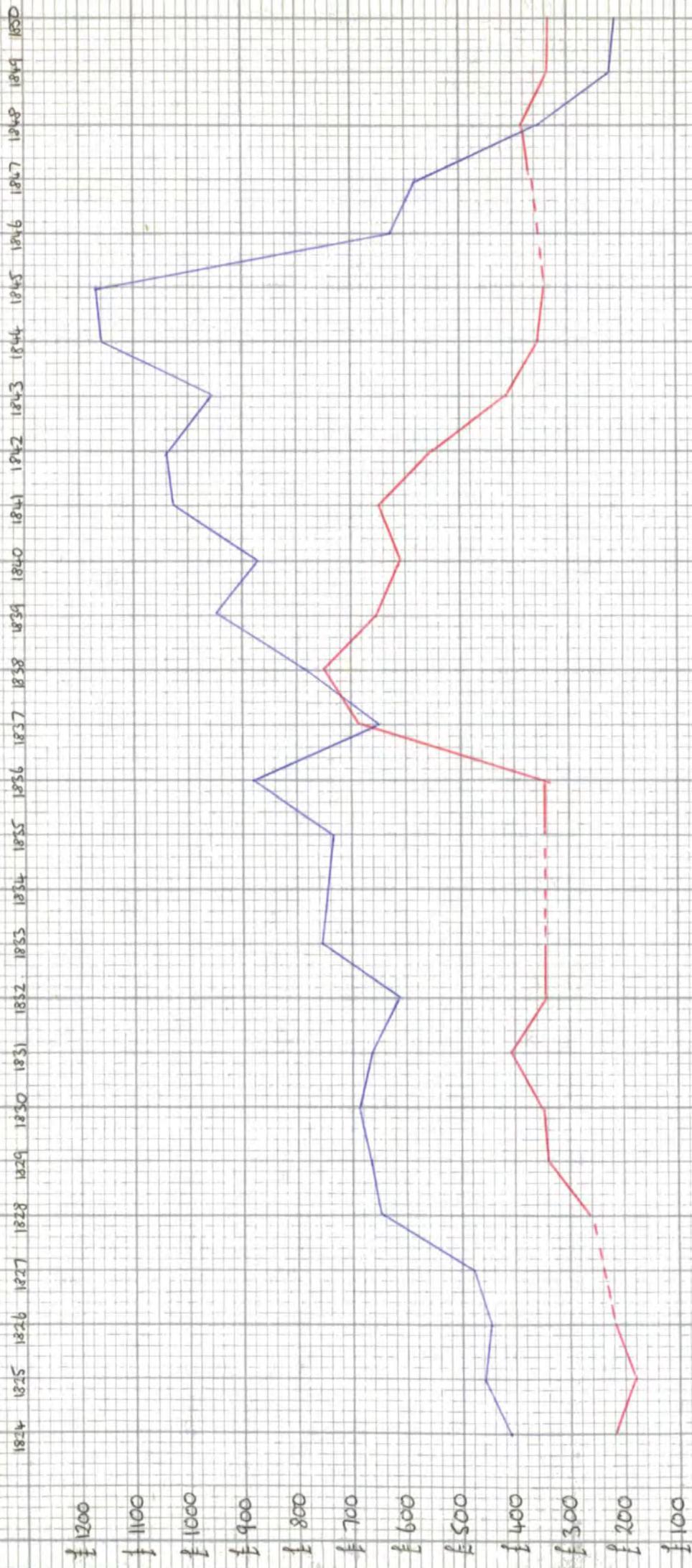
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1. In the Dunmow Division of Essex Trust, for instance, gates were let throughout 1840s (Q/RUt 2/1). Similarly all gates in Chelmsford Division were let without trouble as long as the railway ended at Brentwood (ES, 23/10/1840 and 13/11/1840)
  2. ES, 13/12/1839
  3. Ibid., 6/11/1840. Perhaps the lessees realised the extent of competition by water.
  4. D/TE 4
  5. Q/RUt 2/12, 2/13

debts. Experience, he claimed, had shown that on the turnpike roads 'whose Incomes have been largely reduced by the opening of parallel lines of Railway, that where no Money is required for the payment of interest on Bonded Debt, the reduction in the expense of maintaining the Roads has been more than equal in proportion to the reduced Income, the Railways relieving the Turnpike Roads of the most expensive and destructive class of traffic viz<sup>t</sup> the Stage Coach and heavy Stage Waggon, the diminished Income being derived from a description of Carriages much less injurious to the Road'. Despite this kind of reassurance, the Trusts began a planned curb of expenditure before the railways opened: it was not a question of waiting to see by how much the traffic was reduced and then budgeting to the new figure. The Epping and Ongar Trust in 1839 dropped expenditure to £25 per week on materials and labour;<sup>2</sup> the Hockerill Trust in 1845 budgeted to spend £1500 - £1700 a year on basic repair work.<sup>3</sup> Salaries of officers were also reduced: in 1842 the Epping and Ongar Trust cut McAdam's salary to £80 and the treasurer's to £40;<sup>4</sup> the Hockerill Trust, in 1846, reduced the clerk's salary to £40 and McAdam's was halved to £52.10s.<sup>5</sup> In the Colchester Division of the Essex Trust, First District, McAdam volunteered to take a salary cut in 1843 and it was lowered from £125 to £80.<sup>6</sup> The same Division planned to stop watering its roads, which in 1842 had cost £114, or at least keep the expense down to such a level that it could be balanced by proceeds from the sale of road dust.<sup>7</sup>

Money could also be saved by re-siting certain tollgates, to catch more traffic going to the railheads or centres of

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1. T/A 596/4 (Jan. 1845)
  2. D/TE 3, p.162
  3. T/A 596/4 (Jan. 1845)
  4. D/TE 3, p.206
  5. T/A 596/4 (Feb. 1846)
  6. ES, 1/9/1843
  7. Ibid., 24/3/1843, 1/9/1843

FIGURE FIVE



HOCKERILL TRUST

EPPING & ONGAR TRUST

--- No precise figures

EXPENDITURE ON MANUAL LABOUR 1824-50 HOCKERILL AND EPPING & ONGAR TRUSTS

population. It was an early recommendation by McAdam that the four main gates of the Hockerill Trust should be at Littlebury, Quendon, Birchanger and Spellbrook;<sup>1</sup> in the Essex Trust, the Colchester Division trustees discussed at length the moving of Stanway gate to Lexden Hill.<sup>2</sup> One economy which was practised absolutely was the abandonment of all improvements by way of widenings or new cuts. The rebuilding of Bow Bridge in 1839 was the last major scheme by any turnpike Trust in Essex. Although there were plans by the Essex Trust to make a more direct road between Witham and Wickham Bishops (towards Maldon) in 1841,<sup>3</sup> the scheme was quickly dropped and all Trusts were content thereafter to seek to maintain their roads as they were.

The figures for expenditure by Essex Trusts show a consistent decline when the railways were in competition. The Hockerill and Epping and Ongar Trusts are again a good example of this (Figure Five).<sup>4</sup> In the years immediately before the railways were opened, expenditure was greatest, suggesting that the railway construction traffic did much damage, even to the roads of the Epping and Ongar Trust which lay at some distance from the line itself.<sup>5</sup> The figures are to some extent misleading, however, because once the railways had been opened the planned economies were such that decreased expenditure did not necessarily reflect the ratio of the decline in traffic. Comparable figures for the Chelmsford and Colchester Divisions of the Essex Trust are only possible for a relatively brief period (Figure Six).<sup>6</sup> These

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1. T/A 596/4 (JAN. 1845)

2. ES, 24/3/1843

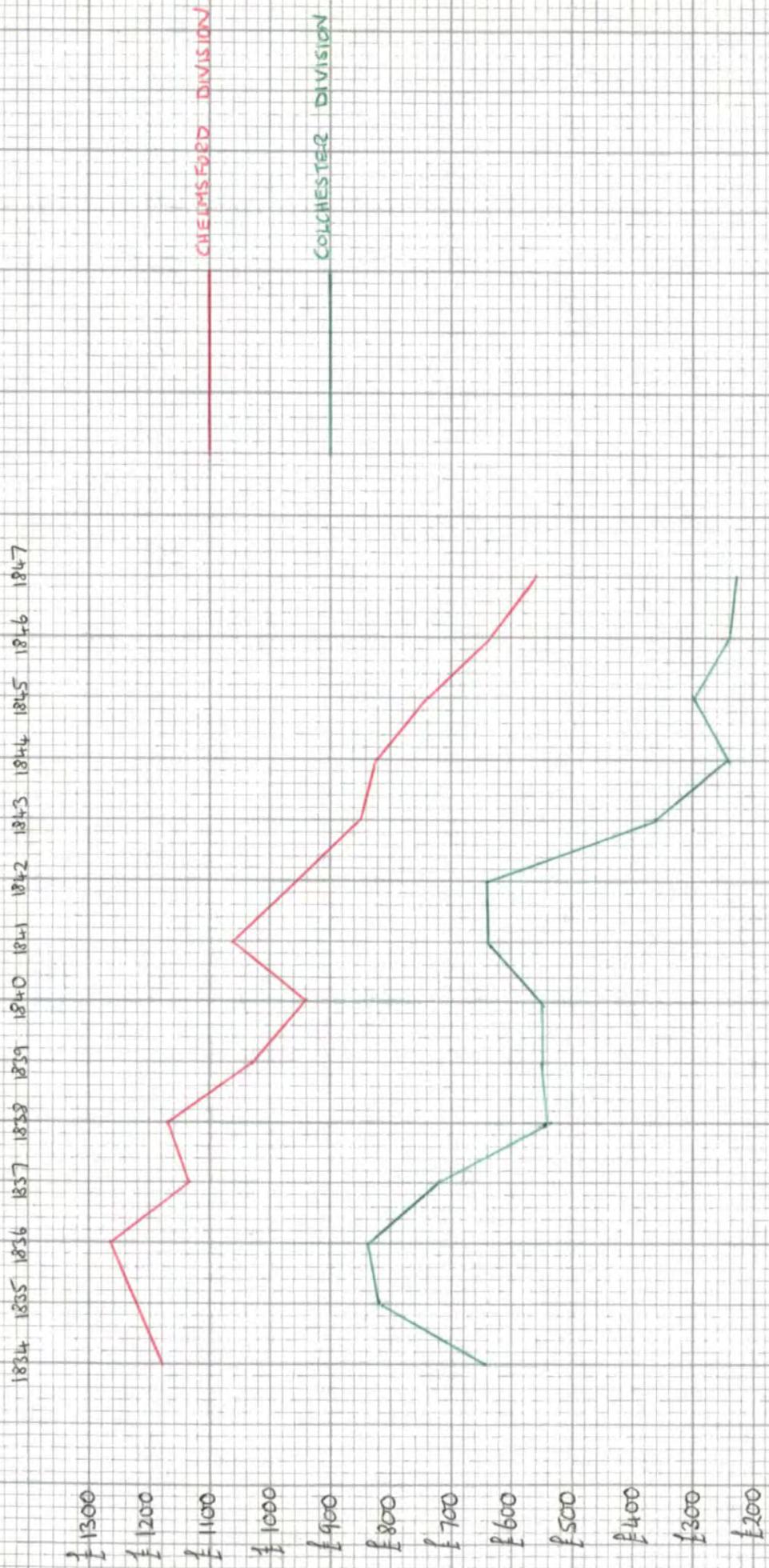
3. Ibid., 30/7/1841

4. Figures from Q/RUt 2/12, 2/13

5. Some idea of what the roads had to bear is given by the report of the E.C.R. that 10,000 tons of iron alone was used in building the first 33 miles of railway (ES, 14/11/1842).

6. Figures from Q/RUt 2/4, 2/5

FIGURE SIX



EXPENDITURE ON MANUAL LABOUR, 1834 - 47. ESSEX TRUST, FIRST DISTRICT

figures show that expenditure was curtailed in both Divisions even before the railway reached Brentwood, with only a small and temporary increase while construction was continued to 1843.

During this same period, Parliament was considering ways by which the turnpike Trust movement as a whole might be disbanded. Nationally, the Trusts were entering a difficult and confusing period. There were some 1,100 Trusts, some very small and many deeply in debt. It was alleged that irresponsible trustees in some country areas were deliberately increasing bonded debt: unpaid interest was being converted into principal, which only increased further the arrears of interest and put the trustees deeper into debt.<sup>1</sup> In this way the Trusts felt secure against government intervention and the creditors were happy with a nominal bond, believing it might be paid by the country if the Trusts were compulsorily disbanded.<sup>2</sup> In fact Trusts which gave these bonds were bound to become bankrupt. By 1836 there was a serious national situation: turnpike debts totalled £9 million and revenue only £1 $\frac{3}{4}$  million.<sup>3</sup> In Derbyshire the turnpike debt was 13 times the amount of toll revenue; in Northumberland it was 10 times and in Devon 9 $\frac{1}{2}$  times. The national county average was for a turnpike debt 6 times greater than income.<sup>4</sup>

While turnpike debt was being deliberately increased in certain areas, some Trusts were suffering badly from the railways. By 1836 the New Cross Trust had lost up to £3,000 following the opening of the Greenwich Railway;<sup>5</sup> on the Great North Road 15 coaches a day had been discontinued;<sup>6</sup> and Lewis Levy, who once farmed £ $\frac{1}{2}$  million a year in tolls, was reduced to about £100,000.<sup>7</sup> To add to these financial problems, statute labour had been abolished by the General Highways Act, 1835;<sup>8</sup> this meant a loss of some £200,000 a year in the Trusts' income.<sup>9</sup>

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1. BPP, 1839, ix, p.410  
3. Ibid., 1836, xix, p.465  
5. Ibid., 1839, ix, p.380  
7. Ibid., p.389  
9. BPP, 1840, xxvii, p.609

2. BPP, 1839, ix, p.410  
4. Ibid. p.477  
6. Ibid., p.384  
8. 5 & 6 Will.IV, c.50, s.1

Parliament, unable to disband the Trusts in the face of their colossal debts, turned to mergers or 'consolidation' as an alternative first step. It was not only the debts which prevented the disbanding; it was the absence of an alternative system of management to take the Trusts' place. After the General Highway Act, 1835 (which will be mentioned later in this chapter), the parish was still the highway authority and although regular rating had replaced statute labour, the parishes continued to elect amateur surveyors.<sup>1</sup> To entrust the roads of an integrated and expensive Trust like the Middlesex and Essex to constituent parishes was obviously nonsense, and yet as there was not, in the 1830s, any machinery for highway rating in rural areas at a wider administrative level, it was impossible to give the job to the justices as the county authority.

The arguments in favour of consolidation were very strong and it had been recommended for the London area by a parliamentary committee as early as 1820.<sup>2</sup> Witnesses could quote the example of a treasurer to two small Trusts who held money of one Trust equal to the debt of the other.<sup>3</sup> Consolidation led to equilization of tolls, better disposition of gates, purchase of better materials, uniformity of management and economy of expenditure. Furthermore, consolidation had been seen to work in the Metropolis Roads North of the Thames. By the 1826 Act, mentioned briefly in the last chapter, 14 separate Trusts (some 130 miles) had been consolidated and the amalgamated debt of £150,000 was being steadily repaid.<sup>4</sup> Lewis Levy recommended consolidation of Trusts in a 50 mile area

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1. 5 & 6 Will.IV,c.50,ss.6,7

2. BPP, 1820,ii,p.9

3. BPP, 1839,ix,p.429

4. By 1859 all this debt had been repaid (BPP, 1859,xi,pp.188,189)

although McAdam's recommendation was for a smaller unit.<sup>1</sup> George Dacre, of the Middlesex and Essex Trust, supported consolidation on a county basis,<sup>2</sup> recommending that the County Surveyor be given general superintendence of all turnpike roads.<sup>3</sup>

Despite the logic and advantages of consolidation, there were many abortive attempts to get the provision through Parliament. The earliest Bills, in 1835 and 1836, did little more than recommend the appointment of commissioners,<sup>4</sup> but later Bills, beginning in 1839,<sup>5</sup> suggested positive steps to consolidate bonded debt and attempted to introduce general reform and a framework of fiscal control. These Bills were particularly anxious to keep the Trusts in being while the complexities of debt were disentangled; it was proposed in 1842 that all local turnpike Acts be continued until 1883,<sup>6</sup> but this date was reduced to 1865 by a Bill in the following year.<sup>7</sup> Both Bills sought to prohibit any further borrowing by trustees without the consent of the Secretary of State, but introduced contentious clauses which masked the real issue of consolidation. The 1843 Bill was attacked by dozens of Trusts who fought the proposal that they should relinquish control of roads in all towns which were the subject of an improvement Act.<sup>8</sup> This led to opposition by corporations, as well as Trusts, and would have cost the Chelmsford and Moulsham ratepayers another £110 a year.<sup>9</sup> Not until 1849 did a simple, brief Act allow Trusts to unite on a voluntary basis.<sup>10</sup>

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1. BPP, 1839.ix,p.392

3. Ibid., 1836, xix,p.361

5. Ibid.,1839,v,p.501

7. Ibid.,1843,iv,p.495

9. ES, 5/5/ 1843. The Southampton Trust petitioned the Essex Trust (inter alios) for help in fighting this clause of the Bill (D/TX 1/3).

10. 12 & 13 Vic.,c.46

2. Ibid., p.415

4. Ibid.,1835,iv,p.539;  
1836,vi,p.427

6. Ibid.,1842,iv,p.359

8. JHC,xcviii,list all petitions

In certain other ways the Trusts were lucky. After an initial proposal had been defeated,<sup>1</sup> Parliament eventually agreed that justices might, in special cases, authorize part of the highway rate to be expended on the repair of turnpike roads.<sup>2</sup> This provision was re-enacted annually until the 1860s. Some Trusts gained a renewal term of 31 years in the 1820s, much to McAdam's dismay,<sup>3</sup> and all Trusts were saved the very large expense of renewing their powers by the series of annual Turnpike Renewal Acts which, from 1831,<sup>4</sup> renewed at once all the Acts due to expire in one year.

The worst of these national events had little effect on Essex. The deliberate move to turn unpaid interest into bonded capital must not be confused with the earlier practice in Essex of issuing toll bonds to creditors, which was a natural stage in the evolution of the mechanics of investment. Among Essex Trusts, in 1836, the total bonded debt was stated to be only £24,322 compared with income of £29,178,<sup>5</sup> but it would appear from the returns to the Clerk of the Peace that the debt was more than this.<sup>6</sup> It will be remembered, however, that the national average was for debt to be six times greater than income. The biggest debt in Essex was £11,500 owed by the Epping and Ongar Trust which had successfully made the expensive new road across Epping Forest.<sup>7</sup> The Hockerill Trust owed £8,150, mainly as a result of improvements around Harlow.<sup>8</sup> The debt of the Middlesex and Essex Trust, which was rebuilding Bow Bridge, was £6,500,<sup>9</sup> and six Divisions of the Essex Trust, First District, had debts totalling £3,950.<sup>10</sup> All

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1. BPP, 1836, iv, p. 211

2. 4 & 5 Vic., c. 59 (1841). No case of such authorization in Essex has come to light.

3. BPP, 1839, ix, p. 416

4. 1 & 2 Will IV, c. 6

5. BPP, 1836, xix, p. 335

6. Debts returned in Q/RUT amount to £29,100

7. Q/RUT 2/13

8. Ibid., 2/12

9. Ibid., 2/10

10. Ibid., 2/1-6

the Trusts set about energetically not only to restrain spending but also to reduce their debts, and tried to persuade creditors to accept a lower rate of interest. The Epping and Ongar Trust, for instance, reduced the interest rate from 5% to 4½%, and then to 4% in 1853.<sup>1</sup> Next year, however, they raised it back to 4½% because of 'the increased value of money' and in 1856 the rate returned to 5% upon the insistence of a bond-holder.<sup>2</sup> By 1848 the Epping and Ongar Trust had reduced its debt to £7,000,<sup>3</sup> the Hockerill Trust to £1,150,<sup>4</sup> and the Middlesex and Essex Trust to £1,000,<sup>5</sup> while only two Divisions of the Essex Trust were still in debt, and only to a total of £850.<sup>6</sup> When the Trusts were disbanded debts of only £650 remained unpaid throughout the Essex turnpike system.<sup>7</sup>

Moves towards consolidation in Essex show an interesting variety of method. The Metropolitan Roads North of the Thames acquired the tiny Lea Bridge and Road Trust in 1826; this Trust had then a bonded debt of £4,700.<sup>8</sup> The first proposal to set up the consolidated Metropolitan Trust had sought to include the Middlesex and Essex Trust as well but to McAdam's surprise and slight irritation it was not in the end amalgamated.<sup>9</sup> The seven Divisions of the First District of the Essex Trust merged into one de facto Trust in 1848,<sup>10</sup> but as the original units had been separated without statutory backing, so they did not need the authority of Parliament to amalgamate. The main move towards

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1. D/TE 3, p.319

2. Ibid., pp.328,342,343

3. Q/RUT 2/13

4. Ibid., 2/12

5. Ibid., 2/10

6. Ibid., 2/1,2/6 (Dunmow Div. £600; Notley Div. £250)

7. Excluding the Commercial Roads Trust. These debts were £500 in Epping and Ongar Trust (Q/RUT 2/13) and £150 in Hockerill Trust (Ibid., 2/12).

8. Ibid., 2/15

9. BPP, 1833, xv, pp.511-3

10. In this year just one return was made to the Clerk of the Peace for the First District, Essex Trust (Q/RUT 2/8).

consolidation in the county came in 1852 in an important parliamentary Bill.<sup>1</sup> The proposal was to make the Middlesex section of the Middlesex and Essex Trust part of the Metropolitan Roads North of the Thames; the Essex section, and all other Essex turnpike roads, were to be united and managed by a body of 34 men to be called "The Essex County Road Commissioners". The justices in General Quarter Sessions were to appoint 17 of these ('Sessions Commissioners') and the remainder were to be appointed by the guardians of each of the 17 Poor Law Unions ('Union Commissioners'). It was proposed that the new body might adopt other highways as turnpikes upon application by parish vestries.

This radical plan, resulting apparently from a common wish of the Essex trustees, influenced by the 1849 Consolidation Act, was withdrawn in March 1852 at an early stage in the parliamentary proceedings.<sup>2</sup> The Bill had made a bad 'political' blunder: the original petition, from 'magistrates, landowners, trustees of turnpike roads, ratepayers, and others, inhabitants of Essex' angered the officers and certain trustees of the Hockerill Trust, most of whom lived in Hertfordshire. This was a curious situation: nearly two-thirds of the road was in Essex but the Mott family, clerks for some 90 years, lived at Much Hadham in Hertfordshire, and Bishops Stortford, also in Hertfordshire, was by far the main town on the route. Today, the records of the Trust are at Hertford and not at Chelmsford. Mott went through the Bill making peevish annotations against all references to Essex.<sup>3</sup> Nowhere, except in the basic schedule of roads, had any reference been made to Hertfordshire, nor for that matter to Cambridgeshire which the

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1. JHC, cvii, p.26. The text of the Bill is in T/A 596/5 (Herts. R.O. TP 3/30/1).

2. Ibid., p.102

3. T/A 596/5

Trust also touched upon. The Hockerill trustees sent a very strong petition against the Bill complaining, among other points, that Hertfordshire would not be represented among the County Commissioners.<sup>1</sup> This petition was enough to kill the Bill and thus show how impracticable was the idea of George Dacre that Trusts could be consolidated on a county basis.

The failure of the merger left Essex with five independent turnpike Trusts: Middlesex and Essex, Essex First District, Essex Second District, Epping and Ongar and Hockerill.<sup>2</sup> Although no further consolidation took place, the parliamentary Blue Books have, in 1859, a return of the length, toll revenue, mortgage debt and arrears of interest of all Essex turnpike roads.<sup>3</sup> The reason for this return, which concerned only Essex, is not apparent,<sup>4</sup> but some move towards consolidation may have been in mind.<sup>5</sup> In the 1860s Parliament began to use the annual Turnpike Continuance Acts as a way of disbanding Trusts, which were stated to be renewed for a defined term and no longer. In this way, the Middlesex and Essex Trust and both Districts of the Essex Trust were disbanded on 1 November 1866;<sup>6</sup> the Epping and Ongar and Hockerill Trusts were dissolved in 1870.<sup>7</sup>

It is unlikely that most of these Trusts objected strongly to their own extinction. This is conjecture in the case of those Trusts for which no minutes have survived but it seems reasonable to assume that the demise of the Essex Trust was viewed by its trustees with the same graceful disinterest which characterized

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1. T/A 596/5

2. The Commercial Roads Trust was not considered to be an Essex Trust at this date.

3. BPP, 1859 (Sess.2), xxvi,p.271

4. JHC,cxvi,p.90, reveals only that the return was required by the Queen at the request of those MPs who were also of the Privy Council.

5. Another Essex return, but only of Trust officers and their salaries, was required in 1861 (BPP, 1861,lvii,p.409)

6. Annual Turnpike Acts Continuance Act, 1865 (28 & 29 Vic.,c.107)

7. The Epping and Ongar Trust by the ATACA,1868 (31 & 32 Vic.,c.99), confirmed by 32 & 33 Vic.,c.90); the Hockerill by the ATACA,1869 (32 & 33 Vic.c.90) confirmed by 33 & 34 Vic.,c.73.

their dealings with the railway. The Epping and Ongar Trust was certainly prepared to be disbanded<sup>1</sup> and it was again only the Hockerill Trust which showed some kind of spirit.

In February 1866 the Home Office wrote to the Hockerill Trust asking, as the Trust was nearly free from debt, whether there were any special circumstances which merited its continuance.<sup>2</sup> The trustees immediately drew up figures showing the length of turnpike road in each constituent parish, the annual cost of its maintenance, the rateable value of each parish for highway purposes, and the total amount of the last assessment.<sup>3</sup> Parishes were asked whether they were in favour of the abolition of the Trust as, in its absence, the cost would fall upon them. On the basis of these returns, the Home Office were told that the Trust should be continued because the cost of maintaining the road would fall totally and unequally on the 14 constituent parishes, of which only one, Bishops Stortford, was in favour of abolition.<sup>4</sup> In October the Home Office reminded the Trust that it was sanctioned to exist only until 1 November 1867 by the Continuance Act, 1866.<sup>5</sup> The Trust again sought to stay alive, producing four arguments:<sup>6</sup> the road was best repaired under one management; except at Bishops Stortford and Saffron Walden no Highway Districts had been established; an excellent road was currently maintained at small expense; the cost was falling on the user and not on local ratepayers. This won a brief extension of time, ostensibly to remove the remaining debt of £100. In 1867 the Trust agreed to

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1. No opposition is recorded in minute books (D/TE 3,4)

2. T/A 596/4

3. Ibid. (March 1866)

4. Ibid. (April 1866)

5. 29 & 30 Vic., c.105

6. Ibid. (April 1867)

transfer to Bishops Stortford Local Board about 1,200 yds. of road in the town.<sup>1</sup> Freed of this item of urban expenditure the trustees began canvassing the parishes for a petition to continue the Trust.<sup>2</sup> This time, however, it was hopeless and in response to a Home Office Order, the Trust began to dispose of gates, land and other assets in August 1870;<sup>3</sup> in December that year the cash balance of £409 14s. 6d. and 1,172 yds. of gravel were distributed among the parishes and Highway Districts.<sup>4</sup>

The arguments adduced by the Hockerill Trust were more valid than their perfunctory rejection would suggest. The years 1860-80 were some of the worst in the history of British roads. The Webbs, who dealt with this period in some detail, condemn the Trusts for lingering too long to extinction and champion the cause of the nascent statutory authorities as an alternative system of management.<sup>5</sup> In the context of Essex, the findings of this thesis reject their conclusions. It is important that roads in Victorian England should be seen not in isolation but as one aspect of a developing concern for urban and general 'improvement'. It was an era of confused responsibilities caused by woolly, hasty and overlapping legislation: it was the failure of the Victorians to identify through-routes as a definable element beyond petty administrative boundaries which led to most of the mistakes which arose.

The General Highway Act of 1835<sup>6</sup> had gone some way towards removing the anomalies of administration which had arisen between the Trusts and the parishes. Statute labour and team duty had been abolished and the parish, although it remained the unit of

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1. T/A 596/4 (April 1867)
  2. Ibid. (June 1870)
  3. Ibid.
  4. Ibid.
  5. Webbs, Kings Highway, pp.220-3
  6. 5 & 6 Will.IV, c.50

highway jurisdiction, which was to some extent a disappointment, exercised its powers through the ratepayers in vestry assembled. Parishes with a population of more than 5,000 could elect a representative board of management; the elected parish surveyor, who might be salaried, had power to levy a rate; the surveyor could be fined by the justices for neglect of duty but the power of presentment of the parish as a whole was removed. What the Act did not do was introduce an alternative local government structure in terms of road repair. There was not, until 1848, any regional highway authority larger than the parish to which responsibility for upkeep might be transferred. It was open to parishes under the 1835 Act to apply to Quarter Sessions for the formation of a Highway District but the provision was scarcely noticed. In 1848<sup>1</sup> the new Local Boards of Health (which developed further under the Local Government Act, 1858<sup>2</sup>) were made highway authorities within their areas, but it was not until 1862 that any provision was made in rural areas. By the Highways Act<sup>3</sup> of that year (amended in 1864) the justices were empowered to combine parishes into Highway Districts, managed by Highway Boards, composed mainly of so-called waywardens from the constituent parishes which then lost their status as highway authorities.

The 1862 Act, although clearly a move in the right direction, was the cause of even greater confusion. There were now (as well as turnpike Trusts) Highway Boards, Highway Parishes and Boards of Health with statutory duties of maintenance; and the new Highway Districts were apportioned by Quarter Sessions, when they took action at all, according to the boundaries of Petty Sessional Divisions or Poor Law Unions, neither of which had any

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1. Public Health Act, 11 & 12 Vic.,c.63

2. 21 & 22 Vic.,c.98

3. 25 & 26 Vic.,c.61; amended 27 & 28 Vic.,c.101

relevance in the context of highway administration. The justices of both Essex and Hertfordshire were very bad at establishing Highway Districts. By 1863 Hampshire had 22 Boards and Kent had 15, but Essex had only one Board (Dunmow) and Hertfordshire had none.<sup>1</sup> The 1862 Act provided further that no Local Board should be included within the area of a new Highway Board; the result was that parishes clamoured to be recognized as what were later called Urban Sanitary Districts and the hasty Local Government Act, 1863,<sup>2</sup> fixed a minimum of 3000 inhabitants for such a unit.

By 1869 Essex had seven Highway Boards covering 190 parishes<sup>3</sup> but this was well under half the number of parishes in the county. The number of parishes in Highway Boards never reached 200<sup>4</sup> and the argument of the Hockerill Trust about the administrative vacuum which the disbanding of the Trusts would create, can be well appreciated. When the Highway Boards were set up, there is some evidence of a small increase over the expenditure of the former constituent parishes. What figures are available<sup>5</sup> show that spending reached a peak in 1873 but dropped abruptly in the following year. The reason for this drop was probably confusion or ill-feeling following the establishment of the new sanitary authorities. The Public Health Acts<sup>6</sup> of 1872 and 1875 led to the formation of Urban and Rural Sanitary Authorities which had control of the highways within their areas. At the same time the Local Government Board was set up with powers to supervise highway maintenance. The first Act which tried to disentangle the roads was the Highways and Locomotives Act, 1878,<sup>7</sup> which ordered that

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1. BPP, 1863,1,p.457

2. 26 & 27 Vic.,c.17

3. Essex Almanac (1869),p.140

4. The highest number was 199 in 1876 (Essex Almanac (1876),pp.76,77)

5. Ibid. Expenditure figures can only be used for the Dunmow, Bardfield and Lexden and Winstree Boards.

6. 35 & 36 Vic.,c.79; 38 & 39 Vic.,c.55

7. 41 & 42 Vic.,c.77

any future Highway Districts created by Quarter Sessions should coincide as far as possible with the areas of the Rural Sanitary Authorities (R.S.A.s) which were generally to take over the functions which the Districts had exercised.<sup>1</sup> A class of 'main' road was created, including former turnpiked roads, and half the expense of maintenance was to come from the County rate. This was the first involvement of Quarter Sessions as a highway authority and the County went on to acquire the whole cost of maintaining main roads in 1889.<sup>2</sup> The Local Government Act, 1894,<sup>3</sup> abolished both Highway Districts and Highway Parishes and substituted a meaningful system of control vested in the new Rural District Councils whose authority in this respect survived until the County Councils assumed their responsibilities in 1930.<sup>4</sup>

The significance of this rash of local authorities, which were to a greater or lesser extent concerned with highways, is that they destroyed the unity of administration of a major road which the turnpike system had achieved. A traveller on the former turnpike road from Chelmsford to Colchester (24 miles) in, say, 1876 went through the parishes mentioned below. Beside the name of each parish is the name of the highway authority within which it was then situated:-<sup>5</sup>

Chelmsford	:	Chelmsford Local Board of Health
Springfield	:	} Chelmsford Rural Sanitary Authority
Boreham	:	
Hatfield Peverel	:	Witham Rural Sanitary Authority
Witham	:	Witham Local Board of Health
Rivenhall	:	} Witham Rural Sanitary Authority
Kelvedon	:	
Feering	:	

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1. By 1885 the RSAs had taken over all but one (Dunmow) of the Essex Highway Districts (Essex Almanac (1885), p.107)  
 2. 51 & 52 Vic., c.41, s.11                      3. 56 & 57 Vic., c.73  
 4. 19 Geo.V, c.17, ss.30,31  
 5. Details from Essex Almanac (1876), passim.

Marks Tey	:	) Lexden & Winstree Rural Sanitary Authority
Copford	:	
Stanway	:	
Lexden	:	Colchester Rural Sanitary Authority
Colchester	:	Municipal Corporation

Each highway authority had its own officers, its own priorities, its own standards and its own methods of procedure. By an unhappy irony the 1860s and 1870s saw the general spread of portable steam and, later, traction engines on Essex roads. Their weight and vibration caused immediate and widespread damage to the consternation of the County Surveyor. But his responsibility extended only to broken bridges and it was the immature new highway authorities who had to deal with broken roads.<sup>1</sup>

Confusion and inefficiency had begun long before the 1870s and can be traced from the time of the first Boards of Health. In 1850 the newly-formed Chelmsford Local Board did not know if Moulsham Street (which was within the Essex Trust) was now within its own jurisdiction.<sup>2</sup> The General Board of Health, in answer to the Board's letter, said that the Public Health Act made no changes in the position, powers or liabilities of Trusts.<sup>3</sup> In 1853, however, the Chelmsford Board proposed to take over all the turnpike roads within its area.<sup>4</sup> In the event the Board settled for a kind of co-existence, keeping track of the state of the roads and suggesting measures of improvement to the Trust, like the granite crossing in Duke Street proposed in 1864.<sup>5</sup> Halstead Local Board had similar problems. They asked the General Board in 1853 if they could water the main road through the town, again part of

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1. The consequences of steam traction are more fully discussed in J. Booker, pp.132,133

2. D/HCh 1, p.26

4. D/HCh 2, pp.26,27

3. Ibid., p.33

5. D/HCh 4, p.514

the Essex Trust.<sup>1</sup> Despite being warned in reply of 'a great many obstacles' the Local Board ordered their clerk to write to the turnpike commissioners and 'request them to allow ... a sum of money and give the superintendence and management of all the Turnpike Roads in the Parish to the Board in order that they may have the entire management of the Roads in the Parish'.<sup>2</sup>

The Board were rebuffed and adopted the kind of relationship which existed at Chelmsford, pointing out at intervals that Trinity Street, or the bridge, or the drains were out of repair. The Trust twice denied responsibility for the drains and this showed the tangle of administration at its worst: while the maintenance of the road was vested in the Trust and the Board had powers to drain the town, who had the duty of draining the road? If the duty lay with the Trust, were the drains to join the town network?

The Webbs dated from 'from the early sixties ... the growth of a widespread public determination ... to get rid altogether of the Turnpike Trust and its toll'.<sup>3</sup> As far as Essex is concerned, however, their statement cannot be substantiated. The Hockerill Trust had found that 13 out of 14 highway parishes were not in favour of its abolition. Disbanding the Trusts meant, in areas where Highway Boards had not been created, that the full cost of maintenance reverted to the parishes. It was no doubt far more equitable in parishioners' eyes that the burden of repair should continue to be met by the user. Pamphleteers were indignant that maintenance would become a charge on the owners and occupiers of real property.<sup>4</sup> The nearer to London was the parish, the greater

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1. D/HH 1, p.50

2. Ibid., pp.90,104

3. Webbs, King's Highway, p.220

4. Pamphlet by Willmot and Macauley (see Bibliography)

its worry at the dissolution of a Trust. The poorer people of Mile End Old Town feared an increase of 7d. or 8d. in the rates if tollgates were removed on the Great Essex Road.<sup>1</sup> There were similar complaints in Whitechapel.<sup>2</sup>

Apart from the understandable (but undocumented) discontent of the land-carriage interest, and an occasional objection on social grounds,<sup>3</sup> what opposition there was to turnpikes in Essex probably came from the new class of local industrialist. In the 19th century the county responded to the impact of the Industrial Revolution which the Midlands and North of England had experienced earlier. The greatest intensity of development was in West and East Ham, but this was not until the 1840s,<sup>4</sup> and the early iron-foundries and engineering works, built to make mainly agricultural castings, were established at Hornchurch, Chelmsford (2), Goldhanger, Colchester, Coggeshall and Greenstead Green (near Halstead).<sup>5</sup> Of these, the Chelmsford, Colchester and Goldhanger (later moved to Heybridge) foundries had easy access to water for their pig iron; Hornchurch was only three miles from Rainham Quay but the Coggeshall and, especially, Greenstead Green foundries were not well placed, at least for raw materials.<sup>6</sup> It was a feature of the expansion of the Essex economy, following the widespread introduction of steam power, that traffic was brought to many roads both within and without the turnpike system. Steam-powered breweries at Hartford End and Foxearth and steam-powered mills at Navestock, Felsted and East Hanningfield were built far from water and rail links; existing water and windmills were

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1. BPP, 1859, xi, p.252

2. Ibid.

3. It worried Mr. Tower in 1838 that a poor man with a donkey and cart was charged 6d., the same toll as he himself paid for a phaeton and pair of horses (ES, 19/10/1838).

4. Following the Metropolitan Buildings Act ('Nuisance Act'), 1844 (7 & 8 Vic, c.84)

5. The earliest was in Colchester (1792). The other 6 were built by 1817 (J. Booker, op.cit., Map One)

6. They were better placed from the point of view of marketing.

were enlarged by auxiliary steam plant. More coal was landed at quaysides<sup>1</sup> and carted by turnpike and other roads to remote rural sites. Steam power meant greater capacity, increased production, and a wider marketing of goods. Much of this went by rail but many roads to the stations were turnpiked and ironfounders at Great Bardfield, Rayne and Gestingthorpe<sup>2</sup> must have resented tolls on top of the natural difficulties of carriage which their remoteness presented.

There was also a body of opinion in Essex which did not accept the principle of toll as the only method to maintain a highway. In 1811 it was proposed that a new road through Hainault Forest, to link Essex and Hertfordshire, be built by subscription;<sup>3</sup> this followed the important scheme for road widening and bridge building on the Dunmow to Chipping Ongar road, begun in 1809.<sup>4</sup> This major scheme is of particular interest because the initiative for improvement came from the justices in Quarter Sessions who invited subscriptions towards the cost.<sup>5</sup> The road in question was the direct route from Great Dunmow to London. If the justices had turned their attention to this road some 20 years earlier, they would probably have petitioned Parliament for a turnpike.

Were the turnpike Trusts in Essex successful? There is no doubt that during the late 18th and early 19th centuries there were great improvements in the quality of the surfaces. Although ease of travel is very much a subjective matter, Arthur Young's opinion of the good state of Essex roads can be taken as more reliable than others'.<sup>6</sup> His findings are supported by chance

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1. By the 1840s some 40,000 tons of coal were off-loaded annually at Colchester alone (ES, 28/1/1842).

2. These foundries were set up in 1838-39.

3. Ch.Ch., 26/7/1811; 16/8/1811

4. Ibid., 9/6/1809

5. Ibid., 15/7/1808

6. 'It is impossible to say too much in praise of the roads of most of the districts in Essex', Young, General View, p.384. For other views both for and against the state of roads, see Brown, p.81.

references in the Press: in 1802 the roads of the Essex Trust were 'never better'<sup>1</sup> and in 1814, notwithstanding heavy snow fall, the road from Chelmsford to London was reported little affected.<sup>2</sup> There were bad episodes, however: when the Hockerill Trust farmed out road repair the surfaces became so bad that the GPO made formal complaint;<sup>3</sup> and in 1833 some 90 people petitioned against the state of the Romford road, when there had been a practical mistake on the part of the surveyor.<sup>4</sup>

The best testimony of improvement comes from the results - from the ability of stage coaches to run by schedule around the year, giving Chelmsford an almost hourly service to London by 1794.<sup>5</sup> But this was passenger traffic and it is difficult to gauge the effect of better roads on industry and commercial expansion. What little evidence there is of carriers' costs shows only a slight increase between 1772 and 1822.<sup>6</sup> The rates of carriage fixed by the justices in 1827 was 4d. per cwt. per 5 miles<sup>7</sup> - only 1d. dearer than in 1749.<sup>8</sup> This might prove relatively better roads because the increase was not greater.

In any wider analysis, however, the turnpike roads of Essex had little economic impact. They did not arrest the decline in the textile industry and traders never showed the same interest in proximity to a turnpike road as they did to navigable water or a railway. Along every tidal creek in Essex, and at any point of access on a navigable river, were established coaling wharfs, lime kilns and timber yards. At the head of navigations, merchants, builders, ironfounders and brewers competed for wharf space and gas works were built at Chelmsford, Colchester and Sudbury.<sup>9</sup> An

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1. Ch.Ch., 23/4/1802

3. T/A 596/2, p.484

5. Brown, p.83

7. Q/SO 30, p.121

9. The Colchester and Chelmsford Works (opened 1817 and 1819 respectively) were exceptionally early, roughly equal in date to those at Leeds and Sheffield.

2. Ibid., 21/1/1814

4. BPP, 1833, xv, p.511

6. D/DO B1

8. Q/SO 8, p.409

ironfoundry at Walton-on-the Naze was built with its own cut from the Backwater.<sup>1</sup> Maltings were built on the Stour, Colne, Blackwater and Crouch estuaries to receive Norfolk barley and send malt to London brewers. Roller mills dominated the stations at Chelmsford, Dunmow, Wendens Ambo and Saffron Walden; maltings were built beside Thorpe-le-Soken station, a brewery near Romford station and ironfoundries beside sidings at Maldon, Halstead and Saffron Walden. The railway encouraged new quays and docks at Thames Haven, Parkestone and Tilbury. But no-one in any part of Essex, built a mill, malting, brewery, foundry or dock directly beside a turnpike road, unless, in the case of a watermill, it was convenient to do so at the point where the river crossed the line of the road.<sup>2</sup> No-one made easy money by advertising building land for sale by a turnpike road. When the railway reached Brentwood estate agents were quick to sell houses built by speculative builders;<sup>3</sup> and the large Mascall's estate, once 'a fatiguing day's journey' from London was now offered for sale as within 40 mins. train ride of the City.<sup>4</sup> In 1843 there was a scramble after building land between Mile End and Ilford and houses at Bethnal Green fetched record prices.<sup>5</sup> This was not the case with an Essex turnpike road: proximity to the London Road was sometimes mentioned in a sale catalogue<sup>6</sup> but was never the vendor's trump card.

The main benefit from better roads is likely to have been felt by the farming interest. However, turnpike roads in Essex

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1. Plan in D/DB B20

2. For instance, at Hatfield Peverel and Great Chesterford.

3. ES, 29/6/1840

4. Ibid., 31/7/1840

5. Ibid., 1/9/1843

6. For instance at sale of Maldon Brewery (Ch.Ch., 30/1/1818).

had little or no effect on the move towards enclosure. Essex was, generally, an enclosed county from medieval times. Only in north-west Essex was the open field system of farming practised and most statutory enclosure in the county took place in the railway age,<sup>1</sup> or can be attributed to some extent to the Stort-Lea Navigations. Nevertheless, there is some evidence that turnpike roads increased the value of farming land. The E.C.R. hoped that when the line was extended beyond Chelmsford land would be cheaper 'as the railway there left the turnpike road altogether'.<sup>2</sup> The profitability of farmers depended on the movement of coals, manure and foodstuffs. It is reasonable to speculate that a farm fronting a principal turnpike road was a good investment, but only on the large Petre estates has it proved possible to find evidence over the necessary period of time to corroborate this. The rise in the value of two farms can be contrasted from Lease and Value Books. Farm A (Heywood or Heybridge Farm) was at Ingatestone, astride the Great Essex Road, 22 miles from London; in October 1748, the 69 $\frac{1}{4}$  acres were let for 21 years at £57 per annum.<sup>3</sup> Farm B (Kiln Farm) was at Ingrave only 19 miles from London but one mile away from the Great Essex Road at Shenfield. In December 1750 the 68 $\frac{3}{4}$  acres were let for 21 years at £32 per annum.<sup>4</sup> By 1781 the value of Farm A had increased to £71 7s 10d.;<sup>5</sup> no figures are known for Farm B at that date. In 1810 Farm A (reduced to 64a.) was valued at £145<sup>6</sup> and Farm B (reduced to 59a.) at only £56 5s.<sup>7</sup> The contrast is a little weakened because Farm A was tithe-free by 1810 and its outbuildings incorporated a tanhouse; but Farm B was on valuable brick-earth and the overall comparison between the two

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1. Essex has 29 official enclosure awards, 1799-1831, and 47 after 1840 (Emmison, Catalogue of Maps, pp.43-51).

2. ES, 24/8/1838

4. Ibid., p.410

6. D/DP E18

3. D/DP E26, p.393

5. D/DP E12, p.30

7. Ibid.

tenancies is valid. If Farm A is compared with other holdings of a similar size in the 1781 Valuation Book the point is confirmed: two other farms, one of 64a., the other 67a, but both away from the Great Essex Road, were valued at only £37 and £42 respectively.<sup>1</sup> Even a farm of nearly 88a. in Writtle was valued at only £66.<sup>2</sup>

These figures prove, of course, only the value of good road communications and not the success of the turnpike road system. The road would still have been there if it had not been turnpiked and it is impossible to arrive at any proportion of the greater value of Farm A which is attributable to the turnpike factor. While specific statements may be made about the success or otherwise of a railway, navigation or canal company, it is impossible to quantify the degree of success when the nature of the transport innovation was in the administrative machinery and not in the medium of travel.

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1. D/DP E12, pp.79,97

2. Ibid.,p.12

## CONCLUSIONS

It remains to identify the most significant findings of this thesis and to show what the study of turnpike roads in Essex can contribute to the understanding of such roads in the country as a whole. Students of turnpike history are now fortunate to have the works of Dr. Albert and Dr. Pawson (see Bibliography) which form the basis of current thinking, in most respects superseding the pioneering but not wholly disinterested writing of the Webbs, although they do not deal with the years of turnpike decline. Much of this present thesis was written before the work of Dr. Pawson was published, but with the benefit of the valuable work of Dr. Albert. Neither writer, of course, was particularly concerned with Essex but some of the general points which Dr. Pawson reached have been discovered to coincide with findings in this thesis: for instance, the general lack of opposition to turnpike Bills,<sup>1</sup> the rejection of the Webbs' claim of privileged exemption from toll to certain families,<sup>2</sup> and the importance to the Trusts of statute labour.<sup>3</sup>

Neither Dr. Albert nor Dr. Pawson realized fully the nature and characteristics of the large Essex Trust: Dr. Albert suggests the whole Harwich road was turnpiked at once in 1695/6;<sup>4</sup> Dr. Pawson understood the piecemeal growth but is wrong about the mileages.<sup>5</sup> Both authors were (naturally enough, in the absence of proper minutes) unaware of the important management structure of the Trust.

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1. Pawson, pp.118-21

2. Webbs, King's Highway, p.137; Pawson, p.205

3. Pawson, pp.217-9. 'When figures for parish composition are available, they contradict the conventional view that statute duty was an ineffectual source of income'.

4. Albert, p.40

5. Pawson, p.105, stating the road was established in 1696 with 27 miles of road. 'Successive renewal Acts added eight miles in 1708, a further 70 in 1726, 33 miles in 1747, and 95 miles in 1765. The Trust was by then one of the largest in the country, with 233 miles of road'. However, the actual mileage of both Districts together was never more than 193 miles.

While Dr. Pawson called the Trust 'exceptional',<sup>1</sup> he was referring to the mileage increments and not to the administration. The statutory split into Districts was not itself unique, but the break-up of one District into eight near-autonomous Divisions seems to have occurred nowhere else in England or Wales. Dr. Pawson found the 'most complex' Divisions in the town-centred and county-based Trusts, especially in Wales: the Monmouthshire Trust had 'as many as seven' Divisions.<sup>2</sup> But the level of independence which some of the eight Essex Divisions enjoyed, even to the extent of employing their own officers, is revealed in his work only at the higher administrative level of the statutory District.<sup>3</sup>

If the practice in the Essex Trust of appointing trustee-surveyors occurred elsewhere in Britain, it is not recorded in the Webbs, Albert or Pawson. This thesis offers new evidence on the resistance of local trading communities to the siting of tollgates, and on the system common in Essex, and no doubt throughout England (although other authorities do not refer to it), of appointing treasurers by gates, rather than by Trust, District or Division. Quite new also is the evidence about how the justices apportioned statute labour and the suggestion that Trusts contracted with parishes for road repair in lieu of statute labour and composition money.

Doubtless a detailed examination of the Trusts in any region will reveal idiosyncrasies of practice which vary in a greater or lesser degree of importance from the norm.<sup>4</sup> But the main value of the Essex scene lies not in any new emphasis or minor alteration or amendment to the findings of others; instead, it

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1. Loc. cit.

2. Ibid., p.182

3. Loc. cit.

4. For instance, the analysis of the Portsmouth & Sheet Turnpike Commissioners' Minute Book, 1711-54, p.xix (see Bibliography) revealed features of the post of Trust surveyor which were not repeated later elsewhere in the country.

offers a new area of importance in turnpike history - an area which becomes the more apparent because some key issues in modern turnpike analysis have little relevance in the Essex context. For instance, it has been shown that most borrowing was haphazard, for ad hoc reasons, and that some trustees did not borrow at all; it has also been suggested that the significance of the turnpike roads in the economic growth of the county was small. If further evidence is needed of the failure of the Trusts to play a key role in the local economy, then it lies in the fact that roads between several major centres were never turnpiked. Chief among these were the roads from Dunmow to Thaxted and Saffron Walden (the Chelmsford-Cambridge road), from Dunmow to Braintree (linking two Divisions of the Essex Trust) and from Sawbridgeworth (and therefore Hertford) to Chelmsford. The main road from the vigorous port of Maldon to Chelmsford was turnpiked only in name and the road from Maldon to Braintree remains to this day a winding, hilly and narrow route, unimproved by successive generations of trustees.

The Essex experience, therefore, offers few revelations in the realms of finance and economics, but yields fresh insight into the basic identity of the Trusts and their administrative characteristics. In this thesis it has been impossible to escape from the broad view of the Trust as a consistent unit of local government; it was not a democratic unit, nor always an efficient or successful one, but the concept was enduring and brought stability of management to major roads. It was because the mid- and north- Essex Trusts were so much a feature of local government that they had difficulty in adjusting to toll farming and were unwilling to oppose the creation of railways. Other transport systems did not have the same implications for public rights and necessities: a railway or river bed was not watched, lit, artificially watered,

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drained, sewered and undermined by water and gas mains. They impinged upon landowners' interests and riparian rights but not upon a basic freedom of passage or the consequences of urban growth.

The only other unit of local government to last so long<sup>1</sup> was the parish vestry, almost by definition an introspective body, blinkered to issues of no immediate local concern. But the Trusts adapted to the nature of their roads and blended like chameleons against a background of momentous evolution. When the road was rural, the Trust was lazy and amateur, like the Essex Trust, Second District; when the area was metropolitan the Trust was vigorous and well-organized, like the Middlesex and Essex Trust; when the Trust was a consequence of a commercial venture, it was almost a joint-stock company, like the Commercial Roads Trust. When other bodies could light, watch and pave, the same powers were given to the Trusts; one (the Commercial Roads Trust) could even levy a rate. When moves to 'improve' became so common and complex that ad hoc commissioners were appointed, the trustees became, in a limited way, commissioners themselves. The Commercial Roads trustees in 1828 were turnpike commissioners with incidental powers for improvement; the Boards of Health, 20 years later, were improvement commissioners with incidental powers for road repair.

The will to improve was pervasive. It was shown in Chapter Three how legislators took occasion to introduce into a renewal Act of the Commercial Roads Trust a variety of measures of public health, town planning and general utility which had little or no bearing on the work of the Trust itself. This phenomenon, although less pronounced, was also a feature of more rural Trusts.

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1. Excluding the various levels of JP Sessions, the Courts of Sewers, and the manorial Courts.

Under the Epping and Ongar Trust renewal Act of 1822 it was forbidden, in the vicinity of the roads, to slaughter animals, let off fireworks, bait bulls, play football, camp, and leave open the shutters of a forge at night.<sup>1</sup> In this way bye-laws were created under the convenience of the turnpike system.

Parliament was apparently unable to see beyond this short term usefulness to the essential character of the Trusts and it considered their disbanding only in relation to the question of toll and the problem of debt. But the real strength of the Trusts was their ability to manage a road as a single administrative unit.<sup>2</sup> It has been argued in this thesis that unity of management led to the introduction of trustee Trusts in place of justice Trusts in the early 18th century, because it was impossible to manage any worthwhile length of highway without crossing a county boundary or a variety of minor areas of privileged jurisdiction.<sup>3</sup> One reason why the Commercial Roads Trust, the Middlesex and Essex Trust, and the Lea Bridge Trust were so vigorous and useful was that they each straddled Essex and Middlesex; all three built major bridges across the river at the county boundary - the point of greatest administrative weakness. It was exactly the division between Essex and Hertfordshire which led to the indignant refusal of the Hockerill Trust to join a consolidated Essex Roads Commission in 1852. Parliament appears to have forgotten in the 19th century what it knew in the 18th. What the turnpike system had to offer was an escape from petty jurisdictions and regional

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1. 3 Geo.IV,c.44,s.64

2. Of other early statutory authorities, only the Commissioners of Sewers (established in 1531 by 23 Hen.VIII,c.5) displayed the same power to deal with topographical features across county and other boundaries. The Commissioners of Havering Level, for instance, controlled marsh lands in Essex, Middlesex and Kent (D/SH).

3. The Webbs (op.cit.,pp.115,116) mentioned but did not comment on the change from justice to trustee Trusts. Dr. Albert (p.23) suggests the change 'may have come about because the justices were unable, owing to their many other commitments, to administer the turnpike roads effectively'. This view was supported by Dr. Pawson (p.92) and was clearly a factor of some importance.

jealousies. Yet Victorian legislation created a complex of short-lived bodies, all broadly concerned with public health, in which the care of roads was included if only to have them watered in the interests of the prevention of disease.

Although the question of debt was clearly a great obstacle, and no doubt justices were suspicious of any extension of central government control, as the Webbs suggested,<sup>1</sup> the failure of Parliament to replace the turnpike system with anything approaching a cohesive and integrated means of communication between principal towns must be condemned. It may be naive to suggest that the answer was to pass control of all main roads to the government and support them, freed of the trappings of local government, from national taxes. But this would have been in the best interests of road travel. There was no stronger indictment against the parliamentary solution than the fate of the cast iron bridge at West Ham, mentioned in Chapter Three. Built in 1810 and conscientiously kept up by the Commercial Roads Trust until its extinction in 1870, the bridge waited 17 years for further maintenance while traction engines grew larger, heavier and more common and the counties of Essex and Middlesex bickered over costs and procedures for repair. The delay was too long and the bridge broke up when knocked by a steam collier. Local government was shown to be incapable of effective action when powers were shared between two or more major authorities.

It is fitting to end with a modern parallel in vindication

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1. Webbs, op, cit., p.220.

of the principle of turnpike management. In 1936<sup>1</sup> twenty-six main roads in Britain were designated Trunk Roads. Responsibility for maintenance and improvement passed from County Councils to the Ministry of Transport on the grounds that these roads constituted 'the national system of routes for through traffic'. This principle has endured into the present motorway age. This was exactly the strength of the turnpike system.

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1. 1 Ed.VIII & 1 Geo.VI,c.5. Further Trunk Roads were added in 1946.

APPENDIX A

ESSEX TURNPIKE TRUSTS - ACTS OF PARLIAMENT

1. ESSEX, First District 174 miles	1695/6 1707/8 1726 1746/7 1765 1793 1815	7 & 8 Will.III,c.9 6 Anne,c.47 12 Geo.I,c.23 20 Geo.II,c.7 5 Geo.III,c.60 33 Geo.III,c.145 55 Geo.III,c.90
2. ESSEX, Second District 19 miles	1793 1815	33 Geo.III,c.145 55 Geo.III,c.90
3. EPPING AND ONGAR 21 miles	1702/3 1723/4 1742/3 1769 1787 1811 1822 1836	1 Anne,Sess.2,c.10 10 Geo.I,c.9 16 Geo.II,c.19 9 Geo.III,c.63 27 Geo.III,c.69 51 Geo.III,c.29 3 Geo.IV,c.44 6 & 7 Wm.IV,c.49
4. MIDDLESEX AND ESSEX 34 miles	1721/2 1737 1763 1785 1803 1823 1834	8 Geo.I,c.30 10 Geo.II,c.36 3 Geo.III,c.58 25 Geo.III,c.124 43 Geo.III,c.66 4 Geo.IV,c.106 4 & 5 Will.IV,c.89
5. HOCKERILL (HERTS. AND ESSEX) 23 miles	1743/4 1769 1791 1809 1829	17 Geo.II,c.9 9 Geo.III,c.51 31 Geo.III,c.99 49 Geo.III,c.45 10 Geo.IV,c.21
6. LEA BRIDGE AND ROAD 4 miles	1757 1778 1799 1826	30 Geo.II,c.59 18 Geo.III,c.10 39 Geo.III,c.23 7 Geo.IV,c.142 (Act for consolidating Metropolis Roads North of the Thames)
7. HADLEIGH 42 miles	1793	33 Geo.III,c.149
8. CHELMSFORD - RAWRETH 11 miles	1794	34 Geo.III,c.137
9. COMMERCIAL ROADS 6 miles	(1754 1765 1799 All for 1802 1804 1806 1809 1811	27 Geo.II,c.40 5 Geo.III,c.103 39 & 40 Geo.III,c.110 Cannon Street Roads) 42 Geo.III,c.101 44 Geo.III,c.37 46 Geo.III,c.125 49 Geo.III,c.172 51 Geo.III,c.42

APPENDIX A

ESSEX TURNPIKE TRUSTS - ACTS OF PARLIAMENT

9. COMMERCIAL ROADS (Continued)	1815	55 Geo.III,c.89
	1824	5 Geo.IV,c.144
	1828	9 Geo.IV,c.112
	1849	12 & 13 Vic.,c.76
	1855	18 Vic.,c.67
10. TILBURY FORT	1808	48 Geo.III,c.92
18 miles	1821	1 & 2 Geo.IV,c.33

## APPENDIX B

### PRIMARY (MS. AND PRINTED) SOURCE MATERIAL

#### 1. GENERAL - NATIONAL

The following British Parliamentary Papers (B.P.P.) have been found the most useful:-

B.P.P., First Series, 1765, ii, p.465. Report from the Select Committee respecting the management and application of money collected for repairing the highways of the kingdom.

B.P.P., First Series, 1796, x, pp.748,749,757-9. Five reports from the Select Committee on the state of the public highways and turnpike roads; and the Acts relating thereto.

B.P.P., 1819 (509), v, p.339. Report from the Select Committee on the highways of the kingdom.

B.P.P., 1820 (301), ii, p.301. Report from the Select Committee on the turnpike roads and highways in England and Wales.

B.P.P., 1821 (747), iv, p.343. Report from the Select Committee on Acts now in force regarding turnpike roads and highways in England and Wales.

B.P.P., 1823 (476), v, p.53. Report from the Select Committee on Mr. M'Adam's petition relating to his improved system of constructing and repairing the Public Roads of the kingdom.

B.P.P., 1825 (355), v, p.167. Report from the Select Committee on the receipts, expenditure and management of the several turnpike Trusts within ten miles of London.

B.P.P., 1826-27 (383), vi, p.1. Report from the Select Committee on the practicability of reducing the expenses attending the procuring Bills for continuing turnpike Trust Acts.

B.P.P., 1826-27 (339), vii, p.23. First report of the Commissioners, under Act 7 Geo. IV, c.142, for management of the Roads North of the Metropolis.

B.P.P., 1828 (311), ix, p.23. Second report of the Commissioners (as above).

B.P.P., 1831-32 (449), xxiii, p.541. Sixth report of the Commissioners (as above).

B.P.P., 1833 (422), xv, pp.407,409. Report (and second report) from the Lords respecting turnpike returns, and on what alterations can usefully be made in the laws relating to turnpike Trusts.

B.P.P., 1836 (547), xix, p.335. Report from the Select Committee appointed to consider the present system of turnpike tolls and Trusts, and other matters relating to roads.

B.P.P., 1839 (295), ix, p.369. Report from the Select Committee appointed for the purpose of ascertaining how far the formation of railroads may affect the interest of turnpike Trusts and the creditors of such Trusts, and to whom several petitions were referred.

B.P.P., 1859 (2552. Sess.2), xi, p.183. Report of the Commissioners appointed to inquire as to the best means of affording relief to the inhabitants of the metropolitan districts, within six miles of Charing Cross, by the abolition of turnpike gates and tollbars.

B.P.P., 1863 (315), 1, p.457. Return of counties which have been divided into highway districts, or in which any highway district or districts have been formed, under the Act 25 & 26 Vic., c.62; stating the number and names of districts, miles of road, number of waywardens, &c.

B.P.P., 1864 (383), ix, p.331. Report from the Select Committee appointed to inquire into the expediency and practicability of abolishing turnpike trusts; with the Proceedings, Minutes of Evidence, and Appendix, and Index.

B.P.P., 1866 (229), lx, p.481. Return of the Turnpike Trusts Acts which were continued by the Turnpike Trusts Continuance Act, 1865, distinguishing those that are free from debt; and as to the residue, specifying the amount of debt due thereon, on 31st December 1864.

B.P.P., 1867, (352), xii, p.709. Special Report from the Select Committee on Turnpike Trusts Bill; with the Proceedings of the Committee and Minutes of Evidence.

B.P.P., 1867-68 (335), lxii, p.379. Return of turnpike trusts continued by the Annual Continuance Acts in 1864, 1865, 1866, and 1867, giving name of trust and county; date of expiry of last Act; amount of interest payable under the last Act; and since placed in Continuance Act; names of trusts out of debt; names of trusts where roads wholly or partly maintained by parishes; amount of debt paid off in each case since trust placed in Annual Continuance Act.

B.P.P., 1867-68 (349), lxii, p.395. Return showing the names of the one hundred and fifty-nine turnpike trusts, the local Acts affecting which were placed in the exceptional Schedule of the Act 29 & 30 Vict. c.105; the chapters of the several Acts, dates of expiry, amount of debt and interest; distinguishing those continued under the General Provisions of the said Act, and those "Temporarily continued"; also, memorials for removal of toll-gates or to extinguish expired trusts, &c., presented since 1866.

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Albert, W., and Harvey, P.D.A. (eds.), Portsmouth Record Series. Portsmouth and Sheet Turnpike Commissioners' Minute Book 1711-1754 (Portsmouth, 1973)

Lewis, S., A Topographical Dictionary of England, 7th ed. (London, 1848)

Oke, G.C., The Law of Turnpike Roads (London, 1854)

Phillips, R., A Dissertation concerning the Present State of the High Roads of England (London, 1737)

Scott, J., Digests of the General Highway and Turnpike Laws (London, 1778)

## 2. GENERAL - ESSEX

### 2.1 Parliamentary Papers

B.P.P., 1859 (72 Sess.2), xxvi, p.271. Return of the amount of toll revenue, debt, arrears of interest, number of miles of road, &c., belonging to each turnpike Trust in the county of Essex ...; 1856 to 1858.

B.P.P., 1861 (112), lvii, p.409. Return of the names, salaries, &c., of surveyors and other officers paid by the trustees of the first and second districts of the Essex turnpike roads; also, number of miles; and income and expenditure in 1860.

### 2.2 Newspapers

#### Chelmsford Chronicle

1787; 1798(Nov.) - 1802 (Dec.); 1807-19  
(1764-1850 on mf. T/B 171/1-28)

#### Essex Herald

1800-03; 1811-19

#### Kent and Essex Mercury

1822-24; 1826-32

#### Essex Standard

1837-43; 1845-51  
(1831-80 on mf. T/A 572/1-32)

#### Ipswich Journal (Colchester Library)

1739; 1749-73; 1778-1826

### 2.3 Maps

J. Chapman and P. André, A Map of the County of Essex ... (1777)  
R. Horwood, Plan of the Cities of London and Westminster ... and Parts adjoining (1799)

C. and J. Greenwood, Map of the County of Essex from an Actual Survey made in the Year 1824 (1831)

### 2.4 Printed Books

Defoe, D., A Tour Through the Eastern Counties 1722 (Cassell's National Library Edition, London, 1888)

Essex Almanac, 1864 - 1885 passim (Chelmsford)

Pigot & Co., Commercial Directory ... Essex (London 1823-4 and 1826-7)

Pigot & Co., Commercial Directory and Topography ... of Essex (London 1839)

Morant, P., The History and Antiquities of the County of Essex, 2 vols., (London, 1768)

Universal British Directory ... Essex (London, 1793)

White, W., History, Gazetteer and Directory of Essex (Sheffield, 1848)

Wright, T., The History and Topography of the County of Essex, 2 vols. (London, 1836)

(Young, A.), A Six Weeks Tour through the Southern Counties of England and Wales (London, 1769)

Young, A., General View of the Agriculture of Essex, 2 vols. (London, 1813)

## 2.5 Quarter Sessions Records

- Q/SO Order Books (esp.1-8, 1651/2 - 1749). Q/SO1 is published:  
D.H. Allen (ed.), Essex Quarter Sessions Order Book  
1652-1661 (Chelmsford, 1974)  
Q/SBa Sessions Bundles (esp. 2 and 4, Early Series 1621-87,  
and Special Commission of Enquiry, 1618)  
Q/SBb Sessions Bundles (esp. 37-62, Later Series 1707-15)  
Q/SR Sessions Rolls (esp. 468-545, 1691-1710)

Some information was also gained from:

- Q/ABp Bridge papers  
Q/AS Shire Hall papers  
Q/CP Precedent book, Clerk of the Peace  
Q/Fab County Treasurers' Bills

## 2.6 Petty Sessions Records

P/CM Minute Books, Chelmsford Division (esp.1 and 2, 1801-11)

## 2.7 Parish Records

Surveyors' rates and/or accounts, and vestry minutes when they have survived, have been examined for all the 75 Essex turnpike parishes for which any documentation is available. The general catalogue mark for such records is D/P, followed by the reference number of the parish (the name of the parish is always given in the text of this thesis) and /8 for vestry minutes and /20 and /21 for surveyors' records.

## 2.8 Boards of Health Records

D/HCh Minute Books, Chelmsford Local Board of Health (esp.1-4, 1850-65)  
D/HH Minute Books, Halstead Local Board of Health (esp.1, 1853-61)

## 3. PARTICULAR TRUSTS

### 3.1 ESSEX TRUST, FIRST DISTRICT

#### 3.1.1 Parliamentary Records

Journal of the House of Commons: vols. xi, p.424; xv, p.472; xx, p.571; xxv, p.196; xxx, p.55; xlii, p.278, xlvi, p.172; lxx, p.50.

#### 3.1.2 Trust Records

D/TX 1-6 Treasurers' papers, c.1783-1848. 17 vols., 163 bundles, 217 docs., 11 maps and plans  
D/TX 7 Minute Book, Halstead Division, 1832-48  
D/TX 29 Mortgage deed of tolls, 1843

#### 3.1.3 Quarter Sessions Records

Q/RUt 1/3 Statistical return to Clerk of the Peace under  
1 Geo.IV, c.95 (1820), 1820  
Q/RUt 2/1-8 Returns of accounts to Clerk of the Peace under  
3 Geo.IV, c.126 (1822), 1823-66 (dates of returns  
vary between Divisions)

#### 3.1.4 Other Records

D/DR B1,1A Colchester solicitor's accounts, incl. turnpike work, 1721-79

D/DR1 F1 Mortgage of tolls, Halstead Division, 1774  
 D/DHt T438 Deeds of turnpike house at Bocking Gate, 1778-92  
 D/DGg 6 Solicitor's daybook with turnpike entries, 1801  
 D/B 3/3/568/10 Draft and copy notices, mainly about Notley Division, 1812-19.  
 D/DHw L11 Notice of payment of tolls, 1815  
 D/DB L1/12/4 Case for opinion of counsel about taking gravel for roads from Hatfield Forest, 1826  
 D/DP 018/1-5 Census of traffic through Shenfield Gate, 1838

### 3.2 ESSEX TRUST, SECOND DISTRICT

#### 3.2.1 Parliamentary Records

Journal of the House of Commons: vols. xlviii, p.386; lxx, p.50

#### 3.2.2 Trust Records

D/TX 9-20 Clerks' papers, 1793-1846. 1 bundle, 14 docs.  
 D/TX 21-28 Treasurers' papers, 1819-66. 1 vol., 22 docs.

#### 3.2.3 Quarter Sessions Records

Q/RUt 1/3 Statistical return to Clerk of the Peace under 1 Geo.IV, c.95 (1820), 1820  
 Q/RUt 2/9 Returns of accounts to Clerk of the Peace under 3 Geo.IV, c.126 (1822), 1823-37

#### 3.2.4 Other Records

D/DHw Z16 Petitions for removal of tollgate between Mistley Thorn and Manningtree, 1793 and 1804  
 D/DHw B1 Schedule incl. annual product of clerkship, c.1794  
 D/DHw B4 Solicitors' bill books incl. turnpike entries, 1795-1835  
 D/DHw 050 List of compounders at Dovercourt and Lawford tollgates, 1805-15  
 D/DHw B23 Names of compounders at Dovercourt tollgate, 1831

### 3.3 EPPING AND ONGAR TRUST

#### 3.3.1 Parliamentary Records

Journal of the House of Commons: vols. xiv, p.37; xx, p.245; xxiv, p.362; xxxii, p.80; xlii, p.265; lxvi, p.55; lxxvii, p.23

#### 3.3.2 Trust Records

D/TE 1-5 Minute Books, 1769-1870 (some of  
 D/TE 6-14 Treasurers' and other papers, 1822-70 these records  
 in bad  
 condition)

#### 3.3.3 Quarter Sessions Records

Q/RUt 1/52 Deposited Plan of new road across Epping Forest, 1835  
 Q/RUt 1/3 Statistical return to Clerk of the Peace under 1 Geo.IV, c.95 (1820), 1820  
 Q/RUt 2/13 Returns of accounts to Clerk of the Peace under 3 Geo.IV, c.126 (1822), 1823-69

### 3.4 MIDDLESEX AND ESSEX TRUST

#### 3.4.1 Parliamentary Records

Journal of the House of Commons: vols. xix, pp.568,671; xxii, p.737; xxiii, p.415; xxix, p.460; xl, p.526; lxxviii, p.27; lxxxix, p.53  
Votes, 1721, p.101

#### 3.4.2 Trust Records (from unofficial sources)

Acc. 754 (GLRO, Middx. records) Appointment of trustee, 1728  
T/M 128 Map, 1728; revised, 1740  
T/M 479 Map, 1768 (also copy stored as D/DB P12)  
Q/ABp 1 Trustees' handbook (i.e. indexed Acts of Parliament), c.1766  
D/DBz 01 Calendars of meetings, 1791, 1797  
Sage 1044 Estimate for work on Bow Bridge, 1828  
D/TM 1 Ticket issued at Whalebone tollgate, early 19th c.

#### 3.4.3 Quarter Sessions Records

MR/UTT (GLRO, Middx. records) Statistical return to Clerk of the Peace under 1 Geo.IV, c.95 (1820), 1820  
Q/RUT 2/10 Returns of accounts to Clerk of the Peace under 3 Geo.IV, c.126 (1822), 1823-66 (GLRO, Middx records (MR/UTT) has returns for 1825, 1827-34, 1836-40, 1843-66).

#### 3.4.4 Other Records

D/DU 621/1 Agreement for watering roads, 1745  
D/DCw 01 Agreement for reservoir in road, 1746  
T/A 191 Extracts from minute books of Abbey landowners (in West Ham Library) showing compositions payable to Trust, 1715-64  
T/B 251/7 Gascoyne-Strutt correspondence, 1759-84  
D/DEs M82 Refs. to gravel sold to trustees, 1765-69, 1773  
D/DLo E2 Dispute about taking gravel at Lambourne, 1841-44

### 3.5 HOCKERILL TRUST

#### 3.5.1 Parliamentary Records

Journal of the House of Commons: vols. xxiv, p.488; xxxii, p.35; xlvi, p.140, lxiv, p.61; lxxxiv, p.13

#### 3.5.2 Trust Records

TP3/1-5 (Herts. RO) Minute Books, 1744-1870  
TP3/6-36 (Herts. RO) Clerks', treasurers' and surveyors' papers, 1793-1870 (7 vols., 16 bundles, 6 docs., 4 maps)

Microfilms of most of the above are in the ERO as follows:

ERO ref.	HRO ref.
T/A 596/1	TP3/1
T/A 596/2	TP3/2
T/A 596/3	TP3/3
T/A 596/4	TP3/4
T/A 596/5	TP3/11, 22, 24, 25, 30, 31, 33-36

### 3.5.3 Quarter Sessions Records

- Q/RUM 1/23 Deposited Plan, road from Start Hill Bridge to Hockerill, 1814 (also Herts. RO, nos. 394,395)  
Q/RUM 1/38 Deposited Plan, deviations in turnpike road from Harlow Bush Common to Stump Cross, 1827 (also Herts. RO, nos.396-8)  
Q/RUT 2/12 Returns of accounts to Clerk of the Peace under 3 Geo.IV, c. 126 (1822), 1823-70

### 3.5.4 Other Records

- D/DBY 052 Statement of tolls taken at Birchanger and Quendon tollgates, 1822.  
D/DAR C1-9 Letters about straightening turnpike road, Harlow, 1827-29

## 3.6 LEA BRIDGE AND ROAD TRUST

### 3.6.1 Parliamentary Records

Journal of the House of Commons: vols. xxviii, p.702, xxxvi, p.572; liv, p.143

### 3.6.2 Trust Records

a/P 22/2/1 (Vestry House Museum, Walthamstow) Minute Book, 1807-24 (mf. in ERO, T/A 513; extracts, T/A 192)

### 3.6.3 Quarter Sessions Records

- Q/RUM 1/43 Deposited Plan, new road from Lea Bridge Road to the Epping road, 1828  
Q/RUT 2/15 Return of accounts to Clerk of the Peace under 3 Geo.IV, c.126 (1822), 1823-26

## 3.7 HADLEIGH TRUST

### 3.7.1 Parliamentary Records

Journal of the House of Commons: vol.xlviii, p.172

### 3.7.2 Other Records

D/DBe E50 Meeting of subscribers to late Trust, 1820

The following parish records mention statute duty work or composition to the Trust:

D/P 157/21/1 (Aveley); D/P 182/21 (Pitsea); D/P 239/21/2 (Bulphan); D/P 300/21/1 (South Benfleet)

## 3.8 CHELMSFORD-RAWRETH TRUST

### 3.8.1 Parliamentary Records

Journal of the House of Commons: Vol. xlix, p.155

### 3.8.2 Trust Records

- D/TX 3/3 Extracts from minutes, 1795  
D/TX 4/1 Papers concerning allocation of statute duty, 1808

### 3.8.3 Other Records

D/B 3/3/546 Lease of tollgates, 1812

The following parish records mention statute duty work or payment in lieu to the Trust:

D/P 40/21/2 (Rawreth); D/P 65/21/1 (Great Baddow);  
D/P 94/21/4 (Moulsham); D/P 251/21/1 (Rettendon);  
D/P 253/21/1 (Sandon)

### 3.9 COMMERCIAL ROADS TRUST

#### 3.9.1 Parliamentary Records

Journal of the House of Commons: vols. lvii,p.11; lix,p.76;  
lxi,p.94; lxiv,p.84; lxvi,p.57; lxx,p.56;  
lxxix,p.15; lxxxiii,p.72; civ,p.19; cx,p.40

#### 3.9.2 Quarter Sessions Records

Q/RUm 1/12, 1/13 Proposed roads from the Commercial Road to  
Barking, 1807, 1808

Q/RUt 2/11 Return of accounts to Clerk of the Peace under  
3 Geo.IV, c.126 (1822), 1828-71

### 3.10 TILBURY FORT TRUST

#### 3.10.1 Parliamentary Records

Journal of the House of Commons: vols. lxiii,p.41; lxxvi,p.39

#### 3.10.2 Trust Records

D/DL 035 Treasurers' papers, 1808-18

#### 3.10.3 Quarter Sessions Records

Q/RUm 1/11 Deposited Plan, proposed new road from Stratford  
to Tilbury Fort, 1807

Q/RUt 1/3 Statistical return to Clerk of the Peace under  
1 Geo.IV, c.95 (1820), 1820

Q/RUt 2/14 Return of accounts to Clerk of the Peace under  
3 Geo.IV, c.126 (1822), 1846-50

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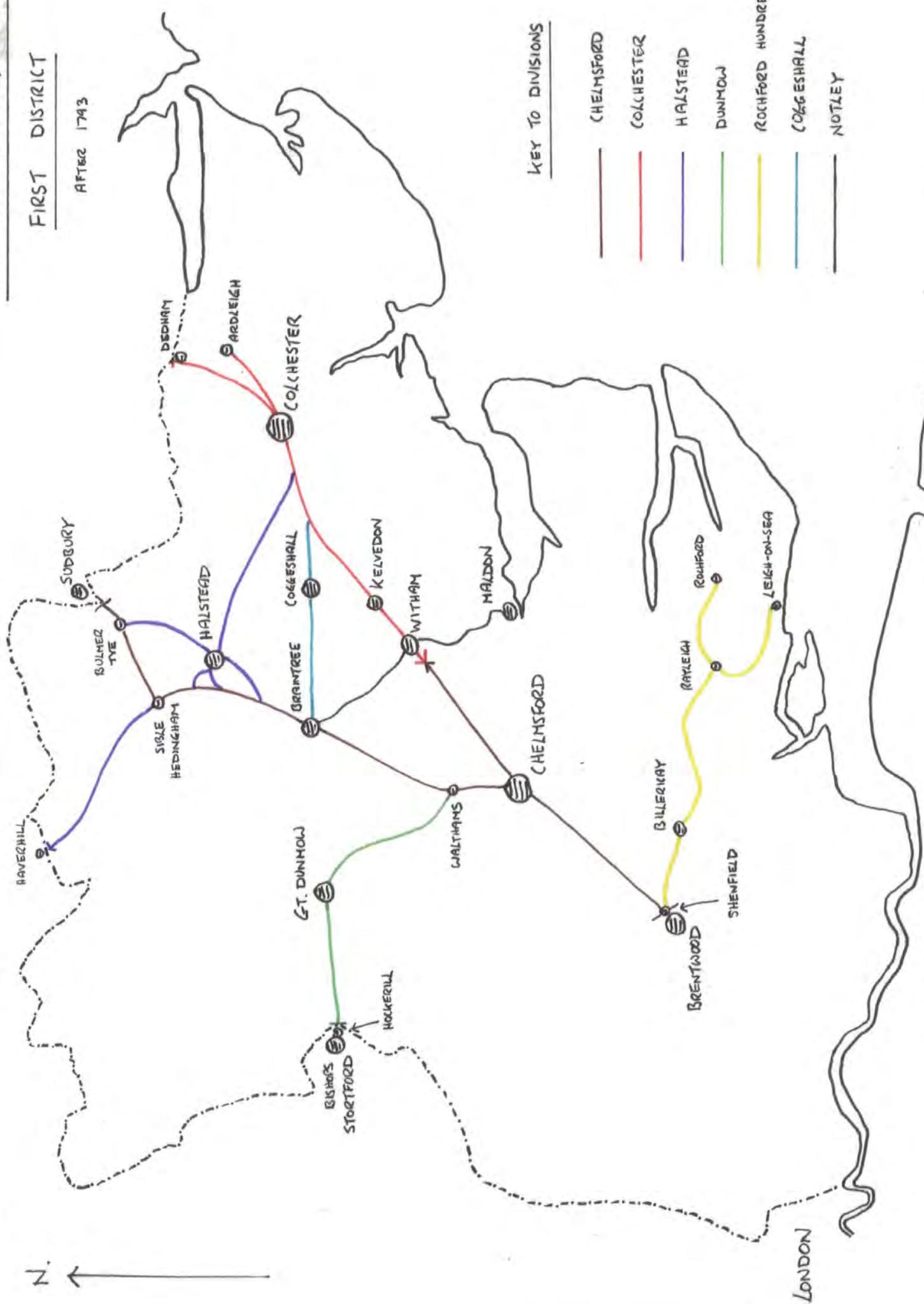
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# ROADS OF THE ESSEX TRUST

## FIRST DISTRICT

AFTER 1743



### KEY TO DIVISIONS

- CHELMSFORD
- COLCHESTER
- HALSTEAD
- DUNMOW
- ROCHFORD HUNDRED
- COGGESHALL
- NOTLEY



**FIGOT & CO'S**  
*Miniature Plan of London,*  
 & VICINITY.

*With the Geographical bearings from the*  
**DOME OF ST. PAULS,**  
*Formed into 70 Divisions by means*  
*of Circular & lines each Circle being*  
*6 Furlongs or  $\frac{3}{4}$  of a Mile from the*  
*next when measured in a direct line.*



