Anno tricesimo primo

Georgii II. Regis.

An Act for enlarging the Term and Powers granted by an Act of Parliament passed in the Twenty fourth Year of His present Majesty's Reign, for enlarging the Term and Powers granted by an Act passed in the Third Year of the Reign of His present Majesty, for repairing and amending the several Roads leading from *Woodstock*, through *Kiddington* and *Enstone*, to *Rollright Lane*, and *Enslow Bridge* to *Kiddington* aforesaid; and for making the said Act more effectual.

WHEREAS by an Act of Parliament passed in the Twenty fourth Year of the Reign of His present Majesty, intituled, An Act for enlarging the Term and Powers granted by an Act passed in the Third Year of the Reign of His present Majesty, for repairing and amending the several Roads leading from *Woodstock*, through *Kiddington* and *Enstone*, to *Rollright Lane*, and from *Enslow Bridge* to *Kiddington* aforesaid, in the County of *Oxford*, and for making the said Act more effectual; the Tolls granted by the said former Act of the Third

Preamble, reciting the Act 24 *Geo.* II.

Year of the Reign of His present Majesty were lessened One Third; and that after the passing of the said Act of the Twenty fourth Year of the Reign of His present Majesty, the Trustees thereby appointed or elected, or to be appointed or elected, to put the said Act, and the former Act, in Execution, or any Seven or more of them, were thereby impowered, by any Instrument or Writing under their Hands and Seals, to borrow and raise, for the Purposes in the said Acts, any Sum or Sums of Money, at lawful or less Interest, on the Credit of the Tolls by the said Act of the Twenty fourth Year of His Majesty's Reign granted, and to assign over such Tolls to such Person or Persons, or their Trustees or Guardians, who should advance or lend the same, as a Security for the Repayment of such Sum and Sums of Money as should be so borrowed or raised; provided that the Sum or Sums of Money, so to be borrowed, should not exceed in the Whole the Sum of Five hundred Pounds Principal Money: And whereas the Sum of Five hundred Pounds, and the Tolls made payable by the said Act of the Twenty fourth Year of His present Majesty, are not sufficient to repair, and keep in Repair, the Roads thereby directed to be repaired (being Twenty Miles in Length) in such Manner as the Turnpike Roads of this Kingdom are, by several Laws now in being, directed to be repaired; and the said Roads will become in a ruinous Condition, unless the Term and Powers granted by the said Act of the Twenty fourth Year of the Reign of His present Majesty, are further enlarged, and the said Act made more effectual: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Authorities, Powers, Forfeitures, Penalties, and Clauses, contained in the before-mentioned Act of the Twenty fourth Year of the Reign of His present Majesty (except the Tolls, and such Clauses, Matters, and Things, as are hereby altered, varied, or made void) shall be and continue in full Force, and be executed, from and after the Fifth Day of April, One thousand seven hundred and fifty eight, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of

The recited Act further continued for 21 Years.

Parliament, as fully and effectually as if the same were herein again repeated and re-enacted in the Body of this present Act: And that the said Term is hereby declared to be subject and liable to the Payment of all Sum and Sums of Money owing upon the Credit of the said recited Act of the Twenty fourth Year of His present Majesty's Reign, and of such other Sums of Money as shall be borrowed by the Authority of this Act, and the Interest due, and to grow due, on the same.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Trustees appointed or elected, or to be appointed or elected, by virtue of the said Act of the Twenty fourth Year of His present Majesty's Reign, or any Five or more of them, and they are hereby impowered from time to time, during the Term by this Act granted, by any Writing or Instrument under their Hands and Seals, to borrow and raise such Sum and Sums of Money at Four Pounds per Centum per Annum, on the Credit of the Tolls by this Act granted and made payable, and to assign over such Tolls, or any Part thereof (the Costs and Charges attending the borrowing and raising such Sum or Sums of Money, and of assigning the said Tolls, to be borne and paid out of such Tolls) for all or any Part of the Time or Term for which such Tolls are by this Act granted and made payable, as any Person or Persons, their Trustees or Guardians, shall be willing to advance and lend as a Security for the Repayment thereof, with Interest for the same, in such Manner, and by such Ways and Means, as shall appear to them the said Trustees, or any Five or more of them most proper and convenient, for performing such Matters as they shall think proper, for the effectual carrying on, continuing, and compleating, the Repair of the said Roads; which Sum and Sums of Money so borrowed and raised, and all Sum and Sums of Money to be borrowed and raised, and all Sums of Money collected or to be collected, in pursuance of, or by virtue of the said Act of the Twenty fourth Year of His present Majesty's Reign, and this present Act, shall, after the paying the Expences of passing this present Act, and attending the borrowing and raising any Sum or Sums of Money, and assigning the said Tolls as aforesaid, be applied and disposed of, for and towards amending the said Roads directed to be repaired by the said former Acts, and to and for such other Purposes as are therein and herein mentioned

Application of the Money borrowed.

and expressed, and to no other Use or Purpose whatsoever.

Trustees to erect Toll-gates and Toll-houses, &c.

And be it further enacted by the Authority aforesaid, That from and after the said Fifth Day of April, One thousand seven hundred and fifty eight, any Five or more of the Trustees appointed or elected, or to be appointed or elected, by virtue of the said Act of the Twenty fourth Year of His present Majesty's Reign, or such Person or Persons as they shall at a publick Meeting assembled, authorize and appoint, shall and may erect, or cause to be erected, a Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, in or across any Part or Parts of the said Roads, or in or across any Road or Roads leading into the same, by the said former Acts intended to be repaired, or to continue or discontinue any Gates or Turnpikes, or Toll-houses, now erected in, upon, or across any of the said Roads, so as such new Gates or Turnpikes, or Toll-houses, to be erected, or old ones discontinued, be not to the Prejudice of any Person or Persons who have, or hath already advanced Money on the Credit of the said Tolls, by the said Act of the Twenty fourth Year of His present Majesty's Reign granted, and shall receive and take of all Persons and Carriages, who are not exempt from the Payment of Tolls by any Law now in being, the Tolls following, in lieu of the Tolls granted and made payable by the said Act of the Twenty fourth Year of His present Majesty's Reign, before any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Waggon, Car, Cart, or Carriage, of any Denomination whatsoever; Horse, Mule, Ass, or Cattle whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls following to be taken instead of those granted by the former Act.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, or Calash, drawn by Six Horses, Mares, or Geldings, the Sum of Two Shillings.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, or Chair, drawn by Four Horses, Mares, or Geldings, the Sum of One Shilling and Six Pence; and drawn by Two Horses, Mares, or Geldings, the Sum of Nine Pence.

For every Chaise or Chair drawn by One Horse, Mare, or Gelding, the Sum of Three Pence.

For every Waggon, Wain, Cart, Sledge, or Carriage, drawn by Five or more Horses or Oxen (not belonging

ing to a common Carrier, or Person carrying for Hire), the Sum of One Shilling and Six Pence, if belonging to a Farmer, the Sum of Eight Pence; and drawn by Four Horses or Oxen (if belonging to a common Carrier, or Person carrying for Hire) the Sum of One Shilling, if belonging to a Farmer, the Sum of Six Pence; and drawn by Three Horses or Oxen (if belonging to a common Carrier, or Person carrying for Hire, or a Farmer) the Sum of Three Pence; and drawn by Two Horses or Oxen, the Sum of Two Pence; and drawn by One Horse or other Beast, One Penny.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence per Score; and so in Proportion for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Four Pence per Score; and so in Proportion for any greater or less Number.

Which respective Sum and Sums of Money aforesaid, shall be demanded and taken in the Name of or as a Toll; and the Money so to be raised, is and shall hereby be vested in the said Trustees appointed or to be appointed by virtue of the said Act of the Twenty fourth of His present Majesty, and shall be applied and disposed of to and for such Uses, Intents, and Purposes, as in the said former Acts and this present Act are directed, with the like Remedy, by Distress and Sale, in case of Refusal or Neglect of Payment of the said Tolls, as in and by the said former Acts is mentioned and directed. Tolls vested in the Trustees.

Provided always, That it shall and may be in the Power of the said Trustees, or any Five or more of them, at a Meeting assembled, to lower all or any of the Tolls hereby granted or made payable for such Time, and at such particular Gates or Toll-bars on the said Roads, as they shall think proper, and as they shall see Occasion to raise the same again to the Sums herein before made payable, or any less Sum. Trustees may lessen the Tolls, &c. and raise them again.

Provided always, and be it further enacted by the Authority aforesaid, That the several Gates or Turnpikes and Toll-houses erected and built, or to be erected and built, or removed, and the Rights and Properties to and in the same, and the Materials of which they shall consist, and the Materials for repairing and amending the said Roads, Property of the Turnpikes, &c. vested in Trustees.

shall

shall be and are hereby vested in the said Trustees appointed or elected, or to be appointed or elected to put the said former Acts and this present Act in Execution; and they or any Five or more of them, are hereby authorized and impowered to dispose thereof as they shall think fit; as also to bring, or cause to be brought, any Action or Actions in their Names, or in the Name of the Treasurer or Clerk for the time being, and to prefer or prosecute any Bill or Bills of Indictment against any Person or Persons who shall dig up, break, or pull down, steal, take, and carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, erected or to be erected or set up or removed in pursuance of the said former Acts or this present Act, or any Materials for building the same, or whereof they shall consist, or any such Materials for the Amendment or Repair of the said Roads.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified, or capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or shall be Heir Apparent of some Person having such Estate of the clear yearly Value of One hundred Pounds, or possessed of, or intitled unto, a Personal Estate alone, or Real and Personal Estate together, to the Amount or Value of One thousand Pounds, and unless the Person, not being such Heir Apparent, as aforesaid, claiming to have Fifty Pounds a Year, or One thousand Pounds Personal Estate alone, or Real and Personal Estate together, as aforesaid, shall take and subscribe the Oath or Affirmation following before any Three or more of the Trustees appointed or to be appointed by virtue of the said former Acts or this present Act, who are hereby authorized and required to administer the same, before he takes upon himself to act in the Trusts and Authorities of the said former Acts or this present Act; which Oath or Affirmation shall be to the Effect following, as the Circumstances of the Case shall require:

Trustees to take the Oath following before they act.

I *A. B.*

I *A. B.* do swear (or being a *Quaker* do solemnly affirm) That I truly and *bona fide* am, in my own Right, or in the Right of my Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Fifty Pounds above Reprizes, or possessed of, or intitled unto, Personal Estate alone, or Real and Personal Estate together, to the clear Amount or Value of One thousand Pounds. The Oath.

So help me GOD.

And if any Person shall be deemed unqualified or made incapable to act, shall nevertheless presume to act, contrary to the true Intent and Meaning hereof, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Trustee in the Execution of this Act; One Moiety of which Forfeiture shall be paid to the Prosecutor, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are by the said former Acts directed to be applied. Penalty on Persons acting as Trustees, who are disqualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and they are hereby required to take such Security from their Treasurer or Treasurers to be appointed as aforesaid, for the due Execution of their respective Offices, as to the said Trustees, or any Five or more of them, shall seem meet. Treasurer to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall in the First Place pay and discharge all the Costs and Charges attending the obtaining and passing this Act, out of the Tolls or Duties and Sums of Money raised or to be raised by virtue of the Charges of passing this Act to be first paid, &c.

said Act of the Twenty fourth Year of His present Majesty's Reign, or this Act.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.