Anno tertio

Georgii III. Regis.

An Act for enlarging the Term and Powers granted by Two Acts of Parliament of the Sixth and Twelfth Years of His late Majesty's Reign, for repairing the Road from *Fyfield* in the County of *Berks*, to *Saint John's Bridge* in the County of *Glouceſter*, and from an Inn called the *Hind's Head*, in the Pariſh of *Kingſton Bagpuze* in the ſaid County of *Berks*, to that Part of *Newbridge* which ſtands in the ſaid County of *Berks*; and for rendering the ſaid Acts more effectual.

Preamble.



WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Second, intituled, An Act for repairing the Roads leading from a Place called *Saint John's Bridge*, in the County of *Berks*, to a Place called *Fyfield* in the said County; several Tolls, Duties, and Powers, are granted to certain Trustees in the said Act mentioned, which were to take Place from and after the first Day of June, One thousand seven hundred and thirty three, and to continue for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; which said Tolls, Duties, and Powers, 12 Geo. II. were by an Act passed in the Twelfth Year of the Reign of His said late Majesty, (intituled, An Act for enlarging the Term and Powers granted by an Act passed in the Sixth Year of the Reign of His present Majesty, for repairing the Road from *Fyfield* in the County of *Berks*, to *Saint John's Bridge* in the County of *Gloucester*; and for repairing the Roads from an Inn called *The Hind's Head* in the Parish of *Kingston Bagpuze*, in the said County of *Berks*, to that Part of the new Bridge which stands in the said County of *Berks*) further enlarged and continued from and after the Expiration of the said Act of the Sixth Year of His late Majesty's Reign, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and certain further Tolls, Provisions, and Powers, were granted to the said Trustees appointed by the said Act of the Sixth Year of His said Majesty's Reign, who, together with the Trustees nominated and appointed in and by the said Act of the Twelfth Year of His said Majesty's Reign, are declared to be Trustees for repairing the Roads directed to be repaired by the said Acts, or either of them: And whereas the said Roads cannot be amended and kept in Repair, nor the Money owing upon the Credit of the Tolls be repaid, without a further Continuance of the Term granted by the said Acts, and an Increase of the Tolls hereby given:

given: To the End therefore, that the said Roads may be put into, and kept in sufficient Repair, and that the Money due and owing, or hereafter to be borrowed upon the Credit of the said former Acts or this present Act may be repaid, May it please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees appointed or elected, or to be appointed or elected, by and under the Powers of the said former Acts, or either of them, or of this present Act, shall be, and they are hereby appointed Trustees for putting this present Act in Execution; and that the said Acts of the Sixth and Twelfth Years of the Reign of His late Majesty King George the Second, and all and every the Authorities, Powers, Penalties, Forfeitures, and Clauses, therein contained (except such Clauses, Matters, and Things, as are hereby altered or varied) shall be and continue in full Force, and be executed from and after the Expiration of the Term by the said last mentioned Act granted, for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, in as full and ample Manner, as if the said Acts of the Sixth and Twelfth Years of the Reign of his said late Majesty, were again repeated and re-enacted in the Body of this present Act, for the Purposes therein and herein mentioned; but if at any Time before the Expiration of the said additional Term of Twenty one Years hereby granted, all the said Roads shall be sufficiently amended and repaired, and so adjudged by the respective Justices of the Peace for the Counties of Berks and Gloucester, assembled at their Quarter Sessions to be holden for the said respective Counties, that then, from and after such Adjudication made, and Repayment of all such Money as shall be due and owing upon the Credit of the said former Acts and this present Act, together with the Interest for the same, the several Tolls and Duties thereby and hereby granted, continued, and made payable, shall cease and determine; any Thing herein contained to the contrary notwithstanding.

Trustees under the former Acts to put this Act in Execution.

The recited Acts of 6 and 12 *Geo.* II. further continued for 21 Years.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term, and the Money due be repaid, the Tolls, *&c.* to cease.

And whereas by the said Act of the Sixth Year of His late Majesty, it is provided and declared, That in case there shall be more than One Gate or Turnpike in, cross, or on the Sides of the said Roads, no Person or Persons having paid the said Toll or Duty at any Gate or Turnpike, shall be liable to pay any Toll or Duty at any other Gate or Turnpike erected upon the said Roads on the same Day: And whereas it has been found impossible to amend the said Roads, or to keep the same in Repair, without an Increase of the said Tolls; be it therefore enacted by the Authority aforesaid, That such Part of the said Clause as directs the said Tolls to be paid at One Gate or Turnpike only upon the same Day, shall be, and is hereby declared to be, repealed.

Repeal of the Clause, directing the Tolls to be paid at 1 Gate only the same Day.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees appointed, or to be appointed, to put the said former Acts, and this present Act, in Execution, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to receive and take the Tolls and Duties granted by the said Act of the Twelfth Year of the Reign of His late Majesty, at any Two of the Gates or Turnpikes erected, or to be erected, in or upon any Part of the said Roads, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, Dray, Carriage, Horse, Mare, Gelding, Mule, or Ass, Oxen, Sheep, Lambs, Hogs, or other Cattle or Carriage whatsoever, shall be permitted to pass through the same; any thing in the said former Acts contained to the contrary notwithstanding: And the said Tolls are and shall, from and after the passing of this present Act, be vested in the said Trustees appointed, or to be appointed, to put the said former Acts, and this present Act, in Execution; and that they, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall, and they are hereby declared respectively to have the same Powers, Authorities, and Remedies, for demanding, collecting, borrowing Money on, and recovering and levying, the Tolls hereby made payable, as are in or by the said former Acts, or either of them, given and prescribed: And the Tolls hereby granted and made payable, and every Part thereof, shall,

Tolls may be taken for the future at any 2 of the Gates.

Tolls vested in Trustees,

with Power to levy the same;

shall, after paying the Charges of passing this Act of Parliament, be paid, applied, and disposed of, and assigned, to and for such Uses, Intents, and Purposes, as the Tolls are in and by the said former Acts, or either of them, and this present Act, directed and appointed, and to no other Use or Purpose whatsoever.

to be applied as in the former Acts, or this Act, and directed.

Provided always, That nothing in this Act contained shall extend to impower the said Trustees, or any Person or Persons by them appointed, to take the said Toll at more than Two Gates upon the said Roads, for the Passage of any Carriage, Horse, Beast, or Cattle, in the same Day, before Twelve of the Clock at Night.

Tolls to be taken but at 2 Gates the same Day.

And whereas by the said Act of the Sixth Year of His late Majesty's Reign, it is provided, That if any Coach, Berlin, Chariot, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or Carriage, Horse, Mule, Ass, or any other Cattle, shall pass through any Gate or Turnpike erected by virtue of the said Act, for which the Tolls or Duties by the said Act imposed have been paid, and shall stop and stay the Night following at or near the Town of Farrington (being in the Road thereby intended to be repaired) that then, and in such Case, the Owner or Driver of such Coach, Berlin, Chariot, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or Carriage, Horse, Mule, Ass, or any other Cattle (upon producing a Ticket or Tickets of such Payment) shall not be obliged the next Day to pay any Toll or Duty thereby imposed for passing through any Turnpike or Gate erected, or to be erected, provided the same pass or return before Twelve of the Clock at Noon that Day; any thing in the said Act contained to the contrary notwithstanding: And whereas by the said Act of the Twelfth Year of His said Majesty's Reign, it is provided and declared, That nothing in the said former Act, or in the said last mentioned Act, should extend, or be construed to extend, to charge any Person or Persons with any of the Tolls or Duties, who should, from and after the First Day of June One thousand seven hundred and thirty nine, pass through any of the Turnpikes erected, or to be erected, by virtue of the said former Act, or the said Act of the Twelfth Year of His said Majesty, with any Coaches, Waggons, Wains, Carts, or Carriages, travelling for Hire, which shall stop or stay at or in the Town of Farrington from Saturday

Clause in Act 6 *Geo.* II. exempting Travellers stopping a Night at *Farrington*, from paying Toll the next Day before 12 at Noon;

and Clause in Act 12 *Geo.* II. exempting such as shall stop at the said Town, from *Saturday* till *Monday* Noon, from paying Tolls;

Saturday Night till Monday Noon, such Coaches, Waggons, Wains, Carts, and Carriages, passing before Twelve of the Clock that Day, and the Owners or Drivers of such Coaches, Waggons, Wains, Carts, and Carriages, producing a Note or Ticket signifying that the Tolls or Duties payable by virtue of the said former Act, or the said Act of the Twelfth Year of his said Majesty, had been paid on the Saturday before for such Coaches, Waggons, Carts, or Carriages; any thing in the said former Act, or the said Act of the Twelfth Year of his said Majesty, to the contrary notwithstanding: And whereas the said Two last-mentioned Clauses in the said respective Acts have been found inconvenient; be it therefore enacted by the Authority aforesaid, That the said Two last-mentioned Clauses in the said respective Acts of the Sixth and Twelfth Years of his late Majesty, shall, from and after the passing of this present Act, be, and they are hereby declared to be repealed.

repealed.

No Victualler, &c. to accept a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler or Person retailing Spirituous or Fermented Liquors, shall be capable of being employed as a Gate Keeper, to any Gate or Turnpike erected, or to be erected, by virtue of the said former Acts, or this present Act.

Qualification of Trustees.

And be it further enacted by the Authority aforesaid, That no Person shall be deemed 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 and 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 to, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of One thousand Pounds: And if any Person hereby deemed incapable of acting, shall nevertheless presume to act, every such Person shall for every such Offence, forfeit the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same; to be recovered in any of his Majesty's Courts at Westminster, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; One Moiety of which said Forfeiture shall be paid to the Prosecutor, and the other Moiety thereof shall be applied to the repairing of the said

Penalty on acting, not being qualified.

Application of the Penalty.

said Roads; and the Person so prosecuted, shall prove that he is so 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 had acted as a Trustee in the Execution of this Act.

Treasurers, &c. to give Security.

And be it further enacted by the Authority aforesaid, That the said Trustees shall, and they are hereby required to take such Security from their Treasurer or Treasurers, as to the said Trustees, or any Five or more of them, shall appear reasonable.

Clauses in the recited Acts, restraining the Trustees from borrowing more than 2,500*l.* upon the Credit of the Tolls, repealed.

And whereas by the said Act of the Twelfth Year of the Reign of His said late Majesty, the Trustees appointed to put the said Act, and likewise the said former Act in Execution, are restrained from borrowing any more than the Sum of Two thousand five hundred Pounds, upon the Credit of the Tolls by the said Acts granted: And whereas the said Sum of Two thousand five hundred Pounds, may be insufficient effectually to amend the said Roads, and to keep the same in Repair; be it therefore enacted by the Authority aforesaid, That so much of the said Act as restrains the said Trustees from borrowing any further Sum than the Sum of Two thousand five hundred Pounds, shall be, and is hereby declared to be repealed; and the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing under their Hands and Seals, to assign over the said Tolls and Duties granted by the said former Acts or this present Act (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties) for any Time or Term for which such Tolls or Duties are hereby made payable, or for any Part of such Time or Term, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to any Person or Persons who shall advance and lend the same, to secure the Repayment thereof, with Interest for the same; which said Money so to be borrowed, shall be applied in the first Place to pay the Charges and Expences of obtaining this Act of Parliament, and then shall be applied and disposed of as the said Tolls or Duties are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Tolls may be assigned for Money borrowed.

Application of the Monies.

Trustees, with Consent of the Creditors, may lessen the Tolls,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, at a publick Meeting assembled, with the Consent of all the Persons who have lent Money upon, or who are Creditors of the said Tolls or Duties, to reduce or lessen the said Tolls or Duties, or any Part of them, and to raise the same again at any Time, so as such Tolls or Duties shall not exceed the Tolls or Duties authorized or impowered to be taken by the said former Acts, and this present Act.

and raise them again;

or they may lease, &c. the Tolls for the Term of 3 Years.

And be it further enacted by Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at a publick Meeting assembled, from time to time, by Writing under their Hands and Seals, to lease or lett the said Tolls for the best Price that can be obtained for the same, so as such Contract, Lease, or Agreement, shall not exceed the Term of Three Years.

Persons renting 50*l. per Annum* deemed Teamholders,

And, to prevent Disputes relating to the Performance of Statute-work; be it further enacted by the Authority aforesaid, That every Inhabitant of any Town, Parish, Hamlet, or Place, liable to repair any Part of the Roads directed to be repaired by the said former Acts, and this present Act, who shall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, shall be deemed and taken to keep a Team, and shall do and perform such Work in and towards the repairing the Highways of the several Towns, Parishes, Hamlets, and Places, in which they respectively live, as Persons keeping Teams are obliged by Law and ought to do; and so toties quoties, for every Fifty Pounds yearly Value, of Lands, Tenements, and Hereditaments, by such Inhabitant respectively rented, held, or occupied.

and to perform Statute-work therewith.

Public Act.

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

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FINIS.