Anno octavo

Georgii III. Regis.

An Act to enlarge and vary the Term and Powers of an Act for repairing and widening the Road from the West End of *Thames Street*, in the City of *Oxford*, over *Botley Causeway*, to the Turnpike Road near *Fifield*, in the County of *Berks*; and to provide more effectually for repairing and widening the ancient Horse Road from the West End of *Botley Causeway* to *Witney*, in the County of *Oxford*.



WHEREAS by an Act made in the last Session of Parliament, intituled, An Act for repairing and widening the Road from the West End of *Thames Street*, in the City of *Oxford*, over *Botley Causeway*, to the Turnpike Road near *Fifield*, in the County of *Berks*; several Tolls, Duties, and Powers, were granted for repairing the said Road: And whereas the Trustees, appointed in and by the said Act, have made a great Progress in executing

Preamble, reciting Act 7 *Geo.* III.

executing the Trusts thereby reposed in them, have entered into several large Contracts, and have borrowed a considerable Sum of Money upon the Credit of the said Act; but find the Undertaking is so great, and the necessary Expences attending it so heavy, that it will be difficult to raise Money for completing so beneficial a Work, or to discharge the Sums of Money already borrowed, unless the Term granted by the said Act be extended, and the Powers thereof altered and enlarged: And whereas it would be much more commodious to Passengers, and less expensive to the Trust, if the Road leading from the West End of the Butcher Row, in the City of Oxford, over or near the Castle Hill, to Botley Causeway, was directed to be repaired, instead of the Road leading from the West End of Thames Street to Botley Causeway, directed to be repaired by the said Act: And whereas by the said Act the Trustees are impowered to erect a Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the said Causeway, called Botley Causeway; and also One other Gate or Gates, Turnpike or Turnpikes, in or across any Part or Parts of the Road between Cumner Common Field and Fifield, and to take the Tolls in the said Act mentioned at each of the said Gates or Turnpikes; which Manner of collecting the Tolls has been found insufficient for the Purposes intended by the said Act, there being no Place between Cumner Common Field and Fifield where a Gate can be erected, so as to prevent Passengers from evading the Payment of the Tolls thereat; and the Purposes of the said Act would be more effectually answered if the Tolls thereby directed to be collected at Botley Causeway, and also the Tolls thereby directed to be collected between Cumner Common Field and Fifield, were collected at Botley Causeway only: And whereas by an Act made in the Twenty fourth Year of the Reign of his late Majesty, intituled, An Act for repairing the Road from the Top of *Crickley Hill*, in the County of *Gloucester*, to *Frogg Mill*, through the Towns of *North Leach*, *Burford*, and *Witney*, and Parishes of *Hanborough* and *Bladen*, to *Campsfield* in the Parish of *Kidlington*, in the County of *Oxford*; and also the Road from *Witney* through *Eynsham*, *Cumner*, and *Botley*, to the City of *Oxford*; several Tolls, Duties, and Powers, were, among others, granted for repairing the ancient Horse Road leading from a House or Inn called Staple Hall, in the Town of Witney, to and through the Parishes of Eynsham, Cumner, Wytham, and

and 24 *Geo.* II.

and Botley, in the Counties of Oxford and Berks, to the Weſt End of Botley Cauſeway aforeſaid; and, in purſuance of the Powers granted in and by the ſaid Act, the Truſtees appointed to put the ſame in Execution have cauſed to be erected Gates or Turnpikes in or acroſs the ſaid Road, for collecting the Tolls granted by the ſaid laſt mentioned Act to be collected thereat; and have alſo borrowed the Sum of Seven hundred Pounds upon the Credit of the Tolls granted and to be collected at the ſaid Gates or Turnpikes: And whereas it would be greatly for the Benefit and Accommodation of the Publick, if the ſaid Tolls and Duties granted by the ſaid laſt mentioned Act were entirely to ceaſe and determine, and the ſaid Sum of Seven hundred Pounds was to be paid off, and the Charge of repairing and widening the ſaid ancient Horſe Road, ſo as to make the ſame commodious for Carriages, was to be defrayed out of the Tolls and Duties now payable on the ſaid Road leading from Oxford to Fifield, when the ſame are conſolidated and taken upon Botley Cauſeway only; which Payment of the ſaid Sum of Seven hundred Pounds, and the Charge of repairing and widening the ſaid ancient Horſe Road, the Truſtees of the ſaid Road from Oxford to Fifield are willing and deſirous to undertake, without any freſh Charge to the Publick, on having proper Powers veſted in them for the Purpoſes aforeſaid; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act made in the laſt Seſſion of Parliament, and all and every the Tolls, Authorities, Powers, Proviſions, and Clauſes, therein contained, ſo far only as the ſame relate to the repairing and widening the Road leading from the Weſt End of Thames Street to Botley Cauſeway, or as the ſame relate to certain conditional Payments therein directed to be made by the Truſtees of the ſaid laſt mentioned Act, to the Truſtees of the ſaid Act made in the Twenty fourth Year of the Reign of His late Majeſty, ſhall immediately, from and after the paſſing of this Act, be, and they are hereby repealed.

Act of laſt Seſſion in Part repealed.

And be it further enacted, That the ſaid Act made in the Twenty fourth Year of the Reign of His late Ma-

Act 24 *Geo.* II. in Part repealed.

jesty, and all and every the Tolls, Authorities, Powers, Provisions, and Clauses therein contained, so far only as the same relate to the repairing the ancient Horse Road leading from a House or Inn called Staple Hall, in the Town of Witney, to and through the Parishes of Eynsham, Cumner, Wytham, and Botley, in the Counties of Oxford and Berks, to the West End of Botley Causeway, shall immediately, from and after the passing of this Act, be, and they are hereby repealed.

Commencement of the Turnpike Road.

And be it further enacted, That the Road directed to be repaired and widened by the said Act made in the last Session of Parliament and this Act shall, from and after the passing of this Act, be deemed and taken to commence at the West End of the Butcher Row in the City of Oxford, and shall pass over or near the Castle Hill in the said City to Botley Causeway aforesaid, in as straight a Line as the Nature of the Ground will permit; and that the Trustees appointed by the said Act and this Act, or any Nine or more of them, shall, by virtue of this Act, have full and sole Power and Authority to take down, throw open, and remove, any Houses, Buildings, Courts, Yards, Orchards, or Gardens, in or near any Part of the said intended Road from the West End of the Butcher Row to the West End of the Town of Botley, or in or near any Avenue leading to the same, within the City of Oxford aforesaid, or the Suburbs of the same; making full Satisfaction to all Persons interested in the same, in Manner directed by the said Act made in the last Session of Parliament with respect to such Lands or Buildings as by the said Trustees, with such Consent and Approbation as are therein mentioned, should be taken down, thrown open, or removed, in or near the said Road from the West End of Thames Street to the West End of the Town of Botley, or the Avenues leading thereto.

Horse Road from *Botley* to *Witney*, to be deemed Part of new Road.

And be it further enacted, That the ancient Horse Road from the West End of Botley Causeway aforesaid, to and through the Parishes or Tythings of Botley, Wytham, Cumner, Swynford, and Eynsham, in the Counties of Berks and Oxford, to a House or Inn called Staple Hall in the Town of Witney, in the said County of Oxford, shall, from and after the passing of this Act, be deemed and taken to be Part of the Road intended to be repaired and widened by the said Act made in the last Session of Parliament and this Act, to all Intents and Purposes, except only the Power of collecting Tolls thereon.

And

And be it further enacted, That the said Act made in the last Session of Parliament, and all and every the Authorities, Powers, Privileges, Provisions, and Clauses, therein contained (except such as are hereby varied, altered, or repealed) together with all and every the Tolls, Duties, Authorities, Powers, Provisions, and Clauses, herein contained, shall be and continue in full Force, for and during all the Residue and Remainder of the Term now to come and unexpired of the said Act, and from and after the Expiration thereof, then for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and shall extend and have relation not only to the repairing and widening the said Road leading over Botley Causeway, to the Turnpike Road near Fifield, but also to the repairing and widening the said Road leading from the West End of the Butcher Row, in the City of Oxford, over or near the Castle Hill to Botley Causeway; and also to the repairing and widening the said ancient Horse Road leading from the West End of Botley Causeway aforesaid, to a House or Inn called Staple Hall in the Town of Witney, in as full and ample a Manner as if the same were herein repeated and re-enacted in the Body of this present Act: Which said Terms, in and by the said Act made in the last Session of Parliament and this Act granted, are hereby declared and enacted to be subject and liable, as well to the Payment of all Sums of Money now due and owing upon the Credit of the said Act made in the last Session of Parliament, as to the Payment of the said Sum of Seven hundred Pounds, and all other Sums which, at the Time of the passing of this Act, shall be due and owing upon the Credit of the Tolls of the said ancient Horse Road leading from Staple Hall aforesaid to the West End of Botley Causeway, and also of such other Sum or Sums of Money as shall be borrowed for the Purposes of the said Act made in the last Session of Paliament and of this Act. Part of Act 7 Geo. III. continued for 21 Years, &c.

And be it further enacted, That from and after the passing of this Act, the Tolls directed to be taken by the said Act made in the last Session of Parliament, shall cease; and instead thereof, the Trustees appointed to put the said Act in Execution, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, shall demand and take, or cause to be demanded and taken, during the Continuance of the Former Tolls to cease.

Terms aforesaid, at the Gate now erected, or any other which shall be erected, in or across any Part or Parts of the said Causeway called Botley Causeway, of the Person or Persons attending any Cattle or Carriage herein after mentioned, the following Tolls or Duties, before any such Cattle or Carriage shall be permitted to pass through the same; that is to say,

New Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Hearse, Waggon, Wain, Dray, Car, Cart, or other Carriage whatsoever with Four Wheels, the Sum of Eight Pence; and with less than Four Wheels, the Sum of Four Pence.

For every Horse, Mare, Gelding, Mule, or Ass, drawing or not drawing, laden or unladen, the Sum of Two Pence.

For every Ox, Bull, Cow, Steer, or Heifer, the Sum of One Penny.

And for every Calf, Swine, Sheep, or Lamb, the Sum of One Halfpenny.

And the same, and every Part thereof, shall be applied, disposed of, leased, assigned, and levied in such Manner, and with such Remedies for the Non-payment or Evasion of the same, and with such and the same Exemptions, Powers, and Provisions, as by the said Act made in the last Session of Parliament, are provided and granted with respect to the Tolls or Duties thereby directed to be taken.

Charges of passing this Act to be first paid.

Provided always, That out of the First Monies arising therefrom, or which shall be borrowed on the Credit thereof, the Expences of procuring and passing this Act shall be paid and discharged.

Where Turnpikes may not be erected, &c.

Provided also, and be it further enacted, That nothing in the said Act made in the last Session of Parliament, or in this Act contained, shall extend to impower the said Trustees to erect any Toll-gate or Turnpike on any Part of the said Road leading from the West End of Botley Causeway, to the Turnpike Road near Fifield, other than such as may be erected within Fifty Yards from the West End of Botley Causeway, or such Side-gates as may be found necessary for preventing Frauds and Evasions (both which, the said Trustees, or any Five or more of them, are hereby impowered to erect, and to take thereat the Tolls directed by this Act) so that

such

ſach Toll-gates, Turnpikes, or Side-gates, ſhall not occaſion a double Charge to Travellers; and that nothing in the ſaid Acts, or either of them contained, ſhall extend to impower the ſaid Truſtees to erect or continue any Toll-gate, Turnpike, or Side-gate, or to take any Toll on any Part of the Road leading from the Weſt End of Botley Cauſeway, to the ſaid Houſe or Inn called Staple Hall, in the Town of Witney.

Toll-houſes in the Horſe Road veſted in the Truſtees, &c.

And be it further enacted, That all and every the Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, now erected in or acroſs the ſaid ancient Horſe Road leading from Staple Hall, to the Weſt End of Botley Cauſeway, and the Materials of which the ſame conſiſt, and all Materials which ſhall have been provided by the Truſtees acting under the Authority of the ſaid Act made in the Twenty fourth Year of the Reign of his late Majeſty, or by their Surveyor or Surveyors for repairing the ſaid Horſe Road; and all Monies which are or ſhall be due to the ſaid laſt mentioned Truſtees, for or on account of the ſaid Horſe Road, ſhall be, and they are hereby veſted in the Truſtees appointed in and by the ſaid Act made in the laſt Seſſion of Parliament, and this Act; and they, or any Five or more of them, ſhall and may remove and diſpoſe of the ſame in ſuch Manner as they ſhall think proper for the Purpoſes of the ſaid laſt mentioned Act.

Treaſurer, &c. under the Act 24 *Geo.* II. to account with Truſtees under the Act of laſt Seſſion.

And be it further enacted, That the Treaſurer or Treaſurers, and all other Officers acting under the Authority of the ſaid Act made in the Twenty fourth Year of the Reign of his late Majeſty, ſhall, and they are hereby required, within One Month next after the paſſing of this Act, to produce their Accounts, and to pay unto the Truſtees appointed in and by the ſaid Act made in the laſt Seſſion of Parliament, and this Act, or any Five or more of them, or to their Treaſurer, all ſuch Sum and Sums of Money as ſhall then remain in their or any of their Hands belonging to the ſaid Truſt, ſo far as the ſame relates to the repairing of the ſaid ancient Horſe Road leading from the ſaid Houſe or Inn called Staple Hall, in the Town of Witney, to the Weſt End of Botley Cauſeway; and ſhall alſo deliver over unto the ſaid Truſtees, or any Five or more of them, or to their Treaſurer, all Books, Papers, and Writings, or true Copies thereof (to be taken at the Expence of the ſaid Truſtees) which ſhall at ſuch Time be in the Cuſtody or Poſſeſſion of them, or any of them, relating to

the said Horse Road; and in case such Treasurer or other Officer, shall refuse or neglect to produce such Accounts, and to make such Payment, or to deliver such Books, Papers, and Writings, or true Copies thereof as aforesaid, then any One or more Justice or Justices of the Peace for the County or Place where such Treasurer or Officer shall live, may make Enquiry of and concerning such Default in a summary Way, as well by Confession of the Party, as by Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer, without Fee or Reward) and if any such Treasurer or Officer shall be convicted of all or any the Offences aforesaid, such Justice or Justices shall, upon such Conviction, commit such Treasurer or Officer to the common Gaol of the said County or Place, there to remain without Bail or Mainprize until he shall have produced such Accounts, and made such Payment, and shall have delivered such Books, Papers, and Writings, or true Copies thereof, as aforesaid, or until he shall have compounded and agreed with the said Trustees, or any Five or more of them, and have paid such Composition-money (which Composition the said Trustees, or any Five or more of them, are hereby authorized and impowered to make) and shall have given such Satisfaction to the said Trustees, or any Five or more of them, as the said Justice or Justices shall think reasonable, concerning such Books, Papers, and Writings: Saving nevertheless to such Treasurer or other Officer such Right of Appeal to the Justices of the Peace at their General Quarter Sessions, and under such Conditions and Regulations as is provided by the said Act made in the last Session of Parliament, with respect to the Appeals thereby permitted to be made.

Penalty on Persons damaging the Bridges on *Botley* Causeway.

And whereas in repairing and widening Botley Causeways aforesaid, it will be necessary to construct or rebuild divers large and expensive Bridges over such Part of the River Thames or Isis as is navigable for Boats and Barges, and over other Branches of the same; therefore, for preventing the wilful, malicious, or negligent, destroying or damaging the said Bridges, or interrupting the Building of the same; be it further enacted, That if any Person or Persons shall unlawfully, wilfully, and maliciously, burn, blow up, pull down, or otherwise damage or destroy any of the said Bridges,

or any Part thereof; or shall unlawfully, wilfully, and maliciously, remove, take away, damage, or destroy, any Works or Materials to the said Bridges, or any of them belonging, or provided for the Building of the same, and situate, lying, or being in, near, or upon, the said Bridges, River, or Causeway, or any of them; or shall unlawfully, wilfully, or maliciously, direct or procure the same to be burnt, blown up, pulled down, removed, taken away, or otherwise damaged or destroyed; every such Offender or Offenders, being lawfully convicted thereof, shall be judged guilty of Felony, and shall suffer as a Felon: And every Master and Owner of any Boat, Barge, or other Vessel, shall be and is hereby made answerable for any Damage or Mischief that shall wilfully or negligently be done by his or her Boat, Barge, or Vessel, or by any of the Boatmen, Bargemen, Watermen, or Crew, of and in such Boat, Barge, or Vessel, to any of the said Bridges, Works, or Materials; and shall and may be sued for the same by the Clerk or Treasurer of the said Trustees for the time being in an Action of Trespass, or on the Case, to be brought in any of his Majesty's Courts of Record at Westminster, in which it shall be sufficient for the Plaintiff to declare generally on the Trespass or Damage done to any of the said Bridges, Works, or Materials, and upon Trial to give this Act and the Special Matter in Evidence; and if such Trespass or Damage be proved, the Plaintiff shall recover such Damages as the Jury shall assess for the same; to be applied, when recovered, under the Direction of the said Trustees, or any Five or more of them, to the Purposes of the said Act made in the last Session of Parliament and of this present Act.

New Trustees.

And be it further enacted, That the several Trustees appointed in or by virtue of the said Act made in the Twenty fourth Year of the Reign of his late Majesty, usually acting for such Parts of the Roads therein directed to be repaired as lie within the Counties of Oxford and Berks (that is to say) Sir William Burnaby Baronet, John Pryor and Simon Wisdom Esquires, William Goodenough, Charles Hoskins, Thomas Middleton, John Mulso, John Pinnell, Henry Powell, David Price, George Seele, and Richard Slade, Clerks; Augustine Batt, John Brookes, William Brookes, William Chapman, Anthony Collins, John Collins, Bartholomew Collingwood, John Coxeter, Henry Dorne, Samuel Druce, James Gray, James Holton,

Holton, Thomas Horne, Henry Howell, Joseph Lardner, David Lea, James Leverett, Francis Marriott, John Marriott, Thomas Marriott, William Marriott, Richard Morris, John Patten, Thomas Sanders, John Shorter, Thomas Sylvester, Elijah Waring the younger, Samuel Waring, Wells Waring, Edward Witts, John Wright, and William Wright, Gentlemen; the Master of the Company of Blanketters at Witney for the time being, and the Bailiffs of Witney for the time being, and also Thomas Fothergill and George Huddesford Doctors in Divinity, William Markham Doctor of Civil Law, and William Craven Esquire; shall be and they are hereby appointed (together with such Persons as are or have been named and appointed in or by virtue of the said Act made in the last Session of Parliament) Trustees for putting the said Act made in the last Session of Parliament and this Act in Execution; subject nevertheless to the same Qualification and Penalty for acting if not qualified, and to the same Mode of recovering the said Penalty, as are mentioned and contained in the said Act made in the last Session of Parliament.

Earl of *Abingdon's* Tenants to use any Number of Horses in crossing the ancient Horse Road.

And whereas a considerable Part of the ancient Horse Road from Oxford to Witney, directed to be windened and repaired by this Act, goes through the Estates of the Right Honourable Willoughby Earl of Abingdon, in the Parishes of Cumner and Wytham, or One of them, along the Ridge of several steep Hills, with a very great Declivity on each Side thereof, so that in crossing the said Road in their Passage from One Part of the said Estates to another the Tenants, Workmen, and Servants, of the said Earl are obliged to use more Horses in their Waggons, Carts, and other Carriages, than are permitted by the Laws now in being to be used upon Turnpike or publick Roads; be it therefore further enacted, That such Part of the said ancient Horse Road as goes through the Estates of the said Earl, in the Parishes of Cumner or Wytham, or either of them, shall not be deemed and considered as a Turnpike Road or publick Highway, with respect only to the Dimensions of the Wheels, and the Number of Horses, or other Beasts of Draught which shall be used by the said Earl, or the Owners of the said Estates for the time being, his or their Tenants, Workmen, or Servants, in their respective Waggons, Carts, or other Carriages, drawn or passing directly across the said ancient Horse Road, and not along any Part thereof.

Provided

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to the Ferry over the said River Thames or Isis between Swynford, in the County of Berks, and Eynsham, in the County of Oxford, or the Bridge called Swynford Bridge, now erecting in lieu thereof by the said Willoughby Earl of Abingdon, the Owner and Proprietor of the same, or the Tolls of the said Ferry and Bridge, or the Repairs of the same, or of the Causeways thereunto adjoining; but that the said Ferry and Bridge, and the Right to the said Tolls, and the Obligation to repair and maintain the said Ferry, Bridge, and Causeways, shall be and remain as if this Act had never been made. Earl of *Abingdon's* Right to *Swynford* Ferry and Bridge, saved.

And be it further enacted, That if any Action or Suit shall be brought or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County where such Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority, of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall be so brought after the Time before limited for bringing the same, or shall be brought in any other County or Place; then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall have Treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters done in pursuance of this Act; and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law. Limitation of Actions. General Issue. Treble Costs.

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

FINIS.