Anno octavo

Georgii III. Regis.

An Act for continuing and enlarging the Powers of an Act paſſed 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* Bladon, *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; except ſo much thereof as relates to the Road from *Witney*, through *Eynſham*, *Cumner*, and *Botley*, to the City of *Oxford*; and alſo for repairing and widening the Road from *Campsfield*, to the Turnpike Road at or near *Enſlow Bridge*, in the ſaid County of *Oxford*.

Preamble.

WHEREAS by an Act of Parliament made in the Twenty fourth Year of the Reign of his late Majesty King George the Second, 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 were granted and Powers given to the Trustees therein named for the Term therein mentioned: And whereas a considerable Sum of Money hath been borrowed upon the Credit of the said Act, which, together with the said Tolls, have been applied in repairing the said Roads, and great Progress hath been made in the Repairs thereof, but the same cannot be effectually done, and the Money borrowed repaid, without the Assistance of Parliament: And whereas by an Act made in this present Session of Parliament, intituled, 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*; so much of the said first recited Act as relates to the repairing the ancient Horse Road leading from Staple Hall, in the Town of Witney aforesaid, to the West End of Botley Causeway, is repealed; and the Sum of Seven hundred Pounds borrowed on the Credit of the Tolls to arise on the said Horse Road, and all other Sums due and owing on the Credit of the same, are charged upon the Credit of the Tolls granted by the said last mentioned Act: And whereas the Road from Campsfield aforesaid to the Turnpike Road at or near Enslow Bridge, in the County of Oxford, is in many Parts narrow and incommodious, and cannot be sufficiently amended, widened, and kept in good Repair, by the ordinary Course of Law: May it therefore please Your Majesty, that it may be enacted; and be it enacted

ed 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 from and after the passing of this Act, the said first recited Act, and this present Act, and all the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Clauses, Matters, and Things, therein and herein contained (except so much thereof as relates to the ancient Horse Road from Staple Hall aforesaid, to the West End of Botley Causeway; and also so much thereof as is herein varied, altered, and repealed) shall be, and the same are hereby respectively declared to be, in full Force and Effect, and shall be put in Execution, as well for the Purposes in the said first recited Act mentioned, as for the surveying, ordering, repairing, amending, widening, and improving, the said additional Roads herein before described, for and during the Term granted by the said first recited Act; and that from the Expiration of the Term of the said first recited Act, and also of the additional Term granted by an Act made in the Twenty eighth Year of the Reign of his late Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom; and for the more effectual Execution of the Laws relating thereto,* for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament, as effectually to all Intents and Purposes as if the same were re-enacted in the Body of this present Act; and the additional Term hereby granted shall be subject and liable to the Payment of the Monies which are or shall be borrowed on the Credit of the said first mentioned Act, or of this present Act, except only the said Sum of Seven hundred Pounds borrowed on the Credit of the Tolls of the said intended Horse Road, and all other Sums due and owing on the Credit of the same.

The recited Acts further continued for 21 Years.

Exception.

And be it further enacted by the Authority aforesaid, That the Right Honourable Charles Spencer, commonly called Lord Charles Spencer; the Right Honourable Robert Spencer, commonly called Lord Robert Spencer, Philip Lord Viscount Wenman in the Kingdom of Ireland, the Honourable Peregrine Bertie, George Simon Lord Viscount Newnham, the Honourable William Harcourt, Sir William Burnaby, Sir John Read, Baronets; William Blackstone, Thomas Walker, William Craven,

Additional Trustees Names.

Francis Page, Arthur Annesley, John Fendall, George Boscawen, John Morton, Charles Fettiplace, Charles Bowles, Wenman Coke, James Lacy, Edward Gore, Edward Southwell, John Tracy, Dodwell Tracy, John Dutton, James Dutton, William Dutton, Ralph Dutton, Henry Carter, William Peachy, William Rogers, Edward Rogers, John Wyndham, William Guise, John Guise, William Hickes, Samuel Blackwell, Benjamin Hyett, John Webb, Powell Snell junior, George Savage, Charles D'Oyley, Thomas Rich, John Lenthal the Elder, John Lenthal the Younger, George Rice, William Snooke, William Moor, William Leybourne Leybourne, Burnaby, Richard Goodenough, William Goodenough, George Davis, George Boscawen the Younger, Robert Martin, Charles Horde, Paul George Elers, James Wellington, Esquires; John Bankes, Benjamin Holloway, Sharpe D. D. Richard Rogers, Charles Rich, John Lawrence, Charles Hughes, John Brickendon, John Chaunler, Edmond Goodenough, Samuel Goodenough, Trees James, Benjamin Holloway the Younger, Alexander Colston, Thomas Brooks, Chamberlain, Ferdinando Travel, James Rawes, Clerks; Baptist Smart, M. D. Walter Lawrence, Thomas Rogers, John Browne, Robert Rogers, Thomas Hayward, John Waine, John D'Oyley, John Early, James Empson, Paul Silvester the Younger, James Gray, Robert Maddock, Robert Patten, Edward Baker, James Hall, Robert Yateman, John Stephens, Gentlemen; shall be and are hereby added to, and joined with, the Trustees for the Care of the said Road directed to be amended by the said First recited Act, and this Act.

New Roads to be Part of the *Oxfordshire* District.

And be it further enacted by the Authority aforesaid, That the said new additional Road aforesaid shall be under the Care and Management of the Trustees for the Care of the District of Road which lies in the County of Oxford.

And whereas Disputes may happen to arise in relation to the Repairs of the Road in the said Town of Witney; be it enacted by the Authority aforesaid, That the Road intended to be repaired by this Act shall be that which passes through Corn Street and the Market Place within the said Town.

The Road intended to be repaired by this Act in *Witney*.

Clause in the first recited Act repealed

And whereas by a Clause in the said first recited Act it is enacted, That if any Person should have paid the Tolls by the said Act made payable for passing with any Horse, Cattle, or Carriage, through either of the Gates or Turnpikes which should, by virtue of the said Act, be

erected or set up in or across that Part of the said Road leading from the Top of Crickley Hill to Campsfield aforesaid, which lies in the County of Oxford, and in or across the Lanes and Bye-ways leading into, or out of, the same; such Horses, Cattle, or Carriages, (upon a Note or Ticket of the Day on which such Payment was made, denoting such Payment, being produced) shall be permitted to pass, return, and repass, at any Time or Times during that Day (to be reckoned from Twelve of the Clock in One Night to Twelve of the Clock in the next Night) as well through the Gate or Turnpike at which such Payment should be made, as through all other Gates or Turnpikes that should, by virtue of the said Act, be erected or set up in or across that Part of the Road leading from the Top of Crickley Hill to Campsfield aforesaid, which lies in the County of Oxford, and in and across the Lanes and Bye-ways leading into, or out of, the same (except as therein excepted:) And whereas the restraining the Trustees for the Care of the said District of Road from taking more than One Toll in One Day upon the said Road will hereafter be improper; be it therefore enacted by the Authority aforesaid, That so much of the said First recited Act as restrains the said Trustees from taking more than One Toll in One Day upon so much of the said Road as lies within the County of Oxford, shall, from and after the passing of this Act, be, and the same is hereby, repealed; and that from and after the passing of this Act, it shall and may be lawful for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, to demand, receive, and take, Two full Tolls in any One Day, for the Passage of Horses, Cattle, Beasts, and Carriages, upon such Part of the said Road aforesaid as leads from Enslow Bridge aforesaid to the County of Glouceſter aforesaid.

Tolls, for the future, to be paid Twice a Day from *Enslow Bridge* to *Glouceſter*.

Provided always, That no Person shall be subject to the Payment of any Toll by virtue of the said First recited Act, or this Act, more than Once in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for passing with the same Horse, Beast, Cattle, or Carriage, through all or any of the Turnpikes erected, or which shall be erected, on the said Road, or on the Sides thereof, cross any Lane or Bye-way leading into the same, between Enslow Bridge and Witney Bridge aforesaid; nor more than Once in any One Day, to be computed

Tolls to be paid but Once a Day between *Enslow Bridge* and *Witney Bridge*, &c.

computed as aforesaid, for passing with the same Horse, Beast, Cattle, or Carriage, through all or any of the Turnpikes erected, or which shall be erected, on the said Road, or on the Sides thereof, cross any Lane or Byeway leading into the same, between Witney Bridge aforesaid and the County of Gloucester aforesaid, such Person or Persons producing a Ticket denoting the Payment of the said Toll on that Day; which Ticket the Collector of the Tolls is hereby required to give gratis on Receipt of such Toll.

Proviso. Provided always, That no Ticket received at any Gate or Turnpike between Enslow Bridge and Witney Bridge shall intitle any Person to pass Toll-free at any Gate or Turnpike between Witney Bridge and the County of Gloucester aforesaid; nor shall any Ticket received at any Gate or Turnpike between Witney Bridge and the County of Gloucester, intitle any Person to pass Toll-free at any Gate or Turnpike between Witney Bridge and Enslow Bridge.

No Side-gate to be erected between *Eynsham* and *Staple Hall*. Provided also, That nothing in the said First recited Act, or this Act, contained, shall empower the said Trustees to erect any Side-gate across the Turnpike Road leading from Eynsham, in the said County of Oxford, to a certain House called Staple Hall, in the Town of Witney aforesaid; nor to erect any Toll-gate whatever between the said last mentioned Turnpike Road and Witney Bridge aforesaid.

Trustees, with Consent of Creditors, may lessen the Tolls, and raise them again. And be it further enacted by the Authority aforesaid, That the said Trustees for the Care of the Roads within the said County of Oxford, or any Five or more of them, may, and are hereby impowered, from time to time, to reduce and lessen all and any of the Tolls granted by the said First recited Act, or this Act, so as such Reduction be with the Consent of the Creditors of Two Third Parts of the Money then owing upon the Credit of the said Tolls within the said District of Road; and, from time to time, to advance and raise the said Tolls again on any Part or Parts thereof, so as the same do not exceed the several Tolls granted by the said First recited Act, and this Act; and all such Tolls so reduced and raised again shall be collected, recovered, and applied, in the same Manner as the Tolls granted by the said First recited Act are therein directed to be collected, levied, recovered, and applied.

And whereas it would be more convenient, if the Quorum of Trustees required to execute the said First recited Act, and this Act, were in certain Cases lessened;

ed; be it therefore further enacted by the Authority aforesaid, That in all Cases where, by the said First recited Act, any Seven Trustees were authorized to meet to execute the several Purposes thereof, it shall and may be lawful to and for any Five or more of the Trustees appointed by the said Act, or already elected, or to be elected, by virtue thereof, and they are hereby authorized and impowered, in all Cases, to act in the Execution of the said Act, and of this Act, as fully and effectually, to all Intents and Purposes, as any Seven Trustees could or might have done; and all Acts, Matters, and Things done, appointed, or ordered, by any Five or more of the said Trustees, shall be equally valid and effectual, as if Seven Trustees had then been present and had done, or had appointed or ordered such Matters and Things to be done; any thing contained in the said First recited Act to the contrary notwithstanding. Five Trustees may act in certain Cases.

And whereas Doubts may arise where the said Road from the Top of Crickley Hill to Campsfield aforesaid begins; be it therefore enacted and declared by the Authority aforesaid, That the said Road shall be deemed and taken to begin at the Space or End of One hundred Yards from the Seven Mile Stone on the Road from Gloucester towards Burford; and the said Trustees, or any Five or more of them, are hereby required to cause a Stone or Post to be erected upon the said Hill, denoting the Beginning of the Road to be repaired by the said Trustees, by virtue of the said First recited Act, and this Act; and that the Repairs of the said Road shall not be carried beyond such Stone or Post, towards Gloucester, upon any Pretence whatsoever. Description of the Road from *Crickley Hill* to *Campsfield*.

And be it further enacted by the Authority aforesaid, That it shall not be lawful for the said Trustees, or any Five or more of them, or any Person employed by them, or any Five or more of them, to dig for or get Materials for repairing any of the said Roads within Twenty Feet of the Centre of any Road or Highway; any thing in the said First recited Act to the contrary notwithstanding. No Materials to be got, for the Repair of the said Roads, within 20 Feet of the Centre of any Road or Highway.

And whereas by the said First recited Act, the Trustees therein named are restrained from borrowing more than the particular Sums of Money therein mentioned upon the Tolls to arise upon the different Parts of the said Roads, which Restriction may be inconvenient; be it therefore enacted by the Authority aforesaid, That so much of the said First recited Act as restrains the Trustees Trustees may borrow Money on the Credit of the Tolls.

stees from borrowing and taking up at Interest such Sum or Sums of Money as they shall, from time to time, think necessary on each District of Roads, shall, from and after the passing of this Act, be repealed; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, for each District of Road, and they are hereby respectively authorized and impowered, from time to time, by Writing under their Hands and Seals, to assign over the said Gates, Turnpikes, and Toll-houses, erected, or to be erected, by virtue of the said First recited Act, or this Act, on each District of the said Roads, and also the Tolls and Duties arising thereupon, or any of them, or any Part or Parts of them respectively (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties respectively) for any Time or Term during the Continuance of the said First recited Act, or this Act, as a Security or Securities for any Sum or Sums of Money to be borrowed by the said Trustees respectively, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with legal or less Interest; which said Money so to be borrowed, shall be applied and disposed of as the said Tolls or Duties upon which the same shall be borrowed are, by the said First recited Act, and this Act, directed to be applied and disposed of, and to no other Use or Purpose whatsoever: any thing in the said First recited Act contained to the contrary notwithstanding.

Notice to be given of borrowing Money.

Provided always, That no Money shall be borrowed on the Credit of any of the said respective Tolls or Duties, unless Fourteen Days Notice be for that Purpose fixed, in Writing under the Hand of the Clerk or Clerks to the said Trustees, upon all the Turnpike Gates then erected by virtue of the said First recited Act, or of this present Act, within the District of Roads where such Money shall be borrowed.

Assignments may be transferred.

And be it further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments of the Tolls and Duties arising by virtue of the said First recited Act, or this present Act, shall be made respectively, their Executors or Administrators, shall and may, from time to time, by proper Words of Assignment to be indorsed on the Back of his, her, or their Security or Securities, or otherwise, assign or transfer his, her, or their Right to the Principal and Interest Money thereby secured, or any Part thereof,

thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks appointed for the District of Roads where such Money shall be borrowed, within One Calendar Month after the respective Dates thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books, to be by them respectively kept for entering the said original Assignments, for which the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof, and Payment thereon; and such Assignee, his, her, or their Executors and Administrators may, in like Manner, assign again, and so toties quoties; and after such Notification it shall not be in the Power of such Person or Persons, who shall have made such Assignment or Transfer, to make void, release, or discharge, the original Security, or any Monies thereby due, or any Part thereof.

Assignments to be entered in a Book.

Clerk's Fee.

Provided always, That no such Assignment to be made as aforesaid shall be liable to, or charged with, any Stamp Duty whatsoever.

Writings to be without Stamps.

And be it further enacted by the Authority aforesaid, That all the Charges and Expences of obtaining and passing this Act shall, in the First Place, be paid out of the Money raised, or to be raised, by virtue of the said First recited Act, or this Act, and shall be paid as follows; that is to say, One Third thereof, out of the Tolls to arise upon the Roads within the County of Gloucester, or out of any Money to be borrowed on the Credit thereof; and the Remainder, out of the Tolls to arise within the County of Oxford, or out of any Money to be borrowed on the Credit thereof.

Charges of passing this Act to be first paid.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in any Case in the Execution of the said First recited Act, or this Act, unless at the Time of his acting therein he shall be in his own Right, or in the Right of his Wife, in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Forty Pounds above Reprizes; or be Heir Apparent of a Person having such Estate of the yearly Value of Two hundred Pounds;

Qualification of Trustees.

or,

or, unless the Person so acting, shall be possessed of a Personal Estate alone to the Amount of Eight hundred Pounds: And if any Person or Persons, hereby made incapable to act as a Trustee for the Causes aforesaid, shall nevertheless presume to act in any of the Trusts aforesaid, contrary to the true Intent and Meaning of this Act; 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, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so sued or prosecuted shall, upon the Trial thereof, prove that he is qualified according to the Directions of this Act, or otherwise a Verdict shall be found against him for the Sum of Fifty Pounds, with Full Costs, 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 the said First recited Act, or of this Act.

Penalty on acting if not qualified.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurers and other Officers, for the due Execution of their respective Offices, as they the said Trustees, or any Five or more of them, shall think proper; and that no Person shall be capable of holding any Place of Profit under the said first recited Act, or this Act, who shall sell any Ale, Wine, or Spirituous Liquors, by Retail.

Treasurer, &c. to give Security.

No Victualler, &c. to hold any Place of Profit.

And whereas by a Clause in the said first recited Act it is directed, That if the particular Parts of the Roads therein mentioned should be sufficiently repaired and widened before other Parts of the said Roads, and the Money which should be borrowed on the Tolls granted by the said Act, and all the Interest thereof, should be paid; that then, and in either of the Cases aforesaid, so much of the Tolls as should afterwards be collected on each particular Part of the said Roads, should be applied towards the repairing or widening the other Parts thereof, and towards Payment of the Money which shall be borrowed and remain due on the Tolls payable on the same, and the Interest thereof, in Manner therein particularly mentioned, at the Discretion of the said Trustees, or any Seven or more of them, which may hereafter occasion Disputes amongst the Trustees, and can be of no Utility; be it therefore enacted by the Authority

Clause in the first recited Act repealed.

thority aforesaid, That from and after the passing of this Act the said Clause shall be and is hereby repealed.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures for Offences against the said first recited Act, or this Act (the Manner of Recovery and Application whereof is not otherwise directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant or Warrants under the Hand and Seal of One or more of His Majesty's Justices of the Peace for the County or Place where the Offence shall be committed; which Warrant or Warrants the said Justices are hereby impowered and required to issue upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward;) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be applied and disposed of (if not otherwise directed by the said first recited Act, or this Act) for and towards amending the Roads in the District where such Penalties or Forfeitures shall be incurred, and to no other Use or Purpose whatsoever. Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said first recited Act, or this Act, every such Action or Suit shall be brought within Six Calendar Months next after the Fact committed, and not afterwards; and shall be brought in the County or Place where such Offence shall be committed, 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 the said first recited Act, or of this Act; and if the same shall appear to have been so done, or that such Action or Suit was brought after the Time before limited for bringing the same as aforesaid, or in any other County than that wherein the Cause of Action arose, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue the Action after Appearance entered, or if, upon Limitation of Actions. General Issue.

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upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants
Treble Costs. shall and may have and recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Cases by Law.

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 be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

FINIS.