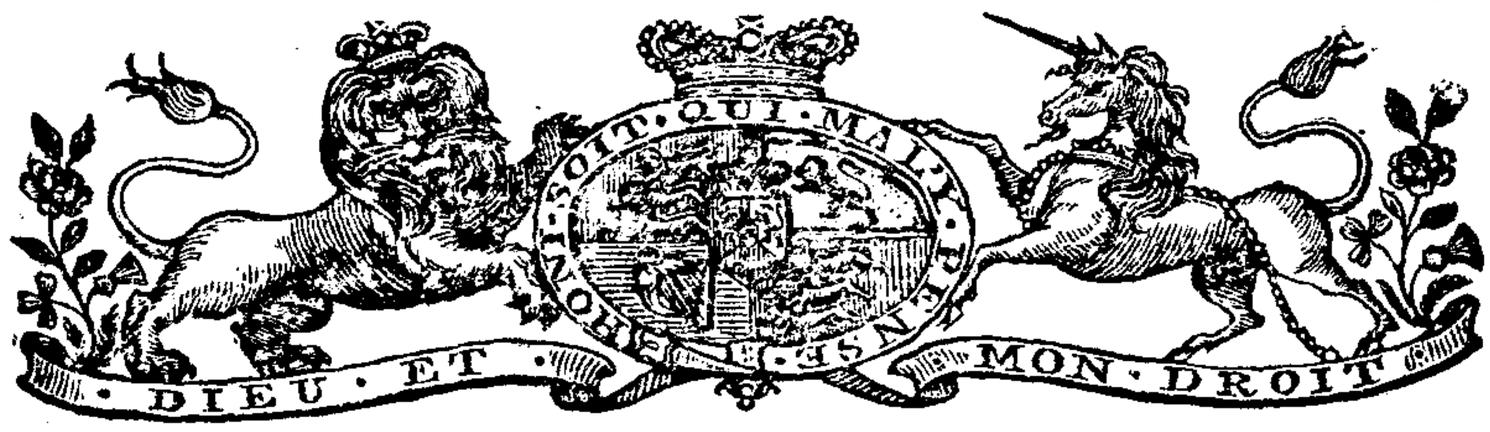

ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

***

Cap. 79.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament, the Term, and altering and enlarging the Powers of Three Acts, paſſed in the Ninth and Twenty-eighth Years of the Reign of His late Majeſty King *George* the Second, and in the Twenty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, for amending and keeping in Repair ſuch Part of the Roads deſcribed in the ſaid Act of the Twenty-eighth Year of His late Majeſty's Reign, as leads from the End of *Culham Bridge* next to *Culham*, in the County of *Oxford*, to the End of *Burford Bridge* next to *Abingdon*, in the County of *Berks*, and from the *Mayor's Stone* at the End of *Boar Street* in the Town of *Abingdon* aforeſaid, to *Shippon* in the ſaid County of *Berks*, and from thence to the Weſt End of the Town of *Fyfield*, in the ſame County.

[20th *June* 1801.]

Preamble.

9 *Geo.* II,

28 *Geo.* II, and

21 *Geo.* III, recited.

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, for repairing the Roads leading from *Henley Bridge* in the County of *Oxford*, to *Dorchester Bridge*, and from thence to *Culham Bridge*, and to a Place called *Mile-stone* in the Road leading to *Magdalen Bridge* in the said County, and for widening the said Roads: And whereas another Act was passed in the Twenty-eighth Year of the Reign of His said late Majesty, whereby the Provisions of the said recited Act were extended to the Roads leading from the End of *Culham Bridge* next to *Culham*, in the said County of *Oxford*, to the End of *Burford Bridge* next to *Abingdon*, in the County of *Berks*, and from the *Mayor's Stone* at the End of the *Boar Street* in the Town of *Abingdon* aforesaid, to *Shippon* in the said County of *Berks*, and from thence to the West End of the Town of *Fyfield* in the same County; and some further Powers were given for repairing the last-mentioned Roads: And whereas another Act was passed in the Twenty-first Year of the Reign of His present Majesty King *George* the Third, for continuing the Term and altering and enlarging the Powers of the said recited Acts so far as the same related to the said last-mentioned Roads only, and which last-mentioned Roads were thereby directed to be called and distinguished by the name of *The Fyfield District of Roads*: And whereas a considerable Sum of Money borrowed on the Credit of the said Act of the Twenty-eighth Year of the Reign of His said late Majesty, and charged on the Tolls arising within the said *Fyfield* District of Roads, still remains due and owing, and cannot be paid off, nor the said District of Roads be kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers and Provisions thereof altered and enlarged, so far as they relate to the said *Fyfield* District of Roads; and it is necessary that the Tolls in the said District should be encreased; 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 recited Acts, and all and every the Clauses, Powers, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein respectively contained (except such as relate to Exemptions from Stamp Duties) shall be and are hereby declared to be in full Force and Effect, and shall have Continuance for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were herein particularly repeated and re-enacted, for the Purpose of repairing, widening, and rendering more commodious the said Roads called *The Fyfield District of Roads*, and other the Purposes expressed in the said recited Acts relating to such District, but subject nevertheless to the Alterations, Additions, and Amendments herein contained, and which shall commence and take effect immediately upon the passing of this Act; and this Act, and the additional Term and Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said former Acts, or any of them (as the said Money is thereby charged and made payable with relation to the said Roads called *The Fyfield District of Roads*) and to the Payment of all other Money which shall be hereafter borrowed on the Credit of the said former Acts and this Act, or any of them, on Account of

The recited Acts further continued as to the *Fyfield* District of Roads.

of the ſame Diſtrict, and the Intereſt due and to grow due for all ſuch Money reſpectively.

II. And be it further enacted, That Sir *George Bowyer* Baronet, Sir *Cecil Biſshopp* Baronet, *William Bowyer*, *Henry Bowyer* the Younger, *Adam Blandy*, *Benjamin Banner* Clerk, *John Bunce* the Younger, *Thomas Bowles*, *John Barrett*, *Richard Birch*, *William Bowles* the Younger, *Edward Child*, *Charles Dewe*, *George Elwes*, *John Gallaway*, *William Hallett*, *David Hughes* Doctor in Divinity, *Francis Juſtice*, *John Lempriere* Clerk, *Edward Loveden Loveden*, *Samuel Laurence*, *Thomas Theophilus Metcalfe*, *Benjamin Morland*, the Honourable *Philip Puſey*, *John Phillips* the Younger, *Pryſe Pryſe*, Sir *John Reade* Baronet, *Charles Saxton* the Younger, *John Saxton*, *John Francis Speulove*, *Robert Simmonds* Clerk, *Samuel Sellwood*, *Samuel Sellwood* the Younger, Sir *John Throckmorton* Baronet, *Joſeph Tomkins*, *Edward Thornhill*, *William Tomkins* the Younger, *John Tomkins* of *Wick Farm*, *James Tyrrel* Clerk, *Timothy Stonhouſe Vigor* Clerk, and *George Watts* Clerk, (being qualified according to the Directions of the ſaid recited Act of the Twenty-eighth Year of His ſaid late Majeſty's Reign) ſhall be, and they are hereby appointed Truſtees, and ſhall be added to and joined with the Truſtees appointed by virtue of the ſaid recited Acts, for putting the ſaid Acts and this Act in Execution, for the Purpoſe of amending, improving, and keeping in Repair the ſaid *Fyfield* Diſtrict of Roads, as fully and effectually, to all Intents and Purpoſes, as if the ſeveral Perſons herein-before named had been appointed Truſtees in or by virtue of the ſaid recited Acts, or any of them. Additional Truſtees.

III. And whereas the Tolls now authorized to be taken on the ſaid Diſtrict of Roads are found inſufficient for the proper Support and Improvement thereof, be it therefore enacted, That the ſame ſhall be and are hereby declared to be repealed; and that inſtead thereof the following Tolls ſhall be demanded and taken at any Gate or Gates erected or to be erected on the ſaid Diſtrict of Roads, or any Part thereof; (that is to ſay), Former Tolls on the *Fyfield* Diſtrict repealed, and new Tolls granted.

For every Coach, Chariot, Landau, Berlin, Sociable, Car, Phaeton, Chaiſe, Curricle, Calaſh, Chair, Gig, Litter, or Hearſe, with Four Wheels, the Sum of Four-pence Halfpenny; and with leſs than Four Wheels, the Sum of One Penny Halfpenny: Tolls.

For every Waggon, Wain, Cart, or other Carriage whatſoever with Four Wheels, and drawn by Four Horſes or Beaſts of Draught, or any leſs Number of Horſes, the Sum of Three-pence; and with leſs than Four Wheels, and drawn by Four Horſes or Beaſts of Draught, or any leſs Number of Horſes, the Sum of One Penny Halfpenny:

For every Waggon, Wain, Cart, or other Carriage with Four Wheels, and drawn by Five or more Horſes or Beaſts of Draught, the Sum of Four-pence; and with leſs than Four Wheels, and drawn by Five or more Horſes or Beaſts of Draught, the Sum of Two-pence:

For every Horſe, Mare, Gelding, Mule, or Aſs, drawing or not drawing, laden or unladen, the Sum of One Penny Halfpenny:

For every Ox or other Beaſt drawing any Waggon, Wain, Cart, or other Carriage whatſoever, the Sum of 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:

And

And for every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in Proportion for any greater or less Number.

Additional Tolls on Carriages for Goods with Wheels of less Gauge than Nine Inches *etc.*

IV. And be it further enacted, That if any Waggon, Wain, Cart, or other such Carriage, laden with any Goods, Wares, Timber, or Stone, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Nine Inches, shall be drawn upon the said *Fyfield* District of Roads by Horses or other Beasts of Draught in Pairs (Carriages drawn by Two Horses or other Beasts of Draught only excepted), then and so often as the Case shall happen, there shall be paid for every Horse or other Beast of Draught drawing such Waggon, Wain, Cart, or Carriage (except as aforesaid) an additional Toll of One Penny for each Horse or other Beast of Draught, over and above the Tolls herein-before granted and allowed to be taken.

Tolls to be collected and applied as the former Tolls.

V. And be it further enacted, That the several Tolls hereby granted shall be and the same are hereby vested in the Trustees for executing the said recited Acts and this Act within the said *Fyfield* District of Roads; and the same Tolls and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, charged, and disposed of in such and the same Manner, by such Ways and Means, with such Remedies for Non-payment or Evasion thereof, and with such Penalties, Forfeitures, Exemptions, Restrictions, Powers, and Provisions as are expressed and contained in the said recited Act of the Twenty-eighth Year of His said late Majesty, with respect to the Tolls thereby granted and made payable on the said District of Roads, but subject nevertheless to the Regulations in this Act contained.

Leases of the former Tolls to be void.

VI. And be it further enacted, That from and after the passing of this Act, all Leases and Demises of, and Contracts for farming the Tolls granted by the said recited Acts, or any of them, and payable within the said *Fyfield* District of Roads, shall cease and be void; and the said Trustees for the said District, or any Five or more of them, shall and may make such Allowance or Satisfaction to the respective Lessees or Farmers of the said Tolls, as they shall judge reasonable on that Account out of the Monies arising by virtue of the said Acts and this Act in the said District.

Property of Implements and Materials vested in the Clerk.

VII. And be it further enacted, That the Right and Property of all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had, by or by the Order of the Trustees of the said *Fyfield* District of Roads, or their Surveyor for the Time being, and applicable for the Use and Benefit of the same District, shall be, and the same are hereby vested in the Clerk for the Time being to the said Trustees; in which said Clerk, upon any Action or Indictment being commenced or prosecuted, such Property may (if required) be laid.

Trustees may sue and be sued in the Name of their Clerk.

VIII. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Clerk; and no Action or Prosecution to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be

be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Trustees, or any Five or more of them, but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Actions, as the Case may be: Provided always, That every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised on the said *Fyfield* District of Roads by virtue of the said recited Acts and this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein; and also the Costs and Charges of prosecuting any Indictment or Indictments, or other Proceedings, against any Person or Persons whomsoever, that shall or may be commenced or prosecuted by the Order or Consent of a Majority of the Trustees at any Meeting.

Summary Form of Conviction.

IX. And for the more easy and speedy Conviction of Offenders against the said Acts and this Act, be it further enacted, That all and every the Trustees and Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against the said recited Acts or this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; *(videlicet)*

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before us, the Trustees of the *Fyfield* District of Roads [*or*, before me *C. D.* One, *or*, us *C. D.* and *E. F.* Two of His Majesty's Justices of the Peace for the County of *as Occasion may require, and specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*]. Given under the Hands and Seals of us the Trustees aforesaid [*or, if it be before a Justice or Justices, then say*, under my or our Hands and Seals, *as Occasion may require*] the Day and Year first above mentioned.'

Application of Compensation where exceeding 200*l.*

X. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as in the said first-recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part

thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Meſſuages, Lands, Tenements, and Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuites; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not exceed 200*l.* nor leſs than 20*l.*

XI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid Acts and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20*l.*

XII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before-mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled

entitled to the Rents and Profits of the Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid Acts and this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Expences of this Act how to be paid.

XIII. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act ſhall be paid in the firſt Place, and all Monies lent to defray ſuch Charges and Expences ſhall in the next Place be repaid with Intereſt, out of the Monies now in the Hands of the Treaſurer of the ſaid *Fyfield* Diſtrict of Roads, or out of the firſt Monies to be collected, borrowed, or received by virtue of the ſaid recited Acts and this Act on the ſaid Diſtrict, in Preference to all other Payments whatſoever.

Publick Act.

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

Commencement and Continuance of this Act.

XV. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall, upon the paſſing hereof, ceaſe and determine; and that the ſaid Acts and this Act (ſubject to the Alterations and Additions as aforeſaid) ſhall from thenceforth continue and be in force and be executed for the Purpoſe of repairing, widening, and rendering more commodious the ſaid *Fyfield* Diſtrict of Roads, and other the Purpoſes mentioned in the ſaid recited Acts relating to the ſaid Diſtrict of Roads, for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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