



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. cvii.

An Act for repairing, improving, and maintaining the Road from a Place in the Parish of *Nuffield* in the County of *Oxford*, through *Wallingford* and *Wantage*, to *Faringdon* in the County of *Berks*.

[21st *June* 1841.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Reign of King *George* the Second, intituled *An Act* 25 G. 2. c. 21. for repairing the Road from *Wallingford* in the County of *Berks* to *Wantage*, and from thence to *Faringdon*, and also from *Wantage* to *Idson* in the said County: And whereas another Act was passed in the Fifth Year of the Reign of King *George* the Third, intituled *An Act to continue the Term and to vary and enlarge the* 5 G. 3. c. 55. Powers of an Act passed in the Twenty-fifth Year of His late Majesty, for repairing the Road from *Wallingford* in the County of *Berks* to *Wantage*, and from thence to *Faringdon*, and also from *Wantage* to *Idson* in the said County, so far as the same relate to the Road leading from *Warringford* to *Wantage*, and from thence to *Faringdon*; and for discontinuing the said Term and Powers so far as the same relate to the Road leading from *Wantage* to *Idson*; and for repairing the Road leading from the North-east Corner of *Nuffield* Common, by the Parish Church of *Nuffield* otherwise *Tuffield* in the County of *Oxford*, to the Commencement of the said Turnpike Road leading from *Wallingford* to *Wantage*: And whereas another Act was passed in the Thirty-

[Local.]

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ninth

39 G. 3. c. 37. ninth Year of the Reign of King George the Third, intituled *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 Two several Acts, the one passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, and the other in the Fifth Year of the Reign of His present Majesty, for amending and keeping in repair the Road leading from the North-east Corner of Nuffield Common, by the Parish Church of Nuffield otherwise Tuffield in the County of Oxford, through Wallingford, to Wantage, and from thence to Faringdon in the County of Berks*: And whereas another Act was passed in the Fifty-ninth Year

59 G. 3. c. 100. of the Reign of King George the Third, intituled *An Act to continue the Term and enlarge the Powers of several Acts of His late and present Majesty's Reign, for repairing the Road from the North-east Corner of Nuffield Common, by the Parish Church of Nuffield in the County of Oxford, through Wallingford, to Wantage, and from thence to Faringdon in the County of Berks*: And whereas by virtue of the Powers in the said lastly-mentioned Act contained the said Road hath been diverted, and the same now commences in a Field Part of *May's Farm* in the Parish of *Nuffield* in the County of *Oxford*, where it joins the *Henley and Dorchester Turnpike Road*, and extends from thence Westwardly, through *Wallingford* and *Wantage*, to the Town of *Faringdon* in the County of *Berks*: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Acts on the said Road, which Money still remains owing, together with an Arrear of Interest thereon, and such Money cannot be paid off, or the Interest thereof discharged, nor can the same Road be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said last-recited Act further continued, and the Tolls altered and increased: And whereas it is expedient that the said several recited Acts should be repealed, and that further and more effectual Powers should be granted for repairing and improving the said Road; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 upon the First *Wednesday* next after the passing of this Act the said recited Acts shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Recited Acts repealed, and this Act to be put in force.

All Arrears of Tolls and Monies under recited Acts vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to and all Property and all Choses in Action vested in the Trustees under the Acts hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Acts were liable at the Repeal thereof.

III. And

III. And be it enacted, That every Person who before the passing of this Act was liable or accustomed to repair any particular Part of the said Road, or any Bridge, Drain, or Sewer thereon, by reason of the Tenure of any Land or otherwise, shall not be discharged therefrom by the Repeal of the said recited Acts, but shall continue liable to such Repairs as heretofore. Repeal of Acts not to discharge particular Liabilities.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Berks* and *Oxford*, or either of them, together with *Charles Atherton Allnatt*, *William Allen*, *James Robert Burgess* Clerk, *Edward Button*, *George Butler*, *James Bennett*, *Francis Ferdinando Bullock*, *John Brooks*, *John Viney Button* Clerk, *Josiah Burd* of *Wantage*, Clerk, *William Simcox Bricknell* of *Grove*, Clerk, *Robert Mayne Clarke*, *William Shaw Clarke*, *Joseph Clarke*, *John Ferdinando Collins* Clerk, *Thomas Clowes*, *James Clutterbuck* Clerk, *David Durell* Clerk, *William Elderfield*, *John Field*, *William Cokayne Frith* Clerk, *William Firth* of *Letcomb Bassett*, Clerk, *Thomas Fuller* the elder, *Thomas Fuller* the younger, *Joseph Humfrey Fuller*, *John Humfrey Fuller*, *Charles Greenwood*, *Castle Street*, *Wallingford*; *Thomas Greenwood*, *Charles Greenwood*, *Winterbrook*; *John Hazel*, *Benjamin Hazel*, *William Hilliard*, *William Hayward* Clerk, *Henry Hayward*, *John Allnatt Hedges*, *John Kirby Hedges*, *Charles Hedges*, *William Toovey Hopkins* Clerk, *Robert Hopkins*, *John Buckworth Hearne* Clerk, *Isaac King*, *John King*, *John Kirby*, *John Langley* Clerk, *Charles Liddiard*, *Henry William Lloyd* Clerk, *Sir Thomas Byam Martin* Baronet, *George Mantell*, *Charles Medley*, *John Marshall*, *Charles Morrell* the elder, *Charles Morrell* the younger, *Joseph Moulden*, *James Morrell*, *Mark Morrell*, *Robert Morrell*, *Baker Morrell*, *Richard Newton*, *Robert Aldworth Newton*, *Thomas Newton* the elder, *Thomas Newton* the younger, *Thomas Owen*, *William Ormond*, *Robert Pumfrey*, *James Prowse*, *Charles Pittman*, *George Lodowick Parsons* Clerk, *David Robertson*, *Edward Rudge*, *John Spokes*, *William Stone* of *Charlton*, *William Taylor*, *Henry Taylor* Clerk, *Marmaduke Thompson* Clerk, *William Toovey* the elder, *William Toovey* the younger, *William Trinder*, *Charles Tayler*, *Edward Tull*, *Richard Tull*, *William Beckett Turner*, *Robert Vernon*, *Thomas Wintle* Clerk, *Robert Wintle* Clerk, *Edward Wells* of *Slade End*, *Samuel Wittenham* Clerk, *Charles Wapshare* Clerk, and *Thomas Wells*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution. Appointment of Trustees.

V. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting under this Act, to elect any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed. Power to appoint additional Trustees.

VI. And be it enacted, That the said Trustees shall hold their First Meeting at the Town Hall in *Wallingford* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, upon the Third *Wednesday* next after the passing of this Act, and shall then, First Meeting of Trustees.
and

and from Time to Time thereafter, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to
appoint Com-
mittees.

VII. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to
which this
Act is appli-
cable.

VIII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, altering, and keeping in repair the present Turnpike Road commencing at its Point of Junction with the *Henley* and *Dorchester* Turnpike Road in the Parish of *Nuffield* in the County of *Oxford*, and extending from thence, through *Wallingford* and *Wantage*, to the Town of *Faringdon* in the County of *Berks*; and the said Road shall be called "The *Wallingford, Wantage, and Faringdon* Road."

Ditches,
Drains, &c.
by whom to
be made and
cleansed.

IX. And be it enacted, That it shall be lawful for the said Trustees and their Surveyor to make such Ditches, Drains, or Watercourses, and of such Depth or Breadth, as they shall consider expedient, for the Purpose of keeping the said Road dry, and conveying the Water from the same into or through any Lands or Grounds adjoining or lying near to the said Road (not being a Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House), and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be requisite or necessary, at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act, any thing in any Law or Statute contained to the contrary notwithstanding; and all Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, to be so made on the Sides of the Road, shall, when so made and completed by the said Trustees, be for ever afterwards cleansed, kept open, and maintained by the Occupiers respectively of the adjoining Lands and Grounds; but all such Arches, Culverts, Trunks, Tunnels, or Plats as shall cross or pass through, under, or over the said Road shall be cleansed, kept open, and maintained by the said Trustees, subject to the Provisions of any Law or Statute relating to Turnpike Roads in *England*.

Present Tolls
continued.

X. And be it enacted, That, notwithstanding the Repeal of the said several recited Acts, the Tolls thereby granted and made payable on the said Road called the *Wallingford, Wantage, and Faringdon* Road shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Road until Twelve of the Clock at Night on the Fifth *Wednesday* next after the passing of this Act.

XI. And

XI. And be it enacted, That upon and after Twelve of the Clock at Night of the said Fifth *Wednesday* next after the passing of this Act it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, the following Tolls; (that is to say,) Power to
take Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Chaise, Calash, Car, Curricule, Chair, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding Eight-pence: Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage with more than Two Wheels,

If having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, any Sum not exceeding Nine-pence:

If having the Fellies of the Wheels of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Soles thereof, any Sum not exceeding Seven-pence Halfpenny:

If having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Eight-pence:

For every Horse or other Beast drawing any Cart or other such like Carriage with Two Wheels only,

If having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, any Sum not exceeding Eight-pence:

If having the Fellies of the Wheels of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Soles thereof, any Sum not exceeding Seven-pence:

If having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, any Sum not exceeding Six-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three-pence:

For every Score of Oxen or Neat Cattle the Sum of One Shilling, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Six-pence, and so in proportion for any greater or less Number:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding Two Shillings:

For every Dog or Goat drawing any Cart, Carriage, or other Vehicle, the Sum of Three-pence:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Road, or on the Sides thereof.

XII. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part. Fraction in
Tolls.

[*Local.*]

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XIII. Pro-

The same
Tolls to be
taken at all
the Gates.

XIII. Provided also, and be it enacted, That in making any Reduction or Alteration of the Tolls it shall not be lawful for the said Trustees to order to be taken, nor for any Collector to take, a different Toll, at any Toll Gate or Bar on the said Road, from the Tolls taken at any other Toll Gate or Bar thereon, but the Tolls payable at the several Toll Gates or Bars upon or across the said Road, or on the Sides thereof, shall be in all Cases alike in respect of the same Horses, Beasts, Cattle, or Carriages passing along the said Road.

Only Six
Tolls to be
payable on
the Road in
the same Day.

XIV. And be it enacted, That no more than Six Tolls shall be taken for passing and repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Road.

Persons hav-
ing paid Toll
to return
Toll-free.

XV. And be it enacted, That all Horses, Beasts, and Cattle (except Horses, Beasts, or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned, and Dogs and Goats,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises
to pay every
Time of pass-
ing with
fresh Hiring.

XVI. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses, Beasts, or Cattle drawing any Post Chaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Cattle had been made on the same Day.

Regulation
as to Stage
Coaches, &c.

XVII. And be it enacted, That all Horses, Beasts, and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses, Beasts, or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate or Bar the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Horses, &c.
drawing dif-
ferent Car-
riages to be
again subject
to Toll.

XVIII. Provided always, and be it enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horses, Beasts, or Cattle drawing any Waggon, Wain, Cart, or other Carriage, at any Toll Gate or Bar upon or on the Side of the said Road, and
any

any such Horses, Beasts, or Cattle shall be afterwards employed on the said Road during the same Day in drawing a different Waggon, Wain, Cart, or other Carriage from that which they were employed in drawing when such Payment was made, all such Horses, Beasts, and Cattle so drawing shall, notwithstanding such Payment, be again liable to Toll in the same Manner as if no previous Payment of Toll in respect of the same had been made.

XIX. And be it enacted, That between the First Day of *November* in every Year and the First Day of *April* in the next succeeding Year there shall be payable at each Toll Gate or Bar double the Toll hereby payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage employed in carrying any Hop Poles, Use Poles, Timber, or Wood, except Timber cut up for Fire-wood, or Branches of Timber.

Timber, &c. to pay double Toll between 1st of November and 1st of April.

XX. And be it enacted, That no Exemption from Payment of Tolls shall be allowed at any Toll Gate or Bar on or on the Side of the said Road, in respect of any Horse or Beast drawing any Waggon, Wain, Cart, or other Carriage laden with or employed in carrying or conveying any Dung, Soil, Compost, Lime, or Manure for improving or manuring Lands, or any Materials for making or repairing any Highway, between the First Day of *October* in any one Year and the First Day of *April* in the then next succeeding Year, unless the Wheels of the Waggon, Wain, Cart, or other Carriage so laden or employed shall have a Tire of the Breadth of Six Inches at the least, rolling on a flat or level Surface throughout the whole Breadth, and bearing equally on such flat or level Surface, and having the Nails of such Tire countersunk so as not to project more than One Eighth of an Inch beyond the Surface of such Tire; any Law or Statute to the contrary notwithstanding.

Manure and Road Materials not to be exempt from Toll during the Winter Months unless the Wheels of the Waggon, &c. are of a certain Construction.

XXI. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with or going only for Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall in respect of the Matters last mentioned be payable.

Trustees may reduce the Tolls on Lime or Chalk for Manure.

XXII. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said present Turnpike Road, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up, in or across the said present Turnpike Road, or on the Sides thereof, any Toll Gate or Bar and Toll House, and to remove the present or any future Toll Gate or Bar and Toll House as they shall think proper.

Respecting Toll Gates.

XXIII. And be it enacted, That all Monies which shall be received by the Trustees by virtue of this Act shall be applied, in the first place, in discharging the Expences of obtaining and passing this Act,

Application of Monies.

Act, and incident thereto, and in the next place in paying and discharging the Interest now or hereafter to accrue and become due upon any Mortgages or Securities for Monies advanced on the Credit of the Tolls before the passing of this Act, or to be advanced on the Credit thereof; and thirdly, in altering, improving, and maintaining the said Road, or in maintaining such Parts thereof as are or have been heretofore repaired by the Trustees of the same, and in putting this Act into execution; and fourthly, in discharging the Sums due on the Credit of the Tolls in such Order as the Trustees shall think fit.

No Tolls to be taken or Money laid out in Towns.

XXIV. And be it enacted, That no Money shall be laid out on any Part of the Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein, or in any of the Towns following; (that is to say,) *Wallingford, Wantage, or Faringdon* aforesaid.

Trustee or Clerk competent Witnesses in Actions.

XXV. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

The Road not to be exempt from any general Act.

XXVI. And be it enacted, That nothing herein contained shall be deemed to exempt the Road comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

XXVII. And be it enacted, That this Act shall commence upon the First *Wednesday* after the passing thereof, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Construction of certain Terms in this Act.

XXVIII. And be it enacted, That in construing this Act Words importing the Singular Number shall be understood to include the Plural Number, and Words importing the Plural Number shall be understood to include the Singular Number; and the Word "Person" shall be understood to include Corporation; and Words importing the Masculine Gender shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments; unless in any of the Cases aforesaid there be something in the Subject or Context repugnant to such Construction.

Public Act.

XXIX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.