ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 60.

An Act for continuing the Term, and altering and enlarging the Powers of ſeveral 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, for repairing and widening certain Roads therein deſcribed, ſo far as the ſame relate to the Road 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. [24th *May* 1802.]

9 Geo. 2. WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act 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*: 28 Geo. 2. And whereas an Act was passed in the Twenty-eighth Year of the Reign of His said late Majesty, whereby the Terms and Powers of the said recited Act were enlarged, and the Provisions thereof 21 Geo. 3. extended to other Roads therein described: And whereas an Act was passed in the Twenty-first Year of the Reign of His present Majesty King *George* the Third, for enlarging the Term and Powers of the said recited Acts, so far as the same related to the Road from *Henley Bridge* in the County of *Oxford*, to *Dorchester*, 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 the said last mentioned Roads were from thenceforth to be called and Money due on Credit of the first and last mentioned Acts. distinguished by the Name of *The Henley District of Roads*: And whereas the Trustees appointed in or by virtue of the said recited Acts have borrowed considerable Sums of Money on the Credit of the Tolls authorized to be collected upon the Roads comprized in the said first and last recited Acts; which are still due and owing, and cannot be paid off, nor can the said Roads be effectually amended, improved, and kept in good Repair, unless the Term of the said recited Acts be further continued, some of the Provisions thereof altered and enlarged, and the Tolls increased, so far as the same relate to the said District of Roads: 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 Acts further continued. the Authority of the same, That the said recited Acts of the Ninth and Twenty-eighth Years of the Reign of His said late Majesty King *George* the Second, and of the Twenty-first Year of the Reign of His present Majesty, shall, for the Purpose of amending and keeping in Repair 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 all and every the Powers, Provisions, Penalties, Forfeitures, Matters, and Things therein contained (except so much thereof as relates to Exemptions from Stamp Duties), shall be in force and have Continuance for and during the Term herein-after mentioned, as effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the additional Term hereby granted, shall be and is hereby declared to be subject and liable to the Payment of all

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Sum or Sums of Money now due and owing on the Credit of the ſaid former Acts, and of ſuch other Sum or Sums of Money as ſhall be borrowed on the Credit thereof and of this Act, for the Uſe of the ſaid laſt mentioned Roads, and all Intereſt due or to grow due thereon reſpectively; and the ſaid laſt mentioned Roads ſhall from henceforth be called by the Name of *The Henley Diſtrict of Roads.*

New Truſtees.

II. And be it further enacted, That the Honourable and Reverend *Daniel Finch*, the Reverend *Iſaac Richard Arding*, *Peers* the younger, *John Fane* the younger, *William Lowndes* the younger, *John Cooper*, *Henry Greenway*, the Reverend *Henry Heathcote*, the Reverend *Moulden*, *Henry Newbury*, and *Edward Wells*, being qualified according to the Directions of the ſaid recited Act of the Twenty-eighth Year of the Reign of His preſent Majeſty, ſhall be, and they are hereby appointed Truſtees, and ſhall be added to and joined with the Truſtees appointed in or by virtue of the ſaid recited Acts, for putting the ſaid Acts and this Act in Execution, for the Purpoſe of amending, widening, improving, and keeping in Repair the ſaid Diſtrict of Roads, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed Truſtees in or by virtue of the ſaid recited Acts, or any of them; and they, and the Survivors of them, are hereby inveſted with the Powers and Authorities therein and herein given and enacted for that Purpoſe.

New Tolls.

III. And whereas the Tolls authorized by the ſaid recited Act of the Twenty-firſt Year of the Reign of His preſent Majeſty, to be taken upon the ſaid Diſtrict of Roads, are found inſufficient; be it therefore further enacted, That the ſaid Tolls ſhall be, and the ſame are hereby repealed; and that inſtead thereof the following Tolls ſhall be taken; (that is to ſay),

Tolls.

For every Horſe, Mare, or Gelding, drawing any Waggon, Wain, Cart, or other Carriage, with Fellies or Rollers of Sixteen Inches in Width, or with Axletrees of different Lengths rolling Sixteen Inches on each Side, the Sum of Two-pence; for each Wheel of ſuch Carriage One Halfpenny:

For every Horſe, Mare, or Gelding, drawing any Waggon or other Carriage with Four Wheels, rolling on each Side a Surface of Eleven Inches; the Sum of Three-pence; for each Wheel of ſuch Carriage One Penny:

For every Horſe, Mare, or Gelding, drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, the Sum of Three-pence; for each Wheel of ſuch Carriage One Penny:

For every Horſe, Mare, or Gelding, drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, the Sum of Four-pence; for each Wheel of ſuch Carriage One Penny Halfpenny:

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For every Horſe, Mare, or Gelding, drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches, the Sum of Four-pence; for each Wheel of ſuch Carriage One Penny Halfpenny:

For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, or Litter, with Four Wheels, the Sum of Sixpence; with leſs than Four Wheels the Sum of Three-pence; and for every Horſe drawing the ſaid Carriages, the Sum of Three-pence:

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

For every Ox, Bull, Steer, or other Cattle, drawing any Waggon, Wain, Cart, or other Carriage whatſoever, the Sum of Three-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence a Score, and ſo in Proportion for any greater or leſs Number:

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

Double Tolls on *Sunday*.

IV. And be it further enacted, That Double the Tolls by this Act granted, ſhall be demanded and taken for every Waggon, Wain, Cart, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Litter, or other Carriage, and for every Horſe, Mare, Gelding, Mule, or other Beaſt, drawing or not drawing, paſſing through any of the Gates erected or to be erected upon the ſaid Diſtrict of Roads by virtue of this or the ſaid recited Acts on a *Sunday*; which ſaid Tolls ſhall be and the ſame are hereby veſted in the ſaid Truſtees, and may be recovered, levied, aſſigned, and diſpoſed of in ſuch and the ſame Manner as is directed by the ſaid recited Acts with reſpect to the Tolls thereby granted.

Truſtees may leſſen the Tolls.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, at ſuch Time or Times as they ſhall think proper, after Fourteen Days Notice in Writing having been given, by affixing the ſame upon each of the Gates erected or to be erected upon the ſaid Diſtrict of Roads, to reduce, leſſen, or alter all or any Part of the ſaid Tolls, or any of them, or any Part or Parts thereof, and the Conſent of the ſeveral Perſons who ſhall have Money due on Security of the ſaid Tolls, having been firſt obtained in Writing for that Purpoſe, and to raiſe the ſame again, ſo as not to exceed the reſpective Tolls by this Act granted; and the Tolls ſo reduced, leſſened, or altered, ſhall and may be collected, recovered, and applied in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Empowering the Truſtees to divide the Tolls.

VI. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby authorized and empowered

ed from Time to Time, as they ſhall think proper, to divide the Tolls by this Act authorized to be taken within the ſaid Diſtrict, into Parts or Proportions, and to cauſe the ſame to be collected at ſuch Gate or Gates as they ſhall think proper, ſo that the whole Toll to be demanded and collected upon the Whole of the ſaid *Henley* Diſtrict, do not at any Time exceed the Tolls by this Act granted, and ſo that the Tolls to be taken at any Gate or Gates erected or to be erected on the ſaid Road between the Town of *Henley-upon-Thames*, and *Benſington* in the ſaid County of *Oxford*, or between *Benſington* aforeſaid and the Place called the *Mile Stone*, in the Road leading to *Magdalen Bridge*, or between *Benſington* aforeſaid and *Culham Bridge* in the ſaid County of *Oxford*, do not exceed One Half of the Tolls by this Act granted.

Exemptions from Toll.

VII. And whereas the Exemptions from Tolls granted by the ſaid recited Acts have been found inconvenient; be it therefore enacted, That the ſame ſhall, on the paſſing hereof, be, and the ſame are hereby declared to be repealed; and that inſtead thereof it is hereby declared, that within the ſaid *Henley* Diſtrict of Roads, no Perſon or Perſons ſhall be charged with any of the Tolls aforeſaid, paſſing through any of the Turnpike Gates erected or to be erected by virtue of the ſaid recited Acts or this Act, and carrying any Quantity of Stones, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the ſaid Roads, or the Bridges thereon, or for amending any of the Highways and Streets in the Pariſhes or Townſhips in which the ſaid Roads directed by the ſaid recited Acts and this Act to be repaired do lie, or going or returning through any of the ſaid Turnpike Gates with any Lime, Dung, Mould, Manure, or Compoſt of any Nature or Kind whatſoever, nor ſhall any Toll be demanded or taken by virtue of the ſaid recited Acts and this Act, for any Waggons, Wains, Carts, or other Carriages, carrying any Hay or Corn in the Straw, or for any Ploughs, Harrows, or other Implements of Huſbandry employed by ſuch Inhabitants for manuring or ſtocking of Lands lying within ſuch Pariſhes, Townſhips, or Places; nor ſhall any of the Tolls aforeſaid be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Pariſh Church, or other Place of Divine Worſhip, or viſiting his Sick Pariſhioners; or of or from any Perſon or Perſons reſiding in the ſaid Pariſhes, Townſhips, or Hamlets in which the ſaid Roads by the ſaid Acts and this Act directed to be repaired do lie, going or paſſing through the ſaid Turnpikes or Croſs Gates to or from their own Pariſh Church, Chapel, or neareſt Place of religious Worſhip on *Sundays*, or on any other Day on which Divine Worſhip is ordered by Authority to be celebrated; or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes, Townſhips, or Places; or for any of the Horſes, Geldings, Mares, or other Cattle going to or returning from Paſture or Watering Places, belonging to ſuch Pariſhes, Townſhips, or Places; or for any Horſe, Mare, Gelding, or other Cattle of any Perſon reſiding in any Pariſh where any

Gate or Turnpike is or ſhall be erected, going to be ſhoed or farried or returning therefrom; nor ſhall any Toll be demanded or taken for any Horſes or Carriages, of whatſoever Deſcription, employed or to be employed in conveying, fetching, or guarding Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſt-maſter General, or in returning back therefrom; nor ſhall any Toll be demanded or taken for the Horſes of any Soldiers paſſing, who are upon their March or on Duty, or for any Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; or for Horſes, Carts, or Carriages travelling with Vagrants ſent by legal Paſſes; nor ſhall any Toll be demanded or taken for any Coaches, Berlins, Landaus, Chariots, Calaſhes, Chaiſes, Chairs, or Paſſengers on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire, to ſerve in Parliament for the ſaid County of *Oxford*, or on the Day before or Day after ſuch Election ſhall begin or be concluded; any Thing in the ſaid recited Acts or this Act contained to the contrary notwithſtanding.

Truſtees to treat for Purchaſe of a Piece of Ground to widen the Road at *Nettlebed*.

VIII. And whereas the Road at the End of the Town of *Nettlebed* neareſt to *Benſington*, is narrow and inconvenient, and cannot be widened and improved without purchaſing Part of a Piece of Ground formerly Paſture, but now occupied as a Garden, lying on the South Weſt Side thereof, belonging to *John Parker*: And whereas ſo much of the ſaid Garden as is wanted to widen the ſaid Road, may be taken therefrom without materially injuring the other Part thereof, the ſame not adjoining to any Dwelling Houſe; be it therefore further enacted, That the ſaid Truſtees ſhall be, and they are hereby authorized and empowered to treat, contract, and agree with the ſaid *John Parker*, or the Perſons intereſted in the ſaid Garden Ground, for the Purchaſe of ſo much thereof as ſhall be wanted for the Purpoſe of widening the ſaid Part of the ſaid Road; and if the ſaid *John Parker*, or the Perſon or Perſons entitled to or intereſted in the ſaid Garden Ground, on Notice to him or them given, or left in Writing at the Dwelling Houſe or Houſes, or other Places of Abode, or at the Houſe of the Tenant in Poſſeſſion of the ſaid Garden, ſhall for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then, and in every ſuch Caſe, the ſaid Truſtees ſhall cauſe ſuch Value, Recompence, and Satisfaction, to be enquired into and aſcertained in the Manner directed by an Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, for explaining, amending, and reducing into One Act of Parliament, the Laws now in being for regulating Turnpike Roads in that Part of *Great Britain* called *England*, and for other Purpoſes.

Power to borrow Money on Credit of the Tolls.

IX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby empowered, from Time to Time, as they ſhall think proper, to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall think fit; and they

they may and are hereby empowered, from Time to Time, by any Writing or Writings under their Hands, to mortgage or assign over the said Tolls, or any Part thereof, to any Person or Persons, for any Time or Term, as a Security or Securities for the same, redeemable on Payment of the several Sums of Money that shall be so borrowed, and the Interest thereof, by the following Words, or any other Words to the like Effect, instead of the Mode or Form heretofore used for Assignment thereof; (*videlicet*),

'BY virtue of an Act, passed in the Forty-second Year of the Reign of His Majesty King *George* the Third [*here insert the Title of this Act*] We of the Trustees for putting the said Act and the Acts therein mentioned in Execution, in consideration of the Sum of to the Treasurer for the said Roads in Hand paid, do grant, bargain, sell, and demise, unto *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Acts, and of the Gates, Turnpikes, and Toll Houses for collecting the same, as the said Sum of doth or shall bear to the whole Sum advanced on the Credit thereof: To be had and holden from this Day of until the said Sum of with Interest at the Rate of *per Centum per Annum*, shall be repaid and satisfied.'

And Copies of all such Mortgages or Assignments shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees; which Book or Books shall be produced to any Person or Persons who shall have advanced Money on the Credit of the said Roads: Provided always nevertheless, that nothing in this Act contained shall extend to alter or prejudice, or be construed to alter or prejudice the Securities already given, but that the same shall continue to have Priority in the Order they now stand.

For preventing Nuisances near the Road.

X. And be it further enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded or laid down within One hundred Yards of any of the Gates or Bars erected or to be erected upon the said District of Roads, or within Thirty Feet of the Centre of any such Road, and afterwards be reloaded and laid along the said Road, upon Pain that the Owner or Owners of every Carriage employed therein, or the Driver or Drivers thereof, shall forfeit and pay for the First Offence any Sum not exceeding Twenty Shillings, and for every other Offence Forty Shillings, such Sum to be recovered and applied as Forfeitures are by the said Act of the Twenty-eighth Year of His late Majesty to be recovered and applied; save only, that the Person or Persons giving Information of any Offence or Offences herein, shall be entitled to a Moiety of such Forfeitures.

So much of said Acts as restrains Trustees from erecting Turnpikes, &c. repealed.

XI. And whereas by the said recited Acts of the Ninth and Twenty-eighth Years of the Reign of His late Majesty King *George* the Second, or One of them, the Trustees are restrained from erecting any Turnpike or

or Toll House within the Distance of One Mile and an Half from the Market House in the Town of *Abingdon*, in the County of *Berks*, and within the Distance of One Mile and an Half from the Market Cross in the Town of *Henley-upon-Thames* aforesaid; be it further enacted, That so much of the said recited Acts, or either of them, as restrains the said Trustees from erecting such Turnpikes or Toll Houses as aforesaid, shall be, and the same are hereby repealed.

Application of Compensation Money where amounting to 200 *l.*

XII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Grounds, or other 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 recited Acts particularly mentioned, such Money shall, in case the same shall amount to or exceed 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, Grounds, or other 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, Grounds, or other Hereditaments, or affecting other Lands, Grounds, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, 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 Lands, Grounds, 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 Lands, Grounds, or other 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 Annuities; 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

been entitled to the Rents and Profits of the Lands, Grounds, or other Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation Money is less than 200*l.* and above 20*l.*

XIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Grounds, or other 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 Lands, Grounds, or other 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 (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.*

XIV. 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 to the Rents and Profits of the Lands, Grounds, or other 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.

For paying the Expences of the Act.

XV. And be it further enacted, That all the Charges and Expences of obtaining and passing this Act, shall be paid out of the Money collected or received, or out of the First Monies to be collected or received on the said Roads by virtue of the said recited Acts and this Act, in Preference to all other Payments whatsoever.

Publick Act.

XVI. 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.

Fixing the Term of this Act.

XVII. And be it further enacted, That the Terms granted and continued by the ſaid recited Acts ſhall, upon the paſſing hereof, ceaſe and determine, and that the ſaid Acts and this Act (ſo far as the ſame are not hereby altered, varied, or repealed), ſhall from thenceforth continue and be in force, and be executed, for the Purpoſe of amending, widening, and keeping in Repair the ſaid Diſtrict of Road, 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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