ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxxix.

An Act to renew the Term and continue and enlarge the Powers of an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from* Shillingford *in the County of* Oxford, *through* Wallingford *and* Pangborne, *to* Reading *in the County of* Berks, *and for repairing and maintaining a Bridge over the River* Thames *at or near* Shillingford Ferry. [17th *June* 1852.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from* Shillingford *in the County of* Oxford, *through* Wallingford *and* Pangborne, *to* Reading *in the County of* Berks, *and for repairing and maintaining a Bridge over the River* Thames *at or near* Shillingford Ferry: And whereas by the "Annual Turnpike Acts Continuance Act, 1851," the said recited Act was continued until the First Day of *November* One thousand eight hundred and fifty-two, and 7 & 8 G. 4. c. 19.

no longer, unless Parliament should in the meantime continue the same: And whereas the Trustees acting by virtue of the said recited Act have proceeded in the Execution thereof, and considerable Sums of Money are now owing upon the Credit of the Tolls thereby authorized to be taken on the said Road and Bridge, together with some Interest thereon, which Money cannot be paid off and the Interest thereof discharged, nor can the said Road and Bridge be effectually improved and kept in repair, unless the Term and Powers of the said recited Act are further continued and enlarged: And whereas it is expedient that the said recited Act should be repealed, and that other and more effectual Powers and Provisions should be granted in lieu thereof, and that Power should be granted to alter the Tolls authorized to be taken by the said recited Act upon the said Road and Bridge; 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,

Recited Act repealed, and this Act to be put in force.

I. That upon the Fourth *Wednesday* next after the passing of this Act the said recited Act shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Shillingford, Wallingford, and Reading* Road Act, 1852."

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

III. That all Monies due to, and all Property and Choses in Action vested in, the Trustees under the Act 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 Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof.

Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Berks* and *Oxford* or either of them, together with *William Andrews*, *John Allnutt*, *John Jackson Blandy*, *Charles Blandy*, *Arthur William Breedon* Clerk, *John Brown*, *Richard Buncombe*, *Octavius Buncombe*, *James Robert Burgess* Clerk, *William Briant*, *John Brown*, *Robert Mayne Clarke*, *William Shaw Clarke*, *William Cole*, *George Cooper*, *John Cooper*, *John Dalzell*, *John Davey*, *Henry Deane*, *Thomas Edward Field*, *Robert Baily Fisher* Clerk, *William Cokayne Frith* Clerk, *John*

John Humfrey Fuller, *Thomas Fuller*, *Charles Greenwood* of *Wallingford*, *Charles Greenwood* of *Winterbrook*, *William Harris*, *Thomas Havell*, *Henry Hawkes*, *John Allnatt Hedges*, *John Kirby Hedges*, *Charles Hedges*, *George Higgs*, *William Hilliard*, *Edward Hodges*, *Thomas Hoggard*, *John Leigh Hoskyns* Clerk, *William Toovey Hopkins* Clerk, *John Kirby*, *Isaac King*, *John King*, *John Langley* Clerk, *Thomas Lawrence*, *Henry William Lloyd* Clerk, *Alexander Macdonald*, *Walter May*, *Edward Micklem*, *Baker Morrell*, *Charles Morrell*, *Deacon Morrell* Clerk, *George Kidd Morrell* Clerk, *Robert Aldworth Newton*, *Thomas Newton*, *Richard Palmer* Clerk, *Robert Payne*, *William Thomas Payne*, *Robert Pigou*, *Charles Pittman*, *Edward Purvis*, *William Barrington Reade*, *Thomas Stokes Salmon*, *Edward Sherwood*, *John Simonds*, *Charles Simonds*, *John Slade*, *Robert Sumner* Clerk, *Thomas Frederick Sowdon*, *Charles Stephens*, *Thomas Stevens*, *William Toovey*, *Alexander Thwaites*, *Henry Taylor* Clerk, *John Trollope* Clerk, *William Tuppen*, *Edward Vines*, *William Watlington*, *Edward Wells* of *Wallingford*, *Edward Wells* of *Slade End*, *Herbert White* Clerk, *Thomas Gilbert White*, *John Wilder* Clerk, *Thomas Wintle* Clerk, *John Yard Willats*, *John Yard Willats* the younger, and *William Winkworth*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. 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 Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Number of 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.

First Meeting of Trustees.

VI. 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 Fourth *Wednesday* next after the passing of this Act, and shall then 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 Committees.

VII. 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 and Bridge, 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 Surveyor may proceed and act according

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 applicable.

VIII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Road and Bridge herein-after described; that is to say, the present Turnpike Road leading from the *Henley and Dorchester* Turnpike Road at or near a Public House called the *Old Bell* at *Shillingford* in the Parish of *Warborough* in the County of *Oxford*, to and over the Bridge called *Shillingford Bridge*, and from thence to and through *Wallingford* and *Pangborne* to the North-westward Corner of *Prospect Street* in the Parish of Saint *Mary* in *Reading* in the County of *Berks*.

Present Tolls continued till 12 o'Clock on 1st Sept. 1852.

IX. That, notwithstanding the Repeal of the said recited Act, the Tolls thereby granted and made payable on the said Road and Bridge 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 and Bridge until Twelve of the Clock at Noon on the First Day of *September* next after the passing of this Act.

At 12 o'Clock on 1st Sept. 1852 Trustees empowered to take Tolls herein specified.

X. That upon and after Twelve of the Clock at Noon of the said First Day of *September* next 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 and Bridge, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; that is to say,

For every Horse or other Beast drawing any Coach, Stage Coach, Van, Caravan, Sociable, Berlin, Landau, Chariot, Barouche, Phaeton, Chaise Marine, Chaise, Calash, Car, Curricle, Chair, Gig, Hearse, Litter, or other such like Carriage, any Sum not exceeding Sixpence:

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 Ninepence;

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 Sevenpence 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 Sixpence:

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 Fourpence Halfpenny;

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 Fourpence;

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 Threepence:

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

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

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Fivepence, 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 and Sixpence:

For every Dog or Goat drawing any Cart, Carriage, or other Vehicle, the Sum of One Penny:

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 Bridge, or on the Sides thereof: Provided always, that the Tolls to be taken for any Ass shall in every Case be less by One Penny than the Tolls hereby authorized to be taken for a Horse or other Beast.

As to the Fraction of a Halfpenny in Tolls.

XI. 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.

Only Four Tolls to be payable on the Road on the same Day.

XII. That no more than Four Tolls shall be taken for passing and repassing 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 or Toll Bars erected or to be erected or continued on the said Road and Bridge.

Persons having paid Toll to return Toll-free.

XIII. 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 Bridge or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in passing through the same Toll Gate or Toll Bar, and through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Postchaises to pay every Time of passing with fresh Hiring.

XIV. That the Tolls hereby made payable shall be paid for all Horses, Beasts, or Cattle drawing any Postchaise 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.

XV. 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 different Carriages to be again subject to Toll.

XVI. 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 or Bridge, and 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.

Present Toll Gates to be continued until removed by Order of Trustees under Provisions of 9 G. 4. c. 77.

XVII. That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Road and Bridge 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 on or across the said Road and Bridge respectively or on the Sides thereof any Toll Gates or Bars and Toll Houses, and to remove the present or future Toll Gates or Bars and Toll Houses, as

as they shall think proper: Provided always, that no Toll Gate, Bar, or Toll House shall be removed, erected, or set up upon or across the said Road and Bridge or on the Sides thereof unless the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose, in conformity with and after such Notices as are required to be given by the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads.*

Mortgagees not to take possession of Toll Gates, &c. but for Payment of Interest.

XVIII. That whenever and so long as the Interest upon existing Mortgages of the Tolls under the said recited Act shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any such Mortgage shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road or Bridge, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time due and becoming due upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Application of Monies received under this Act.

XIX. That all Monies which shall be received by the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in defraying the necessary Expenses of maintaining and repairing Toll Gates and Toll Houses, and the necessary Expenses of Management of the said Road and Bridge, not exceeding the annual Sum of Eighty Pounds:

Thirdly,

Thirdly, in paying all Arrears of Interest upon the Principal Sums of Money due and owing on the Credit of the Tolls before the passing of this Act, not exceeding One Year's Interest on any of the said Principal Sums:

Fourthly, in paying Interest at the Rate of Four Pounds *per Centum per Annum* upon the Principal Sums of Money which shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road and Bridge:

Fifthly, in paying the Expenses of improving, maintaining, and keeping in repair the said Road and Bridge, subject to the Provisions of this Act, and of erecting and providing new Toll Gates, Toll Bars, and Toll Houses, and of otherwise putting this Act into execution, the Amount of such last-mentioned Expenses not to exceed in the whole in any One Year the Sum of Four hundred Pounds:

Sixthly, in reducing, paying off, and discharging the several Principal Sums which shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road and Bridge, according to the Provision herein-after contained:

Lastly, in maintaining and further repairing and improving the said Road and Bridge.

Determining Amount of existing Debt on Road, &c.

XX. And whereas the Principal Sums due and owing on the Credit of the Tolls under the said recited Act amount to the Sum of Eight thousand one hundred and sixty-six Pounds Thirteen Shillings and Fourpence, including a Sum of One hundred Pounds secured by a Mortgage numbered Thirty-three, in respect whereof no Interest has been paid or claimed since the Month of *August* One thousand eight hundred and thirty-three: Be it enacted, That the Sum of Eight thousand one hundred and sixty-six Pounds Thirteen Shillings and Fourpence shall be and be deemed the whole Principal Money owing on the Credit of the Tolls authorized to be taken on the said Road and Bridge; and in case no Claim shall be made in respect of the said Mortgage numbered Thirty-three, by any Person legally or equitably entitled thereto, within Twenty Years from the last Payment of Interest thereon, then the said Sum of One hundred Pounds, and all Interest for the same, shall be deemed and taken to be satisfied, discharged, and extinguished, and all Claims and Demands in respect thereof shall be thereafter barred and estopped.

As to Mode of discharging Debt.

XXI. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days

at

at least before such general annual or other Meeting, cause Notice to be given of such Meeting and of the Object or Purpose thereof, so far as the same shall relate to the Application of such Sum, by Letter sent by Post to each Mortgagee, directed to his usual Place of Residence or last known Place of Abode, and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Mortgagee who shall by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Mortgagee as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of other Monies owing on the Security of the said Tolls to the Mortgagee who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Mortgagees by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Mortgagees on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

No more Money to be borrowed upon the Tolls.

XXII. That it shall not be lawful for the Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

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

XXIII. 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.

Trustee or Clerk competent Witnesses in Actions.

XXIV. That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence or 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.

Road not exempt from Provisions of any future General Act.

XXV. 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.

XXVI. That this Act shall commence upon the Fourth *Wednesday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Construction of Terms.

XXVII. 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.

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