



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. ciii.

An Act for repairing and otherwise improving the Roads from *Oxford*, over *Botley Causeway*, to *Fifield* in the County of *Berks* and *Witney* in the County of *Oxford*. [21st August 1835.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King George the Third, intituled *An Act for repairing and widening the Road from the West End of Thames Street in the City of Oxford, over Botley Causeway, to the Turnpike Road near Fifield in the County of Berks*: And whereas an Act was passed in the Eighth Year of the Reign of His said Majesty, intituled *An Act to enlarge and vary the Term and Powers of an Act for repairing and widening the Road from the West End of Thames Street in the City of Oxford, over Botley Causeway, to the Turnpike Road near Fifield in the County of Berks; and to provide more effectually for repairing and widening the ancient Horse Road from the West End of Botley Causeway to Witney in the County of Oxford*: And whereas an Act was passed in the Eighteenth Year of the Reign of His said Majesty, intituled *An Act for continuing the Terms and enlarging the Powers of Two Acts, one passed in the Seventh and the other in the Eighth Years of His present Majesty's Reign, for repairing and widening the Roads from Oxford, over Botley Causeway, to Fifield in the County of Berks and Witney in the County of Oxford*: And whereas an Act was passed in the Fifty-fourth Year of the Reign of His said Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of*

[Local.]

35 F

Three

7 G. 3. c. 66.

8 G. 3. c. 34.

18 G. 3. c. 81.

54 G. 3. c. 186.

Three Acts passed in the Seventh, Eighth, and Eighteenth Years of His present Majesty's Reign, for repairing and widening the Roads from Oxford, over Botley Causeway, to Fifield in the County of Berks and Witney in the County of Oxford; and for more effectually repairing and amending the Road from and out of the Witney Road at the Village of Botley into the said Road at or near Swinford Bridge: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded in the Execution thereof respectively, for which Purpose they have borrowed a considerable Sum of Money on the Credit of the Tolls by the said Acts granted and continued, the greatest Part of which Money still remains due and owing and cannot be paid off, nor can the said Roads and the several Bridges thereon be effectually amended and kept in repair, unless the Term of the said Acts be further continued; and it is expedient that the said Acts should be repealed, and more effectual Powers and Provisions granted for repairing, maintaining, and otherwise improving the said Roads; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 from and after the Fourth Day of November One thousand eight hundred and thirty-five the said Four recited Acts shall be and the same are hereby repealed.

Recited Acts repealed.

This Act to be put in execution instead thereof.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect and be put in execution, for and during the Term herein-after mentioned, for repairing, improving, and maintaining the present Turnpike Road from the City of *Oxford*, over *Botley Causeway*, to *Witney* in the County of *Oxford*, and also the present Turnpike Road from and out of the said *Witney Road* at the Village of *Botley* to the Turnpike Road near *Fifield* in the County of *Berks*.

Appointment of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Counties of *Oxford* and *Berks* respectively, together with the Right Honourable *Montague Bertie* commonly called Lord *Norreys*, the Honourable and Reverend *Frederick Bertie*, the Honourable *Henry William Bertie*, the Honourable *Thomas Parker*, Sir *Charles Throckmorton* Baronet, Sir *Joseph Lock*; *Thomas Edward Bridges*, *Frederick Barnes*, *William Buckland*, *Edward Burton*, *John Bull*, *Bulkeley Bandinell*, *Edward Cardwell*, *John Antony Cramer*, *Edward Christopher Dowdeswell*, *John Fox*, *Henry Foulkes*, *Ashhurst Turner Gilbert*, *Thomas Gaisford*, *Anthony Grayson*, *Edward Hawkins*, *George William Hall*, *Renn Dixon Hampden*, *James William Hoskins*, *Richard Jenkyns*, *John Collier Jones*, and *James Ingram*, Doctors in Divinity; *Robert Marsham* and *John David Macbride*, Doctors in Civil Law; *George Rowley* and *John Radford*, Doctors in Divinity; *Edward Bouverie Pusey* Clerk, Master of Arts; *Martin Joseph Routh*, *Philip Nicholas Shuttleworth*, and *Benjamin Parsons Symons*, Doctors in Divinity; *Lewis Sneyd* Clerk; *Philip Wynter*, Doctor in Divinity; *Charles Joseph Bishop*, *Charles Giles Bridle Daubeny*, *John Kidd*, *James Adey Ogle*, and *John Wootten*, Doctors of Physic; *James Banting*, *William Bragge*, *Adam Blandy the elder* and *Adam Blandy the younger*, Esquires; *Edward Batt*, *Augustin Batt*, *Thomas Burrow* Clerk, *Richard Ferdinand Cox* Esquire, *George Thomas Clare* Clerk, *John Clinch*, *Thomas Duffield* Esquire, *Thomas Davies* Clerk;

Thomas

Thomas Ensworth, Deodatus Eaton, Esquires; John Early, Henry Gregory Clerk; George Granville Harcourt, William Harvey, Esquires; John Hyde, James Hawkins, Clerks; John Ireland Esquire; James Forbes Jowett, Charles Jerram, Clerks; Kyffin John William Lenthall Esquire; Mark Morrell, James Morrell, Nathaniel Poyntz Clerk; Philip Pusey, Herbert Parsons, Thomas Robinson, Esquires; William Rowland, Daniel Rutter, George Richards Clerk; Charles Deleat Waldo Sibthorp, Walter Strickland, John Loder Symonds, Thomas Hayward Southby, William Slatter, Richard Skeen, Esquires; William Slatter, Thomas Symonds, Robert Symonds, Lancelot Arthur Sharpe, Robert Perry Sidney, Clerks; James Swann, Samuel Shuffrey, Gentleman; John Wastie, William Thorp, Charles Tawney, Richard Wootten, Thomas Wyatt, and Perceval Walsh, Esquires, and Robert Wetherell Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England; shall be and they are hereby appointed the Trustees for more effectually amending, widening, and from Time to Time improving and keeping in repair the said Roads, and for otherwise carrying this Act into full and complete Execution.

IV. And be it further enacted, That the said Trustees shall meet at the Town Hall in the said City of *Oxford*, or at some other convenient House or Place upon or near to the said Roads, within Twenty-one Days next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon; and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and at such Places upon or near to the said Roads as they shall think proper for carrying the several Acts for regulating Turnpike Roads in *England* and this Act into execution.

First Meeting of Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, at any Meeting to be held for that Purpose, to elect, nominate, and appoint any Number of Persons not exceeding Five in the whole, being duly qualified, to be Trustees for the Purposes of this Act; and such Persons, when so elected and appointed, shall have the same Powers and Authorities for executing this Act as if they had been expressly named and appointed Trustees in or by this Act.

Power to appoint additional Trustees.

VI. And be it further enacted, That the said Trustees shall and may continue the Turnpikes, Toll Gates, or Side Bars or Gates already standing and being upon or on the Sides of any of the Roads hereby authorized to be repaired and maintained, and shall and may, if they shall deem it necessary or expedient, erect and set up new Turnpikes, Toll Gates, or Side Bars or Gates at such Place or Places as they shall find convenient upon or on the Sides of the said Roads or any of them.

Old Toll Gates to be continued, and new ones erected.

VII. And be it further enacted, That it shall be lawful for the said Trustees to demand and take the several Tolls following at all or any of the Turnpikes or Toll Gates or Side Bars or Gates which are or shall be continued or erected by virtue of this Act in, upon, or across or on the Side or Sides of the said Roads, and on every Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Power to take Tolls.

For

Tolls.

For every Horse or other Beast drawing any Coach, Chaise, Hearse, or other Carriage of the like Description with Four Wheels, where the same shall be drawn by One such Horse or Beast not exceeding the Sum of Nine-pence; and when the same shall be drawn by Two or more, for every such Horse or Beast not exceeding the Sum of Six-pence:

For every Horse or other Beast drawing any Chaise, Gig, or other Carriage of the like Description with less than Four Wheels, not exceeding the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Description, with Wheels the Fellies or Soles of which shall be of the Breadth of Six Inches or upwards, when the same shall be drawn by One or Two such Horses or Beasts not exceeding the Sum of Five-pence; and when the same shall be drawn by Three or more, for every such Horse or Beast not exceeding the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Description, with Wheels the Fellies or Soles of which shall be of the Breadth of Four Inches and a Half and less than Six Inches, when the same shall be drawn by One or Two such Horses or other Beasts not exceeding the Sum of Sixpence; and when the same shall be drawn by Three or more, for every such Horse or Beast not exceeding the Sum of Five-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage of the like Description, with Wheels the Fellies or Soles whereof shall be of a less Breadth than Four Inches and a Half, when the same shall be drawn by One or Two such Horses or other Beasts not exceeding the Sum of Seven-pence Halfpenny; and when the same shall be drawn by Three or more, for every such Horse or Beast not exceeding the Sum of Sixpence:

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

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and so in proportion for any greater or less Number:

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

And for every Coach, Waggon, Vehicle, or other Carriage of whatever Description, propelled, drawn, worked, or used by Steam, Gas, or by any mechanical or other Power, and without the Assistance of any Horse or other Beast, any Sum not exceeding Five Shillings:

Tolls vested in the Trustees.

Which said respective Tolls shall be and are hereby vested in the said Trustees; and shall be applied for the Purposes of this Act in manner herein-after directed.

No more than One Toll per Day on the Fifield Road, nor more than Two on the Witney.

VIII. And be it further enacted, That no more than One full Toll shall be demanded or taken for or in respect of any Horse or other Beast in any One Day, to be computed as aforesaid, for passing and repassing through any of the said Turnpikes, Toll Gates, or Side Bars or Gates erected or to be erected upon or across or on the Sides of the said Road between *Oxford* and *Fifield*; nor more than Two full Tolls shall be demanded or taken for or in respect of any Horse or other Beast in any

One

One Day, to be computed as aforesaid, for passing and repassing through any of the said Turnpikes or Toll Gates or Side Bars or Gates erected or to be erected across or on the Sides of the said Road between *Oxford* and *Witney*.

IX. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be made or repaired by this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon or across such Road or on the Side thereof, nor unless the said Tolls shall be demanded or taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any of the Roads authorized to be made and repaired by this Act than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Limiting the Application of the Money raised.

X. Provided always, and be it further enacted, That whenever the Toll shall have been paid for any Horse or Horses or other Beast or Beasts drawing any empty Waggon, Cart, or other Carriage which shall have passed through any or either of the Turnpikes, Toll Gates, or Side Bars or Gates erected or to be erected upon or on the Side of the said Roads, no Toll shall be demanded or taken for any such Horse or Horses or other Beast or Beasts, on the Return of such Waggon, Cart, or other Carriage, whether empty or loaded, on the same Day.

When Toll has been paid in respect of Horses drawing an empty Carriage, no Toll shall be taken on Return.

XI. And be it further enacted, That no more than Three full Tolls in the whole shall be payable or paid for or in respect of the same Horses, Cattle, or Beasts, for passing in One Day, to be computed as aforesaid, through all the Turnpikes, Toll Gates, or Side Bars or Gates erected or to be erected on the said Roads or on the Sides thereof.

Limiting the Number of Tolls to be taken.

XII. And be it further enacted, That the said Tolls shall be paid for or in respect of Horses and other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage Carriage (except Carts drawn by One Horse or other Beast only) conveying Passengers or Goods for Pay, Hire, or Reward, and also for or in respect of any Carriage propelled or drawn by Steam, Gas, or other such like Means, conveying Passengers or Goods for Pay, Hire, or Reward, every Time of such Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or Taxed Cart, or other Stage Carriage (except as aforesaid), Steam or Gas Carriage, passing or repassing along the said Roads: Provided also, that no further or additional Toll shall be payable or paid for or in respect of any Horses drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Stage Coaches, &c. to pay every Time of passing;

XIII. Provided also, and be it further enacted, That the said Tolls shall be paid for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other such Carriage, every Time of passing along the said Roads whenever any new Hiring thereof shall take place.

Post Chaises on every new Hiring.

XIV. And be it further enacted, That out of the Money already received or borrowed by virtue of the said Acts hereby repealed, or out of the

Application of Tolls.

[Local.]

first Money which shall or may arise or be received by virtue of this Act, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and the Remainder of all such Monies shall from Time to Time be applied in erecting Toll Houses, Gates, Bars, and Weighing Machines on the said Roads; and in amending, altering, widening, improving, and keeping in repair the said Roads, and otherwise in carrying this Act and the several Acts for regulating Turnpike Roads in *England* into execution, and in repaying the Principal Monies already borrowed on the Credit of the Tolls collected on or arising from or payable in respect of the said Roads; and the Principal Monies which may hereafter be borrowed by virtue of this Act, and the Interest due or to grow due thereon respectively, and to or for no other Use or Purpose whatsoever.

Tolls not to be applied in repairing any Streets.

XV. And be it further enacted; That none of the Tolls authorized to be taken by this Act upon the said Roads or any of them, nor any Money raised by virtue of the said recited Acts or any of them, shall be paid, laid out, or expended in the Repair or Improvement of any Street within the City of *Oxford* through which the said Roads pass, nor shall any of the said Tolls be collected therein.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of whom they are purchased.

XVI. And be it further enacted, That in case any Lands or Hereditaments shall, in pursuance of this Act and of the Acts for regulating the Turnpike Roads in *England*, or any of them, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands and Hereditaments so purchased, in case the same shall be of Freehold Tenure, or the Estate or Interest in case the same shall be of any other Tenure, shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance, or the Estate and Interest, as the Case may be, of and in the Lands and Hereditaments so purchased, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance or Assurance, or any of them, be entitled to a perpetual Right of Way in or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

The Right of Way to cease when Lands are not wanted.

XVII. Provided also, and be it further enacted, That if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance, or the Estate or Interest, as the Case may be, of the said Lands and Hereditaments, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Trustees to have the same Power of cutting the

XVIII. Provided always, and it is hereby further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and using the Lands and Hereditaments taken by them for the

the Purposes of this Act, and of erecting Toll Houses and other Buildings thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple and the Estate and Interest of the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*; any thing herein contained to the contrary in anywise notwithstanding.

Lands taken by them as if they had purchased the Fee Simple.

XIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

XX. And be it further enacted, That this Act shall commence on the said Fourth Day of *November* One thousand eight hundred and thirty-five, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

Term of Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.

