



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. cxi.

An Act for repairing and maintaining the Road from the *Mayor's Stone* in *Abingdon* to *Chilton Pond* in the County of *Berks*.

[22d June 1841.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of King George the Second, intituled *An Act for amending and keeping in repair the Roads leading from a Place called Fryer Bacon's Study to Chilton Pond, and from the Top of Hinksey Hill to Foxcombe Hill Gate in the Road leading to Farrington in the County of Berks*: And whereas another Act was passed in the Eighteenth Year of the Reign of King George the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, for amending and keeping in repair the Roads leading from a Place called Fryer Bacon's Study to Chilton Pond, and from the Top of Hinksey Hill to Foxcombe Hill Gate in the Road leading to Farrington in the County of Berks*: And whereas by the said last-recited Act the Road leading from the *Mayor's Stone* at the End of the *Vineyard* in the Borough of *Abingdon*, over *Ock Bridge*, and through the Villages of *Drayton* and *Steventon*, to a

29 G. 2. c.81.
18 G. 3. c.99.

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Place called *Chilton Pond*, being in or near the Road leading to *East Ilsley*, was made a separate District, under the Care or Management of a separate Body of Trustees, and named "The *Abingdon District*:" And whereas another Act was passed in the Thirty-eighth Year of the same Reign, 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 enlarging the Powers, of Two several Acts, the one passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Second, the other in the Eighteenth Year of the Reign of His present Majesty, for amending and keeping in repair the Roads leading from a Place called Fryer Bacon's Study to Chilton Pond, and from the Top of Hinksey Hill to Foxcombe Hill Gate in the Road leading to Farringdon in the County of Berks, so far as the same relate to "The Abingdon District" of the said Roads therein mentioned*: And whereas another Act was passed in the Fifty-ninth Year of the same Reign, intituled *An Act for enlarging the Term and Powers of Three Acts, for repairing the Road from Fryer Bacon's Study to Chilton Pond, and other Roads in the County of Berks, so far as relates to the Road called "The Abingdon District*:" And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Acts upon the said *Abingdon District* of 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 said 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 or increased: And whereas it is expedient that the said recited Acts should be repealed so far as the same relate to the said Road named "The *Abingdon District*," 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 Third *Wednesday* next after the passing of this Act the said recited Acts passed respectively in the Twenty-ninth Year of the Reign of King *George* the Second, and in the Eighteenth Year of the Reign of King *George* the Third, so far as the same relate to the said Road called "The *Abingdon District*," and the said recited Acts passed respectively in the Thirty-eighth and Fifty-ninth Years of the Reign of King *George* the Third, 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 of 29 G. 2. and 18 G. 3., so far as they relate to the *Abingdon District*, and the other Acts, repealed, and this Act to be put in force.

All Arrears of Tolls and Monies due under recited Act 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

and Engagements to which the Trustees under the recited Acts were liable at the Repeal thereof.

III. And be it enacted, That the Rights of any Mortgagees or Assignees, or Persons holding any Mortgages or Assignments made or granted before the passing of this Act, of the Tolls arising on the Roads by the said recited Acts authorized to be amended and kept in repair, shall not be prejudiced or affected by the Repeal of the said recited Acts.

Rights of Mortgagees not to be prejudiced.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Berks*, together with *John Richard Barrett, John Samuel Bowles, Henry Bowles, Frederick Selwood Bowles, Thomas Bowles, Adam Blandy, and John Blandy*, Esquires, *Henry Bowyer Clerk, George Bowyer, John Bassel Barrett, Edmund Currie, William Caudwell, Thomas Duffield, Henry Duffield, William Dewe, Charles Eystone, Charles Eystone the younger, and William Hayward*, Esquires, *Henry Hoskins Clerk, Thomas Thornhill Morland Esquire, Herbert Randolph Clerk, William Slatter Clerk, George Andrewes Clerk, William Doe Belcher, Richard Badcock, Charles Baster, Frederick Box, James Badcock, John Box, Charles Blandy Bayley, Pern Blundel, Thomas Curtis, Charles Archer Curtis, Thomas Copeland the younger, John Vindin Collingwood, Benjamin Collingwood, Edward Cowcher, and Joseph Copeland Gentleman, Nathaniel Dodson Clerk, Thomas Frankum, William Graham, Thomas Hedges Graham, John Harris senior, John Hyde junior, James Torry Hester, George Jackson, John Kent, Charles King, John King, Henry Knapp, George Bowes Morland, and William Salisbury*, Gentlemen, *William Smith Clerk, John Tomkins, Charles Tomkins, Thomas West, Thomas Walker, and Daniel Godfrey*, Gentlemen, 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 *New Inn* in the said Borough of *Abingdon*, or at some other convenient Place in the Neighbourhood of the said Road, 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.

First Meeting of Trustees.

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

Power to appoint Committees.

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.

Roads to which this Act is applicable.

VIII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from the South End of *Ock Bridge* in the Liberty of *Sutton Wick*, and through the Villages of *Drayton* and *Steventon*, to *Chilton Pond*, lying in or passing through or into the several Parishes, Townships, Hamlets, or Places of *Saint Helen* and *Saint Nicholas*, *Sutton Wick*, *Drayton*, *Steventon*, *Milton*, *Harwell*, *Sutton Courtney*, and *Chilton*, all in the County of *Berks*.

Power to light the Road, or contract for the same.

IX. And be it enacted, That it shall be lawful for the said Trustees to cause the said Road, or such Part as they shall think proper, to be lighted; and it shall also be lawful for the said Trustees to contract with any Person for the lighting the said Road or Part thereof with Gas, Oil, or otherwise, and for supplying Lamps, Burners, Lamp Posts, Irons, and other Apparatus requisite for the Purpose, or otherwise to provide the same, and to pay the Expences out of the Monies or Tolls to arise by virtue of this Act: Provided always, that Twenty-one Days previous Notice of the Meeting at which any Order for lighting or contracting to light any Part of the said Road is to be made, and of the Object of such Meeting, shall be given in the Manner required by Law in Cases of calling Meetings of Trustees of Turnpike Roads in *England* on Emergencies.

Penalty for damaging Lamps, &c.

X. And be it enacted, That if any Person shall wilfully break, throw down, or otherwise damage any Lamp, Burner, Lamp Post, Iron, or other Matter or Thing provided or used for so lighting the said Road, or extinguish any such Light, such Person shall forfeit for each Offence a Sum not exceeding Forty Shillings above the Amount of any Damage done.

Gas Apparatus not to be placed against private Property without Consent.

XI. Provided always, and be it enacted, That the said Trustees, or any Person supplying Gas for lighting the said Road, shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building or Land without the Consent of the Owner and Occupier thereof.

Service Cocks to be kept fully charged.

XII. And be it enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Road shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Penalty on Gas Makers for corrupting Water.

XIII. And be it enacted, That if any Person making or supplying any Gas for lighting the said Road shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond or Place for Water, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the
Place

Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

XIV. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted by any such Act as aforesaid: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence in respect of which such Penalty shall have been incurred shall have ceased.

Penalty to be sued for in Superior Courts within Twelve Months.

XV. And be it enacted, That in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted by any such Act as aforesaid; and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during the Continuance of the Offence.

XVI. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas for lighting the said Road, such Person shall immediately after receiving Notice in Writing of any such Escape of Gas prevent such Gas from escaping; and in case such Person shall not, within Twenty-four Hours next after Service of such Notice, effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Daily Penalty during Escape of Gas after Notice.

XVII. And be it enacted, That every Pipe for the Conveyance of Gas for lighting the said Road shall be laid at the greatest practicable Distance, and if the Width of the Carriageway will admit thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, for the Conveyance of Water, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and shall be at least Nine Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Four Feet.

Position of Gas Pipes with reference to Water Pipes.

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XVIII. And

Manner of
laying the
Gas Pipes.

XVIII. And be it enacted, That in laying down any such Gas Pipe no Two of such Gas Pipes shall be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench; and the Jointing with the other Pipes to be added thereto shall be made after the Pipes shall be so laid in the Trench with proper Materials; and every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept Air-tight, so that in every respect the Gas shall be prevented from escaping therefrom.

Penalty for
laying Gas
Pipes con-
trary to the
Act.

XIX. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Five Pounds.

Penalty on
Gas Makers,
if Water con-
taminated.

XX. And be it enacted, That whenever any Water shall be contaminated by the Gas of any Person making or supplying Gas for lighting the said Road, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Daily Penalty
during the
Continuance
of the Con-
tamination
after Notice.

XXI. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Power to
examine Gas
Pipes to
ascertain
Cause of Con-
tamination.

XXII. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas as aforesaid; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person.

TheExpences
to abide the
Result of the
Examination.

XXIII. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the digging, Examination, and Repair of the Road or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall

pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

XXIV. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages done in getting Materials for repair of any Turnpike Road may be ascertained and recovered.

The Amount of the Expences to be ascertained and recovered as other Damages.

XXV. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas for lighting the said Road from an Indictment for any Nuisance or any other legal Proceeding to which he may be liable in consequence of the making or supplying such Gas.

Persons supplying Gas to be liable to Indictment for Nuisance.

XXVI. And be it enacted, That it shall be lawful for the said Trustees to cause to be watered the said Road, or such Part thereof as they shall think proper, and also to purchase or provide such Machines, Carts, Pumps or Engines, and Horses, as shall be necessary for the said watering, or to contract with any Person for such watering, and for supplying the Requisites aforesaid; and it shall be lawful for any Surveyor of the said Road, and such other Persons as shall be employed by such Surveyor, being authorized by the said Trustees, to dig, bore, and search for Water in any Common or Waste Ground, and to erect any Engine, Pump, or Machine in any Well so dug for raising the Water from the same, such Surveyor or Person levelling the Ground, or railing or fencing off such Holes, Pits, Wells, or Places as shall be so digged or made, so that the same may not be dangerous to Passengers or Cattle, and to pay the Expences out of the Tolls or Monies to arise by virtue of this Act.

Trustees may water Roads, or contract with any Person for that Purpose.

Surveyor may take Water from any Common gratis.

XXVII. And be it enacted, That it shall be lawful for the said Trustees to purchase or rent any Pieces of Land, not exceeding in any one Place Thirty-six Superficial Square Yards, on the Side of the said Road, as Repositories for broken and unbroken Materials for improving and repairing the same, and for depositing the Scrapings off the Road; and all Differences arising between such Trustees and any Owner of Land with respect to the Value thereof, or otherwise, shall be settled and determined in the same Manner as Damages done in getting Materials for the Repair of any Turnpike Road may be settled and determined.

Repositories for Scrapings, &c. to be provided.

XXVIII. And be it enacted, That 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, or any Sum not exceeding the following Tolls; (that is to say,)

Power to take Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Chariot, Stage Coach, Diligence, Omnibus, Van, Caravan, Chaise, Hackney Coach,

Tolls.

Coach,

Coach, Cab, Car, Stage Carriage, Berlin, Sociable, Chariot, Curricle, Calash, Barouche, Vis-à-vis, Landau, Phaeton, Whiskey, Hearse, Litter, Chair, Gig, Tax Cart, or any other such like Carriage, by whatsoever Name the same may be called or known, the Sum of Sixpence :

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Four-pence ; and 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, the Sum of Three-pence ; and having the Fellies of the Wheels of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of Two-pence :

For every Four-wheeled Carriage of any Description which shall be fastened or in any Manner fixed to another Carriage of any Description, the Sum of One Shilling ; and for every Two-wheeled Carriage of any Description so fastened or fixed, the Sum of Sixpence :

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

For every Drove of Oxen or Neat Cattle, the Sum of Ten-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 Five-pence *per* Score, and so in proportion for any greater or less Number :

For every Carriage propelled or drawn by Steam or other Power than Animal Power, the Sum of Two Shillings :

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.

A Halfpenny to be taken in case of a Fraction of a Halfpenny in Tolls,

XXIX. 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,

The Payment of One Toll to clear all Gates in the same Day.

XXX. And be it enacted, That all Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty (except Horses or Cattle drawing any Stage Coach, Stage Waggon, or other Stage Carriage, as herein-after mentioned, and except Dogs drawing as aforesaid,) 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 Side thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, not only to pass and repass through the same Toll Gate or Toll Bar, but also through all other Toll Gates or Bars on the said Road or on the Sides thereof, Toll-free the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

Horses, &c. drawing different Car-

XXXI. Provided always, and be it enacted, That in case the Toll in this Act mentioned shall have been paid in respect of any Horses
or

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 such Horses 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 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.

riages to be again subject to Toll.

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

Post Chaises to pay every Time of passing with fresh Hiring.

XXXIII. And be it enacted, That all Horses 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 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.

Regulations as to Stage Coaches, &c.

XXXIV. And for regulating the Weights to be allowed to Carts or other such Carriages which shall be drawn upon the said Road by One Horse or Beast only, be it enacted, That the Weights to be allowed to Carts or other such Carriages drawn by One Horse or Beast shall never exceed the Weights following; (that is to say,) from the First Day of *April* to the Thirtieth Day of *September* (both Days inclusive) One Ton and Ten Hundred Weight for each such Cart or Carriage and the Lading thereof, and from the First Day of *October* to the Thirty-first Day of *March* (both Days inclusive) One Ton and Eight Hundred Weight for each such Cart or Carriage and the Lading thereof.

Regulating the Weights on Carts drawn by One Horse.

XXXV. And be it enacted, That all Carts or other such Carriages drawn by One Horse or other Beast may be weighed at any Weighing Machine erected upon or on the Side of the said Road, and the Breadth of the Wheels thereof at the Bottom or Soles of the Fellies may be measured and gauged, and the like additional Tolls and Penalties for Overweight and Breadth of the Wheels may be demanded and recovered as may by any Statute now in force be demanded and recovered for Overweight, and in respect of Breadth of Wheels for Carts and other Carriages drawn by Two or more

Authorizing the weighing and gauging of the Wheels of One Horse Carts.

Horses or Beasts, any Law or Statute to the contrary thereof notwithstanding.

Timber, &c.
to pay Double
Toll between
First of No-
vember and
First of April.

XXXVI. 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 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.

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

XXXVII. 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 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.

Respecting
Toll Gates.

XXXVIII. 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 to remove the present or any future Toll Gate or Bar, as they shall think proper.

Toll Houses,
&c. becoming
useless may
be sold.

XXXIX. And be it enacted, That it shall be lawful for the said Trustees to sell any Toll House standing and being upon the Side of such Part of the Road comprised in the said former Act as lies in the Borough of *Abingdon*, and which after the passing of this Act will cease to be Turnpike Road, together with the Ground whereon the same may stand, and all Outhouses, Gardens, and Appurtenances belonging thereunto, whenever the same shall be by them considered useless or unnecessary, to any Person, either by public Auction or private Sale, for such Price as the said Trustees can obtain; and it shall be lawful for the said Trustees to convey the same to the Purchaser; and a Receipt for the Purchase Money, signed by any Three or more of the said Trustees, shall be a sufficient Discharge for the same: Provided always, that such and the like Preference and Priority of purchasing Premises so to be sold shall always be given to the Owner of the next adjoining Land as is allowed in case of the Sale of any Piece of Ground not wanted for the Purposes of a Turnpike Road.

Application
of Monies.

XL. And be it enacted, That all Monies which shall be received by the said Trustees by virtue of this Act shall be applied, in the first place, in discharging the Expences of obtaining and passing this Act, and in the next place in discharging the Interest of all Monies due or to become due on the Credit of the Tolls, and next in

improving and maintaining, lighting, and watering the said Road, and in putting this Act into execution, and in discharging the Principal Sums due or to become due upon the Credit of the Tolls.

XLI. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Town of *Abingdon*, or Limits of any Act of Parliament passed for the Improvement of any Town, or shall any be collected therein or in the Town of *Abingdon*. No Tolls to be taken or Money laid out in Town of *Abingdon*.

XLII. 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. Trustee or Clerk competent Witnesses in Action.

XLIII. 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. The Road not to be exempt from any general Act.

XLIV. And be it enacted, That this Act shall commence on the Third *Wednesday* next 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. Term of Act.

XLV. 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. Construction of certain Terms in this Act.

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

