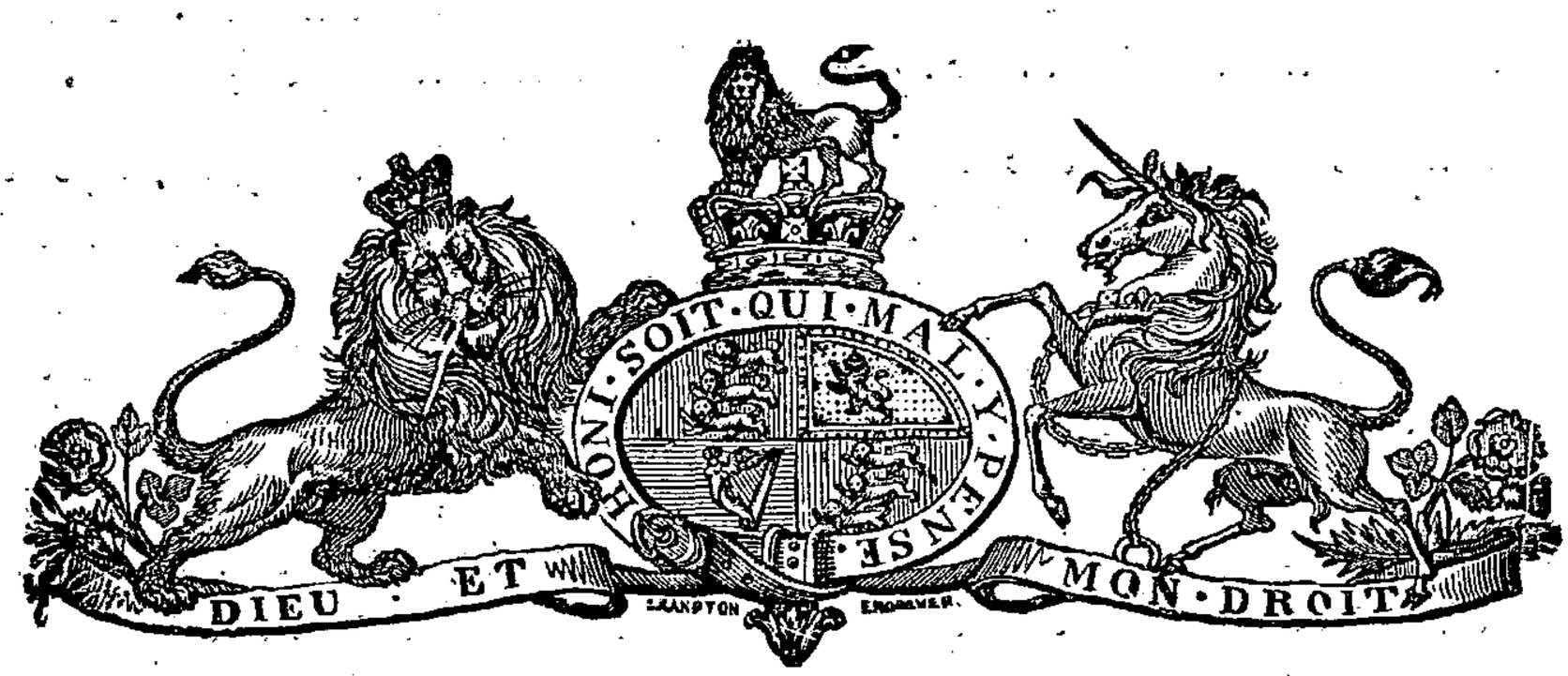



ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

## *Cap.* lxi.

**An Act to extend the Term and alter the Provisions of Two Acts relating to the *Buckingham, Brackley, and Banbury* Turnpike Road, and of an Act relating to the *Towcester, Brackley, and Weston on the Green* Turnpike Road, and to consolidate the Management of the said Turnpike Roads.**

[3d *July* 1851.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and widening several Pieces of Road, and opening and making several Pieces of new Road, therein described, so as to make a convenient Carriage Road from* Buckingham *through* Brackley *to join the* Daventry *Turnpike Road near* Banbury: 31 G.3. c.133.
And whereas another Act was passed in the Fiftieth Year of the Reign of His said Majesty, intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from* Buckingham *through* Brackley *to join the* Daventry *Turnpike Road near* Banbury, and by which said last-mentioned Act a new Scale of Tolls was authorized to be taken in lieu of the Tolls by the said firstly-recited Act granted: And whereas another Act was passed 50 G.3. c.133.

in the First Year of the Reign of His Majesty King *George* the
1 G. 4. c. 73. Fourth, intituled *An Act for repairing the Road from* Towcester *through* Brackley *in the County of* Northampton *to* Weston Gate *in the Parish of* Weston on the Green *in the County of* Oxford: And whereas the several Terms of Years by the said Acts respectively granted have been from Time to Time continued by divers Acts of Parliament for continuing Turnpike Road Acts, but the same will respectively expire on the First Day of *November* next unless continued by Parliament: And whereas considerable Sums of Money have already been advanced upon the Credit of the Tolls authorized to be taken by the said recited Acts respectively, which Money still remains owing, and such Money cannot be paid off, or the Interest thereof discharged, nor can the Roads comprised in this Act be effectually improved and kept in repair, unless further Powers are granted, and the Terms by the said Acts granted further continued: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers should be granted in lieu thereof, and that the Management of the Roads comprised in this Act should be consolidated, and that the said Roads should henceforth form One Trust; 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, as follows; (that is to say,)

Recited Acts repealed and this Act to take effect.

I. That upon the First Day of *November* next after the passing of this Act the said Three several recited Acts of the Thirty-first and Fiftieth Years of the Reign of His Majesty King *George* the Third and of the First Year of the Reign of His Majesty King *George* the Fourth 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 in other Acts of Parliament and in legal Instruments, and in all other Proceedings whatsoever, it shall be sufficient to use the Expression "The *Brackley* Turnpike Roads Consolidation Act, 1851."

Property vested in new Trustees.

III. That all Monies due to, and all Property and all Choses in Action vested in, the Trustees acting under any or either of the Acts hereby repealed, by virtue of those Acts, or any or either of them, 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, or any or either of them, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Acts, or any or either of them, were liable at the Repeal thereof, except such of the same Debts and Engagements as are by this Act virtually extinguished.

Appointment of new Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Buckingham*, *Northampton*, and *Oxford*, together with *William Andrews* Clerk, *Robert John Bartlett* Clerk, *John Edward Bartlett*, *John Jackson Blencowe*, *Charles Brickwell*, *Philip Box*, *William Cartwright*, *Stephen Ralph Cartwright* Clerk, *William Cornwallis Cartwright*, *Richard Aubrey Cartwright*, *Richard Chandler*, *Francis Clerke* Clerk, *Timothy Rhodes Cobb*, *Edward Cobb*, *James Cockerton* Clerk, *George Coleman* Clerk, Sir *George Dashwood* Baronet, *Edward Dewes*, *Henry Dyke* Clerk, *Thomas Draper*, *Robert Field*, *Frederick Gee*, *Joseph Ashby Gillett*, *John Slater Harrison*, *John B. Harrison* Clerk, *Thomas Hearne*, *Samuel Hall* Clerk, *Humphrey Humphreys*, *Richard Weston Leonard* Clerk, *Francis Litchfield* Clerk, *James Loch*, *William Lee*, *William King Malins*, *George Nelson*, the Honourable *Philip Sidney Pierrepont*, Sir *Henry Peyton* Baronet, *Harry Peyton*, *Benjamin Price*, *William Jocelyn Palmer* Clerk, *George Rush*, *George Rush* the younger, *John Holford Risley* Clerk, *Robert Russel*, *William Dean Ryland* Clerk, *John Michael Severne*, *John Edmund Severne*, *John Locke Stratton*, *Charles Arthur Sage* Clerk, *Thomas Scott* Clerk, *William Jones Skinner* Clerk, *John Horton Sheppard*, *Robert Weston*, *Eusebius Andrewes Utthwatt*, *William Willes*, *Charles Thomas Willes*, and *John William Wing*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Meetings of Trustees.

V. That the Trustees shall hold their First Meeting on the First Day of *November* next after the passing of this Act, at Twelve of the Clock at Noon, at the *Crown* Inn, *Brackley*, or at some other convenient Place in the Town of *Brackley*, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Town of *Brackley* as they shall think proper.

Roads to which this Act is applicable.

VI. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Turnpike Road leading from the Western Boundary of the Parish of *Buckingham* to the Turnpike Road in the Town of *Brackley* in the County of *Northampton*, and also the Turnpike Road leading from the said Turnpike Road in the Town of *Brackley* to join the *Daventry* Turnpike Road near the Town of *Banbury*, and also the Turnpike Road leading from *Towcester* through *Brackley* aforesaid to *Weston Gate* in the Parish of *Weston on the Green* in the County of *Oxford*.

VII. That,

Present Tolls to continue for a Time.

VII. That, notwithstanding the Repeal of the said secondly-recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the Roads comprised in that Act until the First Day of *January* One thousand eight hundred and fifty-two; and, notwithstanding the Repeal of the said thirdly-recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the Roads comprised in that Act until the First Day of *January* One thousand eight hundred and fifty-two.

Power to take new Tolls.

VIII. That upon and after the First Day of *January* One thousand eight hundred and fifty-two it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates or Toll Bars which shall be upon or on the Sides of the Roads comprised in this Act 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, Mule, or other Beast drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Chaise Marine, Calash, Phaeton, Curricle, Chair, Gig, Whiskey, Caravan, Taxed Cart, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having Wheels of the Breadth of Nine Inches in the Fellies or Soles thereof, the Sum of Fourpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having Wheels of the Breadth of Six Inches and less than Nine Inches in the Fellies or Soles thereof, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having Wheels of less Breadth than Six Inches in the Fellies or Soles thereof, the Sum of Ninepence:

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

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

For every Drove of Oxen, Cows, Heifers, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number than a Score:

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

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 upon or across the said Roads or on the Sides thereof.

IX. That

As to the Fraction of a Halfpenny in Tolls.

IX. 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.

Limiting Number of Tolls to be taken.

X. That (except as herein-after otherwise provided) no more than the Number of Tolls herein-after specified shall be taken for passing and repassing at any Time or Times in the same Day (a Day being for all the Purposes of this Act 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 and Bars erected or to be erected or continued on the Portions of the Roads comprised in this Act herein-after specified; (that is to say,) on the Portion of the said Roads between the Parish of *Buckingham* and *Brackley* no more than One full Toll; on the Portion of the said Roads between *Brackley* and the Place where the same meets or adjoins the *Daventry* Turnpike Road no more than One full Toll; and on the said Road from *Towcester* through *Brackley* to *Weston Gate* no more than Four full Tolls.

Persons having paid Toll to return Toll-free.

XI. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, Cart, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any of the Roads comprised in this Act or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted in returning through the same Toll Gate or Bar, and in going and returning through such other Toll Gate and Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Postchaises, &c. to pay every Time of fresh Hiring.

XII. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, and for all Horses 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, Animals, or Cattle had been made on the same Day.

Regulations as to Stage Coaches.

XIII. That all Horses and Cattle drawing any Stage Coach, Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Hire or Reward 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 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.

Arrangement as to Tolls on Daventry Road.

XIV. That all Horses, Cattle, and other Animals liable to Toll in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar on the said Road between *Brackley* and the *Daventry* Turnpike Road shall, upon a Ticket denoting such Payment being produced, be permitted in going and returning through any Toll Gate or Bar between the Point of Junction of the said Turnpike Road from *Brackley* to *Banbury* with the said *Daventry* Turnpike Road and the Town of *Banbury* to pass Toll-free the same Day; and all Horses, Cattle, and other Animals liable to Toll in respect whereof the Toll authorized to be taken shall have been paid at any Toll Gate or Bar between the Town of *Banbury* and the said Point of Junction shall, upon a Ticket denoting such Payment being produced, be permitted in going and returning through any Toll Gate or Bar on the said Road between *Brackley* and the *Daventry* Turnpike Road to pass Toll-free the same Day.

Application of Monies.

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

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

Secondly, in paying the Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, and Toll Houses:

Thirdly, in paying Salaries, including ordinary Law Charges and other necessary Expenses of putting this Act into execution, not exceeding in the whole in any One Year the Sum of One hundred and forty Pounds:

Fourthly, in paying the Expenses of maintaining and keeping in repair the Roads comprised in this Act:

Fifthly, in paying off in the Manner herein-after mentioned the Principal Sum of Four thousand eight hundred and thirty Pounds now due on the Credit of the Tolls by the said recited Acts authorized to be taken, or such Part thereof as shall for the Time being remain unsatisfied.

Mortgagees not to take possession.

XVI. That no Holder of any Mortgage shall be entitled to enter into possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the Roads comprised in this Act, or any of them, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls.

XVII. That

As to Mode of discharging Debt.

XVII. 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 least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Object or the Purpose thereof so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Northampton*, 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 Creditor 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 Creditors 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 Creditor 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 Creditors, 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 Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus 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 Creditors on the said Tolls.

No more Money to be borrowed.

XVIII. That no more Money shall be borrowed by the Trustees on the Credit of the Tolls by this Act authorized to be taken.

Trustee or Clerk to be competent Witness.

XIX. 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.

Road not to be exempt from the

XX. That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any General Act relating

Provisions of future General Acts.

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.

XXI. That this Act shall commence on the First Day of *November* 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.

Interpretation of Terms.

XXII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include Corporation:

Words importing the Masculine Gender shall include Females:

The Expression "the Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act.

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