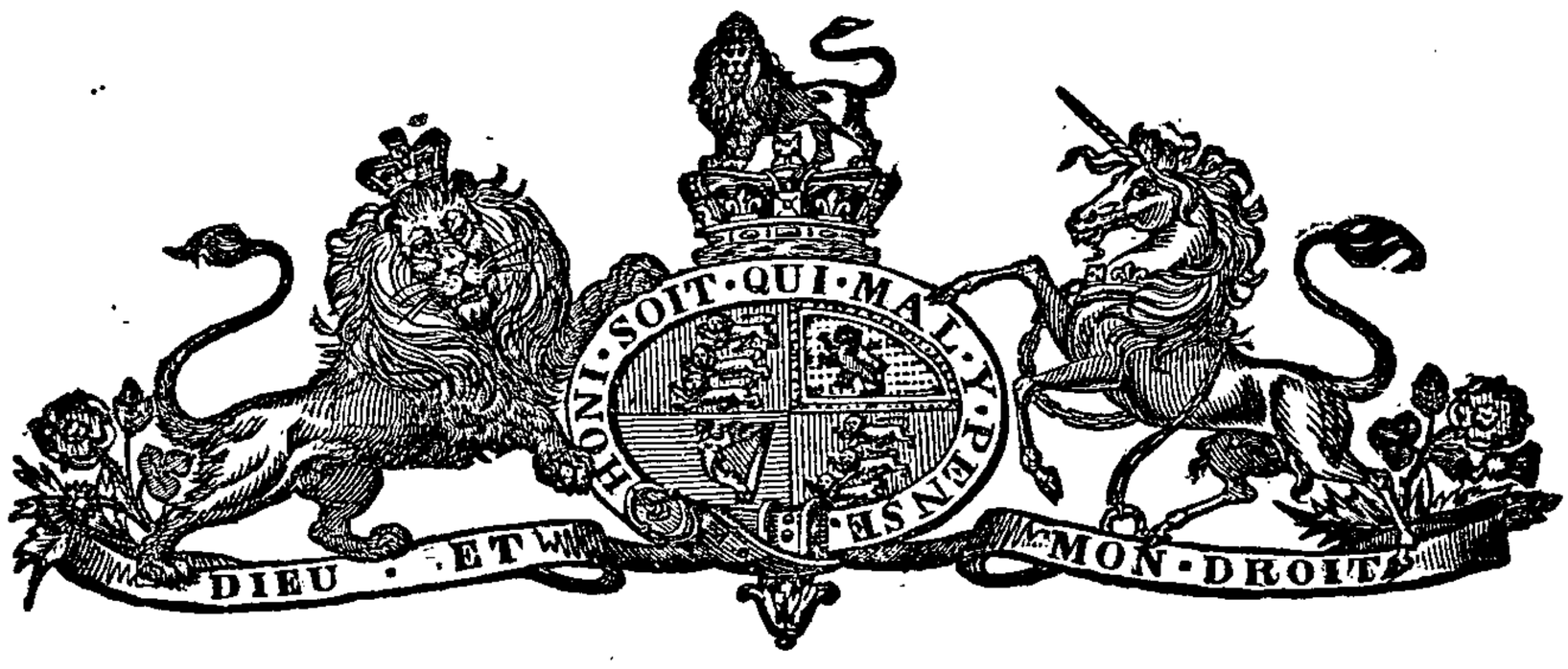


ANNO DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. I.

An Act to create a further Term in the *Buckingham and Towcester* Road, and to amend and extend the Act relating thereto, and for other Purposes. [2d *June* 1854.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing and amending the Road from the Town and Borough of* Buckingham *to the* Oxford and Northampton *Turnpike Road at* Lord's Field Gate *near the Town of* Towcester: And whereas the Term granted by the said Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-four, unless Parliament shall in the meantime continue the same: And wh reas considerable Sums of Money have been advanced or secured on the Credit of the Tolls authorized to be taken upon the said Road, which Money still remains owing, together with an Arrear of Interest thereon, and such Principal Monies cannot be paid off, nor can the said Road be maintained or kept in repair, unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be

5 G. 4. c. cxli.

granted in lieu thereof; but such Purposes 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Recited Act repealed, and this Act to be put in force.

I. That from and after the Commencement of this Act the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes hereinafter mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament, or in any Instrument or Document, or for any Purpose whatever, it shall be sufficient to use the Expression "The *Buckingham and Towcester* Road Act, 1854."

Interpretation of Terms.

III. 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,)

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

The Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

The Expression "Toll Gate" shall include Turnpike, Side Gate, Side Bar, or Chain, either on the said Road or on the Sides thereof.

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

IV. That all Rents, Arrears of Rent, Tolls, Arrears of Tolls, and other Monies due or reserved or belonging to, and all Monies, Property, and Choses in Action vested in, the Trustees under the Act hereby repealed, or any 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 due or reserved, belonging to, or vested in them under the said repealed Act, and they shall be liable to the Payment of all Sums of Money, Debts, and Demands now due and owing on the Credit or Security of the said repealed Act, and all Interest due and to grow due on the same respectively, and to all the Engagements to which the Trustees under the repealed Act were liable at the Repeal thereof, save and except such Debts, Liabilities, and Interest as are by this Act reduced, varied, or extinguished.

Conveyances, &c. under former

V. That, subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered

Act to continue in force.

entered into by any Person or Persons to or with the Trustees for executing the said repealed Act, or with any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said repealed Act, or any of them, with or to any Person or Persons, for any Purpose relating to the Road therein comprised, or to the Execution of the said Act, shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said repealed Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Act.

Former Books to be Evidence.

VI. That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the Act hereby repealed, or any of the Acts therein recited, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts and by all Judges, Justices, and others.

Trustees appointed.

VII. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Buckingham*, all Her Majesty's Justices of the Peace for the Time being acting for the County of *Oxford*, and all Her Majesty's Justices of the Peace for the Time being acting for the County of *Northampton*, together with the Right Honourable *William Henry Fitzroy* commonly called Earl *Euston*, the Honourable *Augustus Charles Lennox Fitzroy* commonly called Lord *Charles Fitzroy*, the Honourable *Frederick Fitzroy* commonly called Lord *John Frederick Fitzroy*, *William Henry Clarke* Clerk, *Edmund Francis Dayrell*, *John Elliott*, Sir *Hugh Richard Hoare* Baronet, *Thomas Hearn*, *John Edward Bartlett*, *William Andrews* Clerk, *Edmund Southam* M.D., *William Lloyd* Clerk, *John Holford Risley* Clerk, *Abraham George Roberts*, the Honourable *Richard Cavendish*, *Henneage Drummond* Clerk, *John Marsh* Clerk, *Thomas Clarke Whitehead* Clerk, *Henry Poundell* Clerk, *Lawrence Hall* the younger, *Philip Box*, *Edward Parrott*, *George Nelson*, *Humphrey Humphreys*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

VIII. That

Power to appoint additional Trustees.

VIII. 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.

First Meeting of Trustees.

IX. That the Trustees shall hold their First Meeting at the House of *William Smith*, known as the Sign of the *White Hart* Inn, in the Borough of *Buckingham* aforesaid, or at some other Place in the Neighbourhood of the said Roads, on the Second *Monday* after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then 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.

X. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part or Parts 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 the said Committees and the Officers of the Trust may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Officers to continue.

XI. That the Clerk, Treasurer, Surveyor, and all other Officers who have been appointed under and employed in the Execution of the said recited Act, shall respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or removed by the Trustees, or be incapable of executing them, and be subject to the like Rules and Regulations and Pains and Penalties in all respects whatsoever as if they had been appointed under or by virtue of this Act.

Roads to which this Act is applicable.

XII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Road herein-after mentioned; (that is to say,)

The Road called the *Buckingham and Towcester* Road, leading from or near to the Common Gaol in the Town of *Buckingham* up the Road formerly called *Pod's Lane*, and from thence through the Parishes or Places of *Buckingham*, *Maids*, *Moreton*, *Akely*, and *Lillingston Dayrell*, in the County of *Buckingham*, *Lillingston Lovell* in the County of *Oxford*, and *Whittlebury*

and

and Silston otherwise *Silveston Burnham* in the County of *Northampton*, into the Turnpike Road called "The *Oxford and Northampton* Turnpike Road" in the Parish or Precinct of *Silston* otherwise *Silveston Burnham* aforesaid, at or near to a certain Gate called *Lord's Field Gate.*

Style of the Trust.

XIII. That the said Road comprised in this Act shall be called "The *Buckingham and Towcester* Road," and the Trustees for executing this Act shall be called "The Trustees of the *Buckingham and Towcester* Road."

Present Tolls continued.

XIV. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Road until the Fourth *Monday* after the Commencement of this Act.

For erecting Turnpikes.

XV. That, subject to the Provisions of this Act, the several Toll Gates and Weighing Machines now standing or being upon the said Road, or on the Sides thereof, shall be continued until removed by an Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up upon, in, or across the said Road, and upon the Sides thereof, or any Part thereof, any Toll Gate and any Weighing Machine, and from Time to Time to remove the present or any future Toll Gates or Weighing Machines as they shall think proper: Provided always, that no Toll Gate which by this Act is authorized to be maintained or set up on the said Road or the Sides thereof shall be removed or set up upon or across the said Roads, or any of them, or the Sides thereof, except the same shall be ordered to be removed 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 Act of Ninth *George* the Fourth, Chapter 77.

Power to take Tolls.

XVI. That upon and after the Fourth *Monday* after the Commencement of this Act it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates which shall be continued or set up by virtue of this Act in, upon, across, or on the Side or Sides of the said Road such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Omnibus, Machine, Van, Caravan, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phæton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Eightpence:

For every Horse, Ox, or other Beast drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, the Sum of Sixpence:

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

For every Carriage not drawn by any Horse or other Beast, but propelled or moved by Steam or Machinery, or otherwise than by Animal Power, the Sum of One Shilling for each Wheel:

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

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

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

Which Tolls (together with such Charge for Overweight as herein-after mentioned) shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Animal, or any Carriage whatsoever, shall be permitted to pass through any Toll Gate which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof, and 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.

As to the Fraction of a Halfpenny in Tolls.

XVII. That in all Cases where 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.

Tolls to be paid Once a Day.

XVIII. That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Mule, Ass, Beast, Cattle, Dog, Goat, or Carriage through any or either of such Toll Gates, such Horse, Beast, Mule, Ass, Cattle, Dog, Goat, or Carriage shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and also through such other Toll Gate or Gates (if any) as the Ticket for such Payment shall free at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night.

Limiting the Number of Tolls on the whole Line of Road.

XIX. Provided always, That no more than Two full Tolls shall be demanded or taken for or in respect of the same Horses, Beasts, Cattle, Animals, or Carriages for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates along the whole Line of the said Road, the Distance between each respective Place of Payment being at least Five Miles.

XX. That

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

XX. That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, shall be payable and paid every Time of passing or repassing along the said Road or any Part thereof.

Post-chaises on every new Hiring.

XXI. That the Tolls hereby made payable for or in respect of Horses or Beasts let out to hire, and drawing any Post-chaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place, in the same Manner as if no previous Payment of Tolls in respect of such Horses or Beasts had been made on the same Day.

Certain exempted Articles subject to Toll, if conveyed during the Winter Months.

XXII. And whereas the carrying and conveying Stone, Dross, Ashes, and other Materials upon the said Roads for the making and repairing Turnpike Roads and Highways, and for building, rebuilding, or repairing Bridges upon or over the same in the Winter Season which are exempted from Toll, do considerably more Injury to the said Roads than if the same were conveyed during the Summer Months: Be it therefore enacted, That it shall be lawful for the said Trustees, between the First Day of *October* in One Year and the last Day of *March* in the succeeding Year, both Days inclusive, to demand and take at the several and respective Toll Gates to be continued or erected on the said Road for every Horse, Beast, or Cattle drawing any Waggon, Wain, Dray, Cart, or other Carriage carrying or laden with Stones, Timber, Dross, Ashes, or other Materials which may be used for making or repairing any Roads or Bridges whatsoever, the same Tolls as are by this Act authorized to be taken in respect of Horses, Beasts, and Cattle drawing any Waggons, Wains, Drays, Carts, or other Carriages, any Exemption granted by any Law or Statute to the contrary notwithstanding.

Limiting certain general Exemptions from Tolls.

XXIII. That no Exemption allowed by any Law or Statute in force from Payment of Tolls on any Turnpike Road shall be allowed in respect of the Tolls by this Act granted for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Wain, Dray, Cart, or other Carriage laden with or employed in leading or conveying any Materials for making or repairing any Road or Highway, or for building, rebuilding, or repairing any Bridge, save and except such Materials as are to be used for making or repairing a Road, Highway, or building or rebuilding or repairing a Bridge within some Parish, Township, Hamlet, or Place which is or may be liable to contribute to the Repair of some Part of the Road comprised in this Act.

XXIV. And

Determining Amount of existing Debt.

XXIV. And whereas the Principal Sums due and owing under the said recited Act amount to the Sum of Two thousand one hundred and sixty Pounds, upon which there is a large Arrear of Interest due and owing: Be it enacted, That, notwithstanding anything in the said repealed Act or this Act to the contrary, all Arrears of Interest on the said Sum of Two thousand one hundred and sixty Pounds, and all Interest which may accrue due on the said Sum up to the Time of the Commencement of this Act, shall be considered as satisfied and discharged, and that from the Commencement of this Act the Principal Sum of Two thousand one hundred and sixty Pounds shall be deemed and taken to be the Principal Sum due and owing on the Credit of the Tolls authorized to be taken on the said Road.

Authorizing the Issue of new Mortgages.

XXV. That the Trustees may, if they shall think fit so to do, at the Costs and Expense in every Case of the Person applying for the same, make and deliver to the several Parties now entitled to the said Sum of Two thousand one hundred and sixty Pounds, or any Part thereof, a Mortgage of the Tolls authorized by this Act for securing to such Party such Proportion of that Sum as may be due to him, and such Mortgages or any Assignment or Transfer thereof may be made in the Form, as far as the same may be applicable, and in such Manner, as is directed by any Law or Statute relating to Turnpike Roads in *England*; and such Mortgages, when so granted and delivered, shall be deemed and taken to be substituted for the same Portion of the original Debt as is comprised in the existing Securities in the Hands of, or as is owing to, the Person applying for and obtaining such Mortgage; and upon the Grant of any such new Mortgage the existing Mortgage or Bond for the Sum secured by such new Mortgage shall be delivered up to the Trustees.

Application of Monies and Tolls.

XXVI. That all Monies and Tolls vested in, or which shall be received by, the said Trustees under or by virtue of this Act, and which shall be applicable to the Purposes thereof, shall be applied as follows; (that is to say,)

First, in paying and discharging the necessary Costs and Expenses attending the applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, in defraying the necessary Expenses of erecting or providing, altering, and repairing Toll Gates, Toll Houses, Weighing Machines, Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, and Lamps, the Salaries and Wages of the Clerk, Surveyor, and other Officers and Persons employed by the said Trustees, and the other Costs attending the Management of the said Road; provided that such Expenses shall not exceed in any One Year the Sum of Fifty Pounds, exclusive of

of any Payment to Toll Collectors for collecting Toll, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any other Proceeding for maintaining and protecting their Trust:

Thirdly, in repairing and maintaining the said Road; provided that after the Year One thousand eight hundred and fifty-seven the Sum expended in any One Year in such Repairs and Maintenance shall not exceed such a Proportion of the total Amount of the Tolls collected during the preceding Year as will leave the Sum of Fifty Pounds as a Sinking Fund, to be applied in paying off and discharging the said Principal Sum of Two thousand one hundred and sixty Pounds:

Fourthly, in reducing, paying off, and discharging without Interest, in the Manner herein-after provided, the said Sum of Two thousand one hundred and sixty Pounds, or so much thereof as may for the Time being be owing on the Credit of the Tolls taken on the said Road:

Fifthly, in further repairing, maintaining, and improving the said Road.

Mortgagees not to take Possession of Toll Gates, &c.

XXVII. That after the Commencement of this Act no Holder of any Mortgage or Security on the Tolls collected on the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road or the Sides thereof, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode of discharging Debt.

XXVIII. 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 Fifty 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 Purposes thereof, so far as the same shall relate to the Application of such Sum, by Circular Letter addressed to each Mortgagee at his Place of Residence as entered in the Books of the Trustees, or by Notice in some Newspaper published or circulated in the Counties of *Buckingham Oxford*, and *Northampton*, or some or one of them, or if there shall be no Newspaper published or circulated therein, then in some Newspaper published in any adjoining County; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may

may require,) in or towards the Discharge of Monies owing in respect of the said Debts or Sum 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 Creditor as aforesaid shall apply the Surplus (if any) of such Sums, or a Portion thereof, (as the Case may require,) in or towards the Payment of the 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 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 Creditors on the said Tolls, or 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 on Tolls.

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

Persons liable to Repairs to continue so.

XXX. That all Persons, Counties, Towns, Parishes, Hamlets, Villages, and Places, and the Inhabitants thereof respectively, and Bodies Politic, Corporate, or Collegiate, and the Members thereof, who, at the Time of the passing of the repealed Act, were liable or had used or of Right ought to repair any Part of the said Road, or any Bridge, Watercourse, Drain, or Sewer in or upon the same, or to pay any Sum of Money for or towards the Repairs thereof, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever, and which Liability was preserved by the repealed Act, and is subsisting at the Time of the passing of this Act, shall, notwithstanding the Repeal of the said Act, be subject and liable to such Repairs, or to the Payment of such Sums of Money, in the same Manner as he or they would have been liable in case the said Act had not been repealed.

No Tolls to be taken or laid out in Towns.

XXXI. 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 Money be collected within the Limits of such Town.

XXXII. That

Roads not exempt from Provisions of any future General Act which may be passed.

XXXII. 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.

XXXIII. That this Act shall commence and take effect 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.

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