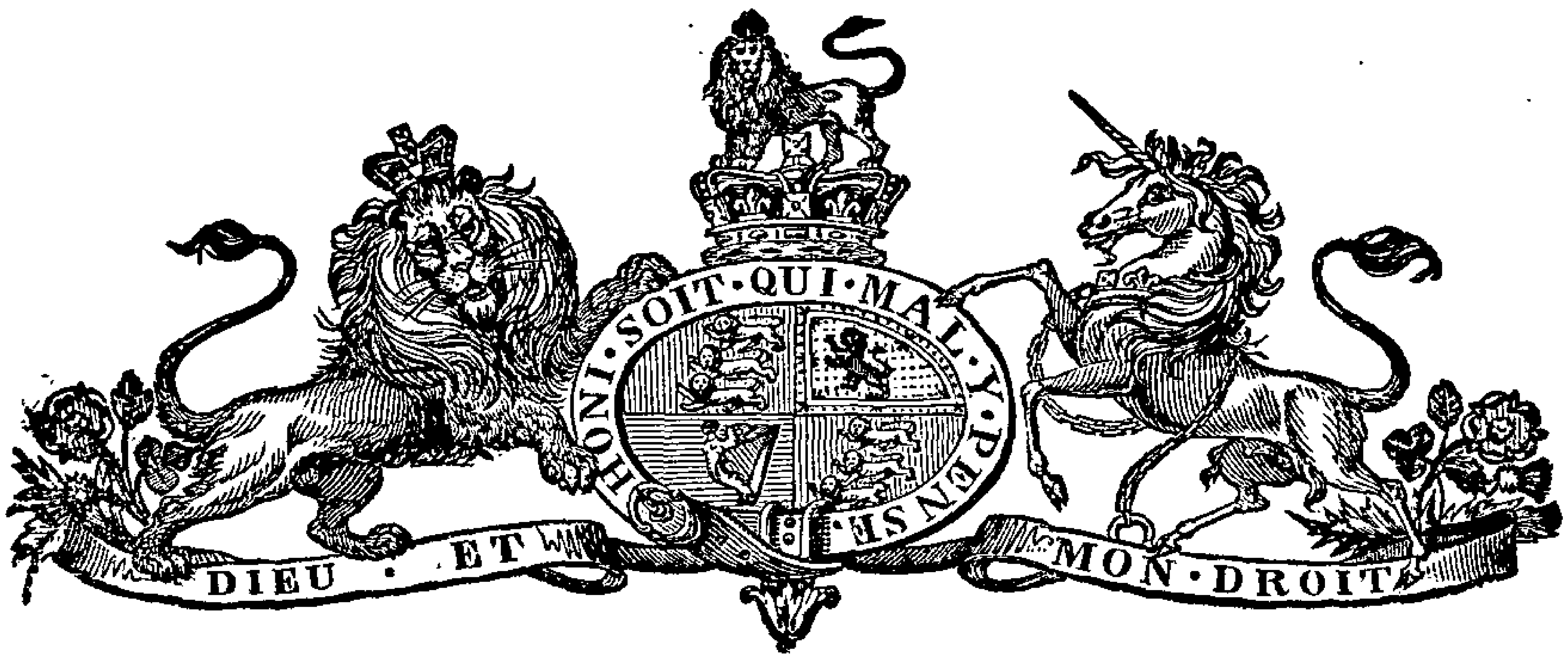


ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lv.

An Act for the Establishment of a Turnpike Road from *Southam* to *Kineton*, both in the County of *Warwick*. [28th *May* 1852.]

WHEREAS the Establishment of a Turnpike Road leading from the Town of *Southam* in the County of *Warwick* to the Town of *Kineton* in the same County would be attended with much local and public Convenience, and would facilitate as well the Communication between the said Towns as with the intended Station on the *Birmingham and Oxford Junction* Railway between *Harbury* and *Ladbrooke:* And whereas certain of the Highways between the said Towns might advantageously be made available for the Purposes of such Turnpike Road: And whereas a Plan and Section showing the Line and Levels of the said proposed Turnpike Road, and also a Book of Reference containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands proposed to be taken for the Purposes of the same, have been deposited with the Clerk of the Peace of the said County of *Warwick:* 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,)

8 & 9 Vict. c. 18. incorporated with this Act.

I. That the Provisions of the Lands Clauses Consolidation Act, 1845, so far as the same respectively are not expressly altered or varied by the Provisions herein-after contained, shall be incorporated with and form Part of this Act.

Short Title.

II. That in reciting this Act in other Acts of Parliament, or in legal Instruments, it shall be sufficient to use the Expression "The *Southam and Kineton* Turnpike Road Act, 1852."

Appointment of Trustees.

III. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Warwick*, together with *James* Viscount *Lifford*, *George Augustus Frederick Villiers* commonly called Viscount *Villiers*, Sir *Theophilus Biddulph* Baronet, *Richard Allen*, *Robert John Barnard*, *Edward Bates*, *Edward Beere*, *Thomas Bishop*, *Joseph Bishop*, *Henry Bromfield* Clerk, *Henry Thomas Chamberlayne*, *William Tankerville Chamberlayne*, *George Court*, *William Dunn*, *John Enoch*, *William Fairbrother*, *John Gardner*, *Robert Gardner*, *Richard Gardner*, *Robert Gillman*, *George Griffin*, *John Hall*, *John Heath*, *Temple Hillyard* Clerk, *William Holbech*, *Charles Holbech* Clerk, *Robert Green Jeston* Clerk, *Edward Bolton King*, *Robert Knight*, *John Langford*, *Thomas Lea* Clerk, *William Ledbrooke* of *Burton Grounds*, *William Ledbrook* of *Knightcote*, *John Ledbrooke*, *William Mann*, *Fiennes Sanderson Miller*, *William Sanderson Miller* Clerk, *Edward Miller* Clerk, *Henry Mills* Clerk, *William Palmer Morewood*, *William Frederick Palmer Morewood*, *Charles Palmer Morewood*, *Clement Newsam* Clerk, *Aris Henry Nourse*, *Thomas Williams Oldham*, *William Oldham*, *Charles Palmer* Clerk, *Thomas Palmer*, *Charles Pilkington* Clerk, *Joseph Plummer*, *Robert Poole*, *John Russell*, *Thomas Russell*, *John Sabin*, *John Seaman*, *Harvey Wilmot Sitwell* Clerk, *Henry Lilley Smith*, *William Lilley Smith* Clerk, *John Smith*, *Francis Smith*, *Richard Spraggett*, *Daniel Goodman Squirhill*, *William Taylor*, *James Taylor*, *George Fuller Thomas* Clerk, *Arthur Turner* Clerk, *Joseph Turner*, *Henry Whateley*, *John Welchman Whateley*, *Edward Welchman*, *Henry Corbett Willson*, *Isaac Deblois Winslow* Clerk, *William Edwards Wood*, and *Josiah Woodley*, 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.

Power to appoint additional Trustees.

IV. 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

have the same Powers and Authorities for executing this Act as if they had been thereby appointed.

First Meeting of Trustees.

V. That the Trustees shall hold their First Meeting on the Fourth *Thursday* next after the passing of this Act, or as soon after as conveniently may be, at the *Craven Arms* Inn in the Town of *Southam*, or at some other convenient Place in the said Town or 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.

Power to appoint Committees.

VI. That the Trustees may appoint Committees out of their own Body 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 general Instructions and Regulations as shall be laid down by the said Trustees; 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.

Power to make and maintain Road.

VII. That it shall be lawful for the Trustees to make and maintain the said Turnpike Road in the Line delineated on the said Plan deposited as aforesaid, and to enter upon, take, and use such of the Lands delineated on the said Plan and described in the Book of Reference deposited therewith, as shall be necessary for that Purpose, and also to take and appropriate all or any Part of the Highways in the Line of the said proposed Turnpike Road for the Purposes thereof.

Power to deviate.

VIII. That in the Construction of any Part of the said proposed Turnpike Road it shall be lawful for the said Trustees to deviate from the Line thereof delineated in the Plan deposited as aforesaid to the Extent of the proposed Limits of Deviation laid down on the said Plan.

Time for compulsory Purchase of Lands limited.

IX. That the Powers of the said Trustees for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Limiting Amount to be borrowed.

X. That the total Amount of Money which the Trustees may borrow on the Credit of the Tolls by this Act authorized to be taken shall not exceed the Sum of Five thousand Pounds in the whole.

Power to Trustees to erect Toll Gates, &c.

XI. That the said Trustees shall and may erect and set up, or cause to be erected and set up, in or across the said Road and on the Side thereof,

thereof, in such Places as they shall think proper, any Toll Gates, Turnpikes, or Toll Bars, with suitable Toll Houses and Outbuildings, and remove the same respectively from Time to Time, and erect and set up others: Provided always, that no Toll Gate, Turnpike, or Toll Bar shall be erected, set up, or removed upon or across the Road or on the Sides thereof, unless the same shall be ordered to be erected, set up, or removed 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 Seventy-seven.

Power to take Tolls.

XII. That it shall be lawful for the said Trustees to demand and take, at the said several and respective Toll Gates, Turnpikes, or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings may direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Berlin, Landau, Sociable, Phaeton, Curricle, Chaise, Gig, Caravan, Hearse, Car, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or other such Carriage having the Soles or Bottoms of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Fourpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches and less than Six Inches at the Bottom or Soles thereof, the Sum of Fivepence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, or such other Carriage having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, 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, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

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

And for every Coach, Waggon, or other Vehicle of whatever Description, propelled or drawn wholly or in part by Steam, Gas, or any such like Means, or by Machinery, or otherwise than by Animal Power, the Sum of Five Shillings:

And

And for every Dog, Goat, or other such like Animal drawing any Cart, Truck, or other Carriage, the Sum of One Penny:

Which said Tolls shall (subject to the Provisions herein-after contained) be paid before any Horse, Mule, Ass, Beast, or other Animal or Carriage whatsoever shall be permitted or authorized to pass through any Toll Gate, Turnpike, or Bar which shall be by virtue of this Act upon or across the said Road or on the Side thereof.

As to the fractional Part of a Halfpenny in Tolls.

XIII. 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.

Tolls to be paid only once a Day, except Horses drawing different Carriages.

XIV. That in case Toll shall have been paid for or in respect of any Horse, Beast, or Animal passing through any of the Toll Gates, Turnpikes, or Toll Bars to be erected and continued by virtue of this Act, no Toll shall be demanded or taken, except in the Cases herein-after mentioned, for or in respect of the same Horse, Beast, or Animal for returning, passing, or repassing through the same Toll Gate, Turnpike, or Toll Bar on the same Day before Twelve of the Clock at Night; but that no Horse or other Beast of Draught, for which Toll shall have been paid at any of the said Toll Gates, Turnpikes, or Toll Bars, returning the same Day through the same Toll Gate, Turnpike, or Toll Bar drawing another or different Vehicle or other Carriage, shall be permitted to repass through the same Toll Gates, Turnpikes, or Toll Bars the same Day without again paying Toll, anything herein contained to the contrary thereof notwithstanding.

Regulations as to Stage Coaches, &c.

XV. 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.

Postchaises to pay on every new Hiring.

XVI. That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for

for Hire as often as a 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.

Only One full Toll to be taken in One Day between certain Places.

XVII. That no more than One full Toll, except as herein provided to the contrary, shall be demanded and taken for or in respect of any Horse or other Animal, Vehicle or Carriage, passing and repassing on the same Day through all or any of the Toll Gates, Turnpikes, or Side Bars to be erected across or on the Sides of the said Road between the Town of *Southam* aforesaid and the Road Bridge over the *Birmingham and Oxford Junction* Railway in the Parish of *Harbury* aforesaid, numbered Three on the said Plan; nor shall more than One full Toll, except as aforesaid, be demanded or taken for or in respect of any Horse or other Animal, Vehicle or Carriage, passing and repassing on the same Day through all or any of the Toll Gates, Turnpikes, or Side Bars to be erected across or on the Sides of the Roads between the Town of *Kineton* otherwise *Great Kineton* aforesaid and the said Road Bridge.

As to Mode of discharging Debt.

XVIII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing 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 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 Purposes thereof, so far as the same relate to the Application of such Sum, by Circular addressed to each Creditor at his last known Place of Abode, and forwarded to him by Post; 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 upon 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 Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, as the Case may require, in or towards the Discharge 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 owing 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

between or amongst such Creditors, as the Trustees 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 any Proposals relate, the Trustees may apply the Sums applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

Mortgagees not to take possession of Toll Houses but for Arrears of Interest.

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

Application of the Tolls.

XX. That all the Monies which shall be received by the said 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, or incident thereto:

Secondly, in paying the Expense of erecting, providing, and keeping in repair the Toll Gates, Turnpikes, Toll Bars, Toll Houses, and their Appurtenances connected with the said Road, and the necessary Expenses of Management of the said Road, such Expenses not to exceed in the whole the Sum of Forty Pounds *per Annum*:

Thirdly, in paying Interest, at a Rate not exceeding Four Pounds Ten Shillings *per Centum per Annum*, upon or in respect of the Principal Sums which may for the Time being be owing or secured on the Credit of the Tolls authorized to be taken by this Act:

Fourthly, in providing a Sinking Fund to the Extent, and to be applied in the Manner, prescribed by the Act of 12 & 13 *Vict.* c. 87.:

Fifthly, in paying the Expenses of maintaining and keeping the said Road in repair:

Sixthly, in reducing, paying off, and discharging the several Principal Sums to be borrowed on the Credit of the Tolls authorized to be taken by this Act.

Road not exempt from Provisions of future General Acts.

XXI. 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.

XXII. That this Act shall commence on the First *Monday* 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.

XXIII. 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 "Lands" shall be understood to include Messuages, Tenements, and Hereditaments:

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting under or by virtue of this Act:

The Expression "the Road" or "the said Road" shall mean the Road to which this Act applies.

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