



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 14.

An Act for continuing the Term, and altering and enlarging the Powers of so much of Two Acts, passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, and the Twentieth Year of the Reign of His present Majesty, for repairing and widening the several Roads therein mentioned, as relates to the Road leading from the *Cross of Hand*, near *Finford Bridge*, in the County of *Warwick*, through the Town of *Southam*, in the same County, to the Borough of *Banbury* in the County of *Oxford*.

[24th *March* 1802.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing and widening the Roads leading from the Cross of Hand, near Finford Bridge, in the County of Warwick, through the Town of Southam, in the same County, to the Borough of Banbury in the County of Oxford; and from the Guide Post in the Village of Adderbury,* 28 Geo. 2. recited.
[*Loc. & Per.*] 3 G *in*

in the same County, through Kidlington, to the Mile Way leading towards the City of Oxford; and also the Road leading from a Place called The Two Mile Tree, near the City of Oxford, over Gosford otherwise Goffard Bridge, to a certain Gate entering upon Weston on the Green, in the said County: And whereas another Act was passed in the Twentieth Year of the Reign of His present Majesty King George the Third, for continuing the Term, and altering and enlarging the Powers of the said recited Act, so far as the same relates to the said Road leading from the *Cross of Hand*, near *Finford Bridge*, in the County of *Warwick*, through the Town of *Southam*, in the same County, to the Borough of *Banbury* in the said County of *Oxford*: And whereas the Trustees appointed in or by virtue of the said recited Acts, have proceeded to put the same in Execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls arising on the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the said Town of *Southam*, to the said Borough of *Banbury*, which Money still remains due and owing, and cannot be paid off, nor can the said last mentioned Road be effectually amended, improved, and kept in Repair, unless the Term of the said Acts be further continued, some of the Powers and Provisions thereof altered and enlarged, and the Tolls granted by the said last recited Act increased, so far as they respectively relate to the Road leading from the *Cross of Hand*, near *Finford Bridge*, through the Town of *Southam*, to the Borough of *Banbury* aforesaid; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all and every the Clauses, Powers, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein respectively contained (except such as relate to Exemptions from Stamp Duties), shall be, and the same are hereby declared to be in full Force and Effect, and shall have Continuance for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were herein particularly repeated and re-enacted for the Purpose of amending, widening, improving, and keeping in Repair the said Road leading from the *Cross of Hand*, near *Finford Bridge*, in the County of *Warwick*, through the Town of *Southam*, in the said County, to the Borough of *Banbury* in the County of *Oxford*, and other the Purposes expressed in the said recited Acts relating thereto, but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take Effect immediately upon the passing of this Act; and this Act, and the additional Term and Tolls hereby granted, shall be, and are hereby made subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said recited Acts, or any of them, (as the said Money is thereby charged and made payable with relation to the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the Town of *Southam*, to the said Borough of *Banbury*), and to the Payment of all other Money which shall hereafter be borrowed on the Credit of the said former Acts and this Act, or any of them, on Account of the said last mentioned Road, and the Interest due and to grow due thereon respectively.

20 Geo. 3.
recited.

Acts further
continued
as to the said
Road.

Additional
Trustees.

II. And be it further enacted, That *Charles John Wheeler*, *William Marsh* Doctor of Physic, *Henry Roberts*, and *William Snow*, (being qualified

lified according to the Directions of the said recited Acts), shall be, and they are hereby appointed Trustees, and shall be added to and joined with the Trustees appointed in or by virtue of the said recited Acts, for putting the said Acts and this Act into Execution, for the Purpose of amending, widening, improving, and keeping in Repair the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the said Town of *Southam*, to the said Borough of *Banbury*, as fully and effectually, to all Intents and Purposes, as if they had been named and appointed Trustees in or by virtue of the said recited Acts, or either of them.

III. And whereas the Tolls granted by the said last recited Act on the said Road, leading from the *Cross of Hand*, near *Finford Bridge*, through the said Town of *Southam*, to the said Borough of *Banbury*, are found insufficient for the proper Support and Improvement thereof; be it therefore enacted, That the said Tolls shall, upon the passing of this Act, cease, determine, and be no longer paid or payable; and that instead thereof the respective Tolls following shall be demanded and taken, collected, and paid, at any Gate or Gates erected or to be erected on the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the Town of *Southam*, to the said Borough of *Banbury*, or any Part thereof; (that is to say),

Former Tolls on said Road repealed, and new Tolls granted and vested in Trustees.

For every Horse, Mare, Gelding, Mule, or other Beast, drawing any Carriage whatever, the Sum of Five-pence: Tolls.

For every Horse, Mare, Gelding, Mule, or Ass, not drawing as aforesaid, the Sum of One Penny Halfpenny:

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

And for every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Ten-pence *per* Score, and so in Proportion for any greater or less Number.

Which said several Tolls shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasion thereof, and with such Powers, Provisions, Exemptions, and Restrictions, as are contained in the said recited Acts, or either of them, respecting the Tolls thereby authorized to be taken.

IV. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby authorized and empowered, from Time to Time, as they shall think proper, to reduce, lessen, vary, or alter all or any Part or Parts of the Tolls hereby granted, at all, any, or either of the Gates or Turnpikes erected or to be erected on the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the said Town of *Southam*, to the Borough of *Banbury*, and to raise the same again, so as they do not exceed the Tolls by this Act granted, and so as such Reduction be with the Consent of such Person or Persons who shall be entitled to Three Fifth Parts of the Money then due on the Credit of the Tolls; but no such Reduction shall be made unless Notice in Writing be given for that Purpose, by affixing the same upon all the Gates or Turnpikes

Tolls may be varied.

Turnpikes then erected across the said Road, at least Twenty-one Days before the Meeting for making such Reduction.

Penalty on Persons causing Stones, Timber, &c. to be laid on the Road.

V. And be it further enacted, That if any Person or Persons shall lay in or upon the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the Town of *Southam*, to the said Borough of *Banbury*, or between the Hedges on the Sides thereof, where the same is laned in; any Stones, Timber, Straw, Dung, or other Matter or Thing, or in making, scouring, or cleansing the Ditches, Drains, or Watercourses, shall permit or suffer the Soil or Earth dug out of such Ditches, Drains, or Watercourses, to remain in or upon the said last mentioned Road, or between the Hedges laning in the same, for the Space of Ten Days after Notice thereof given by the Surveyor of the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the Town of *Southam*, to the said Borough of *Banbury*, every Person or Persons so offending in any of the said Cases, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings nor less than Ten Shillings, and shall be levied and recovered in the same Manner as Penalties are by the said first recited Act directed to be levied and recovered.

First Meeting.

VI. And be it further enacted, That the First Meeting of the Trustees shall be holden at the Dwelling House of *John Moore*, known by the Sign of *The Griffin*, in the said Town of *Southam*, on the *Thursday* Fortnight next after the passing of this Act; any Adjournment already made by the said Trustees to the contrary hereof notwithstanding.

Property of Implements and Materials vested in the Clerk.

VII. And be it further enacted, That the Right and Property of all Tools, Implements, Stones, Gravel, and other Materials purchased, gotten, or had, or to be purchased, gotten, or had by or by the Order of the said Trustees, or their Surveyor for the Time being, and applicable for the Use and Benefit of the said Road leading from the *Cross of Hand*, near *Finford Bridge*, through the Town of *Southam*, to the Borough of *Banbury*, shall be, and the same are hereby vested in the Clerk for the Time being to the said Trustees, in which said Clerk, upon any Action or Indictment being commenced or prosecuted, such Property may (if required) be laid.

Trustees may sue and be sued in the Name of their Clerk.

VIII. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Clerk; and no Action or Prosecution, to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Trustees, or any Five or more of them, but the Clerk for the Time being to the said Trustees shall always be deemed the Plaintiff or Defendant in such Actions, as the Case may be: Provided always, that every such Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised on the said Road leading from the *Cross of Hand*, near *Finford Bridge* aforesaid, to the Borough of *Banbury*, by virtue of the said recited Acts and this Act, all such Costs, Charges, and Expences, as by the Event of any such Proceeding he shall be put unto or become chargeable with, by reason of his being so made Plaintiff or Defendant therein, and also the

Costs

Clerk to be reimbursed his Expences.

Costs and Charges of prosecuting any Indictments or other Proceedings against any Person or Persons whomsoever, that shall or may be commenced or prosecuted by the Order or Consent of a Majority of the Trustees at any Meeting.

IX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts or this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first-recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said Acts and this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Directing the Application of Money paid for Compensation for Lands, etc. when amounting to 200 l.

X. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then, and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents

Where less than 200 l. and exceeding 20 l.

[*Loc. & Per.*]

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and

and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid (at the like Option) to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 20 £.

XI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Summary Form of Conviction.

XII. And, for the more easy and speedy Conviction of Offenders against the said recited Acts and this Act, be it further enacted, That every Justice of the Peace, before whom any Person or Persons shall be convicted of any Offence against the said recited Acts or this Act, shall and may cause the Conviction to be drawn up in the following Form of Words. or in any other Form of Words to the same Effect, as the Case may happen; (that is to say),

Form of Conviction.

‘ **B**E it remembered, That on the _____ Day of _____
 ‘ in the Year of our Lord _____
 ‘ *A. B.* is convicted before me *C. D.* One of His Majesty’s Justices of
 ‘ the Peace for the County of _____ [*here specify the Offence, and the*
 ‘ *Time and Place when and where the same was committed, as the Case may*
 ‘ *be*]. Given under my Hand and Seal, the Day and Year first above-
 ‘ mentioned.’

Expences of this Act how to be paid.

XIII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid by the said Trustees, or any Five or more of them, out of the Monies already raised by virtue of the said recited Acts, and now in the Treasurer’s Hands, or out of the First Monies which shall be collected or received by virtue of the said recited Acts and this Act, in preference to all other Payments whatsoever; and in case any Person or Persons shall advance and pay any Money for or on Account of obtaining this Act, the Person or Persons advancing and paying any such Money shall be repaid the same out of any Monies already raised or received, or to be raised or received by virtue of the said recited Acts and of this Act, together with Interest

Persons advancing Money to be repaid with Interest.

Interest for the same, after the Rate of Five Pounds *per Centum per Annum*, from the Time of advancing the same.

XIV. And be it further enacted, That this Act shall be deemed, ad- Publick Act.
judged, and taken to be a publick Act, and shall be judicially taken No-
tice of as such by all Judges, Justices, and other Persons whomsoever,
without specially pleading the same.

XV. And be it further enacted, That the Term granted and continued Commence-
ment and
Continuance
of the Term.
by the said recited Acts shall, upon the passing hereof, cease and determine;
and that the said Acts and this Act (subject to the Alterations and Additions
herein-before mentioned), shall from thenceforth continue and be in force,
and be executed, for the Purpose of repairing, widening, improving, and
keeping in Repair, the said Road leading from the *Cross of Hand*, near
Finford Bridge, through the said Town of *Southam*, to the said Borough of
Banbury, and other the Purposes mentioned in the said recited Acts and
this Act, relating to the said last mentioned Road, for and during the
Term of Twenty-one Years, and from thence to the End of the then
next Session of Parliament.

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