



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. lxxxv.

An Act to renew the Term and continue the Powers of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act of the Fortieth Year of His late Majesty's Reign, for repairing the Road leading from the Turnpike Road in Witney to the Road on Swerford Heath, and the Road leading from the Road from Woodstock to Birmingham through Charlbury to the Road from Chipping Norton to Burford, all in the County of Oxford.*

[26th June 1855.]

WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act of the Fortieth Year of His late Majesty's Reign, for repairing the Road leading from the Turnpike Road in Witney to the Road on Swerford Heath, and the Road leading from the Road from Woodstock to Birmingham through Charlbury to the Road from Chipping Norton to Burford, all in the County of Oxford:* And whereas the Trustees acting by virtue of the said Act have pro-

1 Geo. 4.
c. lxxxii.

[Local.]

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ceeded

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ceeded to carry the same into execution, and have borrowed considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads, a great Portion of which Money still remains due and owing, and the same cannot be paid off, nor can the said Roads be effectually amended, widened, improved, and kept in repair, unless the Powers and the Term granted by the said Act be further continued and extended: And whereas by "The Annual Turnpike Acts Continuance Act, 1854," the said recited Act of the First Year of the Reign of His Majesty King *George* the Fourth was continued in force until the First Day of *November* One thousand eight hundred and fifty-five, and no longer, unless Parliament should in the meantime continue the same: And whereas it is expedient that the said first-recited Act should be repealed, and that further and more effectual Powers and Provisions should be granted instead thereof; but the same cannot be effected without the Authority of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:

Recited Act repealed and this Act to be put in force.

I. That from and after the passing of this Act the said recited Act of the First Year of the Reign of His Majesty King *George* the Fourth shall be and the same is hereby repealed, and instead thereof this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, improving, and keeping in repair the present Turnpike Road leading from the Turnpike Road in *Witney* to the Turnpike Road on *Swerford Heath*, including the Branch leading from the Turnpike Gate at *Witney* through *Crawley* into the said Turnpike Road at or near *White Oak Green*, and also the Road leading from the Turnpike Road from *Woodstock* to *Birmingham* through the Town of *Charlbury* to the Turnpike Road from *Chipping Norton* to *Burford*, all in the County of *Oxford*.

Short Title.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Charlbury Roads Act, 1855.*"

All Moneys due under recited Act vested in Trustees under this Act.

III. That all Rents and Arrears of Tolls and other Moneys due to, and all Property and Choses in Action vested in or belonging to, the Trustees under the Act hereby repealed, shall immediately on the passing of this Act be vested in and belong to 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 and belonged to them under the said recited Act; and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such as are hereby reduced, varied, or extinguished.

IV. That

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IV. That all Her Majesty's Justices of the Peace for the Time being acting for the said County of *Oxford*, together with *William Wellwood Stoddart* Clerk, *Nicholas Albright*, *Samuel Saunder*, *James Sessions*, *Edward Kerby*, Sir *John Chandos Reade* Baronet, *John William Clinch*, *John Clinch*, *Samuel Davis*, *Richard Taylor*, *John Taylor*, *Edward Marshall* Clerk, *Edwin Lott* Clerk, *William Dickson Collinwood Carter* Clerk, *John Jordan* Clerk, *John Williams* Clerk, *George Crabb Rolfe* Clerk, *James Long*, *Richard Sankey* Clerk, *John Samuel* Clerk, *John Ward*, *John James Campbell* Clerk, *Leonard Warrington*, and *Thomas Dutton*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution. Trustees.

V. That it shall be lawful for the said Trustees, at any Meeting to be holden in pursuance of this Act, to elect any Number of Persons, being 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. That the said Trustees shall hold their First Meeting at the *Rose and Crown* Inn, in *Charlbury*, or at some other convenient Place in the said Town, on the Second *Tuesday* next after the passing 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 and from Time to Time adjourn to or hold their Meetings for the Execution of this Act at such Place or Places within the said Town of *Charlbury* as they the said Trustees shall think convenient; and a General Meeting of the said Trustees shall yearly and every Year be held for the passing and settling of all Accounts of the Treasurer, Receivers, Toll-bar Keepers, and other Officers relating to the said Roads, and for the other Purposes of this Act. First Meeting of Trustees.

VII. That it shall be lawful for the said Trustees to continue or remove all or any of the Toll Gates and Toll Houses, Side Bars and Chains, now standing and being in, upon, or across the said Road or at the Side or Sides thereof; and also from Time to Time to erect and set up, or cause to be erected and set up, any other Toll Gates, Weighing Machines, and Toll Houses, Side Bars or Chains, with Outhouses and Conveniences suitable thereto, across or by the Side of the said Road, or across any common Highway leading into the same, and take in and enclose suitable Garden Plots for the said Houses respectively, not exceeding One Eighth Part of a Statute Acre each, and from Time to Time to take down and remove or alter the same, or any of them, as they shall think proper: Provided always, that no Toll Gates or Toll Houses shall be removed, erected, or set up on or across the said Road or on the Sides thereof, unless the same shall be ordered to be so removed, erected, or set up at a Special Power to regulate the Removal of Toll Gates, &c.

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9 G. 4. c. 77. 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 Fifth Section of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads.*

Power to take Tolls herein named.

VIII. That upon and after the passing of this Act it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following, at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or being or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Road or any Part thereof, on every Day, such Day to be computed from Twelve of the Clock at Night till Twelve of the Clock in the next succeeding Night; (that isto say,)

For every Horse or other Beast of Draught drawing any Carriage, a Sum not exceeding Sixpence :

For every Horse or other Beast not drawing, a Sum not exceeding Twopence :

For every Drove of Oxen, Cows, or Neat Cattle, a Sum not exceeding Two Shillings *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Pigs, Sheep, or Lambs, a Sum not exceeding One Shilling *per* Score, and so in proportion for any greater or less Number :

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding One Shilling *per* Wheel, which respective Tolls or Sums of Money shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast, Cattle, or Animal, or any Carriage upon which any Toll is by this Act imposed, shall be permitted to pass through any such Turnpike or Toll Gate, Side Bar or Side Gate or Chain, and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after mentioned.

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 Tolls by this Act authorized to be collected and taken, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Limiting the Number of Tolls to be taken on the Roads.

X. That no more than Two full Tolls shall be demanded or taken in any One Day, to be computed as before mentioned, for or in respect of the Passage of the same Horses, Beasts, Cattle, Animals, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected on that Part of the said Road between the Turnpike Road

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Road on *Swerford Heath* and *Charlbury Market House*; and no more than Two full Tolls shall be demanded or taken in any One Day, to be computed as aforesaid, for or in respect of the Passage of the same Horses, Beasts, Cattle, Animals, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected on or on the Sides of the Road between the said Market House and *Witney*, including the Branch leading from the Turnpike Gate at *Witney* through *Crawley* into the said Turnpike Road at or near *White Oak Green*; and no more than Two full Tolls shall be demanded or taken in any One Day, to be computed as aforesaid, for or in respect of the Passage of the same Horses, Beasts, Cattle, Animals, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected upon the Turnpike Road between the *Chipping Norton* and *Burford* Turnpike Road and the said Market House at *Charlbury*; and no more than Two full Tolls shall be demanded or taken in any One Day, to be computed as aforesaid, for or in respect of the Passage of the same Horses, Beasts, Cattle, Animals, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected upon the Turnpike Road between the said Market House and the Turnpike Road from *Woodstock* to *Birmingham*.

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

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

XII. That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire or Reward 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 or Cattle had been made on the same Day.

Postchaises on every new Hiring.

XIII. That in case the Toll in this Act mentioned shall have been paid in respect of any Horses, Beasts, or Cattle drawing any Waggon, Wain, or Cart, or other Carriage of a like Description, at any Toll Gate or Bar upon or on the Side of the said Road, and any such Horses, Beasts, or Cattle shall be afterwards employed on the said Road during the same Day in drawing a different laden Waggon, Wain, Cart, or other Carriage of a like Description from that which they were employed in drawing when such Payment was made, all such Horses, Beasts, 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.

Horses, &c. drawing different Waggon, &c. to pay for every Time of passing.

XIV. And whereas the Mortgage Debt due upon the Tolls of the said Road now amounts to the Principal Sum of Four thousand seven hundred and eighty-seven Pounds Ten Shillings, and there is a large

Extinguishment of Arrears of Interest.

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Arrear of Interest due thereon, (that is to say,) the Sum of Two thousand two hundred and sixty-six Pounds Two Shillings and Sixpence: Be it enacted, That from and after the passing of this Act such Arrear of Interest shall be and the same is hereby extinguished.

Application
of the Tolls
and other
Monies

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

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

Secondly, in paying the Costs and Expenses attending the Management of the said Trust, including the necessary Expenses of erecting or providing, altering and repairing the Toll Gates, Toll Bars, Toll Houses, and Weighing Machines of the said Trust, and Salaries: Provided always, that such Costs and Expenses of the Management of the said Trust, exclusive of Salaries to Toll Collectors, 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 preparing or defending any Indictment, or in taking any Proceedings before Magistrates for maintaining and protecting their Trust, shall not exceed together the annual Sum of Sixty Pounds:

Thirdly, in paying and discharging the Interest which may from Time to Time be owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized by this Act to be taken upon the said Roads, not exceeding the Rate of Two Pounds Ten Shillings *per Centum per Annum*:

Fourthly, in paying the Expenses of improving, maintaining, and keeping in repair the said Roads, and in putting this Act into execution with reference thereto, the Amount of such Expenses not to exceed in the whole the annual Sum of One hundred and twenty Pounds:

Fifthly, in reducing, paying off, and discharging the said Principal Sum so borrowed on the Credit of the Tolls authorized by this Act to be taken according to the Provision herein-after contained:

And lastly, in further maintaining, repairing, and improving the said Roads.

Interest not
to accrue
until Ex-
penses of
Act paid.

XVI. That no Interest shall accrue due on the Principal Sums owing on the Credit of the Tolls authorized to be taken on the said Road until the Trustees shall have received sufficient Sums to pay and discharge, and shall have paid and discharged, the Expenses of obtaining and passing this Act and incident thereto.

As to Mode
of discharg-
ing Debt.

XVII. That when and so often as the Sums applicable to the Discharge of the said Principal Moneys for the Time being due on the

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the Credit of the Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sums in the Payment of a proportionate Part of the said Principal Moneys 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 Purpose thereof, so far as the same shall relate to the Application of such Sums, by Letter sent by Post to each Mortgagee, directed to his usual Place of Residence or last Place of Abode; and at such Meeting the Trustees shall apply such Sums or Portions thereof (as the Case may require) in or towards the Discharge of Moneys owing on the Security of the said Tolls to the Mortgagee 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 Moneys, and after Payment to such Mortgagee as aforesaid shall apply the Surplus (if any) of such Sums or Portions thereof (as the Case may require) in or towards the Payment of other Moneys owing on the Security of the said Tolls to the Mortgagee who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Money due to him, and so in like Manner until the Sums applicable to such Payments shall be exhausted; and if and whenever Two or more Mortgagees, 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the same applicable to such Payment, after applying the same so far as may be necessary in or towards the Discharge of the Moneys to which such Proposals as aforesaid relate, the Trustees may apply the Sums applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Mortgagees on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

XVIII. That whenever and so long as the Interest by this Act allowed upon all existing Mortgages 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 Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising therefrom, or of the Rent payable on any letting of such Tolls; and every Mortgagee entering into the Possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time due and becoming due upon the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled;

Mortgagees to take possession for Payment of Interest only.

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titled; and every Mortgagee being so in possession or receipt as aforesaid shall, within Twenty-one Days next after each yearly Day whereon the Interest on such existing Mortgages shall be payable, render to the Clerk or Clerks of the said Trustees for the Time being a full and true Account of his Receipts, Expenditure, and Accounts 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 at the Rate herein-before mentioned on such Mortgages up to the said last yearly Day, and all such Costs as aforesaid, shall have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any of 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.

Trustees or Clerk to be competent Witnesses.

XIX. That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or be disqualified from giving Evidence, in any Action, Suit, or 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 other Proceeding.

Tolls not to be taken, nor Money laid out in Towns.

XX. That no Money shall be laid out on the said Roads within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected thereon.

Road not exempt from present or future General Acts.

XXI. That nothing herein contained shall be deemed or construed to exempt the Roads comprised in this Act from the Provisions of any General Act now in force concerning Turnpike Roads in *England*, so far as the same are not inconsistent with or repugnant to this Act, or 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 and take effect on the Day of 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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