ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. xvi.

An Act for more effectually improving the Road from *Burford* to *Banbury* in the County of *Oxford*, and from *Burford* to the Road leading to *Stow* in the County of *Gloucester*, and from *Swerford Gate* in the County of *Oxford* to the Road in *Aynho* in the County of *Northampton*; and for making a new Branch of Road to communicate with the same. [24th *March* 1832.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually improving the Road from* 50 G. 3.
Burford *to* Banbury *in the County of* Oxford, *and from* Burford *to* c. 210.
the Road leading to Stow *in the County of* Gloucester, *and from* Swerford Gate *in the County of* Oxford *to the Road in* Aynho *in the County of* Northampton: And whereas the Trustees appointed by the said Act have proceeded to put the same into execution, and they have borrowed considerable Sums of Money on the Credit of the Tolls thereby authorized to be collected on the said Roads, which Money, or the greater Part thereof, still remains due: And whereas, the Money borrowed on the Credit of the said Tolls cannot be repaid, and the Roads effectually amended, improved, and kept in sufficient Repair, or such new Lines of Road, Alterations or Deviations from the present Roads, hereinafter mentioned and described, be effected, without the Authority of Parliament; and in order to effect the same, and the better to secure the Money so as aforesaid borrowed by the said Trustees, and now remaining due, it is expedient that the Term granted by the said recited Act be extended, and that the Power of the Trustees be altered and enlarged, and the Tolls increased: And whereas it would be of great public Utility if a Branch or new Line of Road were made from a certain Point in the present Road leading

from *Burford* towards *Stow*, commencing in the Parish of *Fulbrook* in the County of *Oxford*, and extending over *Milton* and *Shipton Downs* to another Part of the present Line of Road leading from *Burford* to *Chipping Norton* where the *Charlbury* Trust joins that Road: 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 on and from the Second *Wednesday* next after the passing of this Act the said recited Act of the Fiftieth Year of the Reign of His said late Majesty King *George* the Third shall be and the same is hereby repealed.

Repeal of recited Act, and Commencement of this Act.

II. And be it further enacted, That this Act shall thenceforth commence and take effect and be put in execution during the Term hereinafter mentioned, for the Purpose of more effectually making, repairing, amending, widening, diverting, improving, and keeping in repair the Roads hereinafter mentioned; that is to say, from *Burford* to *Banbury* in the County of *Oxford*, to be called the *Burford* and *Banbury* Division; and from *Burford* to the Road leading to *Stow* in the County of *Gloucester*, also from a certain Spot in the said last-mentioned Road in the Parish of *Fulbrook* in the said County of *Oxford* where the present Road leading from *Taynton* to *Milton* in the same County crosses the said Turnpike Road leading from *Burford* to *Stow*, extending over *Milton* and *Shipton Downs* to the Hand and Post where the *Charlbury* Trust joins the *Burford* and *Chipping Norton* Road, to be called the *Stow* Division; and from *Swerford Gate* in the said County of *Oxford* to the Road in *Aynho* in the County of *Northampton*, to be called the *Aynho* Division.

Roads to be kept in repair.

III. And be it enacted, That all His Majesty's Justices of the Peace acting for the several Counties of *Oxford*, *Gloucester*, and *Northampton* for the Time being, together with Sir *John Chandos Reade* Baronet, Sir *Charles Cockerell* Baronet, Sir *George Dashwood* Baronet, Sir *Robert Boulton*, the Honourable and Reverend *Edward Rice* Doctor in Divinity, the Honourable *James Henry Legge Dutton*, the Honourable *John Dutton*, the Honourable *George Rice Trevor*, the Honourable *Francis George Spencer*, *George Adams* Clerk, *Adams*, *John Jordan Ansell*, *Benjamin Aplin*, *William Apletree*, *J. Ballard* Clerk, *Charles Barter* Clerk, *Bowers*, *Brickwicke*, *Robert Brayne*, *Thomas Brayne*, *John Browne*, *Thomas Browne*, *Matthew Robinson Boulton*, *Charles Oldfield Bowles*, *Henry Leigh Bennett* Clerk; *Charles Cockerell*, *Joseph Chamberlayne Chamberlayne*, *John Croome* Clerk, *John Croome* the younger, *William Ralph Cartwright*, *Thomas Cartwright*, *William Cartwright*, *Stephen Ralph Cartwright* Clerk, *Robert Cartwright*, *John Churchill*, *Cornish* Clerk, *Timothy Cobb*, *Thomas Cobb*, *Timothy Rhodes Cobb*, *Coleman*, *Thomas Caldecott*, *Charles Dayman* Clerk, *Harry Davis* Clerk, *John Davis*, *Harry Davis*, *William Davis*, *Henry Dawkins*, *Evans*, *James Buller East*, *Richard Wilbraham Ford* Clerk, *Charles Greenaway*, *Richard Greaves* Clerk, *William Gordon* Clerk, *Gillett*, *M* *Goddard* Clerk, *Henry Hippisley* Clerk, *Robert John Hall* Clerk, *Edward Marshall Hacker* Clerk, *William Hudson*, *John Heynes*, *Charles Heynes*, *Hudson*, *Samuel Huckvale*, *Heydon*, *William Huckvale*, *William Simpkins*

Trustees.

Simpkins Hitchman, Benjamin Holloway, Christopher Jeaffreson Clerk, *Henry Whitmore Jones, John Kingdon, Henry Lindow Lindow, Egerton Leigh, Egerton Leigh* the younger, *Richard Weston Leonard* Clerk, *Francis Mapletoft Leonard* Clerk, *Joseph Lovedon, James Haughton Langston, Lancaster* Clerk, *Thomas Lewes* Clerk, *Charles Pole, Charles Richard Pole, Watson Buller Pole*, Clerk, *Robert Phillimore* Clerk, *Thomas Perrott, William Cotton Risley* Clerk, *George North Robinson, Abram Tysac Rawlinson, Abram Lindow Rawlinson, William Spurrett, Sibley* Clerk, *Severne, Silver, Daniel Stuart, M. Skillicorn* Clerk, *Skillicorn, George Talbot, Tench, Humphrey Tuckwell, Henry Tawney, Fiennes Twisleton, Richard Vavasour* Clerk, *Francis Edward Witts* Clerk, *Edward Francis Witts, Reginald Wynniatt* Clerk, *Reginald Wynniatt* the younger, *Thomas Winter* Clerk, *William Wilson* Clerk, *Daniel Wilson* Clerk, *William Willes, Joseph Wilson, Williams* Clerk, *Charles Francis Wyatt* Clerk, *Whalley* Clerk, *George Warriner, Samuel Wilson Warneford* Doctor in Divinity, *Harry Edmund Waller, Robert Waller, William Whalley* Clerk, *Western, William Walford*, being duly qualified according to the Laws now in force respecting Trustees of Turnpike Roads in *England*, shall be, and they and their Successors, to be duly elected in the Manner directed by such Laws, are hereby appointed Trustees for putting this Act and the several Acts now in force respecting Turnpike Roads in *England* into execution.

Power to appoint additional Trustees, not exceeding Six for the Burford and Banbury Division, or Three for either of the other Divisions.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, of which Meeting and the Purpose thereof Fourteen Days Notice shall be given as directed by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, for regulating Turnpike Roads, respecting the Appointment of new Trustees on Vacancies, to elect, nominate, and appoint any Number of Persons not exceeding Six for that Division of the said Roads herein described as the *Burford* and *Banbury* Division, or Three for either of the other Divisions of the said Roads, as herein specified and set forth, to be Trustees for the Purposes of this Act in addition to the Trustees hereby named and appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing the General Acts now in force respecting Turnpike Roads in *England* and this Act as if they had been herein named.

First and other Meetings of Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the *White Hart* Inn, or at some other convenient House in *Chipping Norton* in the County of *Oxford*, on the Second *Wednesday* next after the passing of this Act, between the Hours of Ten and Three, or as soon after as conveniently may be, and proceed to the Execution hereof; and the said Trustees shall and may then and from Time to Time afterwards during the Continuance of this Act adjourn to and meet at the same Place, or at such other Place or Places in the Neighbourhood of the said Road, as may be found convenient.

Trustees to continue to act in Divisions.

VI. And whereas the said Trustees, under the Powers of the said recited Act and other Acts therein recited, and for the better executing the same, formed themselves into Three Divisions, called the *Burford*

ford and *Banbury* Division, the *Aynho* Division, and the *Stow* Division, and ordered that the Monies that should be collected at all or any of the said Gates upon the respective Divisions or Districts of Road should be paid and applied towards the Repairs of the particular District or Division only, and in discharge of such Monies as should be borrowed on all or any of the Gates to be erected in each respective Division or District; and the said Trustees have ever since continued to execute the said recited Act in such Districts and Divisions; be it therefore further enacted, That it shall be lawful for the said Trustees herein named, or their Successors, to be appointed in manner herein mentioned, so long as they consider it better for executing the same, to continue to execute the Powers thereof in such Districts or Divisions, and also from Time to Time to make any Order, Variation, or Alteration in all or either of them, as well with respect to the Repair of the Roads as the Monies now borrowed and owing or hereafter to be borrowed on the Credit of the Tolls, as may be thought right, subject always to the Provisions hereinafter contained as to the Application of the said Tolls: Provided always, that no Order, Variation, or Alteration shall be at any Time made with respect to either of the Divisions concerning the repairing or widening the Roads thereby intended to be repaired, or for considering how or in what Manner the Monies collected or to be collected on such Roads shall be applied in or towards the Discharge of any Money that shall be borrowed on the Credit of the said Tolls collected at either or any of the said Gates or Turnpikes now erected or set up, or which may hereafter be erected or set up on any Part or Parts of the said Road, but at a General Meeting of the Trustees to be held for that Purpose, and which said Meeting, and all other Meetings of the said Trustees concerning any Matters or Things which shall relate to or concern the said Roads in general, and the Monies to be collected at the same, shall be held at some House or Inn in *Chipping Norton* in the County of *Oxford*.

Power to take Tolls.

VII. And be it further enacted, That the respective Tolls following may be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, Side Bar, or Chain which are now or shall hereafter be set up or continued upon, across, or on the Side or Sides of the Roads by this Act directed or authorized to be made, maintained, and kept in repair, by each and every Person who shall be authorized or continued by the said Trustees to receive such Tolls, before any Horse, Mule, Ass, Beast, or other Cattle, or any Carriage, or before any other Carriage, as hereinafter mentioned, shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

Tolls.

For every Horse, Ass, or other Beast drawing any Carriage, any Sum not exceeding Sixpence:

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Pigs, Sheep, or Lambs, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any less Number:

For every Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but impelled or set or kept in Motion by or by means of Steam, Gas, or Machinery, the Sum of Two Shillings; and for every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but impelled or set or kept in Motion as aforesaid, the Sum of One Shilling.

Tolls to be taken only once in a Day.

VIII. And be it further enacted, That if the Toll by this Act granted for the passing of any Horse, Beast, Cattle, or Carriage through any Gate or Turnpike erected or to be erected on the said Roads shall have been paid, such Horse, Beast, Cattle, or Carriage shall, on a Note or Ticket denoting the Payment of such Toll being produced, be permitted to pass through the same Gate or Turnpike Toll-free at any Time or Times during the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, which Note or Ticket the Collector of the Tolls is hereby required to deliver *gratis* on the Receipt of such Toll; and no more than Two full Tolls shall be paid in any One Day for the passing of the same Horse, Beast, Cattle, or Carriage on that Part of the Road which lies in the Division between *Banbury* and *Chipping Norton*, nor more than Two full Tolls upon that Part of the Road which lies between *Chipping Norton* and *Burford*, nor more than Two full Tolls upon that Part of the Road which lies between *Burford* and *Stow*, nor more than Two full Tolls upon that Part of the Road which lies within the *Aynho* Division.

Additional Tolls in the Winter Months for Carriages laden with Timber, &c.

IX. And be it further enacted, That any Sum or Sums not exceeding the Amount of Double the Tolls hereinbefore authorized to be taken shall and may, if the said Trustees shall think fit and order the same, be demanded, received, and taken for every Horse, Mule, Ass, or other Beast drawing any Carriage, and for every Carriage impelled or set or kept in Motion by or by means of Steam, Gas, or Mechanism, which shall be laden with Timber, Boards, Planks, Scantlings, Iron, Bricks, Tiles, Sand, Stone, Gravel, Marl, Coals, Firewood, or Faggots, before any such Horse, Mule, Ass, or other Beast, or any such Carriage impelled or set or kept in Motion by or by means of Steam, Gas, or Mechanism, shall pass through any Turnpike, Toll Gate, Side Bar, or Chain erected or set up on or on the Side of the said Roads between the First Day of *December* and the First Day of *March* in each Year; any thing in this Act, or in any Act relating to Turnpike Roads in *England*, contained to the contrary notwithstanding.

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

X. Provided always, and be it further enacted, That the Tolls authorized to be collected by virtue of this Act shall be payable and paid for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, and for every Carriage drawn or propelled by Steam or Machinery, every Time of passing or repassing along the said Road: Provided always, that no further or additional Toll shall be payable for or in respect only of the Horses drawing such Carriage having been changed.

PostChaises, &c. on every new Hiring.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable shall be payable and paid for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other

Carriage, every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Trustees may make new Branch Roads.

XII. And be it further enacted, That it shall be lawful for the said Trustees of the *Stow* Division (within which Division it is hereby declared and intended that the Road next hereinafter mentioned shall be considered to be situate) to make turnpike, improve, complete, and maintain a certain public Road in the Parish of *Fulbrook*, in the County of *Oxford*, leading towards *Milton* in the same County, and commencing at a Place in the present Turnpike Road from *Burford* towards *Stow* (being one of the Turnpike Roads comprized in this Act) near to or opposite a Road or Highway leading to the Village of *Taynton* in the said County of *Oxford*, and also to make, set out, complete, and maintain a Road commencing at the End of the before-mentioned public Road in *Fulbrook*, and extending over *Milton* and *Shipton Downs* to the Turnpike Road leading from *Chipping Norton* to *Burford* (being another of the Turnpike Roads comprized in this Act), and terminating at the Hand and Post in the said last-mentioned Turnpike Road where that Road and the *Charlbury* Trust unite, and which said last-described Road passes or is intended to pass through or into the Parish of *Shipton under Whichwood* in the said County of *Oxford*, and the Hamlet of *Milton* within the same Parish; and to erect, set up, maintain, and keep a Toll House and Toll Gate, Bar or Chain, upon, across, or on the Side of the said Road so to be made turnpike, set out, and completed as aforesaid, and to demand and take thereat the Tolls granted by this Act.

Plan of new Road to remain in Custody of Clerk of the Peace, and be open to Inspection.

XIII. And whereas a Map or Plan of the said new Road, together with a Book of Reference thereto, containing a Description of the Lands and Premises through or over which the same is to be carried, have been deposited at the Office of the Clerk of the Peace for the County of *Oxford*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference.

Misnomers not to prevent Road being made.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to set out and make the said new Road in, through, and over the said Lands and Premises in, upon, over, or through which the same are described as set out in the said Map or Plan and Book of Reference as aforesaid, although any of such Lands and Premises, or the Name or Names of any Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Map or Plan and Book of Reference, in case it shall appear to any *Two* or more Justices of the Peace for the said County of *Oxford*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees restrained from pulling

XV. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull

down any Dwelling House or other Building, or to take or make use of any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

down Dwelling Houses without the Consent of the Owner.

XVI. Provided always, and be it further enacted, That the said new intended Roads hereinbefore described, or either of them, shall not be made or repaired under the Authority of this Act until an Order shall have been made for such Purpose by the Trustees at some public Meeting, of which One Month's previous Notice shall be given in some public Newspaper usually circulated in the County of *Oxford*, and by a similar Notice in Writing affixed on all the Toll Gates on the said Turnpike Road in the Division within which such proposed new Road is situate, nor until a sufficient Sum of Money be subscribed or borrowed for that Purpose.

New Roads not to be made until ordered, and Money subscribed.

XVII. And be it further enacted, That separate and distinct Accounts shall be kept by the Clerk to the said Trustees of all Monies laid out and expended on each respective Line of Road by this Act authorized to be made or maintained, and also separate and distinct Accounts of the Tolls collected or received at the several Gates erected and set up upon or across each of such respective Lines of Road; and the said Trustees shall and they are hereby required to continue or erect, upon each of the Roads comprised in this Act, One or more Toll Gate or Toll Gates, Turnpike or Turnpikes, and to demand and take thereat the Tolls granted by this Act; and no Money arising from any of the Tolls by the said Act authorized to be collected and taken shall be applied in or towards the Repairs of any Branch Road upon which there shall not be a Toll Gate or Turnpike continued or erected under the Authority of the Trustees for carrying the said Act into execution: Provided also, that no more Money shall be laid out or expended in or towards the Repairs of the said Branch Road, or be borrowed on the Credit of the Tolls arising or payable upon any such Branch Road, than shall be actually raised or received upon or in respect of such Branch Road; any thing in the said Act contained to the contrary thereof notwithstanding.

Separate Accounts to be kept.

Toll Gates to be erected on each of the Branch Roads, and no more Money expended thereon than is collected.

XVIII. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said recited Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively; secondly, in paying and discharging all the Interest which shall at the Commencement of this Act be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore payable on the Roads by this Act directed to be improved and kept in repair; thirdly, in paying

Application of Tolls and Monies borrowed.

paying and discharging all Interest which shall hereafter accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls and Duties which shall hereafter be payable on the Roads hereby authorized to be made, improved, and kept in repair; fourthly, in defraying the Expences of making, improving, repairing, and preserving the same Roads, and of erecting and providing, altering and repairing, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance and for the Purposes of the said recited Act hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing, and which may hereafter become due and owing, by or on account of this Trust: Provided always, that the Monies to be raised or received in any particular Division of the said Road shall be applied to the Purposes of that Division only.

No Priority of Mortgages.

XIX. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Act hereby as aforesaid repealed, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assigns, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assigns, as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under this Act in equal Degree one with another, without any Preference or Priority.

No Money to be laid out in Repair of Streets.

XX. Provided always, and be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed upon the Credit thereof respectively, shall be laid out or expended in paving, lighting, watching, or repairing any of the Streets of the several Towns or Places through which the said Turnpike Roads may run or pass.

Public Act.

XXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance of this Act.

XXII. And be it further enacted, That this Act shall commence upon and have Continuance from the Second *Wednesday* after the passing thereof, for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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