



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxxxix.

An Act to repeal the Acts relating to the *Asthall* and *Buckland* Turnpike Road, and to make other Provisions in lieu thereof. [30th June 1852.]

WHEREAS an Act was passed in the Seventeenth Year of the Reign of King *George* the Third, intituled *An Act* 17G.3. c.104. for amending, widening, and keeping in repair the Road leading from the Turnpike Road in the Parish of *Asthall* in the County of *Oxford* to the Turnpike Road at or near *Buckland* in the County of *Berks*: And whereas another Act was passed in the Thirty-ninth Year of the same Reign (Local and Personal Acts, 39G. 3. c.76. Chapter Seventy-six), to continue the Term and Powers of the said firstly-recited Act: And whereas another Act was passed in the First Year of the Reign of King *George* the Fourth (Local and Personal Acts, Chapter Eighty-one), to continue the Term and alter and enlarge the Powers of the Two herein-before recited Acts: And whereas the Powers granted by the said Acts, and continued from Time to Time 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-two, unless the same be in the meantime further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Acts, which Money still

[Local.] 25 I remains

The Asthall and Buckland Road Act, 1852.

remains owing, and cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Acts should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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Recited Acts repealed, and this Act to be put in force.

I. That upon the First Day of *November* next after the passing of this Act the said recited Acts of the Seventeenth and Thirty-ninth Years of the Reign of King *George* the Third and of the First Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Asthall and Buckland Road Act, 1852.*"

Monies and Property to vest in the new Trustees.

III. That all Rents, Arrears of Tolls, and other Monies due to, and all Property and all Choses in Action vested in the Trustees under the said recited Acts, 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 vested in them under the said recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Acts were liable at the Repeal thereof.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the several Counties of *Oxford* and *Berks*, together with *Dacres Adams* Clerk, *William Bennett*, *Henry Biddulph* Clerk, *Edward Bradshaw*, *Robert Bullen*, *Antony Close*, *William Close*, *Samuel Druce*, *William Dutton*, *John Dutton*, *Thomas Gillett*, *Charles Gillett*, *Samuel James Goodenough*, *Thomas Leinster Goodlake*, *William Hervey*, *Henry Hippisley*, *William Yarnton Mills*, *James Hall Nalder*, *Arthur Neate* Clerk, *Philip Pusey*, *Sydney Edward Bouverie Pusey*, *Thomas Hayward Southby*, *Walter Strickland*, *Sir Robert Throckmorton* Baronet, *Robert Charles Courtenay Throckmorton*, *Nicholas William George Throckmorton*, *Leonard Warrington*, *Frederick Whitaker*, *John Wright*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

V. That

The Asthall and Buckland Road Act, 1852.

V. That it shall be lawful for the Trustees from Time to Time, 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.

Powers to
appoint
additional
Trustees.

VI. That the Trustees shall hold their First Meeting at the *Talbot Inn* in the Parish of *Bampton* in the County of *Oxford*, or at some other convenient Place in the Neighbourhood of the said Road, at Noon on the First *Wednesday* next after the Commencement of this Act, or as soon thereafter as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

Meetings of
Trustees.

VII. That the Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General or Special Meeting, and the said Committees 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
appoint
Committees.

VIII. That this Act shall be put in execution for the Purpose of managing and maintaining the present Turnpike Road leading from the *London and Cheltenham* Turnpike Road in the Parish of *Asthall* in the County of *Oxford*, through *Brize Norton*, to the Market Cross in *Bampton* in the same County, and thence over the River *Isis*, at or near *Kent's Weir*, to the *Saint John's Bridge* and *Fisfield* Turnpike Road at or near *Buckland* in the County of *Berks*.

Roads to
which this
Act is appli-
cable.

IX. That notwithstanding the Repeal of the said recited Acts, the several Tolls thereby granted, and which may be payable at the Time of such Repeal, shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the Road until the Third *Wednesday* next after the Commencement of this Act.

Present Tolls
continued
for a Term.

X. That upon and after the Third *Wednesday* next after the Commencement of this Act it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Road such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Power to take
new Tolls.

For

The Asthall and Buckland Road Act, 1852.

For every Horse, Mule, or other Beast drawing any Carriage, the Sum of Sixpence :

For every Dog drawing any Truck, Sledge, Cart, Barrow, or other such Carriage, the Sum of One Penny :

For every Horse, Mule, or other Beast of Draught or Burden, laden or unladen and not drawing, the Sum of Twopence :

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

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

For every Carriage, of whatever Kind, propelled or drawn by Steam, or any Power other than Animal Power, if with Two Wheels or less, the Sum of Two Shillings and Sixpence, and if with more than Two Wheels, then for each Wheel thereof the Sum of One Shilling :

Which said Tolls shall be taken before any Horse, Mule, Ass, Dog drawing, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

XI. 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.

Limiting Number of Tolls to be payable on the Road.

XII. That no more than Two full Tolls shall be taken on the said Road ; that is to say, One full Toll shall be taken for passing and repassing at any Time or Times in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll, through all the Toll Gates erected or to be erected or continued on the Road between the Commencement thereof in the Parish of *Asthall* and the Market Cross in *Bampton* aforesaid ; and One full Toll shall be taken for passing and repassing at any Time or Times in the same Day (to be computed as aforesaid) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll, through all the Toll Gates erected or to be erected or continued on the Road between the said Market Cross and the Termination of the Road at or near *Buckland*.

Persons having paid Tolls to return free.

XIII. That all Horses and Cattle (except Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, or any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned,) in

The Asthall and Buckland Road Act, 1852.

in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on any Part of the Road, or on the Sides thereof, shall (upon a Ticket denoting such Payment being produced) be permitted in returning through the same Toll Gate, and in going and returning through such other Toll Gate, if any, as the Ticket for such Payment shall free, to pass Toll-free for the same Day.

XIV. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animals, or Cattle on the same Day.

Postchaises,
&c. to pay on
new Hiring.

XV. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate 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 such other Toll Gate, the Payment at which shall be freed by Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Regulation
as to Stage
Coaches.

XVI. That nothing in this Act contained shall extend or be construed to extend to empower the Trustees to erect any Toll Gate upon or on the Side of that Part of the said Road within the Parish of *Brize Norton* which lies between the Point where the Road from *Witney* to *Brize Norton*, called *Caswell Lane*, joins the same, and the Churchyard in *Brize Norton* where the Road leading to *Black-bourton* in the County of *Oxford* branches off, or to take any Toll there.

No Gate to
be erected
on or near
the Road
between *Cas-
well Lane* and
Brize Norton
Churchyard.

XVII. That the Trustees shall not erect any Toll Gate on the said Road, or on the Sides thereof, so as to subject any Person to the Payment of the Tolls by this Act granted, in respect of any Horse, Cattle, or Carriage passing or repassing along the present Turnpike Road leading from the Bottom of *Galley Hill* near the Town of *Witney*, to the Cross in *Clanfield*; nor shall the Trustees for the Time being having the Care of the last-mentioned Road erect any Toll Gate thereon, or on the Sides thereof, so as to subject any Person to the Payment of any Toll granted by either of the *Galley Hill Acts*, in respect of any Horse, Cattle, or Carriage passing or repassing upon

For pre-
venting the
taking of
double Tolls.

[Local.]

25 K

any

The Asthall and Buckland Road Act, 1852.

any Part of the Road between the Place called *Ven Bridge* and the Market Cross in *Bampton* aforesaid.

Other Trustees not to erect Toll Gates at the End of the Roads.

XVIII. That the Trustees for the Time being having the Care of the Turnpike Road between *Saint John's Bridge* and *Fifield* in the County of *Berks* shall not erect any Toll Gate at the End of the Road comprised in this Act where the same communicates with the said Road between *Saint John's Bridge* and *Fifield*; and the Trustees for the Time being having the Care and Management of the Roads leading from *Barrington* to *Campsfield* and *Enslow Bridge* in the County of *Oxford* shall not erect any Toll Gate at the End of the Road comprised in this Act where the same communicates with their Roads in the Parish of *Asthall*.

As to Amount of Principal Debt and the Interest thereon.

XIX. And whereas the Debt charged upon the Tolls arising under the recited Acts now amounts to the Sum of One thousand five hundred Pounds (exclusive of certain Sums amounting in the whole to the Sum of One hundred and eighty Pounds, which for many Years has been unclaimed), and there is an Arrear of Interest due on the said Sum of One thousand five hundred Pounds: Be it enacted, That the said Sum of One thousand five hundred Pounds, and no more, shall be and be deemed to be the whole Principal Sum due on the Credit of the Tolls arising on the Road, and shall belong to the several Persons named in the Schedule hereto, and their Representatives, in the Proportions specified in such Schedule; and all Arrears of Interest now due or to accrue due, until the Trustees shall have received a Sum sufficient to discharge, or shall have otherwise discharged, the Expenses of obtaining and passing this Act or incident thereto, shall be and the same are hereby extinguished.

Application of Monies.

XX. 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,)

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

Secondly, in defraying the Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, the Payment of Salaries of Officers, including therein all legal Expenses, except the Expenses of Actions at Law and other legal Proceedings, the whole of such Payments not to exceed in any One Year the Sum of Fifty-five Pounds:

Thirdly, in paying Interest on the said Debt of One thousand five hundred Pounds at the Rate of Two Pounds *per Centum per Annum*, or on so much thereof as shall for the Time being be due and owing:

Fourthly,

The Asthall and Buckland Road Act, 1852.

Fourthly, in paying the Expenses of maintaining, repairing, and improving the said Road, not exceeding in any One Year the Sum of One hundred and twenty Pounds :

Fifthly, in reducing, paying off, and discharging in the Manner herein-after provided the said Sum of One thousand five hundred Pounds, or such Part thereof as shall for the Time being be due and owing :

Lastly, in paying any other Expenses of maintaining, repairing, and improving the said Road.

XXI. That whenever and so long as the Interest upon all existing Mortgages made under the Powers of the said recited Acts 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, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of such Tolls; and every Mortgagee entering into 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 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 Accounts 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 the 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 such Rent as aforesaid, to the 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.

Mortgagees not to take possession of Toll Houses, &c. but for Payment of Interest.

XXII. 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 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

As to Mode of discharging Debt.

The Asthall and Buckland Road Act, 1852.

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 a Circular Letter sent by the Post to each Creditor, addressed to his usual Place of Residence; 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 on 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 due to him, and so in like Manner until the Sum applicable to such Payments 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 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 such Proposals 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 may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No more Money to be borrowed.

XXIII. That no more Money shall be borrowed by the Trustees on the Credit of the Tolls arising on the said Road.

No Money to be taken or laid out in Towns.

XXIV. That no Money shall be laid out by the Trustees on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein by them.

Roads not exempted from Provisions of future General Acts.

XXV. That nothing herein contained shall be deemed to exempt the said Road 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.

Road not to be exempted from future

XXVI. That nothing herein contained shall be deemed to exempt the said Road from being at any Time hereafter consolidated or amalgamated

The Asthall and Buckland Road Act, 1852.

amalgamated with any other Trust or District of Road adjoining to or in the Neighbourhood of the said Road by any Act or Acts of Parliament hereafter to be passed with reference to such other Trusts or Districts of Road. Consolidation.

XXVII. That this Act shall commence 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. Commencement and Term of Act.

XXVIII. 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,) Interpretation of Terms.

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

The Expression "the Trustees," or "the said Trustees," shall mean the Trustees for the Time being acting in the Execution of this Act:

The Expression "the Road," or "the said Road," shall mean the Road to which this Act specially applies:

The Expression "Toll Gate," or "Toll Gates," shall include Turnpikes, Bars, Chains, and Side Gates:

The Expression "the *Galley Hill Acts*" shall mean the Three several Acts of the Eleventh, Thirty-third, and Fifty-fifth Years of the Reign of King *George* the Third, relating to the Road from the Bottom of *Galley Hill*, near the Town of *Witney*, to the Cross in *Clanfield* in the County of *Oxford*.

The Asthall and Buckland Road Act, 1852.

The SCHEDULE referred to in this Act.

Names of Persons claiming Mortgages.	Amounts claimed to be due to them.
	£
Sir Robert Throckmorton, Baronet	120
George Hudson (Executor of George Davis)	100
Henry Stone	120
Representatives of Charles Hawtrey (Clerk)	120
Representatives of Mr. John Close	220
Representatives of Joseph Tomkins	100
Representatives of William Tomkins	100
Representatives of Benjamin Tomkins	100
Representatives of Thomas Clark	100
Charles Leake	320
Mrs. Frances Symonds	50
The Earl of Shrewsbury	50
	£1,500

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1852.