



*The Cheltenham and Painswick Turnpike Road Act, 1851.*

have borrowed considerable Sums of Money on the Credit of the Tolls granted by the said recited Act, which still remain due and owing; and the said Money cannot be paid off, nor can the said Road be effectually kept in repair, unless the Term granted by the said recited Act, and so continued as aforesaid, be further continued, and further Powers be granted: And whereas it is considered expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but those Purposes cannot be effected without the Authority of Parliament: May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Recited Act repealed, and this Act to take effect.

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Monies, &c. vested in Trustees under recited Act to be vested in Trustees under this Act.

II. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover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and act in respect thereof as fully and effectually as if the same had been vested in them under the said Act hereby repealed; and they shall be liable to all the Debts and Engagements to which the Trustees acting under the said recited Act were liable at the Repeal thereof, save and except such Debts as are by this Act virtually extinguished.

Appointment of Trustees.

III. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Gloucester*, the Dean and Prebendaries for the Time being of the Cathedral Church of the Holy and Indivisible Trinity in *Gloucester*, the Mayor, Aldermen, and Common Council for the Time being of the City of *Gloucester*, together with *James Ackers, Charles Baker, William Baylis Baker, Edward Baylis, Joseph Blissett, Anthony Bubb, Nathaniel Burdock, Christopher Capel, Charles Thomas Cox, George Cox, William Cox, Thomas Clutterbuck Croome, John Davis, Thomas Davis, William Davis, James Fisher, Ralph Fletcher, John Barke Gustavus Ferryman, James Agg Gardner, Henry Cox Goodlake, Alfred Gyde, Charles Gyde, Joseph Watts Hallewell, Charles Hardwick, George Hayward, Richard Helps, Weston Heathfield Hickes, John Humpage, Baynham Jones,*

*The Cheltenham and Painswick Turnpike Road Act, 1851.*

*Jones, John Little, Thomas Loveday, William Martin, Charles Matthews, Charles Palmer, William Palling, George Russell, Joseph Cooper Straford, Robert Cooper Straford, the Reverend Robert Strong, William Syms, Thomas Skinner, John Skinner, the Reverend John Rawlin Trye, the Reverend Alfred William Ellis Viner, John Clarke Wallop, John Clarke Wallop the younger, Joseph Watts, Thomas Rushworth Ward, John Aubrey Whitcombe, John Wight, Joseph Wight, Robert Wight, George Edmunds Williams, Joseph Wollen;* and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution,

IV. That it shall be lawful for the said Trustees at any Meeting under this Act to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Five 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.

V. That the said Trustees shall hold their First Meeting at the *Falcon Inn*, in the Town of *Painswick* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the Day of the Commencement 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 thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

First Meeting of Trustees.

VI. That the said Trustees may appoint a Committee or Committees out of their own Number, to take the Care and Management of any particular Part or Parts of the said Road, or to execute any of the Purposes of this Act, according to such Rules, Instructions, and Regulations as shall be made or laid down by the said Trustees at any General or Special Meeting; and the said Committee or Committees, and their Surveyor or Surveyors, may proceed and act according to such Appointment, but shall always be accountable according to the Rules, Instructions, and Regulations to be made or laid down.

Power to Trustees to appoint Committees.

VII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair so much of the Turnpike Road lying between the Towns of *Cheltenham* and *Painswick* as extends from the said Town of *Cheltenham* to its  
Junction

Road to which this Act is applicable.

*The Cheltenham and Painswick Turnpike Road Act, 1851.*

Junction with the Remainder of the said Turnpike Road at or near to *Prinknash Park* Wall aforesaid.

Tolls payable under recited Act continued for a certain Time.

VIII. That notwithstanding the Repeal of the said recited Act the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates, Turnpikes, or Toll Bars to be continued or erected on or on the Sides of the said Road until the Fifth *Tuesday* next after the Commencement of this Act.

Tolls to be taken.

IX. That upon and after the Fifth *Tuesday* next after the Commencement of this Act, and at all Times thereafter, it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, at the several and respective Toll Gates, Turnpikes, and Toll Bars which shall be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, Ass, or other Beast of Burden drawing any Coach, Chariot, Landau, Barouche, Sociable, Curricule, Phæton, Chaise, Hearse, Break, Whiskey, Gig, Fly, Chair, Car, Taxed Cart, Market Cart, or other such like Carriage, the Sum of Eightpence :

For every Horse, Mule, Ass, or other Beast of Burden drawing any Waggon, Wain, Cart, Caravan, Truck, or other such like Carriage, having Wheels of the Breadth of Four Inches and a Half, and less than Six Inches, the Sum of Fivepence :

For every Horse, Mule, Ass, or other Beast of Burden drawing any Waggon, Wain, Cart, Caravan, Truck, or other such like Carriage, having Wheels of the Breadth of Six Inches and upwards, the Sum of Fourpence :

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

For every Dog or Goat drawing any Truck, Cart, or other Carriage or Vehicle, the Sum of One Penny Halfpenny :

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

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

X. That

*The Cheltenham and Painswick Turnpike Road Act, 1851.*

- X. That in all Cases where there shall be a fractional Part of a Halfpenny on the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable and paid in lieu of such fractional Part. As to the Fraction of a Halfpenny in Tolls.
- XI. That no more than Two full Tolls shall be taken (except in the Cases herein-after mentioned) for passing and repassing on the same Day (such Day to be computed, for the Purposes of this Act, from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll Duty, through all or any of the Turnpikes, Toll Gates, or Bars to be continued or erected upon, across, or at the Sides of the said Road. Only Two full Tolls to be payable on One Day.
- XII. That all Horses, Beasts, Animals, and Cattle, (except Horses, Beasts, Animals, or Cattle drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage as herein-after mentioned,) in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate, Turnpike, or Bar on the said Road, or on the Side thereof, shall, upon the Production of a Ticket or Tickets denoting such Payment, in returning through the same Toll Gate, Turnpike, or Bar, and in going through such other Toll Gate, Turnpike, or Bar (if any) as the Tickets for such Payment shall free, be permitted to pass Toll-free the same Day, except as herein-after mentioned. Persons having paid Toll to return Toll-free on the same Day.
- XIII. That the Tolls hereby made payable shall be paid for all Horses, Beasts, Animals, or Cattle drawing any Carriage, as often as such Carriage shall be changed, in the same Manner as if no previous Payment of Tolls in respect of such Horses, Beasts, Animals, or Cattle had been made on the same Day. Fresh Tolls to be paid on every Change of Carriage.
- XIV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts or Animals not drawing which shall be let out to Hire, and for all Horses and other Beasts or Animals drawing any Postchaise or other Carriage let out to Hire, as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Animals had been made on the same Day. Postchaises, &c. to pay every fresh Hiring.
- XV. That the Tolls hereby made payable for or in respect of all Horses or other Beasts or Animals drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward shall be payable Regulations as to Stage Coaches, &c.  
[Local,] Z z and

*The Cheltenham and Painswick Turnpike Road Act, 1851.*

and paid for every Time of passing or repassing through any of the said Turnpikes, Toll Gates, or Toll Bars respectively.

Respecting  
Toll Gates.

XVI. That the several Toll Gates, Bars, Chains, and Toll Houses now standing or being upon the said Road or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be set up in, upon, or across the said Road, or on the Sides thereof, any Toll Gate, Turnpike, Bar, or Toll House, and to remove the present or any future Toll Gate, Turnpike, Bar, or Toll House: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the said Road, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Act of 9th George the Fourth, Chapter 77.

As to Position of Toll Gate in Leckhampton.

XVII. That no Toll Gate shall be set up on any Part of the said Road nearer to the Parish Church of *Cheltenham* than the Toll Gate now standing on the said Road in the Parish of *Leckhampton*.

Mortgagees not to take possession of Toll Gates, except for Arrears of Interest.

XVIII. That whenever and so long as the Interest upon all existing Mortgages upon the Tolls of the said Road shall be duly paid, at the Rate herein-after mentioned, within One Calendar Month next after the same shall become due, no Holder of any Mortgage shall be entitled to enter into possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Bars, Chains, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due, at the Rate herein-after mentioned, 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 to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due, at the Rate herein-after mentioned, 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 said Trustees, pay over to their Treasurer the

*The Cheltenham and Painswick Turnpike Road Act, 1851.*

Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

XIX. And whereas there is due and owing on the Credit of the Tolls granted by the said recited Act a Sum of Seven thousand seven hundred and five Pounds Ten Shillings and Sixpence, exclusive of all Arrears of Interest thereon, whether converted into Principal Debt or otherwise, and exclusive of a Portion of the original Debt which has been for Thirty Years or thereabouts unclaimed, and for which unclaimed Portion no Securities have been granted: Be it enacted, That from and after the passing of this Act the said Sum of Seven thousand seven hundred and five Pounds Ten Shillings and Sixpence shall be deemed and taken to be the Principal Sum due and owing on the Credit of the Tolls authorized to be taken on the said Road.

As to  
Amount of  
Principal  
Debt owing  
on Credit of  
Tolls.

XX. That the Trustees may, if they shall think fit, make and deliver to the several Parties now entitled to the said Sum of Seven thousand seven hundred and five Pounds Ten Shillings and Sixpence new Mortgages of the Tolls authorized by this Act for securing such Proportions of that Sum as may be due to each such Party, and such Mortgages, or any Assignment or Transfer thereof, may be made in the Form, as far as the same may be applicable, and in such Manner as is directed by any Law or Statute relating to Turnpike Roads in *England*; and such Mortgages, when so granted and delivered, shall be deemed and taken to be substituted for the same Portion of the original Debt as is comprised in the existing Securities in the Hands of the several Parties, and the Expenses of and attending the granting of such Mortgages may be paid by the Trustees out of any Monies in their Hands as Part of the Costs attending the Management of the said Road.

Trustees  
may grant  
new Mort-  
gages.

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

Application  
of Monies.

First, in paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto:

Secondly, in paying the Expenses of erecting or providing, altering and repairing, Toll Gates and Toll Houses, the Salaries of Officers employed by the said Trustees, and the Costs attending the Management of the said Road:

Thirdly,

*The Cheltenham and Painswick Turnpike Road Act, 1851.*

Thirdly, in maintaining and keeping in repair so much of the said Road as is extra-parochial :

Fourthly, in paying Interest, at the Rate of Two Pounds Ten Shillings *per Centum per Annum*, upon the Principal Sums for the Time being due and owing on the Credit of the Tolls authorized to be taken on the said Road :

Fifthly, in reducing, paying off, and discharging the several Principal Sums for the Time being due and owing on the Credit of the Tolls authorized to be taken on the said Road :

Sixthly, in maintaining and keeping in repair the said Road, and in putting this Act into execution with reference thereto.

As to Mode  
of discharg-  
ing Debt.

XXII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of Two hundred 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 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 Sum, in some Newspaper published in the County of *Gloucester*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; 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 Payment 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 Payment shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors as the Trustees shall 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 such Proposals as aforesaid relate, the Trustees  
may



*The Cheltenham and Painswick Turnpike Road Act, 1851.*

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 shall think fit.

XXIII. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Trustees not to borrow Monies on Credit of this Act.

XXIV. 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 other 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.

Trustee and Clerk to be deemed competent Witnesses.

XXV. That nothing herein contained shall be deemed or construed to exempt the Road comprised in this Act from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Road not exempted from Provisions of future General Acts.

XXVI. That nothing herein contained shall extend or be construed to extend to interfere with the Powers of the Commissioners named and appointed under and by virtue of an Act, 1st and 2d *George* Fourth, Chapter 121 (Local and Personal), or any Act to be passed in the present or any future Session of Parliament repealing the same, anything herein contained to the contrary notwithstanding.

Act not to interfere with the Powers of Commissioners appointed under 1 & 2 G. 4. c. 121.

XXVII. That this Act shall commence and take effect 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.

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 certain Terms.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

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

Words importing the Masculine Gender shall include Females:

The Expression "the Trustees" or "the said Trustees" shall

[*Local.*]

3 A

mean

---

*The Cheltenham and Painswick Turnpike Road Act, 1851.*

---

mean the Trustees for the Time being acting in execution of this Act:

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

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

Short Title.

XXIX. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression, "The *Cheltenham and Painswick Turnpike Road Act, 1851.*"

---

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1851.