



ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## Cap. 1.

An Act for repairing the Road from the Town of *Stroud* in the County of *Gloucester*, through *Pitchcomb*, into the City of *Gloucester*.

[3d July 1851.]

**W**HEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from the Town of Stroud in the County of Gloucester, through Pitchcomb, into the City of Gloucester*, and the same Road has been duly made accordingly: And whereas the Term granted by the said Act, 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-one: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with certain Interest thereon, and such Money cannot be paid off, unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed,  
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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Recited Act repealed, and this Act to be put in force.

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fifty-eighth Year of the Reign of His Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.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 in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "*The Stroud and Gloucester Turnpike Road Act, 1851.*"

Monies and Property to vest in the new Trustees.

III. That all Monies due to, and all Lands, Property, and all Choses in Action vested in, the Trustees under the said recited Act, shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act; and such last-mentioned Trustees may hold and enjoy, sue for and recover, the same Monies, Lands, Property, and Choses in Action respectively, and act in respect thereof, as effectually as if the same had been vested in 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, save and except such of the same Debts and Engagements as are by this Act virtually extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Gloucester*, together with *Samuel Baker, John Biddle, Sydney Biddle, William Bishop of Lower Street, Stroud, William Bishop of High Street, Stroud, John Pierce Brisley, John Buck, William Capel, Edwin Carter, John Long Champion, Samuel Clutterbuck, James Clutterbuck, Richard Combes, Robert Stephens Davies, Thomas Davis, William Thomas Edwards, Joseph Timbrel Fisher, Thomas Gardner, William Gardner, Samuel Gardner, Joseph Watts Hallewell, James Charles Hallewell, Charles Hawker, Daniel Hewlett, William Jones, Anthony Gilbert Jones, John Kembury, Edward Knight, John Little, Samuel Ruffey Maitland Clerk, John Gorham Maitland, John Mills, Henry Wenman Newman, John Paine, William Henry Paine, Thomas Parsons,*

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*Charles*

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Charles Brent Smith, Thomas Smith, Peter Smith of Bisley, Peter Smith of Walbridge, Alfred Stanton, Charles Stanton, Charles Hôlbrow Stanton, John Sutton, Henry Thornton, Joseph Watts, Richard Wyatt, 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 it shall be lawful for the said 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.

Power to  
appoint  
additional  
Trustees.

VI. That the said Trustees shall hold their First Meeting at the *Royal George Hotel* in *Stroud* in the County of *Gloucester*, or at some other convenient Place in the Neighbourhood of the said Road, at Noon on the First *Friday* next after the Commencement of this Act, 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 said 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 said Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instruction and Regulations so to be made.

Power to  
appoint  
Committees.

VIII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road from the Town of *Stroud* in the County of *Gloucester*, through *Pitchcomb*, into the City of *Gloucester*.

Road to  
which this  
Act is ap-  
plicable.

IX. 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 to be continued or erected on or on the Sides of the said Road until the Expiration of Fourteen Days next after the First Meeting of the Trustees.

Present Tolls  
continued for  
a Term.

X. That upon and after the Expiration of Fourteen Days next after the First Meeting of the Trustees it shall be lawful for the Trustees

Power to  
take new  
Tolls.

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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 Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Carriage, the Sum of Eightpence; and for every Dog drawing any Carriage, the Sum of One Penny:

For every Horse, Mule, or Ass, 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, Sheep, Lambs, or Swine, 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, 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.

Only One Toll to be payable on the Road,

XII. That no more than One full Toll shall be taken for passing and repassing any Number of Times in the same Day (to be computed 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 or Duty, through all the Toll Gates erected or to be erected or continued on the said Road.

No Toll Gate to be erected near Gloucester.

XIII. That no Toll Gate, Side Gate, or Toll House shall be erected, nor shall any Tolls whatsoever be taken or demanded, within the Distance of Three hundred Yards of the City of *Gloucester*.

Persons having paid Tolls to return Toll-free.

XIV. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned), in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate, and in going and returning, passing and repassing through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

XV. That

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XV. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, 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 fresh  
Hiring.

XVI. 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 such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Regulations  
as to Stage  
Coaches.

XVII. That whenever and so long as Interest at the Rate herein-after mentioned upon all existing Mortgages for the Time being due on the Credit of the said Tolls shall be duly paid within One Calendar Month next after the same shall have 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 any 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 Rents, 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 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 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

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

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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 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.

As to  
Amount of  
Principal  
Debt.

XVIII. And whereas there is due and owing on the Credit of the Tolls authorized to be taken by the said repealed Act the Principal Sum of Eleven thousand eight hundred and sixty-five Pounds Sixteen Shillings and Sixpence, exclusive of all Arrears of Interest thereon, whether converted into Principal Debt or otherwise: Be it enacted, That from and after the passing of this Act the said Sum of Eleven thousand eight hundred and sixty-five Pounds Sixteen Shillings and Sixpence shall be deemed and taken to be the total Sum due and owing on the Credit of the Tolls authorized to be taken on the said Road.

Trustees  
may grant  
new Mort-  
gages of Tolls  
for securing  
Proportions  
of Principal  
Debts

XIX. That the Trustees may, if they shall think fit, make and deliver to the several Parties now entitled to the said Principal Sum of Eleven thousand eight hundred and sixty-five Pounds Sixteen Shillings and Sixpence new Mortgages of the Tolls authorized to be taken by this Act for securing such Proportions of the said Principal 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 to be substituted for the same Portion of the said Principal Sum 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 Expenses of managing the said Road.

Application  
of Monies.

XX. 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,)

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, and of managing the said Road:

Thirdly, in paying Interest at the Rate of One Pound Ten Shillings *per Centum per Annum* upon the said Principal Sum of

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of Eleven thousand eight hundred and sixty-five Pounds Sixteen Shillings and Sixpence now due on the Credit of the Tolls authorized to be taken by the said repealed Act, or upon such Part of the said Principal Sum as shall for the Time being remain unsatisfied :

Fourthly, in reducing, paying off, and discharging the said Principal Sum of Eleven thousand eight hundred and sixty-five Pounds Sixteen Shillings and Sixpence, or such Part thereof as shall for the Time being remain unsatisfied :

Fifthly, in repairing, maintaining, and improving the said Road.

XXI. 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 One 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 Purposes thereof, so far as the same 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 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

As to Mode  
of discharg-  
ing Debt.

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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.

XXII. That no more Money shall be borrowed upon the Credit of the Tolls by this Act authorized to be taken.

No Money to be taken or laid out in Towns.

XXIII. That no Money shall be laid out on the said Road within the Town of *Stroud* or the City of *Gloucester*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein: Provided always, that the Trustees may, until the said Principal Sum of Eleven thousand eight hundred and sixty-five Pounds Sixteen Shillings and Sixpence shall have been paid off, demand and take the Tolls hereby authorized within the Limits of any Act of Parliament passed for the Improvement of the Town of *Stroud*, to such Extent as the Trustees of the said repealed Act were authorized and entitled to take Tolls within the said Limits.

Trustees or Clerk to be competent Witness.

XXIV. That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall 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.

Road 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.

Saving Agreements entered into under 58 G. 3. c. 1., 18G. 3. c. 98., and 39 & 40 G. 3. c. 97.

XXVI. And whereas under a Power for that Purpose in the said firstly herein-before recited Act contained Articles of Agreement, bearing Date respectively the Third Day of *April* One thousand eight hundred and eighteen and the Tenth Day of *October* One thousand eight hundred and twenty, were entered into between Five of the Trustees acting under the Powers of the said firstly herein-before recited Act and Five of the Trustees acting under the Powers of an Act passed in the Eighteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from the City of Gloucester to the Town of Stroud in the County of Gloucester*, and of another Act passed in the Fortieth Year of the Reign of His said Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Eighteenth Year of the*  
Reign



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*Reign of His present Majesty, for repairing and widening the Road from the City of Gloucester to the Town of Stroud in the County of Gloucester:* And whereas certain of the Stipulations and Provisions in the said Articles contained are still subsisting and capable of taking effect, and it is just that the same should not be prejudiced by the Repeal of the said firstly herein-before recited Act: Be it therefore enacted, That the Repeal by this Act of the said firstly herein-before recited Act shall not in any way defeat, prejudice, or invalidate the said Articles of Agreement, but the same Articles respectively (so far as the same are now subsisting and capable of taking effect) shall remain in as full force and virtue, and may be acted upon, executed, and enforced, as fully, freely, and effectually, to all Intents and Purposes, as if this Act had not been passed.

XXVII. That the Trustees for the Time being having the Care and Management of the Road comprised in the said Acts of the Eighteenth and Fortieth Years of the Reign of King *George* the Third, or any Five of them, and the Trustees for the Time being acting in the Execution of this Act, or any Five of them, may from Time to Time hereafter (if they shall respectively think fit so to do) enter into any further or other Agreements with regard to any Composition in lieu of Tolls payable or to be payable to the Trustees having the Care and Management of the Road comprised in the said Acts of the Eighteenth and Fortieth Years of the Reign of King *George* the Third, and respecting the Repairs of that Part of the last-mentioned Road over which the Road comprised in this Act passes; and such further or other Agreements may be either in continuance of or in addition to any present or future Agreements, or in substitution for any present or future Agreements, or any of the Provisions and Stipulations thereof.

Power to  
make further  
Agreements.

XXVIII. That this Act shall commence on the Thirty-first Day of *October* 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.

XXIX. 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 Constructions; (that is to say,)

Interpreta-  
tion 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:

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

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

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